The House met at noon.

The Reverend Dr. Ronald F. Christian, Chaplain, Lutheran Social Services, Fairfax, VA, offered the following prayer:

Almighty God, we speak our words of gratitude from hearts that sense Your goodness.

You open Your hand and You satisfy the desire of every living thing, and so we raise our thankful song, for again the fall harvest has provided us with granaries that are overflowing.

The good Earth has produced bountiful fruits and seeds, and we are all blessed because of it.

So this day we are a chorus of Your grateful recipients, and we sing as so many have sung through the years.

Now thank we all our God with heart and hands and voices.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Indiana (Mr. PEASE) come forward and lead the House in the Pledge of Allegiance?

Mr. PEASE 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 235. Concurrent resolution providing for a conditional sine die adjournment of the first session of the One Hundred Sixth Congress.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 82. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker’s announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THOUGHTS ON THE FIRST SESSION OF THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HASTERT) is recognized for 5 minutes.

Mr. HASTERT. Mr. Speaker, as the first session of the 106th Congress concludes, I think it is proper to give this legislative body my thoughts on what the House has accomplished this year and what is left to accomplish next year. Together we have enjoyed many victories and some disappointments.

When I became Speaker last January, the House needed some serious work. The distrust and bitterness and rampant partisanship of both parties threatened to undermine the public support of this House. We had Members who would not even talk to each other, let alone work with one another.

Given that situation, last January in this very spot I said solutions to problems cannot be found in a pool of bitterness. Solutions can be found in an environment in which we trust one another, and we trust one another’s word, and where we generate heat and passion, but where we recognize that each Member is equally important to our overall mission of improving the life of America’s people.

We have made progress in putting that bitterness behind us, because we decided to go to work. Members of the majority cosponsored six out of the ten top bills introduced by the majority.

Our greatest achievements this year had bipartisan support: The budget bill that we just passed, the Social Security lockbox bill, the appropriations bills, the missile defense bill, the Education Flexibility bill and the Financial Services Modernization Act. Both parties must continue to promote their views and their philosophies, but we must never sacrifice the common good of the American people on the altar of partisan competition.

We have proved that when we work together, we get our work done. This year, we passed the budget on time for only the second time since 1974. By completing our budget on time, we were able to complete all 12 appropriations bills without dipping into the Social Security Trust Fund, doing that for the first time since 1967. For the second consecutive year we passed a balanced budget. That is the first time that has happened since 1960.

The appropriations process was hard work and took longer than I wanted to take, but, thanks to the dogged determination of the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), and the rest of the Committee on Appropriations, we completed the work of the House; and, by doing so, we made great progress in preparing America for the next century.

We had four goals at the beginning of this Congress: Protect retirement security for the next century, improve national security by bolstering our armed services, reform our education system so that all of our children can go to a good school in a safe environment, and promote economic security and fairness by paying down debt while giving tax relief to American families.

We have made progress in all four areas. Our budget stopped the raid on Social Security for the first time in 30 years. Why do we care so much about protecting Social Security and the surplus? Let me give you three reasons.

First, it helps to strengthen the Social Security system far into the next century. That means baby-boomers can have the peace of mind that Social Security will be there for them.

Second, when we protect the Social Security surplus, we also pay down the Nation’s debt. Think about how good you feel when you pay off your home mortgage or your car loan. When we take responsibilities for our Nation’s debt, we ease the crippling burden of our debt on our children and our grandchildren. Our budget discipline has allowed our government to make the largest debt reduction payment in the history of this Nation.

Third, when we protect the Social Security surplus, we stop the government’s spending spree. We have torn up the government credit card and said that now it is time for a new era of fiscal responsibility.

Retirement security also includes vital programs like Medicare, and I am pleased that we were able to take steps to restore vital funding for Medicare. The health care bureaucrats misinterpreted the Balanced Budget Act guidelines and began slashing Medicare reimbursements to nursing homes, hospitals, and other health care agencies.

We believe that Medicare must be more efficient, yet still responsive to the desire of every living thing, and so we raise our thankful song, for again the fall harvest has provided us with granaries that are overflowing.

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We believe that Medicare must be more efficient, yet still responsive to
the needs of our citizens. We passed reform that fulfilled those needs and restored funding to the nursing homes and hospices we had previously funded.

Millions of seniors rely on Medicare every day. Our government must continue to improve and strengthen this lifeline for our seniors. We still have a year left in this Congress, and I hope that the President will work with us to find long-term solutions to the problems that affect the Medicare program.

As important as retirement security is to older Americans, education is vital to the future of all Americans. As a former public schoolteacher, improving education is one of my top priorities.

America’s teachers and parents and grandparents have told us that they want the government to help improve the schools and to get the resources to get the job done. And why have we made this commitment? Because those opportunities exist. Every child should have the opportunity to go to a school in a safe environment.

We have increased defense spending in other areas so that our military can do its job. We have increased defense spending in other areas so that our military can do its job. We have increased defense spending in other areas so that our military can do its job. We have increased defense spending in other areas so that our military can do its job.

I went to the South Side of Chicago to see how we can improve the lives of people who earned it, the American people. It is compassionate conservatism and it is a great honor and privilege to serve the great trust that they have placed in us.

We currently have a Tax Code that punishes couples for getting married without the fear of higher taxes. We have a Tax Code that punishes couples for getting married through the marriage tax penalty. We have a Tax Code that punishes people for trying to save for retirement through the capital gains tax. We have a Tax Code that punishes widows through the death tax.

The time has come to get some fairness to the Tax Code. Couples should be able to get married without the fear of higher taxes, the government should be encouraging people to save for retirement, not punishing them, and our tax relief package was responsible because it took money out of Washington and put it back into the pockets of the people who earned it, the American people.

We will continue to find ways to improve retirement security for our Nation’s seniors by addressing the long-term problems that face our Social Security system, our Medicare system, and our pension system. And we will continue to do the work of the House.

As we continue our agenda in the second session of the 106th Congress, we will fight for certain principles. We will fight to keep the Social Security surplus dedicated only to retirement security, we will also continue to fight for the principles of a smaller and smarter government, and we will continue to fight against government waste, unnecessary government power and undue government influence.

Government does have an important role to play in the lives of the American people. But we must remember this: the Government works for the people; the people should not be forced to work for the Government.

I want to thank my colleagues for the great trust that they have placed in me over the course of this session. It is a great honor and privilege to serve as Speaker of the House. I look forward to an even more productive second session.

RECESS

The Speaker. Pursuant to clause 12 of rule I, the Chair declares the House in recess for 5 minutes.

Accordingly (at 12 o’clock and 20 minutes p.m.), the House stood in recess for 5 minutes.

□ 1225

AFTER RECESS

The recess having expired, the House was called to order at 12 o’clock and 25 minutes p.m.
SPECIAL ORDERS GRANTED
By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. HASTER, for 5 minutes, today.

ADJOURNMENT
Mr. PEASE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, accordingly (at 12 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until Monday, November 22, 1999, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

5471. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee’s final rule—Procurement List Additions—received November 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5472. A letter from the Director, Office of Procurement and Assistance Management, Department of Energy, transmitting the DOE’s 1999 list of government activities not inherently governmental in nature; to the Committee on Government Reform.

5473. A letter from the Director, Office of Management and Budget, transmitting the Board’s commercial activities inventory; to the Committee on Government Reform.

5474. A letter from the Board Members, Railroad Retirement Board, transmitting the Board’s commercial activities inventory; to the Committee on Government Reform.

5475. A letter from the Inspector General, Social Security Administration, transmitting the Administration’s inventory of commercial activities; to the Committee on Government Reform.

5476. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department’s final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant Lesquerella thamnophila (Zapata Bladderpod) (RIN: 1018-AE54) received November 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

TIME LIMITATION OF REFERRED BILL
Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1838. Referral to the Committee on Armed Services extended for a period ending not later than November 22, 1999.

H.R. 3081. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 22, 1999.

PUBLIC BILLS AND RESOLUTIONS
Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ACKERMAN (for himself, Mr. KING, Mr. WEINER, Mr. FORBES, MRS. MALONEY of New York, Mr. CROWLEY, Mr. BENTSEN, Mr. CALVIERI, Mr. CAPUANO, and Mr. OSÉ):

H.R. 3511. A bill to prohibit deductions under the Internal Revenue Code of 1986 for payments to Holocaust survivors under certain settlement agreements; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN:

H.R. 3512. A bill to amend title 46, United States Code, to exempt from inspection certain small passenger vessels that operate in waters of the United States only in the Virgin Islands; to the Committee on Transportation and Infrastructure.

By Mr. TALENT (for himself and Mr. THUNBERG):

H.R. 3513. A bill to provide for grants to assist value-added agricultural businesses; to the Committee on Agriculture.

By Mr. GILMAN (for himself and Mr. GEJDENSON):

H. Con. Res. 239. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3194; to the Committee on House Administration.

ADDITIONAL SPONSORS
Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 230: Ms. PELosi.

H.R. 999: Ms. McKinney and Mr. WATT of North Carolina.

H.R. 1168: Mr. FOSSELLA, Mr. GILCHREST, and Mr. MCDONNIS.

H.R. 1275: Mr. LAZIO, Mr. RANGEL, Mr. CONNECTICUT, Mr. SABO, Mr. WYN, Ms. PELosi, Mr. INSELBERG, Mr. BILBIARY, Mr. BERNHARD, and Mr. HALL of Ohio.

H.R. 1357: Mr. BILIBRAY.


H.R. 2166: Ms. BERKLEY and Mr. DEFAZIO.

H.R. 2511: Mr. GOODLATTE.

H.R. 2796: Mr. ROTHMAN.

H.R. 2893: Mr. UDALL of Colorado.

H.R. 2966: Mr. DELAHUNT.

H.R. 3293: Mrs. McCARTHY of New York, Mrs. SLAUGHTER, and Mrs. FOWLER.

H.R. 3405: Mr. FRANKS of New Jersey and Mr. TALENT.
The Senate met at 10 a.m. and was called to order by the President pro tempore [Mrs. THURMOND].

PRAYER

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

Dear God, it is with reverence and commitment that we address You as Sovereign of our lives and of our Nation. You are absolute Lord of all, the one to whom we are accountable and the only one we must please. Our forefathers and foremothers called You Sovereign, with awe and wonder as they established this land and trusted You for guidance and courage. Our founders really believed that they derived their power through You and governed with divinely delegated authority.

In our secularized society, Lord, recall the Senators to their commitment to Your sovereignty over all that is said and done. May this day be a reaffirmation that You are in control and that their central task is to seek and to do Your will. Thank You that this is the desire of the Senators. So speak, Lord; they are listening. Guide, strengthen, and encourage faithfulness to You. In Your holy, all-powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, led the Pledge of Allegiance as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. HAGEL. I thank the Chair.

SCHEDULE

Mr. HAGEL. Mr. President, on behalf of the leader, this morning the Senate will consider numerous legislative items that have been cleared for action. Following consideration of those bills, the Senate will resume debate on the final appropriations conference report. Cloture was filed on the conference report yesterday, and it is still hoped that those Senators objecting to an agreement to change the time of the cloture vote to occur at a reasonable hour during today's session will reconsider. However, if no agreement is made, the cloture vote will occur at 1:01 a.m., Saturday morning. Senators may also expect a vote on final passage to occur a few hours after the cloture vote. In addition, the Senate could consider the work incentives conference report prior to adjournment.

Mr. President, I thank you.

I suggest the absence of a quorum.

Mr. REID addressed the Chair.

Mr. HAGEL. Mr. President, I would ask the acting minority leader be recognized.

The PRESIDENT pro tempore. The Senator from Nevada.

BANKRUPTCY REFORM

Mr. REID. Mr. President, I hope in the final hours of the session in the final day we will not forget the progress that has been made on the bankruptcy bill. I spoke to the manager of the bill, the subcommittee chair, late yesterday evening, and he indicated that there was some thought by the Republican majority leadership they would accept the unanimous-consent agreement that I suggested yesterday morning. As I indicated at that time, we have gone from some 320 amendments down to 14, 7 of which have either been accepted or they will be resolved in some manner. We only have seven contested amendments.

I hope we do not lose the initiative that has taken place to this point in the next few hours, or the next few minutes, really, that we could enter into that unanimous-consent agreement so that at such time as we return to the bankruptcy bill, we have a finite number of amendments and can proceed to wrapping that up. I repeat that it is not the minority but, rather, the majority that is holding up this most important bill.

Mr. HAGEL. Mr. President, I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

The Senator from Illinois.

A CHALLENGING SESSION OF THE SENATE

Mr. DURBIN. Mr. President, the Senate, we hope today or perhaps tomorrow, will be bringing this session to a close. It has been a session which has involved some historic decisions by the Senate. Of course, it began with an impeachment trial of the President of the United States, which ended in a bipartisan decision of the Senate not to convict the President. Then, shortly thereafter, we faced a rather historic challenge in terms of our role in Kosovo. So we went from one extreme in the Constitution, involving an impeachment against the President, to the other extreme, where this Senate had to contemplate the possibility, the very real possibility, of war. That is how our session began, at such a high level with such great challenges.

There were so many other challenges that were presented to the Senate during the course of the year. I am sad to report that we addressed very few of them. Things that American families really care about we did not spend enough time on, we did not bring to a conclusion. So, as we return to our homes, States, and communities after this session is completed and we are confronted by those who are concerned about their daily lives and they ask us, What did you achieve during the course of this session? I am afraid there is very little to which to point.

This morning, I received some letters from my home State of Illinois from senior citizens concerned about the cost of prescription drugs, as well they should be, because not only are these costs skyrocketing, but we find gross disparities between the charges for prescription drugs in the United States and the cost of the very same drugs made by the same companies if they are sold in Canada or in Europe.

In fact, in the northern part of the United States, it is not uncommon for many senior citizens to get on a bus and go over the border to Canada to buy their prescription drugs at a deep discount from what they would pay in the United States. That is difficult for Senators to understand as to why that same prescription drug should be so cheap if purchased overseas and so expensive for American citizens in a country where those pharmaceutical companies reside and do business.

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
The senior citizens have asked us, as well as their families who are concerned about the costs they bear, to do something. Yet this session comes to an end and nothing has been done—nothing has been done—either to address the spiraling cost of prescription drugs or to amend the Medicare program and to make prescription drugs part of the benefits.

Think about it: In the 1960s, under President Lyndon Johnson when Medicare was created, we did not include any provision for paying for prescription drugs. We considered it from a Federal point of view as if prescription drugs were something similar to cosmetic surgery, just an option that one might need or might not need, but certainly something that was not life-threatening.

Today, we know we were wrong. In many instances, because of the wide array of prescription drugs and the valuable things they can do for seniors, we find a lot of our senior citizens dependent on them to avoid hospitalizations and surgery and to keep their lives at the highest possible quality level.

Last week, I went to East St. Louis, IL, the town where I was born, and St. Mary’s Hospital and visited a clinic. I walked around and met groups of senior citizens and asked them how much they were paying for prescription drugs. The first couple took the prize: $1,000 a month came in from their Social Security; $750 a month went out for prescription drugs. Three-fourths of all the money they were bringing in from Social Security went right out the window to the pharmacy.

There was another lady with about $900 a month in Social Security; $400 a month paid in prescription drugs.

And there was another lady with $30 a month in Social Security; $30 a month in prescription drugs.

The last person we met, though, told another story. He was retired from a union job he worked at for many years, a tough job, a manual labor job, and he, too, paid expensive prescription drugs, but he was fortunate. The union plan helped him to pay for them. Out of pocket, he puts down $5 to $15 a month and is happy to do it.

Think of the contrast between $750 a month and $15 a month. One can understand why people across America, seniors who want to continue to lead active and healthy lives, have turned to Congress and said: Please, learn from the President’s lead in the State of the Union Address that we should have a prescription drug benefit.

This Senate—this Congress—will go home without even addressing that issue. That is sad. It is a reality facing American families. You will recall, as well as your families, that young people were all in shock over what happened at Columbine High School with the killing of those innocent students. This Senate made an effort to keep guns out of the hands of children and criminals with a very modest bill that said if you were going to buy a gun at a gun show, we want to know your background.

The bill passed. It was sent over to the House of Representatives. The gun lobby got its hands on it, and that was the end of it. End of discussion.

As we return to face parents who say, what have you done to make America safer, to make communities, neighborhoods, and schools safer, the honest answer is nothing, nothing.

Take a look at campaign finance reform. Senator PEZZOGLO of Wisconsin is on the floor. He has been a leader on this issue with Senator MCCAIN of Arizona. They had a bipartisan effort to clean up this mess of campaign funding in America. Yet when it came to a vote, we could muster 55 votes out of 100 favoring reform, which most people who say, what have you done to make America safer, to make communities, neighborhoods, and schools safer, would say: You have a majority; why didn’t you win?

Under Senate rules, it takes more than a majority. It takes 60 votes. We were five votes short. All of the Democrats, all of the Republicans, 10 stalwarts on the Republican side came forward. Yet when it was all said and done, nothing was done. We will end this session never having addressed campaign finance reform, something so basic to the future of our democracy.

On a Patients’ Bill of Rights, there is a term which a few years ago American families might not have been able to define. I think they understand it now. It was an effort on the floor of the Senate to say that families across America and individuals and businesses would get a fair shake from their health insurance companies; that life-and-death decisions would be made by doctors and nurses and medical professionals, not by clerks at insurance companies. It is that basic. Mr. President, you know as well as I, time and again, a good doctor making a diagnosis, who wants to go forward with a procedure, first has to get on the phone and ask for permission.

I can recall a time several years ago in a hospital in downstate Illinois where I accompanied a doctor on rounds for a day. I invite my colleagues to do that. It is an eye-opener to see what the life of a doctor is like, but also to understand how it has been changed because health insurance companies now rule the roost when it comes to making decisions about health care.

This poor doctor was trying to take care of his patients and do the right thing from a medical point of view, and he spent most of his time while I was with him on the phone with insurance companies. He would be at the nurses’ station to know a floor of St. John’s Hospital in Springfield, IL, begging these insurance companies to allow him to keep a patient in the hospital over a weekend, a patient he was afraid might have some dangerous consequences if she went home before her surgery—her brain surgery—on Monday. Finally, the insurance company just flat out said: No, send her home.

He said: I cannot do that. In good conscience, she has to stay in the hospital, and I will accept the consequences.

That is what doctors face. Patients who go to these doctors expecting to get the straight answers about their medical condition and medical care find they are involved in a game involving health insurance companies and clerks with manuals and computers who decide their fate.

When we tried to debate that issue on the floor of the Senate, we lost. American families lost. The winners were the insurance companies. They came up and got to work on Monday and won the day. They had a majority of 100 Members of the Senate on their side, and American families lost.

Thank goodness that bill went to the other side of the Rotunda. The House of Representatives was a different story. Sixty-eight Republicans broke from the insurance lobby and voted with the Democrats for the Patients’ Bill of Rights so that families across America would have a chance. But nothing came of it. That was the end of it. The debate in the House was the last thing said; no conference committee, no bill, no relief, no protection for families across America.

I will return to Illinois, and my colleagues to their States, unable to point to anything specific we have done to help families deal with this vexing problem.

The minimum wage debate is another one. Senator KENNEDY, who sits to my left, has been a leader in trying to raise the minimum wage 50 cents a year for the next 2 years to a level of $6.15. He has been trying to do this for years. He has been stopped for years. We are literally talking about millions of Americans, primarily women, who go to work in minimum-wage jobs and try to survive. Many of them are the sole bread winners of their families. We will leave this session of the Congress—the Senate and the House will go home—and those men and women will go to work on Monday morning still facing $5.15 an hour.

In a Congress which could come up with $792 billion for tax breaks for the wealthiest people in America, we cannot find 50 cents for the hardest working men and women, who get up every single day and go to work, as people who watch our children in day-care centers, as those who care for our parents and grandparents in nursing homes, as those people who make our beds when we stay in hotels, service our tables when we go to restaurants. They get up and go to work every single day. This Senate did not go to work to help those people. We could find tax
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breaks for wealthy people, but when it came to helping those who are largely overlooked in this political process, we did nothing. We will return home and face the reality of that decision.

If there is any positive thing that came of this session, it emerged in the last few days. Finally, after an impasse over the crime bill that threatened to end the session, the Republican leadership sat down at the table with the President. The President insisted on priorities, and you have to say, by any measure, he prevailed. And thank goodness he did.

Let me tell you some of the things that are achieved in the budget we will vote for. It has its shortcomings—and I will point out a few of them—but it has several highlights.

The President’s 100,000 COPS Program across America has had a dramatic impact in reducing violent crime and making America a safer place to live. There was opposition from Republican leaders to continue this program. But, finally, the President prevailed, and we will move forward to send more police and community policemen into our neighborhoods and schools across America to make them safer. That is something achieved by the President, in negotiation with congressional leaders at the 11th hour and the 59th minute.

In the area of education, the President has an initiative at the Federal level which makes sense from a parent’s point of view. If we can keep the class sizes in the first and second grade smaller—rather than larger—teachers have a better chance to connect with a child, to find out if this is a gifted child who has a bright future, or a child who needs some special help with a learning disability, or perhaps a slow learner who needs a little more tutorial assistance to get through the first and second grade.

You know what happens when those kids do not get that attention? They start feeling frustrated and falling behind, and the next thing you know, it is even a struggle to stay in school, let alone enjoy the experience and learn from it. The President has said: Let’s take our Federal funds, limited as they are, and focus on an American initiative to make class sizes smaller in the first and second grade.

I went to Wheaton, IL, and I saw a class like this. Believe me, it works. Don’t take my word for it. Ask the administrators at the school, who applied for it, and the teachers who benefit from it. And the parents are happy that it is there.

The Republican side of the aisle resisted the President’s initiative. But thank goodness, in the closing minutes of the negotiations, the President prevailed. Common sense prevailed. And we will continue this initiative to reduce class size.

The way we are paying for some of these things is very suspect; I will be honest with you. We had this long debate during the course of the year about the future of the Social Security Medicare trust fund. As the Republican side said: We will never touch it. Well, historically we have touched it many times. The money, the excess and surplus in that fund that is not needed to pay Social Security recipients has been borrowed by President Reagan, President Bush, and President Clinton, with the understanding it would be paid back with interest.

Now that we have gotten beyond the deficit era in America, when we talk about surplus, we hope we do not have to borrow from it in the future. So this year, to avoid directly borrowing from the fund, Republicans argued that they have done some things that are fiscally responsible.

Let me give one illustration. This budget agreement contains $38 billion for education programs. That is 7 percent, $2.4 billion, more than last year. However, this increase is due to the fact that the agreement includes $6.2 billion more for current appropriations than last year’s bill.

What is an advance appropriation? You borrow from next year. You do not take your current revenue; you borrow from next year. So in order to provide more for education, we borrow from next year.

You might assume, then, we are going to have this huge surplus of money from which we continue to borrow. It is anybody’s guess. We pass a bill, we appropriate the money, but we cannot account for its sources.

Let me tell you about Head Start.

This is a good story. Head Start is a program created by President Lyndon Johnson in the Great Society. There were debates about the priorities of the President’s initiatives, but Head Start has survived because it is a great idea. We take kids from lower income and disadvantaged families, and bring them into a learning environment at a very early age, put them in something similar to a classroom, and give them a chance to start learning. And we involve their parents. That is the critical element in Head Start.

This budget is going to provide $5.3 billion—the amount requested by the President—to serve an additional 44,000 kids across America, and to stay on track to serve 1 million children by the year 2002.

Class size reduction, which I have mentioned to you, is one that is very important to all of us. Disadvantaged students—there is $8.7 billion for title I compensatory education programs. That is an increase of $274 million, but it is still short of what the President requested.

In special education there is good news. This budget will provide $6 billion, $912 million—or 18 percent—more than the fiscal year 1999 appropriations for special ed. In my home State of Illinois, school districts will receive $227 million, a 62-percent increase since last year.

Keep in mind these school districts, because of a court decision and Federal legislation, now bring disabled children and kids with real problems into a learning atmosphere to give them a chance. But it is very labor intensive and very expensive. I am glad to see that this budget will provide more money to those school districts to help pay for those costs.

Afterschool programs: We provide $433 million, an increase of $253 million, to serve an additional 375,000 students in afterschool programs. How important are afterschool programs? Ask your local police department. Ask the families who leave their kids at the school door early in the morning, and perhaps do not return home from work until 6 or 7 o’clock at night. They have to be concerned about those kids, as anyone would be. And the people in the police department will tell you how important it is to have kids something constructive to do after school.

I am glad the Federal Government is taking some leadership in providing this.

In student aid, the agreement increases maximum Pell grant awards to college students by $175, from $3,125 to $3,300. Since President Clinton has taken office, we have seen the Pell grants increase by 43 percent.

This is an illustration of things that can be done when Congress works together. But we literally waited until the last minute to consider the education bill in the Senate. What is the highest priority for American families? Yes, housing, health care, but perhaps the lowest priority of the Appropriations Committee. When we wait that long, we invite controversy and delay. Fortunately, it ended well. The President prevailed. The educational programs will be well funded.

Let me tell you of a bipartisan success story: The National Institutes of Health. That is one of the best parts of the bill that we are going to vote on. It receives a 15-percent increase over last year’s funding level. The National Institutes of Health conducts medical research. Those of us who are in the Senate, those serving in the House, are visited every single year by parents with children who suffer from autism, juvenile diabetes, by people representing those who have Alzheimer’s disease, cancer, heart disease, AIDS. And all of them come with a single, unified message: Please, focus more resources, more money on our money on the National Institutes of Health. We increase it this year some 15 percent.

Fortunately, one of the budget gimmicks which would have delayed giving the money to the National Institutes of Health until the last 48 hours of the fiscal year was changed dramatically. Because of that change, we do not believe...
there will be any disadvantage to this important agency.

I will give you an example of the life of a Senator and how this agency affects it. A few weeks ago, a family in Peoria, IL, who had a little boy named Eric with a life-threatening genetic disease called Pompe’s disease, called my office who may be the only chance to live was through a clinical trial; in other words, an experimental project at Duke University, which was being sponsored by a private company.

Unfortunately, there were not any additional slots available for Eric in this clinical trial. The company could only manufacture enough of the drug for three patients. Eric would have been the fourth. Eric was denied admission to the trial for this rare disease. He has been the fourth. Eric was denied admission to the trial for this rare disease and my office. Their son’s only chance to overcome it, was for three patients. Eric would have been the fourth.

Eric was denied admission to the trial for this rare disease. I am frequently rely on the Government and its sponsored research for cures because a rare disease is unlikely to be very profitable for a lot of the pharmaceutical companies. I am glad to salute Senator SPECTER, Republican of Pennsylvania; Senator HARKIN, my Democratic colleague from Iowa; and my colleague from Illinois, Congressman JOHN PORTER, a Republican. They have made outstanding progress in increasing the money available for the National Institutes of Health in this bill. There is money also available for community health centers. We have talked about a lot of things in this Congress, but we don’t talk about the 42 million Americans—and that number is growing—who have no health insurance. Many of these Americans who are not poor enough to qualify for Medicaid and not fortunate enough to have a job with health insurance go to community health centers, trying to get the basic health care which all of us expect for ourselves in this great Nation. These community health centers serve so many of these people, and they deserve our support. With a 30-year track record of providing quality service to America’s most vulnerable, these community health centers need to have our support.

According to congressional testimony by the Health Resources Service Administration, which oversees health center programs, 45 percent of these health centers are at risk financially, 5 to 7 percent close to bankruptcy, and 5 to 10 percent in severe financial trouble. Between 60 and 70 health center delivery sites already have been forced to close. Changes in the Medicaid and Medicare program have cut the compensation for these centers. The Balanced Budget Act, which was good overall, made some cuts that really have resulted in deprivation of funds. An additional $100 million to community health centers would provide health care to another 350,000 Americans. It can open up 259 new clinics. This is something we should do.

Let me point to one thing I am particularly proud of in this bill. It is an initiative on asthma. I was shocked to learn the No. 1 diagnosis of children who were admitted to emergency rooms across America. Asthma is the No. 1 reason for school absenteeism in America. When I asked my staff to research what we are doing to deal with asthma, I found that we did precious little. I started asking my colleagues in the Senate about their concerns over asthma and was surprised to find so many of them who either had asthma themselves or had a member of their family with asthma.

They joined in trying to find a new approach, a new initiative that would deal with this problem. Leading that effort was the man from the State of Ohio, Senator MIKE DeWINE. He and I put in an amendment, which was funded in this bill, to provide $10 million in funding to the Centers for Disease Control for childhood asthma programs.

What is asthma like? I have never suffered from it, thank God. But imagine this illustration: For the next 15 minutes, imagine breathing through a tiny straw the size of a coffee stir, never getting enough air. Now imagine suffering this three to six times a day. That is asthma.

There have been some innovative things that have been done. In Southern California, Dr. Jones, with the University of Southern California, has started a “breathmobile,” moving around the areas and neighborhoods of highest incidence of asthma, identifying kids with the problem, making sure they receive the right treatment and that their parents and teachers are informed to the extent that we have to encourage. The $10 million Senator DeWINE and I have put in this bill for this type of outreach program for asthma can have dramatic positive results.

There is one other thing I will mention. That is a program in which I became interested in 1992. I went to Detroit, MI, and saw an effort that was underway to provide residential treatment to addicted pregnant women. I thought it was such a good program, I asked the directors: Where do you get your Federal funds? They said: We don’t qualify for Federal funds. I went back to Washington and put a demonstration project in place so that we could take addicted mothers across America out of their drug-infested neighborhoods, put them in a safe environment, and try to make certain that the babies they would bear would be free from drug addiction.

It was a demonstration project, and it turned out that 1,500 babies in America were born drug free because of this program which we started in 1992. We were about to lose it this year. Imagine, we know a drug-addicted baby is extremely expensive, let alone, perhaps, a waste of great potential in human potential. I went with Senators SPECTER and HARKIN to put $5 million in the bill to expand our current efforts.

I say, in closing, there is one area of this bill I find particularly troubling. That is when it comes to family planning, and our colleagues from the other side of the aisle. When I asked any people, in a world where we see the need for family planning and population control to avoid serious poverty, to avoid environmental disaster, and to avoid wars, the leadership in the House of Representatives and the Senate has turned a blind eye to international family planning. I cannot understand how this Republican Party—not all of them but many of them—can be so insensitive to the need for international family planning. Every year it is a battle. We have to understand that when population growth is out of control in underdeveloped countries, it is a threat to the stability not only of that country, of that region, but of the world and the United States.

We have to follow the lead of President Clinton and many in Congress who have said U.S. involvement in international family planning is absolutely essential. We hear arguments and see amendments offered because there are some who want to make this an abortion issue. The sad reality is that if a woman in a faraway land does not have the wherewithal to plan the size of her family and has an unintended pregnancy, it increases the likelihood of abortion. So family planning, when properly used, will reduce the likelihood of these unintended pregnancies. That is as night follows day, as one turns a blind eye to international family planning, it increases the likelihood of abortion. So family planning, when properly used, will reduce the likelihood of these unintended pregnancies.

That is as night follows day, that is as night follows day, that is as night follows day. I am sorry to report that although we are going to finally pay a major part of our U.N. dues, which has been an embarrassment to many of us for so many years, while the Republican Congresses have refused to pay those dues, it was at the price of threatening international family planning programs. The Republican leadership in the House of Representatives insisted, if we are going to pay our U.N. dues, it has to be at the expense of international family planning programs. I think that is extremely shortsighted. I hope the next Congress will have a little more vision when it comes to family planning, when it comes to enacting a treaty, for example, a nuclear test ban treaty. The Senator from Nebraska, who is now presiding over the Senate, is working with Senator LIEBERMAN from Connecticut in an effort to revive that effort as well.

I hope the next session of Congress will be more productive in that area and many others.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. WELLSTONE. Mr. President, will the Senator from Nevada yield?
Mr. REID. Of course.

Mr. WELLSTONE. I ask unanimous consent be allowed to follow the Senator from Nevada.

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

Mr. REID. Mr. President, before my friend from Illinois leaves the floor, I want to raise some questions to him. I appreciate very much the outline of this congressional session made by my friend from Illinois. The Senator from Illinois and I came to the Senate from the House of Representatives. I feel a great affinity for my friend, not only for the great work he does but because we came as part of the same class. I made a number of notations as he gave his speech.

Isn’t it about time we updated, revised, modernized Medicare? I say that because every year it takes about 35, 36 years ago, that Medicare passed. Almost 40 years ago, 4 decades ago, we didn’t have prescription drugs; we didn’t have drug therapies that extended lives or made life more comfortable for people.

I say to my friend from Illinois, isn’t it about time Medicare became modern? Isn’t it about time senior citizens have a program where they can get an affordable prescription drug program to keep them alive, to keep them healthy?

Mr. DURBIN. I agree with the Senator from Nevada. Isn’t it ironic that if you bought a hospitalization policy now, as an employee of a company, you would expect some sort of prescription drug benefit as part of it, that goes along with most policies?

Medicare does not include that. Seniors find themselves at a distinct disadvantage. Many of the seniors I talked to recently in East St. Louis, IL, had heart problems. Back 35 years ago, we didn’t have the wide array of potential prescription drugs to deal with blood pressure problems, for example. Now we do. The fact that these prescription drugs are available means longer and better lives for seniors.

Mr. REID. Also, while we are talking about prescription drugs, I offered an amendment in the Senate, which passed, that said for Federal employees—I tried to broaden it to cover all insurance policies but was unable to do that—that health insurance programs, the people who are allowed to get prescription drugs should be allowed to get prescriptions for contraceptives. The reason is that there are 3.6 million unintended pregnancies in the United States and almost 50 percent of those wind up in abortion.

So if people really care about cutting back the number of abortions, we should have prescription drugs available in the form of contraceptives for people. But what the Senator didn’t mention is hidden in this huge bill is language to lessen the effectiveness of this program. For reasons unknown to anyone, other than a way to attempt to help the insurance companies, they do not allow any health insurance company to have a conscience clause for pharmacists. I say to my friend, I understand there should be a conscience clause for physicians who might prescribe these drugs, but does the Senator see any reason why you shouldn’t weaken this most important piece of legislation in law and have a so-called conscience clause for pharmacists?

Mr. DURBIN. I do not. I agree with the Senator from Nevada that it is extremely shortsighted. Perhaps we are striking a moralistic pose when we say we are not going to allow prescriptions for contraception. In other words, we will acknowledge all of the other needs a woman may have, but not provide for contraception. That is what seems to me to be out of step with what American families expect us to do. Let them make the decision with their doctor. Instead, we are imposing on them what may be viewed by many as a moralistic point of view that should not be in our province. This is the first I have heard of this conscience clause, where a pharmacist, for example, might refuse to fill a prescription for birth control pills. Under this amendment that is being put in the bill, he or she is not required to do so.

Mr. REID. It is in this bill on which we are going to vote.

Mr. DURBIN. I think it really stretches credibility to think that a pharmacist, in this situation, would be allowed to make that decision and perhaps disadvantage a woman who may not have easy access to another pharmacy.

Mr. REID. The Senator has said it all there. Not everybody lives in metropolitan Chicago, where they can go to two or three different pharmacies within a matter of a few blocks. In some places, there is only one pharmacy.

I also say to my friend it seems unusual—we are talking about health care—and the Senator did an excellent job in talking about the Patients’ Bill of Rights. We passed a patients’ non-bill of rights. We passed a bill here that is a bill in name only. If you read the Patients’ Bill of Rights, the Senator knows it is not a Patients’ Bill of Rights.

It is unusual in this country—and the Senator and I are both lawyers, and I know sometimes the legal profession doesn’t have the greatest name, unless you need a lawyer. But in our great society, this country that we admire—and we salute the flag every day—it is interesting that the only two groups of people you can’t sue in America are foreign diplomats and HMOs. Doesn’t the Senator think that should be changed?

Mr. DURBIN. I agree completely with the Senator from Nevada. If we did nothing else but change that to say these health insurance companies could be held liable in a court of law before a jury of Americans for their decisions, I think we would have a dramatic overnight impact on their decisions also. They would think twice about denying a doctor’s recommendation for a surgical procedure or a hospitalization. They would think twice about delaying those decisions.

I have noticed, and I am sure the Senator from Nevada has noticed as well, many times, poor families I represent in Illinois will get into a struggle with an insurance company to try to get help, for example, for a child with a serious illness or disease, and the struggle goes on for months; ultimately, the family prevails; but during that period of time, the poor child is suffering and the family is suffering. I think that giving those families across America the right to sue health insurance companies and saying to the health insurance companies that, like every other business in America, you will be held accountable for any wrongdoing is just simple justice. The other way is to suggest that we are going to create some special, privileged class of companies and that, literally, the health insurance companies are above the law. That is not America.

Mr. REID. My friend also knows that with part of the public relations mechanisms these giant HMOs have, they are going around saying, well, what these people in Washington want to do—the Congressmen—is allow suits against your employer. Now, the Senator knows that is fallacious. Any litigation that would be directed against the wrongful acts of the entity that disallows the treatment has nothing to do with the employer. Does the Senator understand that?

Mr. DURBIN. That is right. The Senator probably saw the survey that there are people against giving families the right to hold health insurance companies accountable in court, and they say, well, if you work for an employer who provides health insurance, those families may turn around and sue the employer, as opposed to the health insurance company. So we looked at that and did a survey; we investigated. We found out that only in a very rare situation has that occurred. Here is an example.

In one circumstance, the employer collected the health insurance premiums from the employee and then didn’t pay the health insurance company. So when the family tried to get coverage for medical care, the next thing that occurred was they found out the premiums had not been paid by the employer. That was the only example we could find. But if the employer picks up the health insurance, they could, and they make a decision, we could not find a single case where the employer was held liable because of the health insurance company’s bad medical decision.
So that, I think, is a red herring, one that really does a disservice to American families who deserve this right.

Mr. REID. The Senator also gave an example of one of his constituents in Illinois whose child has Pompe’s disease, who, as we speak, is not receiving treatment for that.

Mr. DURBIN. The child has passed away.

Mr. REID. He wanted to participate in what is called a clinical trial. Is the Senator aware that HMOs almost universally deny the ability of their enrollees to participate in clinical trials?

Mr. DURBIN. Yes. Frankly, during the course of the debate here, the Senator can remember that when they referred to reputable medical leaders in the United States, such as Sloan Kettering—which is a great institution where it is—do they get the right to do research and is respected around the world—they said, after their survey, that clinical trials really open the door for new treatments and therapies that, frankly, save us money. They found better and more efficient ways to keep people healthy. Meanwhile, the health insurance companies won’t pay for them, and we are literally stopped in our tracks from moving forward with this kind of medical research and clinical trials.

In this case, with this little boy, Eric, who passed away from this disease, he was closed out of a clinical trial. Would he have survived with it? I am not sure, but because of the health insurance company, he never got a chance.

Mr. REID. On the floor today, right next to the Senator, is the Senator from Minnesota, who has been a leader in Congress fighting for the rights of those with mental disease, who had mental disease, who had emotional problems. Is the Senator aware of that?

Mr. DURBIN. I am aware of it. I salute the Senator from Minnesota, my friend, Senator PAUL WELLSTONE, and our colleague, Senator DOMENICI from New Mexico, for their leadership on this issue. It is a classic illustration of another problem facing American families which this Congress has refused to address. The problem is very straightforward.

An internist from Springfield, IL, came to see me and said, "Senator, I am literally afraid to put in a patient’s record that I am giving them medication for depression because the insurance company will then label them as ‘victims of chronic depression,’ a mental illness and not give them when it comes to future health insurance coverage.”

That is outrageous. Mental illness is an illness, it is not a moral shortcoming. These people can and deserve to receive the very best care. Unless and until the Senator from Minnesota and others of like mind prevail in the Senate and in the House of Representatives, we will continue to discriminate against the victims of mental illness. That is something this Congress can do something about. We will leave here today or tomorrow, again, with that unfinished item on the agenda.

Mr. REID. I also say to my friend that we were here last year wrapping up the Senator aware that since that time we have had $1.5 billion new people in America added to the uninsured rolls?

Mr. DURBIN. The list grows. The Senator from Nevada knows as well as I do that unless we face the reality that every American citizen and every American family deserves the peace of mind of health insurance coverage, you will continue to see employers deciding not to offer health insurance protection, and working, lower income people in America will be without the protection of either Medicaid or health insurance at work. These people get sick as other people do. When they present themselves to hospitals, they receive charity treatment instead of receiving quality health care from the start. Preventive care can avoid serious illness.

Again, it is an issue that this Congress has refused to address.

Mr. REID. Allow me to say this—the Senator has said it, but I want to underline it and make it more graphic. The Senator who is on the floor is the leader for the Democrats. I am the whip for the Democrats. We spend a lot of time here on the floor. Have we missed something? Has the Senator heard any debate dealing with the uninsured in this country?

Mr. DURBIN. No. We haven’t missed it, as the Senator from Nevada knows very well. This is the third rail for a lot of politicians around here because you have to start to talk about things that cost a lot of money. Doing nothing costs a lot more money. People get ill, they have to go to the doctor, and to the hospital. When they need to have serious treatment, or hospitalization, that is very expensive, too.

It strikes me that those of us who sought this office to serve in the Senate or the House of Representatives did not do it to play bycock and accumulate years toward a pension but to do something to help families across this country. This is the No. 1 concern of families across the country.

If you have a child reaching the age of 23, and all of a sudden it dawns on you: Where is my daughter going to get health insurance? I can’t bring her under my policy. You start thinking. I am sure the Senator from Nevada has. I have. As a parent, every day I call my daughter in Chicago, who is an art student, and an artist, and say, “Jennifer, are you insured this month?” Yes, “I am.” But I have to ask the question because health insurance is not automatic.

This Congress has done little, if anything, to help families across America who struggle with this every single day—not to mention those with pre-existing conditions. If you have a pre-existing condition and it is a serious one, and you have to change insurers, good luck. Most people find themselves being discriminated against.

I agree with the Senator from Nevada. We have been in and day out, and I have heard literally nothing suggested by the Republican leadership to deal with this.

Mr. REID. At the beginning of our August break, I traveled back to Nevada with my wife. As we flew home, my wife became very sick. We got off the airplane and went immediately to the Sunrise Hospital emergency room. As we walked in that room—she was wheeled into the room—there were lots of people. It was very crowded. We were probably among the 10 percent of the fortunate ones in that room; we had insurance to cover my wife’s illness. She was there for 18 days. Ninety percent of the people there had no health insurance of any kind. They were there because they had no place else to go.

Those uninsured people get care. The most expensive kind of care you can get anywhere is in an emergency room. Who pays for that? You and I pay for it. Everybody in America pays for it in the form of higher taxes for indigent care, higher insurance premiums, higher insurance policies, and higher hospital and doctor bills. We all pay for it anyway.

But we don’t have the direction from the majority here to have a debate on what we are going to do with the rapidly rising number of people with no health insurance.

Next year, we are going to probably have 2 million more. It is going up every year. We have 45 million people—actually 44 million people now—who have no health insurance. Next year, it will be close to 46 million people. Will the Senator agree with me that it is somewhat embarrassing for this great, rich country, the only superpower in the world, that 44 million people will have no health insurance.

Mr. DURBIN. It is an embarrassment, and it is sad. We have spent more time this morning on the floor of the Senate talking about providing health insurance to the uninsured than we have
spent in the entire session this year debat-
ing any proposals to deal with the prob-
lem. I would say to my friends on the Re-
publican side of the aisle that if you have an idea, or a concept, or a piece of legis-
lation, come forward with it. Let us put our best proposal on the table. That is what the Senate is supposed to be about. It is supposed to be a contest of ideas, and the hope that when it is all said and done, the American people will prosper because we will come out with something that improves the quality of their lives. This year we have not.

Mr. REID. I want the Senator, also, to react to this. If we passed all of the programs the Republicans have talked about, the majority has talked about, on rare occasions—medical savings ac-
counts, if you are not literally dead, need insurance—does the Senator realize that would cover less than 5 million of the 45 million people?

Mr. DURBIN. The Senator from Ne-

vada is right. We overlook the num-
bers. The numbers are important. It is good to do something symbolic, but it doesn’t solve the problem. We know the problem grows, as the Senator from Nevada has indicated, by 1 or 2 million a year—more people without health in-
surance coverage, more people who are vulnerable, and a Congress which has a tin ear when it comes to this issue.

We look at the Time magazine polls where it talks about the concern of the American people about health care. It doesn’t get through to the leadership in Congress, and we will leave this year having done nothing to make it better.

Mr. REID. The Senator made an out-

standing statement relating to guns, juvenile justice, kids getting killed, and people getting killed. So that those people within the sound of our voice understand what we are talking about, we are talking about people who pur-
chase a gun shouldn’t be crazies or a criminal. Isn’t that what we are say-
ing?

Mr. DURBIN. It is very basic. That is it.

Mr. REID. We are saying that we be-

lieve the legislation we passed, with the Democrats voting for it and a few

Republicans, basically said that under this law you cannot buy a gun from a licensed dealer, a pawnshop, or a gun show, we want to know a little about you. Are you a stable person? Do you have a criminal record? If the answer is yes to either of those, if you are unsta-
able, or you have a criminal record, then you will deny the right to own a gun. Who can argue with that? A per-
son who may in a weak moment do something to hurt an innocent person shouldn’t be given advantage or given an opportunity by the purchase of a firearm.

We passed that when Vice President Gore came to the floor and cast a de-
ciding vote just a few weeks after Col-
umbine. And that issue died over in the U.S. House of Representatives when the gun lobby came through and said that is an outrageous suggestion—that you would keep guns out of the hands of kids and criminals.

I think American families see this as a lot differently. I am hoping that when the Senator to reflect a minute on how many people live in the State of Illi-

nois, approximately.

Mr. REID. The Senator also men-
tioned something we have not done—
campaign finance reform. I would like the Senator to reflect a minute on how many people live in the State of Illi-

nois, approximately.

Mr. DURBIN. About 12 million.

Mr. REID. In the State of Nevada, we have at least 2 million. But yet in a Senate race a little over a year ago in the State of Nevada, Harry Reid and his opponent spent $20 million; that is, between the State party moneys, our own money, $20 million. That doesn’t count independent expenditures by peo-
ple who come from someplace and are spending money. You don’t know who they are, and where they are from—an-
other probably $3 million. So in a small State of Nevada, about $23 million.

Does that sound a little excessive to the Senate, Mr. Chairman?

Mr. DURBIN. It is more than a little excessive. It is outrageous. In Illinois, of course, we are faced with similar de-
mands. If you want to buy television time, you have to raise money. If you can’t write a personal check for it, you have to go out and beg for it.

Members of the Senate and House of Representa-
tives who spend their time on the telephone begging for money from individuals and special interest groups are not using their time to rep-
resent people in Congress. They are, frankly, unfortunately bringing an ele-
ment into this political process that is not positive. And the voters know this.

Interestingly enough, since 1960, we have seen a dramatic increase in spend-
ing on Presidential election campaigns, for example. And we have seen a dra-

matic decline in voter turnout and the number of people who participate. Vo-
ters have decided to vote with their feet and stay home. They are sick of the process. They are sick of the special interest groups. They are sick of the fundraising involved in this. And they are sick of the process. In a democracy, you can’t stand that very long because if democracy is going to work, people have to be involved in it. And that means cleaning up our acts.

When Senators FEINGOLD and MCCAIN came forward with campaign finance reform, 55 Senators—45 Democrats, 10 Republicans—said we agree, at least with respect to eliminating soft money. We should go forward with re-
form, at least.

The Senator from Nevada, though, points to another problem: Even elimin-
ating soft money will not eliminate the expense of campaigns, until we find a way to put legitimate candidates on the television without the extreme costs they run into now.

(Mr. BROWNBACK assumed the chair.)

Mr. REID. Let me say to my friend from Illinois to show how the system is broken. In Illinois this year, the Illinois Republican Senatorial Campaign Committee issues a press release they poured out to Nevada saying, "Reid en-
dorses Ensign,” because I said some-
thing nice about my former opponent. They stooped to the level of saying, Reid endorses John Ensign. I like John Ensign; he is a nice man. The system has gotten so callous. Mr. DEERING. I interviewed the Senator from Nevada. He came to Con-
gress, as I did, in 1983. There has been a dramatic and palpable change in the atmosphere on Capitol Hill in that period of time. I know he can remember in the early days when there was real civility between the political parties and real dialogue and parties at night. We went to dinner together even if we fought like cats and dogs on an issue on the floor.

That has changed. The well has been poisoned by the obsession with nega-
tive politics. I think that is one of the reasons the American people are checking out. They said if that is the
best that can be done, you professionals in the business, we would just as soon stay home and watch professionals. But the Senator from Nevada knows that is the source of many political affairs in America. At juvenile justice facilities across America, whether in the courts or in the correctional system, we will generally find the kids who are there dropped out of high school. Having dropped out, with time on their hands and no skills to get a job, many of them veered toward drugs and crime and wind up all too often in prison.

We end up paying for that over and over and over again. The old saying about an ounce of prevention is true. The Senator from Nevada has been a leader on this, telling the Nation we have to look at high school dropouts not just as a sad reality but as a challenge to all to do better. I look at some of the things I have learned recently about the American workforce. When I visited Dell Computer in Austin, TX, last week and talked to their officers and leaders in their company, they said they hired some 6,000 people in the previous 3 months to work for Dell Computer in Austin and Nashville, TN. I find their complaints very similar to those I have heard in Illinois. We can't find enough skilled workers. That says to me that our educational system has to be better, it can't let any child fail behind and be forgotten. We have to address this problem.

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favor of the President’s program. I can tell you, literally, there were Democratic Members of the House of Representatives who lost in the next election, in 1994, because of that vote they cast. It was a really courageous effort on their part. It was exploited by those who said they were going to somehow destroy the economy and raise taxes across America. Yet look at what has happened. From 1993 to the current day, we have seen the Dow Jones index go from 5,500 to over 11,000, and all the things the Senator from Nevada has alluded to.

So that decision by President Clinton, supported exclusively by Democrats on Capitol Hill, had a very positive impact on America and its future. We have gone through one of the longest and strongest economic growth periods in our nation’s history. I think it relates back directly to that 1993 vote.

I can recall a number of my colleagues—Congresswoman Miazeksky, a new Congresswoman from Pennsylvania who only served one term because she lost the courage to cast that vote. If she had not, America might have gone on a different course than we have seen recently.

Mr. REID. I apologize to my friend from Minnesota. I want to end by asking one final group of questions to the Senator from Illinois.

We are here in kind of a celebratory fashion. We are going to complete this bill tonight, unless certain Members of the Senate keep our staff in all night long. Otherwise, we will finish it very quickly.

Does the Senator understand getting to this point has been really difficult and we, the minority, have had to hang very tough?

Remember, in an effort to get where we are, there have been a number of ways the majority has attempted to get to this point. You remember the Wall Street Journal article where they talked about the two sets of books the Republicans were keeping? They would, for certain things, go with the Office of Management and Budget and for certain things go with the Congressional Budget Office. Does the Senator remember that?

Mr. DURBIN. Yes.

Mr. REID. Does the Senator also remember they came up with this ingenious idea that they would add a month to the calendar? Does the Senator remember that?

Mr. DURBIN. That is right, 13 months.

Mr. REID. I remember the Senator from Illinois saying that is a great idea because we can just keep adding months to the year and we will never have a Y2K problem.

Mr. DURBIN. That is right.

Mr. REID. That was something also where we said, ‘That is not fair, we are not going to do it.’ That didn’t work.

Does the Senator also recall when they decided, with the earned-income tax credit, the program that President Reagan said was the best welfare program in the history of the country, where you would give the working poor tax incentives to keep working—does the Senator recall they wanted to withhold parts of those moneys to the poor in an effort to balance the budget?

Mr. DURBIN. I remember there was a certain Governor from Texas who admonished the Republican Members in the House and Senate, the House in particular, for their insensitivity. He said you should not balance the budget on the backs of working people, and that was about the time they abandoned that particular gimmick.

Mr. REID. Then there was the across-the-board cut. Does the Senator understand when they were doing that, and it was decided to do all these things, they said that you would take an across-the-board cut of 7 or 8 percent, but now they are declaring a victory because they got an across-the-board cut—except the President can decide what is going to be cut—of 3.7 percent? Does the Senator from Illinois understand that cying victory over having a .3-percent across-the-board cut where the President can decide what would be cut is not something they should be crowing about victoriously?

Mr. DURBIN. It is a face-saving gesture on their part. Once we got into the budget negotiations and the Republican leadership was faced with actually saying, no, we won’t add additional cops on the beat to address the crime problem across America, they could not do it. They ended up saying we actually won because we got this so-called across-the-board cut of .37 percent.

I might say to the Senator from Nevada, as he well knows, this is entirely within the discretion of the President, so it is not across the board. He can decide which areas of Federal spending to reduce to reach this target.

Mr. REID. I have enjoyed very much visiting with my friend from Illinois. As the session is drawing to a close, I would like to build on a little bit of the discussion I just heard, and then I would like to go to the issue at hand, which is the extension of the Northeast Dairy Compact, the way this was done, the impact on my State of Minnesota, and why we have been fighting this out.

First of all, I also thank Senator DURBIN for his very strong voice on the floor of the Senate. I say to Senator Reid from Nevada, sometimes we come out here and compliment each other to the point it becomes so flowery, people are not sure whether it is sincere or not. I believe it is sincere. Senator Reid is a good example of somebody in the Senate who, if he suffers from anything, it is modesty. He rarely takes credit. He really has done some tremendous work in the mental health field. He has probably done more than anybody in the Senate to get us to focus on the problem of depression. He never takes the credit. He should have included himself in this discussion.

I am talking about Senator Reid.

Mr. President, I am not sure how exactly to view this overall omnibus conference report we now have before us. I am a little worried about sounding so negative that it will seem I only come to the floor to be negative. I do not. I think some of my colleagues have talked about—given the framework we were working within and given where we started, I think there are some things people can feel good about.

I am pleased to give the administration and Democrats some credit for at
least being able to get some resources for some areas of priorities, such as more teachers and schools and moving towards smaller class size. It was a fix I know for the State of Minnesota, and I am sure for many States, the Balanced Budget Act of 1997 and the cuts in Medicare reimbursement had, no pun intended, catastrophic consequences, especially for our rural hospitals, some of the nursing homes, home-based health care, and teaching hospitals. At least we were able to make a difference for a couple of years, though, again, it is temporary.

I feel pretty good about some investment of resources that are going to be helpful to people in Minnesota. If I had to pick out one priority, it would be $14 million for the Fon du Lac School, a pretty important commitment of resources. I count as one of the best days as a Senator the day I visited Fon du Lac School. It is a pretty horrendous facility, and for years I have been trying to get some money to build a new school for kids in the Indian community.

It is interesting, just this past week I was there, and at the end of the discussion I said to the students: I have to leave in 30 seconds, and I am sorry we are finishing. Can any of you talk about one thing you care more about than anything else?

This one student who is age 15 said: The thing I think the most about is I would like for the children—I viewed him as a child at age 15—I would like the children to live a better life than we have been able to live, and I would like to live a life that will help kids do better.

I said to this student: That was the most beautiful, powerful thing I heard said in any school I have visited, and I said: The last 9, 9 1/2 years I have been in the Senate.

I tend to come down more on the side of the editorial debate of the Washington Post. I do not think this Congress has much to be proud of at all. Part of what has happened is we have been engaged in a lot of mutual self-deception. I came out to the floor quite a while ago on an amendment dealing with veterans' health care. I said it was a deliberate effort to bust the budget caps.

The ways in which we have been talking about "not raiding the Social Security surplus" has been ridiculous. President Clinton started to do it. Tom DeLay has done it. We have put ourselves in a straitjacket. We know that is not what it is about, but it is great political sloganeering.

For Republicans who do not believe, when it comes to the most critical issues of people's lives, there is nothing the Government can or should do, then I think you are consistent and I respect your point of view, for those Republicans who take that position, and this is not a problem. But for Democrats and other Republicans who believe there are certain decisive areas of life in America where investment in children and education and opportunities for children, decent health care coverage, environmental protection, making sure we have some support for the most vulnerable citizens in the Congress, whether it be congregate dining or Meals on Wheels or affordable child care or, for God's sake, making sure children are not hungry in America, I do not think we have much to be proud of because we have done precious little.

As a matter of fact, I say to my colleagues on our side of the aisle, if you were to take the "non-Social Security surplus," 75 percent of it because of cuts in the budget caps of 2 years ago in a lot of these areas we say we care about all of them were eliminated terms we are still not spending as much as we spent several years ago.

I do not think we have all that much to be proud of and we have to do a lot better. I said at the beginning I would talk about some positive things. I do not want to come out here appearing to be shill. I do think, unfortunately, this is a pretty rigorous analysis.

We did not pass campaign finance reform. That is the core issue. That is the core problem. We did not pass patient protection legislation. We have done precious little to deal with the reality of 44 million people without any health insurance coverage and many other people having health insurance coverage but being underinsured.

Under title I—I saw this listed as one of our victories—we are funding about one-third of the kids who are eligible to be helped. These are some of our most vulnerable kids in America, the children who are at the point where in Minnesota, in St. Paul, after you reach the threshold of a school that has 65 percent low-income population, there is no money for any other schools. It is about a $16 billion shortfall, and we have increased spending by $75 million.

We have done hardly anything for affordable child care. We did not include prescription drug coverage as a part of Medicare. On a whole host of amendments I have worked on as a Senator, none of them were included in the conference committee; whether it be at least some support for kids who witness violence in their homes or trying to deal with the problem of exploitation of women in international sex trafficking or juvenile justice mental health services or having an honest policy evaluation of what the welfare "reform" is doing around the country or increasing some funding—I mean real funding, a real increase of fundings—of congregate dining or social services support.

If you look at it from the point of view of how at least I think we can make life better for others—I am not going to speak for others—I think this has been a do-nothing Congress, I really do.

I will make one other point before I talk about this dairy compact, and it is this: I am hearing so much discussion about testing. George W. is talking about testing third graders, and if they do not pass those tests, they do not go on to fourth grade. It is high-stakes testing, and by the way, I will have an amendment next year to the Elementary and Secondary Education Act which makes sure we do not start testing at that young of an age.

Here is the point. Jonathan Kozol wrote a book "Savage Inequalities," in which he points out—and all of us know this about our States—some school districts have the best technology, a beautiful building, recruit the best teachers, have all the facilities, the best textbooks, and other schools have none of that. We do not do anything to change that.

I cite a second bit of evidence. We have all these reports and studies, irrefutable evidence that if you do not get it right for children by kindergarten, many of them come to school way behind and they fall further behind and then they drop out. This is critically important, and we invest hardly anything in affordable child care.

Third, we do not do anything about the concerns and circumstances of children's lives in New York City or Minneapolis-St. Paul or rural Aitkin County or rural anywhere or inner-suburban anywhere in the country before they go to school and when they go home, whether it be the violence in the homes, or the children who see the violence or the violence in the communities or children who come to school hungry or come to school with an abscess because they do not have dental care. It is not very easy for children to do well in school under these conditions. We do not do hardly anything to change any of those conditions for children's lives in America so that we can truly live up to the idea of equal opportunity for every child.

But we are going to flunk them. We are going to fail them. We are going to give them standardized tests and fail them. We already know which kids are going to do well and which kids are not. I would argue it is cowardly. I would argue it is a great political slogan, but it is cowardly. There is a difference between testing and standardized—we should have accountability, but there are different ways of testing.

If you cannot prove you are giving every child the same opportunity to achieve and do well in the test, what are you doing giving these kids these standardized tests and flunking them and not letting them go on to the next grade?

We have done so little when it comes to good health care for every citizen,
equal opportunity for every child, jobs at decent wages, and getting money out of politics and bringing people back into political party membership is the economic pain that exists among citizens in our country.

I start with agriculture. I am from an agricultural State. We have a failed farm policy that is driving family farmers off the land. We have not done a thing about the price crisis. We have had another bailout. We have some money for people so they can live to farm another day, but we have not changed a thing when it comes to farmers being able to get a decent price. We have not changed a thing when it comes to all the concentration of power in agriculture and in the media and in banking and in energy and in health insurance companies. We do not want to be part of these big conglomerates. We do not want to talk about antitrust action.

So I argue that at the macrolevel this has been a do-nothing Congress. I think people in the country should hold us accountable. I say to the majority party, I think they should especially hold the majority party accountable because I think many of us have wanted to do much more. I think that is what the next election probably will be all about.

If people believe education and health care and opportunities for their children and jobs at decent wages are important issues to them—that is their center; that is the center of their lives—and they believe the Republican majority has not been willing to move on this agenda, and they feel as if there is a big disconnect between what is done here and the lives of people who we are suppose to represent, then I say, let the next election be a referendum. But I certainly wish we had done more.

A FAIR DEAL FOR MINNESOTA DAIRY FARMERS

Mr. WELLSTONE. Mr. President, final point. Some of us have been fighting for several days. We are out of leverage now. It is toward the end. But to be real clear about it, there was a time, when the Northeast Dairy Compact was brought to the floor, it was going to be part of the 1996 Freedom to Farm... I think it is the "Freedom to Fail" bill, which has visited unbelievably economic pain and misery.

The argument that was made for the Freedom to Farm bill was it should all be in the market; there ought not be any safety net; so a family farmer should not have any real leverage for bargaining for a decent price. You name it. It was a great bill for grain companies, a great bill for the packers, but not a very good bill for family farmers. On the other hand, when it came to dairy, it was a different set of rules. And we were going to have these dairy compacts with administered prices.

Our dairy producers were just asking for a fair shot—dairy producers in States such as Wisconsin and Minnesota.

Let me explain. In my State, we have 8,700 dairy farms. We rank fifth in the Nation in milk production. These farms generate about $1.2 billion for our farmers each year. The average size of the Minnesota dairy farm is about 60 cows—60 cows per farm. We are talking about family-size farm operations. We are going to lose many more because of this compact, for all sorts of reasons so negative, impacts on our dairy farmers.

Mr. President, I am disgraced by the recent action by the majority party to include such harmful dairy provisions in the final spending bill this year. The tactics used to include dairy as part of this bill is yet another illustration of the flagrant abuse of power. I and my fellow colleagues have fought hard and have been successful in defeating previous attempts to extend the Northeast Dairy Compact. We fought openly and fairly on the Senate floor, and now our successful efforts may be unjustly curtailed by clandestine negotiations by those who seek to gain more power. This type of backroom negotiating style is clearly not the first time that harmful dairy provisions have been attached to the bill. We have been fighting such tactics since the authorization of the compact. In fact, the authorization of the Northeast Dairy Compact was inserted into the 1996 farm bill as part of a backroom deal. In 1996, I offered an amendment which successfully straddled the compact out of the Senate bill and the compact was not in the farm bill initially passed by either House of Congress. Instead, it was later inserted during the bill's conference in the passage of the 1996 Freedom to Farm bill.

So this got snuck in. It was part of a deal. It is how we got the "Freedom to Fail" bill, which has visited unbelievable economic pain and misery.

For some reason, we seemed to play by a different set of rules when it comes to dairy. We told our corn and soybean farmers that to get the support of the 21st century they should pay close attention to market signals, but at the same time we considered implementing compacts that drown out those signals for dairy farmers. And yet even among dairy producers, we scrutinized and only allowed one region of the country to provide a safety net for their farmers, while hurting farmers in other parts of the country.

Minnesota is not asking for special favors. All Minnesota dairy producers are asking for is a fair shot. I have spoken here before about the importance of family dairy farming to my State's economy. Minnesota's dairy industry is one of the cornerstone's of the State's economy. We have 8,700 dairy farms in Minnesota, ranking fifth in the Nation's milk production. The milk production from Minnesota farms generates more than $1.2 billion for our farmers each year. Yet, the average herd size of a Minnesota dairy farm is about 60 cows. Sixty cows. So we are really talking about family operations in my State. Family businesses with a total of $1.2 billion in sales a year, contributing to their small-town economies, trying to live a productive life on the land.

Let me read from a few farmers in my State of Minnesota who are hurting:

Eunice Biel, a Harmony, MN dairy farmer: We currently milk 100 cows and just built a new milking parlor. We will be milking 120 cows next year. Our 22-year-old son would like to farm with us. But for us to do so he must pay off my house (his grandmother) because my husband and I who are 47-years-old, still are unable to take over the family farm. Our son must acquire a big farmer loan to get a chance. I argue that at the macrolevel this has been a do-nothing Congress. I think people in the country should hold us accountable. I say to the majority party, I think they should especially hold the majority party accountable...
My grandfather milked 15 cows. My dad milked 26. I have milked as many as 100 cows, and I'm going broke. They made a living out here and I didn't. Since my son went away to college, my barnhands are my 73-year-old father and my 77-year-old father-in-law and a relative.

I have a barn that needs repairs and updates that I can't afford. I have two children that don't want to farm. At one point, in a 30-mile radius, there were 15 Kyllos farming. Now there are three. And now I'm selling my cows. My family has farmed since my ancestors emigrated to the United States.

When I leave farming, my community will lose the $15,000 I spend locally each year for cattle feed; the $3,000 I spend at the veterinarian; the $3,000 I spend for electricity; or the money I spend for fuel, cattle insenmation and other farm needs.

The testimony I just read were from MN farmers who felt comfortable to share their names. I have additional testimonies on hand which are redacted. When I wrote stories, I asked that I not use their names. This is testimony from a farmer in East Ottertail, MN:

Despite the ongoing difficulties, it is amazing the steadfast willingness of this family to try to work together. This farm is run by two families, a father and his son.

Since dairy prices fell in the second quarter of 1999, there was not enough income for this family to make the loan payments and to provide for family living and cover farm operating expenses. The Farm Credit Services would not release a loan for farm operating assistance, and so the family had to borrow money from the lender from which they are already leasing their cows. They have lost the cows because of the lack of funds. Because they cannot adequately feed their dairy herd, their milk production has fallen and is considerably lower than the herd's average production. In addition, because there was no money for family living, the parents had to cash out what little retirement savings they had so that the family had something to live on day to day.

The son and wife had to let their trailer house go since they could not make the payments into a home owned by a relative for the winter. Most of their machinery is being liquidated. However, there are a few pieces of machinery that go toward paying off their existing debt. The family will be selling off 120 acres of land in their struggle to reduce the debt. Recently, the father has been having serious back troubles and his son has been unable to help his son with the work. This is tremendous stress both physically and mentally on the son. The son has decided he is going to have to sell part of the herd in order to reduce the herd to a manageable amount where there is something left to live on after payments are made.

These are just a few of the stories. I read them because it is important that when we consider national dairy policy here in the Senate, we need to keep in mind that we are determining the future of an industry and a way of life that are basic not only to the agricultural economy, but to the very soul of America's rural heartland.

The provisions attached to this omnibus bill will hurt Minnesota dairy farmers and frankly dairy farmers throughout the country. I have been on the floor before discussing how the dairy compacts and any reversal to the implementation of an equitable milk marketing system will harm Minnesota dairy farmers. However, the dairy language included in this bill goes even further and could potentially threaten all family dairy farmers throughout the nation.

What I am talking about and concerned about is that processors would offer forward contracts to the largest producers. Again, we would see the domino effect of losing family farmers. By giving a better deal to larger processors, our family farmers cannot compete and we would see more losses of family farmers.

Those who support forward contracting contend that forward contracting is a risk management tool; however, this argument doesn't hold water. In fact, National Farmers' Union and other groups contend that the proposal for forward contracting will actually make it more difficult to manage risk by forcing producers to guess whether the market will go up or down. It is logically deduced that in the absence of an adequate support price, the market will continue to be highly volatile. What can happen is that anytime processors lose money, dairy farmers can provide a plentiful supply of wholesome milk at a fair price. However, there is a provision stuck in this bill which no one has really discussed, and would harm family dairy farmers everywhere. The provision would establish a pilot program allowing for the expansion of forward contracting of milk.

Forward contracting reduces competition in the marketplace and results in lower prices to dairy producers. Forward contracting is not specific to the dairy industry. In fact, one can note the effect of forward contracting by the recent events occurring in the hog industry. Recently, the hog industry has become more concentrated in the number of producers who decided to forward contract. Hog producers will contract with packers to guarantee them a minimum price for their pigs. Contracting is not inherently bad and there are some good contracts. However, what is occurring is that these deals are made often in private and do not reflect the spot market. There is a strong argument that contracting is partly responsible for the depressed hog prices and the rapid increase in the consolidation of the hog industry. What is happening in the hog industry is also happening in dairy.

This provision would expand forward contracting of milk by allowing processors to pay producers less than the federal milk price for milk. Under current law, forward contracting is allowed, however, only if the buyer is willing to offer at least as much as the federal minimum price. In other words, this provision will remove an important incentive for our dairy producers. Expanded forward contracting can also reduce the price for producers who do not forward contract by reducing the competition for milk, thereby damaging the entire dairy market structure. This provision could also discriminate against our family farmers because it is highly probable that processors would offer forward contracts to the largest producers.

In August the BFP was $15.79 per hundredweight. That was quite high and it is a good price. Farmers could be pleased with that price. In September the BFP rose a little higher to $16.26 per hundredweight. I haven't seen the analysis of why the BFP price rose so high. Back in May of 1998, the BFP was $14.35 per hundredweight. That was the base price. It is the monthly base price per hundredweight paid to dairy farmers for their milk.

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December 3rd, but it is predicted to be even lower. Again, as I have stated before with such volatility in the market, it is no question that our dairy farmers having a difficult time to survive. And if dairy farmers are not struggling enough with the volatility of the market, Congress is now assisting in some way in making the prices any dairy farmers worry—and that is what has happened with the Northeast Dairy Compact. The Northeast Dairy Compact gives six states the right to join together to raise prices to help producers in the region. While it may help the Northeast, it is cutting into our markets. It is true that the compact provided a safety net this spring to certain farmers when dairy prices plunged. When the price of raw milk dropped by 37 percent, one Massachusetts farm put their own compact. Minnesota. Overall, that farmer said, aid from the compact totaled seven percent of his gross income during the first 12 months of its operation. Conversely, Midwest dairy farmers—who also, of course, had sharp price decline—got no such price.

The Northeast Dairy Compact fixes fluid milk prices at artificially high prices for the benefit of dairy producers in just that region. This artificial price boost of a compact may benefit the producers covered by the compact, but it hurts all other dairy farmers. It is also no secret that the extension of the Northeast Compact encourages other regions such as the Southeast to form their own compact. This would be detrimental to the Upper Midwest. A recent report by University of Missouri dairy economist Ken Baily found that Minnesota’s farm-level milk milk prices would drop at least 21 cents per hundredweight. The Northeast dairy compact was allowed to be implemented alongside expanded Northeast dairy compact. This would translate into a $27.2 million annual reduction of Minnesota farm milk sales. The compacts in Baily’s study would cover only 27 percent of U.S. milk production, yet would have a sizable negative impact. If more regions adopted compacts Minnesota prices would drop even further.

Many, such as I hear Senator LEAHY inquire, why doesn’t the Upper Midwest form their own compact. Minnesota and Wisconsin farmers would not benefit from organizing their own compact. A compact’s price boost applies for only fluid milk. The percentage of Upper Midwest milk going into fluid products is so low that any compact would do little for Minnesota’s farmers’ income. The negative impact of compacts would far outweigh any minimal boost to fluid prices here in Minnesota. Congress should not accept a policy that so clearly provides benefits to the producers of one region at the expense of consumers and producers elsewhere. Instead, there should be an effort to create a more uniform and rational national dairy policy—a policy without the regional fragmentation caused by compacts.

To put it simply, compacts erect trade barriers in our country. By fixing milk prices at artificially high levels, compact proponents understand that their markets become vulnerable to market forces at work elsewhere in the nation. So in order to prevent milk from other regions entering those Compact markets at lower prices, a tariff-like mechanism is established to ensure that all milk entering the Compact area is priced at the level fixed by the price-fixing commission in the region. It is bad enough that the extension of the Northeast Dairy Compact is attached to this bill, but it is unacceptable for Congress to attempt to meddle with USDA’s final plan by resurrecting an alternative similar to Option I-A.

As you know, the referendum voted on by producers nationwide overwhelming passed this past summer. Given the prominence of Minnesota’s dairy industry, it should be no surprise that I have pushed for reform of the existing milk pricing system. The Secretary’s reforms are a step forward in a long overhaul of dairy policy toward a more unified and simplified pricing system that benefits all producers. We need to reduce and eliminate the regional inequities that exist within the federal order system. The current pricing system regulates the price of fluid milk based on the distance from Eau Claire, Wisconsin. This policy causes market distortions that disadvantage producers in the Upper Midwest. These reforms must move forward quickly, and be implemented as soon as possible by the Secretary.

These dairy provisions are putting at great risk dairy farmers not just in my state, Wisconsin. It is imperative that we establish a national and equitable dairy system for all. For this reason, and among numerous other inequities included as part of this mammoth omnibus package, I cannot vote for this bill.

Mr. President, milk prices per 100 weight were about $16. Now they are down to $11. They are going down further. We do not have any kind of national dairy policy that makes any sense.

What has happened, which affects Eunice Biel and Lynn Jostock, and Les Kyllo, and all sorts of other farmers who will remain anonymous but whose statements are included in the Record— they do not want their names used— it is hard when you are going through pain, and you are working 19 hours a day, and you are going to lose your farm.

What has happened, to add salt to the wound, to add to your pain, is that in the dark of night in a conference committee a few people—it did not pass the Senate; they did not get it through— they put through a provision that extended this Northeast Dairy Compact, which would have run out, and they extended the Secretary of Agriculture from being able to move forward with milk marketing order reform.

They have another provision which would allow for a pilot project for the expansion of the forward contracting of milk. That is what we have had in the hog industry. Contracting is not inherently bad, but what happens is these arrangements are made in private; they do not reflect the spot market. Basically, what happens is, you are going to bet that this consolidated industry, as in the hog industry. And what will happen is that the processors will be able to pay the producers less than the Federal milk price for milk. In other words, under current law, forward contracting is allowed; however, only if the buyer is willing to offer at least as much as the Federal minimum price. But this little-known provision— never debated on the floor of the Senate— would now remove that important safety net for our dairy farmers.

Producers are going to offer better forward contracts to the larger producers, to the largest producers, and our dairy farms are going to go under.

In Minnesota, we continue to lose dairy farms at an appalling rate. Minnesota is losing dairy farms at the rate of three per day due to a base price that is already so low and so unstable. I say to each and every one of my colleagues that it is a triple blow to agriculture, to dairy farmers, in Minnesota. First of all, again, this horrendous piece of legislation, which was passed in 1996, that I think the Senate should be ashamed of, took the bargaining power away from farmers. They cannot even get a price to survive.

We have a depression in agriculture. We are going to lose a whole generation of farmers. We are going to lose our dairy producers. A number of us in the Senate, with the Northeast Dairy Compact, was to put that into the conference report. It never passed on the floor. It was part of the whole deal that made this bill possible.

Then this dairy compact was going to expire in 2 years. We had a vote on it. It did not get through the Senate. It came back into the conference committee, in this horrendous process—which will be my last point about this process—no vote, no public discussion, all sorts of provisions, one of which I just mentioned, put into this amendment, and now this omnibus conference report is brought to us, and we cannot amend it. We can’t amend it. I can’t come to the floor of the Senate and deal with this forward contracting of milk without the safety net. I can’t come to the floor of the Senate with an amendment to knock out this amendment. You get a few people who decide in the closed room, away from any scrutiny, and they put this back in.

I am outraged. But we fought this every way we know how. Today is the
last day. There will be a vote, and we can't stop that vote—whether it be at 1 a.m. or in midafternoon. To me, that is no longer a legitimate issue. We have done everything we can.

But I say to my colleagues that I think what has been done to the dairy farmers in the Midwest is an injustice. I think it is an injustice in a piece of legislation that, in and of itself, does not represent all that much for America, even though I know everybody will be talking about how great this is. I am certainly going to vote against it.

I also say to my colleagues that I hope we will, next year, think about how we can reform the way we operate. On this, I hold the majority leader accountable—to the extent that I can hold him accountable. And I will figure out everything we can next year, who we come back to, to keep raising this issue.

We didn't get a lot of these appropriations bills done. We had a lot of legislation that came to the floor. We weren't allowed to do amendments. Frankly, I don't know how anybody in here thinks we can be good legislators when we don't have the bills coming to the floor. We need to get them out here in the open and have debates that are introduced, have up-or-down votes, and then we move forward. And if we have to work from 9 in the morning until 9 at night, so be it. But instead, we don't do our work.

Those of us who believe the Senate floor is the place to fight for what we believe in and have the debates are not able to do so. Instead, we have this process where six, seven, eight people decide what is in and what is out, and we have this huge monstrosity called the “omnibus” bill that is presented to us, when none of us has read—or maybe two people have. But none of us has read this from cover to cover. I doubt whether there are more than two Senators who know everything that is in here.

I would like to raise the question, How can we be good legislators with this kind of process? We are not being good legislators. I am speaking for myself. I am not able to be an effective legislator representing Minnesota if we are going to continue making decisions in conference committees and rolling in six, seven, eight major pieces of legislation with no opportunity for me as a Senator from Minnesota to bring amendments to the floor. That was done on the dairy compact, and that is what has been done on a whole lot of other decisions. It is no way to legislate.

I contend that that is no way to legislate. I contend that this omnibus bill makes a mockery of the legislative process. I contend on the floor of the Senate today, not only because of what happened to dairy farmers in Minnesota but because of the whole way in which this decisionmaking process has worked, that this is unconscionable. I contend that this kind of decision-making process is going to lead to more and more disagreement on the part of people in the country.

People hate the mix of money and politics. They don't like poison politics. They don't like all the back-attack politics my colleagues, Senator Reid and Senator DURBIN, were talking about earlier because they believe that is what is wrong. They don't like what, apparently, some of us relish. They don't like backroom deals, decision-making that is not open, accountable, and that people can understand and comprehend.

Now, my final point. I am not so sure that some of the major decision-makers, given the sort of deck of cards they had to work with—I don't know that I want to point the finger at any one person that is probably fair. I am making an argument about process, not about a particular Senator. Some of them who were involved in this probably did everything they could do from their point of view. They are very skilled. But I will tell you one thing. Minnesota dairy farmers came out on the short end of the stick.

I regret the fact that this has been done and stuck into a conference report and was not done in an honest way, with open debate on the floor of the Senate, where we could have amendments. I also regret a legislative process where we didn't get to the bills on time, didn't have the debate on the floor, didn't have amendments we could introduce, didn't have the up-or-down votes, and it all got done by a few people, really, basically, with very little opportunity for public scrutiny, for democratic accountability.

I am going to vote "no" on this bill. I think I voted "no" just on the issue of the way in which these decisions have been made because, again, I think we have made a mockery of what should be the legislative process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

UNANIMOUS CONSENT AGREEMENT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Iowa, Mr. GRASSLEY, be recognized for approximately 10 minutes, if that is sufficient, for the following statement.

Mr. GRASSLEY. I think it is.

Ms. COLLINS. I also ask unanimous consent that he be followed by the Senator from New York, Mr. SCHUMER, for not to exceed 5 minutes, and that I be recognized to transact legislative business.

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

The Senator from Iowa is recognized.

CHINA'S ACCESSION TO THE WORLD TRADE ORGANIZATION

Mr. GRASSLEY. Mr. President, in my capacity as chairman of the International Trade Subcommittee and getting ready for the Seattle Round, as well as considering China's accession to the World Trade Organization, I want to speak on Congress' power and our responsibility on the whole issue of international trade.

It is very clear in the Constitution that the Congress of the United States has the power, as one of the specifically delineated powers of Congress in the first article, to regulate interstate and foreign commerce. So the United States has just concluded a bilateral market access agreement with China. It should pave the way for China's access to the World Trade Organization.

I vom what I have heard about this agreement—and, of course, we only have summaries at this point—it is an exceptionally good one for the United States and especially for American agriculture. I said, when the agreement fell through on April 8, I was fearful that a lot of ground would be lost. I don't think, from what I know, there has been any ground lost with the renegotiation. Charlene Barshesky, our U.S. Trade Representative, conducted herself in a highly professional way and negotiated what appears to be an excellent agreement, and she did it under very difficult circumstances.

Now that the negotiations are finished, the job of the Senate and the House of Representatives becomes even more important. Our constitutional responsibility requires that the Senate and the House carefully review the agreement in its entirety, and the extent to which there are changes in law, they obviously have to pass the Congress. Any law would, and be signed by the President.

It is a responsibility every Senator takes very seriously because it is assigned to us by the Constitution. And because the Congress has a unique and close relationship with the American people, we must also keep faith with the people who sent us here to fulfill our constitutional responsibilities. That is why it is critical we know everything that was negotiated. I want to put emphasis upon that statement.

That is why it is important that the Congress of the United States know everything that was negotiated—every letter, every interpretation, every interpretation—so there can be no surprises, no private exchanges of letters, no private understandings about the key meanings of key phrases in the agreement, and no reservations that are kept just between negotiators.

In other words, if Congress is going to legislate these agreements and secure these agreements, Congress has a
The United States insisted that Canada was, indeed, selling wheat below cost in violation of the agreement. Canada denied it, and the dispute was even taken to a binational panel for resolution. In the argument before the binational panel for dispute resolution, the Canadian side at that time produced a letter from a few years back from the United States Trade Representative to the Canadians supporting the Canadian interpretation of the provision and very devastating to the case brought by the United States.

The question now is whether the U.S. Trade Representative's letter, or his interpretation of this controversial and important provision, was properly reported to the Congress before we considered that agreement, voted on it, and it became the law of the land. Some might argue that it was disclosed. Others say it was not.

In my view, because the issue of Canada's price support system for wheat was such a politically sensitive issue in the context of the NAFTA agreement, there should not have been any room for doubt what the administration's interpretation was. The disclosure of the administration's interpretation of this key language should have been fully and completely disclosed—not just in the fine print or in response to questions raised by a Senator at a hearing. When important issues of foreign commerce are at stake and Congress is exercising its constitutional power of regulating foreign commerce, we in the Congress should not have to guess what the administration's interpretation of this provision is or ever have to figure out how to ask the right questions in the hearing at the right time and in the right way to get an honest answer, to have open disclosure of what our agreement means and what the results of the negotiation are.

This incident on the wheat and the Canadian Free Trade Agreement had unfortunate and profound consequences. It led some in Congress to believe they could not trust our negotiators. Some of us believed we weren't dealt with fairly. The American wheat farmer has been harmed as a result of it.

Now, I want to say I have the highest regard for our negotiators, especially for Ambassador Barshefsky. She has done a remarkable job. She has my complete trust. So this is not about Ambassador Barshefsky. It is not about any one of our negotiators. Nor is this a partisan concern. The incident that sparked my concern occurred during a Republican administration. I am concerned about one simple thing. The principle of openness and full disclosure to Congress.

This basic principle applies not just to the agreement with China. In about ten days, the United States will help launch a new round of global trade negotiations in Seattle. This new round of trade liberalization talks will cover agriculture, services, and other key trade issues. Many of these issues are sensitive, and even controversial.

We must be confident that we will see everything that is negotiated in the new round before it can become law. The legislation Senator CONRAD and I wrote that is part of the Africa trade bill requires full disclosure to Congress of all agreements or understandings with a foreign government relating to agricultural trade negotiations that we refer to here as agricultural trade negotiations, objectives, and consultation.

Anyway, our provision says that any such agreement or understanding that is not disclosed to Congress before legislation implementing a trade agreement is introduced in the Congress shall not become law. In other words, if Congress doesn't know about the agreement, it should not become law. That is very simple. It is very clear. It is a restatement of the principle of full disclosure. It is consistent with Congress' constitutional responsibility for foreign commerce, but I understand the administration opposes this common-sense provision. They want it removed from the bill.

Mr. President, it says in the Conrad-Grassley bill, no secret side deals. The Congress agreed that there should be full disclosure submitted to Congress all of the provisions of any negotiations that must be approved by Congress. I don't know why the administration wants this language removed from the trade bill, but this is what they have sent to the conference in the Congress of the United States. They list this provision that says no secret side deals. They are suggesting we strike this subsection.

We cannot let this happen. I will do everything I can to make sure this physical disclosure provision becomes the law of the land when the House and Senate conferes finally consider the African trade bill. I believe our Government should live by the same standards we expect from farmers in my hometown of New Hartford, IA, or any businessman in Des Moines, IA. Tell us exactly what you mean. Show us everything in the agreement. Act in good faith.

I ask my colleagues to support this provision and vote for it when it comes back from the conference committee so we have physical disclosure of everything so Congress isn't asked to vote on something that is secret, that we don't know anything about. If we do that, we are violating our constitutional responsibility to the people of this country.

The PRESIDING OFFICER. Under the previous agreement the Senator from New York is recognized for 5 minutes.
GOOD NEWS FOR RURAL NEW YORK

Mr. SCHUMER. Mr. President, today I am happy to say there is good news in the omnibus bill for rural New Yorkers in two ways. The Satellite Home Viewer Act will finally allow rural residents in rural areas to receive local television programming, and the dairy industry in the omnibus final package will both option 1–A and the New England Dairy Compact to continue. Let me touch on both of these. It is clearly two dollops of good news for rural New Yorkers.

On the satellite bill, I have had constituent after constituent in areas such as Allegany County and Chenango County and Steuben County and Ulster County, throughout New York State in rural areas, tell me all of a sudden they were unable to receive over the air signals to their satellite program. Imagine being cut off. Imagine for years depending on the weather reports before you took your kids to school or because you are a farmer and then not being able to get them. Imagine having your local news shows cut off. Imagine not being able to see things your family was accustomed to seeing, all because of a court action.

Today, that bill, that court action, is being overruled in the omnibus act. I am delighted to say half a million New York residents will now be able to get their local signal from their satellite which they were not able to do before—half a million people, all back the way they should be.

I hope we will continue the progress of the Satellite Home Viewer Act. The Federal provision was taken out. I understand the Senate Banking Committee plans to hold hearings next year to ensure that multiservice providers are encouraged to extend competition. I want to work with my colleagues to make sure our constituents in upstate rural New York, central New York, the west and southern tier, and in the north country have the same viewing options as those in downstate.

The other bit of good news, of course, is the dairy language in the final bill. First, I know some of my colleagues from Wisconsin and Minnesota have labored long and hard on behalf of their constituents in this regard. I salute their hard work, their tenacity, and their diligence. I heard the Senator from Minnesota say the average dairy farm in his State has 60 cows. It is no different in New York. We don’t have large farms, by and large. We shouldn’t be pitting one against the other. Without 1–A and without the dairy compact we would have had desperate times in rural New York for our dairy farmers.

We are the third largest dairy State. Dairy is an vital industry in much of New York.

If option 1–B were allowed to be implemented, New York would experience the single largest loss of any State, $30.5 million a year. Compacts, of course, are necessary. The 1–A option passed both Houses. This is not something that will result in any dark of night and not being debated. Both Houses, after full debate, passed both compacts.

I say with all due respect to my colleagues from Minnesota and Wisconsin, it is they who seek to thwart the will of the majority of the House and the Senate when they try at the last minute to stop an omnibus bill from going through. We need this compact.

In New York and New England, the price of milk has not risen by more than 4 cents over the national average in every given year. I say to my downstate constituents, to keep an industry vital to all New Yorkers going, is it worth it to pay that 4 cents? Almost everyone says yes. With senior citizens, there are other types of good programs being exempted, this is a worthy piece of legislation. I think it is a good day for the dairy farmers of New York.

It is not all we wanted; I admit that. We want New York to be added to the Northeast Dairy Compact, and we will fight like the devil to make that happen in future years. Without 1–A and the existing dairy compact, which still benefits New York dairy farms in the north country and places such as Washington and Warren Counties and in central New York, those areas without the New England Dairy Compact, we would have suffered dramatically. Adding in result to injury, not having option 1–A would have been devastating.

In the last decade, New York State has lost one-third of its dairy farms, 13,000 to 8,600. The dairy compact and option 1–A will help my State and region retain this vital and cherished industry. I believe that can be done not at the expense of our counterparts in the Midwest.

In conclusion, it is a good day for rural New Yorkers in this omnibus bill. No. 1, the Satellite Home Viewer Act will allow half a million New York families to receive local signal once again; and, an extension of the dairy compact, as well as extension of option 1–A, will allow our dairy farmers who have been struggling over the last decade to have a better chance to survive, to grow, and to prosper in one of the industries most vital to all of New York State.

The PRESIDING OFFICER. Under the previous agreement, the Senator from Maine is recognized.

SENATE ACCOMPLISHMENTS

Ms. COLLINS. For the information of all of our colleagues, I inform Senators that we are still working out some last-minute issues that will then allow the Senate to move a number of important bills that have been cleared on both sides. While we are waiting for these last-minute glitches to be resolved, I want to take this opportunity to respond to some of the comments made by my colleagues on the other side of the aisle this week which we have not accomplished anything during this Congress. We have, in fact, accomplished a great deal of which we can be proud. Rather than engaging in harsh partisan rhetoric, we should be coming together in these final hours of this session to celebrate what we have done for the American people.

First of all, I think we can take great pride in the accomplishment that we will be producing a balanced budget for the first time in decades, one which does not raid the Social Security trust fund. This is a tremendous accomplishment and it establishes a new milestone in fiscal responsibility. It has been the Republican caucus that has held firm in their determination to prevent one penny of the Social Security trust fund from being diverted to support expensive new unrelated Government programs. We have succeeded. We have kept that commitment. We have fulfilled our obligation to the senior citizens of this country, for the first time in 30 years, the Congress has produced a balanced budget which will result in a surplus that does not rely on funds from the Social Security trust fund. The raid on the Social Security trust fund has been stopped cold.

I give a great deal of credit to Senator DOMENICI, to Senator STEVENS, to Senator ABRAHAM, and to all colleagues in the Republican caucus who have united in their determination to secure the Social Security trust fund for our seniors and for future generations. That is an accomplishment of which we can be proud.

Second, I am delighted the omnibus appropriations bill includes what has been my highest priority in the last few months and that is to restore some of the unintended cuts made by the Balanced Budget Act of 1997 as well as by onerous regulations imposed by the Clinton administration that have impaired the ability of our rural hospitals, our home health care agencies, and our nursing homes to provide much needed quality health care to our Nation’s senior citizens.

The Presiding Officer has been an early supporter of legislation that I have introduced to provide financial relief to our distressed home health care agencies. Local health care agencies allow our senior citizens and our disabled citizens to receive the health care where they want it, in the security and the privacy of their own
homes. Unfortunately, under the Balanced Budget Act of 1997, and exacerbated by misguided policies of the Clinton administration, America’s home health agencies have found their ability to provide this care has been jeopardized. This care is so important to our Nation’s senior citizens, particularly those who are living in rural areas of our country where access to home health care may spell the difference between staying in their own homes and having to travel many miles to receive health care.

Unfortunately, since cutbacks in home health care have gone into effect, there has been a devastating impact on the senior citizens of our country. Let me use the example of the State of Maine. As you can see, in just a year’s time, more than 20,000 Maine senior citizens have lost their access to home care. In fact, it is 6,600 Maine seniors who have lost their access to home health care. The number of home health care visits in Maine has declined by 20,000. Reimbursements to Maine’s home health agencies have declined in a year’s time by more than $20 million.

Maine’s home health agencies have had a long tradition of providing low-cost compassionate care. We are not talking about home health agencies that were in any way abusing the system, making too many visits, or overbilling Medicare. We are talking about home health agencies that were cost effective and efficient, providing quality low-cost care throughout the State of Maine.

I have visited with many of these seniors who have lost access to home health care. One was a retired priest in my hometown of Caribou, ME. He relied on his home health services and has now had to dig deeply into his savings to provide for the care out of his own pocket because Medicare no longer reimburses the services he needs.

In another case, I visited an elderly couple in rural Maine who were able to stay together in their own home rather than go into a nursing home because of the valuable services provided by home health care nurses. The woman in this case was severely diabetic. She was confined to a wheelchair and had a wound that was not healing. It was home health care nurses who came three times a week to clean the wound, to change the dressing, to take care of her other health care needs. Home health care allowed her and her elderly husband to stay together in their golden years.

It is that kind of service which has made such a difference to the quality of life of our senior citizens, and it was that kind of service which has been so jeopardized by the ill-advised Clinton administration regulations and the unintended consequences of the Balanced Budget Act of 1997.

The legislation I introduced was a bipartisan bill. It was cosponsored by more than 30 of my colleagues, to reverse these unintended consequences. The Balanced Budget Remedies Act that is in the omnibus appro- priations bill does not go as far as I would like, frankly, but it is a good and necessary first step. I commend the chairman of the Finance Committee, Senator Roth, as well as Senator Moynihan, for working with us to come up with legislation that we can enact to ensure our senior citizens do not lose access to much needed health care.

That is also a very important bill to our rural hospitals. In our hospitals, in States such as Maine, we have been suffering from the cutbacks that jeopardize their ability to provide care. These hospitals, in most cases, are the only hospital in the community. If they are forced to close because of unfair and inadequate reimbursements from Medicare, it will devastate the communities. It will leave many of our senior citizens and others in the community without access to health care at all when they become ill and need hospitalization.

One of the features of the cutbacks in home health care troubles me. I wonder what has become of these nearly 7,000 Maine citizens. In some cases they have been forced to pay for the care themselves. Many of the seniors in Maine simply cannot afford that kind of out-of-pocket expense. They are living on Social Security, on limited in- comes. They already have a very dif- ficult time affording their prescription drugs. Some of them have become sick- er because they have lost their access to home health care and have pre- maturely been forced into nursing homes or have been subject to repeated hospitalization which would have been avoided had home health care serv- ices been provided. The irony and the wrongheaded effect of this policy is we are probably going to end up paying more for the care for these senior citi- zens who have lost access to their home health care because hospitalization and nursing home care is so much more expensive than home health care. Surely this has been a shortsighted policy.

I am pleased this legislation is going to take the first steps we need to pro- vide much needed financial relief to our Nation’s home health care agen- cies, our rural hospitals, and our nurs- ing homes. It is going to make a real difference. There is much else that is very valuable in this legislation for our Nation’s families. Not only our senior citizens but our children are going to benefit from this legislation.

When you hear the rhetoric in this Chamber about education, you would think that we are talking about a private college, or a university. We are going to need more and more skills, more and more education, if we are to compete for the jobs of the future.
That is why I am so delighted the legislation provides a significant increase for Pell grants.

As you can see, the maximum Pell grant will be increased in the appropriations bill. Currently, it is $3,125. The President proposed $3,250. The appropriations bill passed by the Senate proposed $3,325. Those are good steps. They will help make college a little bit more affordable for our Nation’s young people; indeed, also for older adults who are returning to college because they realize they need additional skills.

Once again, it is important we emphasize, the Senate increased spending for these essential Pell grants beyond what the President recommended. This is a budget of which we can be proud. It does not include every provision each of us would like. It reflects hours, weeks, and months of work. It reflects compromise. That is what the system is all about.

Each of us would write this bill differently. Each of us wishes the process could be cleaner, that we could work to get our legislation accomplished earlier, that we had more cooperation with the White House in achieving this goal. But the fact is, this legislation will ensure brighter futures for the families of America.

I appreciate the opportunity to set the record straight on these important issues. The bill, which will be before us later today, is not perfect but it is good legislation that deserves the support of all our colleagues.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

DECEPTIVE MAIL PREVENTION AND ENFORCEMENT ACT

Sec. 101. SHORT TITLE.

This title may be cited as the “Deceptive Mail Prevention and Enforcement Act”.

Sec. 102. RESTRICTIONS ON MAILINGS USING MISLEADING REFERENCES TO THE UNITED STATES GOVERNMENT.

Section 3001 of title 39, United States Code, is amended—

(1) in subsection (h)—

(A) in the first sentence by striking “contains a seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any Federal Government connection, approval or endorsement” and inserting the following: “which reasonably could be interpreted or construed as implying any Federal Government connection, approval, or endorsement through the use of a seal, insignia, reference to the Postmaster General, citation to a Federal statute, name of a Federal agency, department, commission, or program, trade or brand name, or any other term or symbol; or contains any reference to the Postmaster General or a citation to a Federal statute that misrepresents either the identity of the mailer or the protection or status afforded such mailer by the Federal Government”; and

(B) in paragraph (2)—

(i) in subparagraph (A) by striking “and” at the end;

(ii) in subparagraph (B) by striking “or” at the end and inserting “and”;

and

(iii) by inserting after subparagraph (B) the following:

(4) Matter described in paragraph (1)(D) any matter otherwise legally acceptable in the mails which is described in paragraph (2) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

(2) Matter described in this paragraph is any matter that—

(A) constitutes a solicitation for the purchase of or payment for any product or service that—

(i) is provided by the Federal Government; and

(ii) may be obtained without cost from the Federal Government; and

(B) does not contain a clear and conspicuous statement giving notice of the information set forth in clauses (i) and (ii) of subparagraph (A)."

Sec. 103. RESTRICTIONS ON SWEEPSTAKES AND DECEPTIVE MAILINGS.

Section 3001 of title 39, United States Code, is amended by inserting after subsection (j) (as added by section 102(d)) the following:

(2) Except as provided in paragraph (4), any matter otherwise legally acceptable in the mails which is described in paragraph (3) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

(3) The term ‘sweepstakes’ means a game of chance for which no consideration is required to enter;

(2) Except as provided in paragraph (4), any matter otherwise legally acceptable in the mails which is described in paragraph (3) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.
“(2) Matter described in this paragraph is any matter that appears in a newspaper, radio, television, or other medium of general circulation.

“(3) Mail detained under paragraph (2) shall be exempt from mail processing and delivery costs.

“(4) Matter that appears in a magazine, newspaper, radio, television, or other medium of general circulation, that is not part of the permanent record of the proceedings, and that is not directed to a named individual; or

“(5) Any statement, notice, or disclaimer required under paragraph (3) shall be clearly and conspicuously displayed. Any statement, notice, or disclaimer under subclause (I) or (II) of paragraph (3) shall be displayed more conspicuously than would otherwise be required by the preceding sentence.

“(6) In the event of a determination under paragraph (3), the Postal Service shall consider whether there is an adequate record of the mailing and the material and language on and visible through the envelope or wrapper in which those materials are mailed.

“(1) Any person who uses the mails for any matter to which subsection (b), (i), (j), or (k) applies shall adopt reasonable practices and procedures to prevent the mailing of such matter to any person who, personally or through a conservator, guardian, or individual with power of attorney—

“(A) submits to the mailer of such matter a written request that such matter not be mailed to such person; or

“(B) submits a written request to the attorney general of the appropriate State (or any State government officer who transmits the request to that attorney general); and

“(ii) that attorney general transmits such request to the mailer.

“(2) Any person who mails matter to which subsection (b), (i), (j), or (k) applies shall maintain or cause to be maintained a record of all requests made under paragraph (1). The records shall be maintained in a form that is compatible with the suppression of an applicable name at the applicable address for a 5-year period beginning on the date the written request under paragraph (1) is submitted to the mailer.

“SEC. 104. POSTAL SERVICE ORDERS TO PROHIBIT DECEPTIVE MAILINGS.

“Section 3005(a) of title 39, United States Code, is amended—

“(1) by striking “or” after “(h),” each place it appears; and

“(2) by inserting “(j),” after “(i)” each place it appears.

“SEC. 105. TEMPORARY RESTRaining ORDER FOR DECEPTIVE MAILINGS.

“(a) In GENERAL.—Section 3007 of title 39, United States Code, is amended—

“(1) by redesignating subsection (b) as subsection (c); and

“(2) by striking subsection (a) and inserting the following:

“(a)(1) In preparation for or during the pendency of proceedings under section 3005, the Postal Service may, under the provisions of section 409(a), apply to the district court in any district in which mail is sent or received as part of the alleged scheme, device, lottery, gift enterprise, sweepstakes, skill contest, or facsimile check or in any district in which the defendant is found, for a temporary restraining order and preliminary injunction under the procedures of rule 65 of the Federal Rules of Civil Procedure.

“(2)(A) Upon a proper showing, the court shall enter an order which shall—

“(i) remain in effect during the pendency of the statutory proceedings, any judicial review of such proceedings, or any action to enforce orders issued under the proceedings; and

“(ii) prevent detention by the postmaster, in any and all districts, of the defendant’s incoming mail and outgoing mail, which is the subject of the proceedings under section 3005.

“(B) A proper showing under this paragraph shall require proof of a likelihood of success on the merits of the proceedings under section 3005.

“(3) Mail detained under paragraph (2) shall—

“(A) be made available at the post office of mailing or delivery for examination by the defendant in the presence of a postal employee; or

“(B) be delivered as addressed if such mail is not clearly shown to be the subject of proceedings under section 3005.

“(4) In any finding of the defendant’s intent to make a false representation or to conduct a lottery is required to support the issuance of an order under this section, any judicial review of the matter shall be heard in the district in which the order under subsection (a) was issued.

“(b) REPEAL.—

“(1) IN GENERAL.—Section 3006 of title 39, United States Code, is amended—

“(A) by striking “or” after “(h),” each place it appears; and

“(B) by redesignating subsections (c) and (d), as applicable—

“(aa) the number of rounds or levels of the contest and the cost to enter each round or level; and

“(bb) that subsequent rounds or levels will be more difficult to solve; and

“(cc) the maximum cost to enter all rounds or levels;

“(dd) the estimated number or percentage of entrants who may correctly solve the skill contest or the approximate number or percentage of entrants correctly solving the past 3 skill contests conducted by the sponsor;

“(ee) the identity or description of the qualifications of the judges if the contest is judged by the winner or winners shall be determined and the date or process by which prizes will be awarded;

“(hh) the quantity, estimated retail value, and nature of each prize; and

“(ii) the schedule of any payments made over time; or

“(cc) includes any facsimile check that does not contain a statement that such check is not a negotiable instrument and has no cash value.

“SEC. 106. CIVIL PENALTIES AND COSTS.

“Section 3012 of title 39, United States Code, is amended—

“(1) in subsection (a) by striking “$10,000 for each day that such person engages in conduct described in paragraph (1), (2), or (3) of this subsection,” and inserting “$50,000 for each mailing of less than 50,000 pieces; $100,000 for each mailing of 50,000 to 100,000 pieces; with an additional $10,000 for each additional 10,000 pieces above 100,000, not to exceed $2,000,000. ,” and inserting “3007.”

“(2) in paragraphs (1) and (2) of subsection (b) by inserting after “of subsection (a)” the following: “(c), (d), or (e)”;

“(3) by redesignating subsections (c) and (d), as applicable—

“(aa) the number of rounds or levels of the contest and the cost to enter each round or level; and

“(bb) that subsequent rounds or levels will be more difficult to solve; and

“(cc) the maximum cost to enter all rounds or levels;

“(dd) the estimated number or percentage of entrants who may correctly solve the skill contest or the approximate number or percentage of entrants correctly solving the past 3 skill contests conducted by the sponsor;

“(ee) the identity or description of the qualifications of the judges if the contest is judged by the winner or winners shall be determined and the date or process by which prizes will be awarded; and

“(ff) the method used in judging;

“(gg) the date by which the winner or winners shall be determined and the date or process by which prizes will be awarded;

“(hh) the quantity, estimated retail value, and nature of each prize; and

“(ii) the schedule of any payments made over time; or

“(cc) includes any facsimile check that does not contain a statement that such check is not a negotiable instrument and has no cash value.

“SEC. 107. ADMINISTRATIVE SUBPOENAS.

“(a) In GENERAL.—Chapter 30 of title 39, United States Code, is amended by adding at the end the following:

“§ 3016. Administrative subpoenas

“(a) SUBPOENA AUTHORITY.—

“(1) IN GENERAL.—In any investigation conducted under section 3005(a), the Postmaster
General may require by subpoena the produc-
ction of books, papers, documents, and other tangible things which constitute or contain evidence) which the Post-
master General considers relevant or material to such investigation or proceeding and, upon application to and finding by the court that—
"(2) CONDITION.—No subpoena shall be issued under this paragraph except in accordance with procedures, established by the Postal Service, requiring that—
"(i) a specific case, with an individual or entity identified as the subject, be opened before a subpoena is requested;
"(ii) appropriate supervisory and legal review of a subpoena request be performed; and
"(iii) delegation of subpoena approval authority be limited to the Post Service's General Counsel or a Deputy General Counsel.

"(2) STATUTORY PROCEEDINGS.—In any statu-
tory proceeding conducted under section 3005(a), the Judicial Officer may require by sub-
poena the attendance and testimony of wit-
nesses and the production of any records (includ-
ing books, papers, documents, and other tangible things which constitute or contain evidence) which the Judicial Officer considers rele-
vant or material to such proceeding.

"(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be considered to apply in any circumstance to which paragraph (1) ap-
plies.

"(b) SERVICE.—

"(1) SERVICE WITHIN THE UNITED STATES.—A
subpoena issued under this section may be served by a person designated under section 3061 of title 18 at any place within the territorial ju-
sisdiction of any court of the United States.

"(2) FOREIGN SERVICE.—Any such subpoena may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States, in such manner as the Postal Service, in its discretion, considers appropriate in service in a foreign country. To the extent that the courts of the United States may assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same ju-
sisdiction to take any action respecting compli-
ance with this section by such person that such court would have if such person were personally within the jurisdiction of such court.

"(3) SERVICE ON BUSINESS PERSONS.—Service of any such subpoena may be made upon a partnership, corporation, association, or other legal entity by—

"(A) delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such part-
nership, corporation, association, or entity;

"(B) delivering a duly executed copy thereof to the principal office or place of business of the partnership, corporation, association, or entity;

"(C) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such partnership, corporation, association, or entity at its principal office or place of business.

"(4) SERVICE ON NATURAL PERSONS.—Service of any subpoena may be made upon any natural person by—

"(A) delivering a duly executed copy thereof to the person to be served; or

"(B) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such person at his residence or principal office or place of business.

"(5) VERIFIED RETURN.—A verified return by the individual serving any such subpoena set-
ting forth the manner of such service shall be proof of such service. In the case of service by
registered or certified mail, such return shall be accompanied by return post office receipt of delivery of such subpoena.

"(c) ENFORCEMENT.—

"(1) IN GENERAL.—Wherever any person, partnership, corporation, association, or entity fails to comply with a subpoena duly served upon him, the Postmaster General may request that the Attorney General seek enforcement of the subpoena in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section.

"(2) JURISDICTION.—Whenever any petition is filed in any district court of the United States under this section, such court shall have juris-

diction over such person consistent with the description in section 3001(k) of title 39, United States Code. Any disobedience of any final order entered under this section by any court may be reviewed as a contempt of court.

"(d) DISCLOSURE.—Any documentary material provided pursuant to a subpoena issued under this section shall be exempt from disclosure under section 552 of title 5, United States Code.

"(b) REGULATIONS.—Not later than 120 days later than 60 calendar days after a promoter receives a removal request pursuant to an election under paragraph (1), the promoter shall promulgate regulations setting out the procedures the Postal Service will use to implement the amendment made by subsection (a).

"(c) ANNUAL REPORTS.—Section 3013 of title 39, United States Code, is amended by strik-
ing "and" at the end of paragraph (4), by redesign-
ignating paragraph (5) as paragraph (6), and by inserting after paragraph (4) the following:

"(5) the number of cases in which the author-
ity described in section 3016 was used, and a comprehensive statement describing how that authority was used in each of those cases; and". 

"(d) TECHNICAL AND CONFORMING AMEND-
MENT.—The table of sections for chapter 30 of title 39, United States Code, is amended by add-
ing at the end the following:

"3016. Administrative subpoenas."

"SEC. 108. REQUIREMENTS OF PROMOTERS OF SKILL CONTESTS OR SWEEPSTAKES.

"(a) IN GENERAL.—Chapter 30 of title 39, United States Code (as amended by section 107) is amended by adding after section 3016 the fol-
lowing:

"§3017. Nonmailable skill contests or sweep-
stakes matter; notification to prohibit mail-
ings

"(a) DEFINITIONS.—In this section—

"(1) the term ‘promoter’ means any person who—

"(A) originates and mails any skill contest or sweepstakes, except for any matter described in section 3001(k); or

"(B) originates and causes to be mailed any skill contest or sweepstakes, except for any matter described in section 3001(k);

"(2) the term ‘removal request’ means a re-

quest stating that an individual elects to have his name and address and all other rele-
sable information described in section 3001(k) excluded from all lists of names and addresses used by that promoter to mail any skill contest or sweepstakes.

"(3) ELECTION TO BE EXCLUDED FROM LISTS.

"(1) IN GENERAL.—An individual (or other duly authorized person) may elect to exclude the name and address of that individual from all lists of names and addresses used by a promoter of skill contests or sweepstakes by submitting a removal request to the notification system established under subsection (c).

"(2) RESPONSE AFTER SUBMITTING REMOVAL REQUEST TO THE NOTIFICATION SYSTEM.—Not later than 60 calendar days after a promoter re-

ceives a removal request pursuant to an election under paragraph (1), the promoter shall exclude that individual’s name and address from all lists of names and addresses used by that promoter to select recipients for any skill contest or sweep-
stakes.

"(3) EFFECTIVENESS OF ELECTION.—An elec-
tion under paragraph (1) shall remain in effect, unless an individual (or other duly authorized person) notifies the promoter in writing that such individual—

"(A) has changed the election; and

"(B) elects to receive skill contest or sweep-
stakes mailings from that promoter.

"(e) PRIVATE RIGHT OF ACTION.—

"(1) IN GENERAL.—An individual who receives one or more mailings in violation of subsection (a) may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

"(A) an action to enjoin such violation; and

"(B) an action to recover for actual monetary loss from such a violation, or to receive $500 in damages for each such violation, whichever is greater; or

"(2) the court having jurisdiction may order such actions.

It shall be an affirmative defense in any action brought under this subsection that the defend-
ant has established and implemented, with due care, reasonable practices and procedures to ef-
fectively prevent mailings in violation of subsection (d). If the court finds that the defendant
willfully or knowingly violated subsection (d), the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B).

(2) the promoter has a good faith belief that the request is for mailings.

(3) Nothing contained in this section shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an allegation of any general civil or criminal statute of such State or any specific civil or criminal statute of such State.

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS. (a) REFERENCES TO REPLACED PROVISIONS.—Section 3601(a) of title 39, United States Code, is amended by striking "1714," and "1718.".

(b) CONFORMITY WITH INSPECTOR GENERAL ACT OF 1978.—(1) IN GENERAL.—Section 3013 of title 39, United States Code, is amended—

(2) CIVIL PENALTY.—Any person who violates paragraph (3) shall be liable to the United States in an amount of $10,000 per violation for each mailing to an individual of the United States in violation of subsection (b) shall be liable to the United States in an amount of $10,000 per violation for each mailing to an individual of the United States in violation of subsection (c)(2) shall be liable to the United States to an amount of $10,000 per violation.

(3) SAVINGS PROVISION.—For purposes of any semiannual reporting period preceding the first semiannual reporting period referred to in paragraph (2), the provisions of title 39, United States Code, applicable as if the amendments made by this subsection had not been enacted.

SEC. 111. EFFECTIVE DATE. Except as provided in section 108 or 110, this title shall take effect 120 days after the date of the enactment of this Act.

TITLE II—FEDERAL RESERVE BOARD RETIREMENT PORTABILITY

SEC. 201. SHORT TITLE. This title may be cited as the "Federal Reserve Board Retirement Portability Act".

SEC. 202. PORTABILITY OF SERVICE CREDIT. (a) CREDITABLE SERVICE.—(1) IN GENERAL.—Section 411(b) of title 5, United States Code, is amended—

(3) by striking "of the preceding provisions" and inserting "other paragraph"; and

(4) by striking the period at the end and inserting "or".

(b) EXCEPTION.—Subsection (d) of section 4012 of title 5, United States Code, is amended to read as follows:

(2) EXCEPTION.—Subsection (d) of section 4012 of title 5, United States Code, is amended to read as follows:

(c) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.
of a Federal Reserve Bank) creditable under the benefit structure of such Board. The Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act, was subsequently employed subject to the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any re-designated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of chapter 84 of title 5, United States Code); and

(3) after service described in paragraph (2), becomes subject to and thereafter entitled to benefits under chapter 84 of title 5, United States Code, shall, for purposes of section 302 of the Federal Employees’ Retirement System Act of 1986 (106 Stat. 201; 5 U.S.C. 8331 note) be considered to have become subject to chapter 84 of title 5, United States Code, on or after the date of enactment of this Act.

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 8431 of title 5, United States Code, is amended by redesignating paragraph (1) as paragraph (8), and by adding at the end the following:

"9 For the purpose of this section, separation from Government employment includes a transfer described in section 8431."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transfers occurring before, on, or after the date of the enactment of this Act, except that, for purposes of applying such amendments with respect to any transfer occurring before such date of enactment, the date of such transfer shall be considered to be the date of the enactment of this Act. The Executive Director (within the meaning of section 203(p)(1)(B)(ii) of the Federal Property and Administrative Services Act of 1949) may prescribe any regulations necessary to carry out this subsection.

SEC. 204. CLARIFYING AMENDMENTS.

(a) IN GENERAL.—Subsection (f) of section 2304 of title 5, United States Code, as added by section 2 of Public Law 106–339, is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on October 31, 1998.

SEC. 205. TRANSFER OF CERTAIN PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

SEC. 301. TRANSFER OF CERTAIN PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

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The Senate originally passed this legislation to curb some of the deceptive practices of sweepstakes companies.

In addition, there are several Members of the House of Representatives who have also worked very hard to bring to about passage today. They include Chairman Thompson, Senators Lieberman, Stevens, Durbin, Domenici, Akaka, and Specter. They were early cosponsors of this legislation.

Senator Campbell has also played an important role. He first introduced legislation to curb some of the deceptive practices of sweepstakes companies.

The requirements in this legislation will reduce the deceptive techniques that have caused countless Americans, hundreds of thousands of Americans, their chances of winning, but nothing could be further from the truth. It is very hard on this. On the subcommittee staff, Lee Blalack and Kirk Walder were instrumental, and on my personal staff, Michael Bopp, my legislative director—all of them worked very hard.

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The Senate originally passed this legislation to curb some of the deceptive practices of sweepstakes companies. Senator Edwards was real leaders in this effort and contributed greatly to the legislation.

There were many other Senators, as well, who cosponsored this measure. In particular, I want to recognize the contributions of several members of the Committee on Governmental Affairs, including Chairman Thompson, Senators Lieberman, Stevens, Durbin, Domenici, Akaka, and Specter. They were early cosponsors of this legislation.

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that the deceptive techniques of major sweepstakes companies were misleading thousands of Americans into making unsolicited purchases. Further investigation into the activities of the smaller sweepstakes companies, the ones that I call the “stealth companies,” showed that their practices were even more deceptive. In some cases, they bordered on outright fraud.

The subcommittee heard heart-breaking testimony that deceptive sweepstakes can induce trusting consumers to buy thousands of dollars of unnecessary and unwanted merchandise. One example was a magazine subscription extending to the year 2018 that one witness testified that her 82-year-old father-in-law purchased because of sweepstakes promotions.

We found that our senior citizens are particularly vulnerable to these kinds of deceptive mailings. They are a trusting generation. Many seniors tend to believe what they read, particularly if it is endorsed by a trusted spokesman, comes from a well-known company, or involves a mailing that has been designed to appear as if it is from the Federal Government.

Family members told us of loved ones who were so convinced that they had won a sweepstakes that they refused to leave their home for fear they would miss the Prize Patrol. One constituent of mine actually canceled needed surgery because she did not want to miss Ed McMahon’s visit. Sadly, of course, Ed McMahon never showed up.

We found cases of seniors enticed by the bold promises of sweepstakes who spent their Social Security checks, squandered their life’s savings, and even borrowed money to buy unwanted magazines and other merchandise.

I wish I could forget the testimony of one man who broke down in tears as he recounted how the sweepstakes companies had deceived him into purchasing $15,000 worth of products in an effort to win the grand prize.

The losses suffered by consumers cannot be measured in dollars alone. As one elderly gentleman put it: “I would like to show you, Mr. President, and read from a sweepstakes mailing that I received last week at my home in Bangor, ME. As you can see, in bold print, it proclaims: “Our sweepstakes results are now final.” “Ms. Susan M. Collins has won a cash prize of $833,337. “A bank check for $833,337 in cash will be sent to you by certified mail if you respond now.”

Now, in the small print—not in the bold type—but in the small print it explains that I have to have the winning number to really win the prize. Tell the person who telephoned and the bold proclamations telling me I am a winner. Of course, in case I am tempted not to enter, there is what appears to be a personal note that says, “Please don’t say no now,” and implores me to enter and buy the product offered. This is not unusual. This is typical of the kinds of deceptive mailings that are all too common and that flood the mailboxes of American consumers with more than a billion pieces of mail a year.

You shouldn’t have to be a lawyer, you shouldn’t have to have a magnifying glass, to figure out the rules of the game and the odds of winning. Our legislation will make a real difference by requiring honest disclosures, by preventing sweepstakes companies from telling people they have won when they have not, and, most importantly, by making crystal clear to consumers that you don’t have to make a purchase to win and that making a purchase will not increase your chances of winning.

Mr. President, as I said, I am pleased that the Senate is now poised to send my legislation to curb deceptive mailings to the President for his signature.

As I have described to my colleagues previously, you only have to look at some of these sweepstakes mailings to understand why. For example, one mailing by Publisher’s Clearing House, which is famous for its Prize Patrol, told the consumer to “Owners Your Door To $31 Million on January 31.” This mailing suggests to the reader that his or her past purchases are paying off. Specifically, the mailing states: “You see, your recent order and entry has proven to us that you’re indeed one of our loyal friends and a savvy sweepstakes player. And now I’m pleased to tell you that you’ve passed our selection criteria to receive this special invitation.”

Another mailing from American Family Publishers stated, “It’s Down to a 2 person race for $11,000,000—You And One Other Person In Georgia Were Issued the Winning Number . . . Whoever Returns It First Wins It All!” Most people probably didn’t see the fine print that declared, “If you have the winning number, contestant reads and understands this fine print, the mailing leaves the unmistakable impression that the recipient and one other person have the winning number for the $11 million prize.”

Mr. President, the bill adopted by the Senate would curb these problems by, for the first time, establishing federal standards for a variety of promotional mailings, including sweepstakes mailings. Such mailings must clearly and conspicuously display several important disclosures, including statements that no purchase is necessary to enter the contest and that a purchase will not improve your chances of winning; the odds of winning; the value and nature of each prize; and the name and address of the sponsor. Sweepstakes mailings would also be required to include all the rules and entry procedures for the sweepstakes.

This legislation also addresses another problem consumers experience in dealing with sweepstakes companies. The Subcommittee heard from many individuals who found it difficult to have their name or a parent’s name removed from the mailing lists of sweepstakes companies, or who were told that the name removal process might take as long as six months. To address this problem, this legislation includes a section developed by Senator Edwards that would require companies sending sweepstakes or skill contests to establish a system allowing consumers to call or write to have their names removed from the companies’ mailing lists.

The House made several modifications to this section, including extending the time from 35 days to 60 days by which companies must remove names of consumers who do not wish to receive future sweepstakes or skill contest mailings. Non-profit mailers, who use sweepstakes contests to raise money for a cause, were not included in the legislation. The House made several modifications to this section, including extending the time from 35 days to 60 days by which companies must remove names of consumers who do not wish to receive future sweepstakes or skill contest mailings. Non-profit mailers, who use sweepstakes contests to raise money for a cause, were not included in the legislation. The House also added provisions to allow consumers to bring a private right of action in state court if they receive a mailing after previously requesting to be removed from the mailing list of a skill contest or sweepstakes company. Sweepstakes promoters will have an affirmative defense if they have established and implemented, with due care, reasonable practices and procedures to effectively
prevent mailings that would violate the section on name removal.

The system in the bill passed by the Senate, and modified by the House, requires companies to include in every mailing the address or a toll-free telephone number of the notification system, but does not require that companies submit their name in writing to comply with the removal system. Companies are encouraged to adopt a consumer friendly system for the removal of names from their mailing lists, which may include the ability to have names removed by calling a toll-free number. Under this legislation, companies using a toll-free number to permit the removal of names would not need to require a consumer to also provide their name in writing. Any appropriate method of establishing a record of removal requests by consumers would comply with the requirements of Section 8(d) of the legislation. For example, companies may wish to electronically verify the consumer's election to be removed from their mailing list.

The legislation would strengthen the ability of the Postal Service to investigate, penalize, and stop deceptive mailings. It grants the Postal Inspection Service subpoena authority, nationwide stop mail authority, and the ability to impose tougher civil penalties. The House made several changes in the subpoena authority, including requiring the Postal Service to develop procedures for the issuance of subpoenas and their approval by the General Counsel or a Deputy General Counsel of the Postal Service. The new subpoena authority will give the Postal Inspection Service better ability to investigate and stop deceptive mailings, and I encourage the General Counsel of the Postal Service to recognize that effective enforcement of this legislation requires the timely issuance of subpoenas.

Mr. President, S. 335 will provide important new consumer protections against the many deceptive techniques currently used in promotional mailings. I thank my colleagues for their support of this measure.

I yield to the subcommittee's ranking minority member, Senator LEVIN. As I explained earlier in my remarks, he has been the chief cosponsor of this legislation and a true leader in the effort to crack down on deceptive mailings.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the good Senator from Maine for her leadership in this and so many other consumer issues. This bill would not be here on the floor of the Senate without her leadership on the Permanent Subcommittee on Investigations, which has taken responsibility for getting this bill passed.

S. 335, the bill we have just passed and sent to the President is going to crack down on deceptive sweepstakes practices that have affected people in all of our States. Most of us have personal knowledge of the kind of egregious deceptive practices which have been perpetrated by too many companies, including some otherwise reputable companies that are using deceptive practices to suck into their net people who will be lured into believing that if they buy something or subscribe to something, somehow or other that will increase their chances of winning a prize.

The bill we are passing today is similar to one I had introduced in the 105th Congress to curb abuse of sweepstakes solicitations and provide for additional enforcement tools against deceptive mailings by the Postal Service. There were hearings held in September of 1998 in the Governmental Affairs Committee Federal Services Subcommittee that was then chaired by Senator COCHRAN.

We learned from witnesses at that hearing, including the Florida attorney general, the Michigan assistant attorney general, and the Postal Inspection Service, that senior citizens in particular are vulnerable to these deceptive solicitations and that the financial cost to seniors for deceptive and fraudulent sweepstakes is a serious problem. Deceptive sweepstakes solicitations not only cause significant financial losses but frequently carry heavy emotional losses as well.

We have constituents in Michigan, seniors, who have lost tens of thousands of dollars to deceptive sweepstakes. Their houses are frequently filled with hundreds of items they don't need that they bought because they thought somehow or other it might help them win the promised prize.

The Postal Service has inadequate tools to effectively shut down these deceptive marketing people, so we have added some tough enforcement tools in this bill.

Until this bill becomes law, the Postal Service, for instance, cannot impose a fine against a marketer who uses deceptive practices until the Postal Service to first issues a stop order. Now, if you wait for a stop order to be violated before you can impose an administrative fine, what the deceptive sweepstakes promoter does is slightly modify in some way the deceptive mailing that is the subject of the stop order so they can avoid being caught by a violation of the Postal Service stop order. The Postal Service currently is too often powerless to stop these kinds of deceptive practices and the slight changes which are made in them which allow the companies that are using these practices to continue and ignore what appears to be a clear order.

In March and July of this year, Senator COLLINS chaired hearings in the Permanent Subcommittee on Investigations, where I serve as ranking member. The bill we are taking up today, S. 335, reflects what we learned at those hearings. Senator COlLINS has set forth for us some of the egregious examples. I will not take the time of this body to go through some of these additional examples we have. We have seen them all. We have seen the big print that says, “you have just won a big prize;” we have seen the fine, unreadable print that says but only “if you have the winning number;” the headline which says “a million dollars is yours” or “just submit this number and you will have this big prize.” The fine print says “no,” you haven't. We have seen all these kinds of examples and the way people are taken in.

Fortunately, most people aren't taken in, but enough people are, so that a billion pieces of this kind of deceptive mailings go out each year, including by some companies that are otherwise companies that have good reputations. We have had these kinds of deceptive mailings sent out by Time Warner, by Reader's Digest, by other companies whose names have generally put people's confidence in the responses in people because their products have been good products. Yet they have stooped, in the case of sweepstakes, to deceptive practices in order to lure the people who receive these sweepstakes mailings into believing that if they will just buy that magazine or just buy that product, they will really seal the deal and the truck will really show up with the check. We have seen these ads on television, the commercials. Thank God, 90 or 95 percent of the people look at them and can see them for what they are. It is that 5 or 10 percent, frequently seniors, who are taken in. We are trying to stop these practices. This bill, hopefully, will do exactly that.

We are going to require that the statement that a purchase will not increase an individual's chances of winning and that no purchase is necessary to win be clearly and conspicuously displayed in the mailing—indeed more conspicuously displayed than the other information in the mailing.

The House changed the term “prominently” in our Senate bill, which was used to describe how these two key required statements must be displayed and substituted “more conspicuously” for “prominently” to better match previous uses of the term. The intent of both houses on this subject is the same, however, and we have emphasized that point in the committee report. There should be no misunderstanding by the Postal Service and by the direct mail industry on what we intend by this.

S. 335 is also going to provide the Postal Service with authority to issue a civil penalty for the first-time violation of the statute, and we are going to
give the Postal Service subpoena authority. Those are some of the things we have done.

Again, I thank the good Senator from Maine, Ms. Collins, her staff, my staff, Linda Gustitus and her good crew, who have made it possible for this bill to happen. Senator Edwards has been extremely helpful with his provision requiring a delisting of persons not wanting to receive sweepstakes mailings. Senator Cochran has been very much in the forefront of this effort. Again, the majority and minority staffs of the Permanent Subcommittee on Investigations have done an absolutely superb job of putting together these hearings and developing this legislation.

I am confident that with the Senate's passage today, the President will sign the bill into law. It is a bill that will help end the abuses which too often occur in this area and which take advantage of people who are too often vulnerable to the power of suggestion.

PRIVILEGE OF THE FLOOR
Ms. Collins. Mr. President, I ask unanimous consent that Benjamin Brown, a legislative assistant in Senator Ted Stevens' office, be granted floor privileges for the 19th and 20th of November.

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

INTERNET GAMBLING PROHIBITION ACT OF 1999
Ms. Collins. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 158, S. 692.

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 to prohibit Internet gambling, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 692
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SEC. 1. SHORT TITLE. This Act may be cited as the "Internet Gambling Prohibition Act of 1999".

SEC. 2. PROHIBITION ON INTERNET GAMBLING.
(a) IN GENERAL.—Chapter 50 of title 18, United States Code, is amended by adding at the end the following:

"§ 1085. Internet gambling "(a) DEFINITIONS.—In this section:
"(1) BETS OR WAGERS.—The term 'bets or wagers'—
"(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game of chance, upon an agreement or understanding of something of value upon the outcome of a contest of others, a sporting event, or a game of chance, upon an agreement or understanding

that the person or another person will receive something of value based on that outcome;
"(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);
"(C) includes any scheme of a type described in section 3702 of title 28; and
"(D) does not include—
"(i) a bona fide business transaction governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78(a)(47))) for the purchase or sale at a future date of securities (as that term is defined in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78(a)(10)));
"(ii) a transaction on or subject to the rules of a contract market designated pursuant to section 5 of the Commodity Exchange Act (7 U.S.C. 7);
"(iii) a contract of indemnity or guaranty; or
"(iv) a contract for life, health, or accident insurance.

(2) CLOSED-LOOP SUBSCRIBER-BASED SERVICE.—The term 'closed-loop subscriber-based service' means any information service or system that uses—
"(A) a device or combination of devices—
"(i) expressly authorized and operated in accordance with the laws of a State, exclusively for placing, receiving, or otherwise making a bet or wager described in subsection (f)(1)(B); and
"(ii) by which a person located within any State must subscribe and be registered with the provider of the wagering service by name, address, and appropriate billing information to be authorized to place, receive, or otherwise make a bet or wager, and must be physically located within that State in order to be authorized to do so;

"(B) an effective customer verification and age verification system, expressly authorized and operated in accordance with the laws of the State in which it is located, to ensure that all applicable Federal and State legal and regulatory requirements for lawful gambling are met; and

"(C) appropriate data security standards to prevent unauthorized access by any person who has not subscribed or registered.

(3) FOREIGN JURISDICTION.—The term 'foreign jurisdiction' means a jurisdiction of a foreign country or political subdivision thereof.

(4) GAMBLING BUSINESS.—The term 'gambling business' means—
"(A) a business that is conducted at a gambling establishment, or that—
"(i) involves—
"(I) the placing, receiving, or otherwise making of bets or wagers; or
"(II) the offering to engage in the placing, receiving, or otherwise making of bets or wagers; and
"(ii) involves 1 or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

"(iii) has been or remains in substantially continuous operation for a period in excess of 10 days or has a gross revenue of $2,000 or more from such business during any 24-hour period; and

"(B) any soliciting agent of a business described in subparagraph (A).

(5) INFORMATION ASSISTING IN THE PLACING OF A BET OR WAGER.—The term 'information assisting in the placing of a bet or wager'—
"(A) means information that is intended by the sender or recipient to be used by a person engaged in the business of betting or wagering to place, receive, or otherwise make a bet or wager; and

"(B) does not include—
"(i) information concerning pari-mutuel pools that is exchanged exclusively between or among 1 or more racetracks or other pari-mutuel wagering facilities licensed by the State or approved foreign jurisdiction in which the facility is located, and 1 or more pari-mutuel wagering facilities licensed by the State or approved foreign jurisdiction in which the facility is located, if that information is used only to conduct a common pool pari-mutuel pooling under applicable law;

"(ii) information exchanged exclusively between or among 1 or more racetracks or other pari-mutuel wagering facilities licensed by the State or approved foreign jurisdiction in which the facility is located, and a support service, if the information is used only for processing bets or wagers made with that facility under applicable law;

"(iii) information exchanged exclusively between or among 1 or more wagering facilities that are located within a single State and are licensed and regulated by that State, and any support service, whenever located, if the information is used only for the pooling or processing of bets or wagers made by or with the facility or facilities under applicable State law; and

"(iv) any posting or reporting of any educational information on how to make a bet or wager or the nature of betting or wagering.

(6) INTERACTIVE COMPUTER SERVICE.—The term 'interactive computer service' means any information service, system, or access software provider that operates in, or uses a channel or instrumentality of, interstate or foreign commerce to provide or enable access by multiple users to a computer server, including specifically a service or system that provides access to the Internet.

(7) INTERACTIVE COMPUTER SERVICE PROVIDER.—The term 'interactive computer service provider' means any person that provides an interactive computer service, to the extent that such person offers or provides such service.

(8) INTERNET.—The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

(9) PERSON.—The term 'person' means any individual, association, group, business, venture, corporation (or any affiliate of a corporation), State or political subdivision thereof, department, agency, or instrumentality of a State or political subdivision, any other government, organization, or entity (including any governmental entity (as defined in section 3701(2) of title 28)).

(10) PRIVATE NETWORK.—The term 'private network' means a communications channel or channels, including voice or computer data transmission facilities, that use either—
"(A) private dedicated lines; or

"(B) the public communications infrastructure, if the infrastructure is secured by means of the appropriate private communications technologies to prevent unauthorized access;

(11) STATE.—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a Commonwealth, territory, or possession of the United States.

(12) SUBSCRIBER.—The term 'subscriber'—
"(A) means any person having a relationship with the interactive computer service provider through which such person receives access to the system, service, or network of that provider; and

"(ii) any one or more of the following:

"(A) a formal subscription agreement, if no formal subscription agreement exists; and

"(B) includes registrants, students who are granted access to a university system or network, employees or contractors who are granted access to the system or network of their employer.

"(C) does not include—
"(i) a transaction on or subject to the rules of any contract market designated pursuant to section 5 of the Commodity Exchange Act (7 U.S.C. 7);
section.

(2) PENALTIES.—A person engaged in a gam-
bling business who violates this section shall be—

(i) fined in an amount equal to not more than 
twice the greater of—

(A) the amount of money wagered; or

(B) the proceeds of the gambling activity that 
violates such law—

be—

or wagers, as a result of engaging in that busi-
ness in violation of this section; or

(ii) $20,000;

(ii) imprisoned not more than 4 years; or

(c) CIVIL REMEDIES.—

(i) JURISDICTION.—The district courts of the United States shall have original and exclusive 

jurisdiction to prevent and restrain violations of 

this section if the court determines, after notice and 

hearing, that there is probable cause to believe that 

the use of the Internet or other interactive computer 

service at issue violates this section.

(ii) RELIEF.—Upon application of the attorney 
general or other appropriate State official of 

the United States, or the attorney 
general or other appropriate State official 
of the State, as applicable, notifies the court that 

issued the order or injunction that the United States or the State, as applicable, will 

not seek a permanent injunctive relief.

(iii) IN GENERAL.—In addition to any pro-

ceeding under paragraph (2), a district court may, 
in exigent circumstances, enter a tem-

porary restraining order against a person al-

leged to be in violation of this section upon ap-

plication by the United States and any other provision of Federal or State law prohib-

iting or regulating gambling or gambling-related 

activities, for the use of its facilities or services 

by another person to engage in Internet gam-

bling activity that violates such law—

(i) removing or disabling access to the material or 

activity by the provider; or

(ii) removing or disabling access to the material or 

activity by the provider; or

(iii) removing or disabling access to the material or 

activity by the provider; or

(iv) removing or disabling access to the material or 

activity by the provider; or

(v) removing or disabling access to the material or 

activity by the provider; or

(vi) removing or disabling access to the material or 

activity by the provider; or

(vii) removing or disabling access to the material or 

activity by the provider; or

(viii) removing or disabling access to the material or 

activity by the provider; or

(ix) removing or disabling access to the material or 

activity by the provider; or

(x) removing or disabling access to the material or 

activity by the provider; or

(xi) removing or disabling access to the material or 

activity by the provider; or

(xii) removing or disabling access to the material or 

activity by the provider; or

(xiii) removing or disabling access to the material or 

activity by the provider; or

(xiv) removing or disabling access to the material or 

activity by the provider; or

(xv) removing or disabling access to the material or 

activity by the provider; or

(xvi) removing or disabling access to the material or 

activity by the provider; or

(xvii) removing or disabling access to the material or 

activity by the provider; or

(xviii) removing or disabling access to the material or 

activity by the provider; or

(xix) removing or disabling access to the material or 

activity by the provider; or

(xx) removing or disabling access to the material or 

activity by the provider; or

(2) NOTICE TO INTERACTIVE COMPUTER SER-

VICE PROVIDERS.—

(A) IN GENERAL.—If an interactive computer 

service provider receives from a Federal or State law enforcement agency, acting within its au-

thority and jurisdiction, a written or electronic 

notice described in subparagraph (B), that a particular online site residing on a computer 

system or network of the interactive computer 

service provider, if the court determines that there is probable cause to believe that such
CONGRESSIONAL RECORD—SENATE
November 19, 1999

30853

AMENDMENT NO. 2782

(Purpose: To provide a complete substitute)

Ms. COLLINS. 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 Maine [Ms. COLLINS], for Mr. KYL, for himself and Mr. BRYAN, proposes an amendment numbered 2782.

Ms. COLLINS. Mr. President, I ask unanimous consent that 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.”)

AMENDMENT NO. 2783 TO AMENDMENT NO. 2782

Ms. COLLINS. 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 Maine [Ms. COLLINS], for Mr. CAMPBELL, proposes an amendment numbered 2783 to amendment No. 2782.

Mr. CAMPBELL, proposes an amendment numbered 2782 to amendment No. 2782. The legislative clerk read as follows:

Ms. COLLINS. Mr. President, I propose an amendment numbered 2782 to amendment No. 2782. The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. KYL, for himself and Mr. BRYAN, proposes an amendment numbered 2782.

Ms. COLLINS. Mr. President, I ask unanimous consent that 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.”)

AMENDMENT NO. 2783 TO AMENDMENT NO. 2782

Ms. COLLINS. 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 Maine [Ms. COLLINS], for Mr. CAMPBELL, proposes an amendment numbered 2783 to amendment No. 2782.

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

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

The amendment is as follows:

On page 35 of the Kyl-Bryant substitute, after line 18, insert the following:

(4) INDIAN GAMING.—Subject to paragraph (2), the prohibition in this section shall not apply to any otherwise lawful net bet or wager that is placed, received, or otherwise made by an Indian tribe or Inter-Tribal Gaming System owned or operated by an Indian tribe.

(5) ADVERTISING AND PROMOTION.—The prohibition in paragraph (4) shall not apply to advertising or promotion of any activity that is not prohibited by subsection (b)(1)(A).
Act, 25 U.S.C. 2703), or the sending, receiving, or inviting of information assisting in the placing of any such bet or wager, as applicable, if—

(i) the game is permitted under and conducted within the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.);

(ii) each person placing, receiving, or otherwise making such bet or wager, or transmitting such information, is physically located when such person places, receives, or otherwise makes the bet or wager, or transmits such information; and

(iii) the game is conducted on a closed-loop subscriber-based system or a private network.

(iv) in the case of a game that constitutes class III gaming—

(I) the game is authorized under, and is conducted in accordance with, the respective Tribal-State compacts entered into and approved pursuant to section 11(d) of the Indian Gaming Regulatory Act, 25 U.S.C. 2710; or

(ii) the compact governing activity on the Indian lands, in each respective State, on which each person placing, receiving, or otherwise making such bet or wager, or transmitting such information, is physically located when such person places, receives, or otherwise makes the bet or wager, or transmits such information; and

(iii) such Tribal-State compact expressly provides that the game may be conducted using the Internet or other interactive computer service only on a closed-loop subscriber-based system or a private network.

(B) ACTIVITIES UNDER EXISTING COMPACTS.—

The requirement of subparagraph (A)(ii) shall not apply in the case of gambling activity, otherwise subject to this section, that was being conducted on Indian lands on September 1, 1999, with the approval of the state gaming commission or like regulatory authority of the State in which such Indian lands are located, but without such required compact, until the date on which the compact governing gaming activity on such Indian lands expires (exclusive of any automatic or discretionary renewal or extension of such compact), so long as such gambling activity is conducted using the Internet or other interactive computer service only on a closed-loop subscriber-based system or a private network. For purposes of this subparagraph, the phrase "conducted on Indian lands" shall refer to all Indian lands on which any person placing, receiving, or otherwise making a bet or wager, or sending, receiving, or inviting information assisting in the placing of a bet or wager, is physically located when such person places, receives, or otherwise makes the bet or wager, or sends, receives, or invites such information.

Mr. KYL. Mr. President, I rise in strong support of S. 692, the Internet Gambling Prohibition Act of 1999. As a new technology, the Internet presents new problems that current law must be updated to address. These problems, which S. 692 is designed to remedy, are extensively documented in the Judiciary Committee's report. They include, among others, serious harms to our young people, who are the most adept users of Internet; harms from gambling on professional and amateur sports events and athletic performances; and harms relating to pathological gambling and gambling activity. It is vitally important that we legislate to prevent the Internet from being used as an instrument of gambling and establish an effective mechanism—specifically tailored to this new medium—for enforcing that prohibition. In establishing such a mechanism, however, it is also important to avoid impeding or disrupting the use of the Internet as an instrument of lawful activity. I am confident that S. 692 meets these objectives. I believe the legislation is strongly supported by the chief law enforcement officers of the States and is compelling evidence that it strikes the right balance between Federal and State authority in this area.

S. 692 creates a new section 1085 of Title 18 U.S.C. that establishes a new federal prohibition on making, receiving, or transmitting gambling-related information on the Internet. The new section provides criminal penalties for violations, authorizes
Civil enforcement proceedings by Federal and State authorities, and establishes mechanisms for requiring Internet service providers to prevent or block access to material or activity that violates the prohibition.

Because section 1085, as reported by the Judiciary Committee, is comprehensive, I will describe its structure here. Section 1085(a) contains definitions. Section 1085(b) contains the prohibitions and criminal penalties. Section 1085(c) provides for civil actions by the United States and the States to prevent and restrain violations, applicable to persons other than Internet service providers. Section 1085(d) establishes responsibilities for Internet service providers, enforceable through civil injunctions and penalties under section 3 of the Judiciary Committee. Section 1085(e) provides for civil actions by the United States and the States to prevent and restrain violations, applicable to persons other than Internet service providers. Section 1085(f) specifies the availability of relief under subsections (c) and (d), which is civil in nature, is independent of any criminal action under subsection (b) or any other Federal or State law. Section 1085(g) specifies remedies for Internet service providers. Section 1085(h) specifies the availability of remedies for Internet service providers. Section 1085(i) specifies the availability of remedies for Internet service providers.

First, the game must be one that is permitted under and conducted in accordance with the Indian Gaming Regulatory Act. Second, each person placing, receiving, or otherwise making such bet or wager, or transmitting (i.e., sending, receiving, or inviting) such information, must be physically located in a gambling facility on Indian lands when such person places, receives, or otherwise makes the bet or wager, or transmits such information.

Fourth, in the case of a game that constitutes class III gaming, the game must be authorized by, and conducted in accordance with, applicable Tribal-State compacts that govern gaming activity on the Indian lands on which each person placing, receiving, or otherwise making such bet or wager, or transmitting such information, is physically located when such person places, receives, or otherwise makes the bet or wager, or transmits such information.

To illustrate one application of the fourth condition, suppose that Person A, a player who is physically located on Indian lands in Florida, by using the Internet or other interactive computer service, places or makes a bet or wager with Person B, a person operating or employed by a casino who is physically located on Indian lands in Idaho. To be lawful under section 1085 in this illustration, the game, among other things, must be one that is expressly authorized (1) by the compact that governs gaming activity on the Indian lands in Florida on which Person A is physically located when the places or makes the bet or wager, and (2) by the compact that governs gaming activity on the Indian lands in Idaho on which Person B is physically located when the bet is placed, received, or otherwise made. In addition, both compacts must expressly provide such gaming activity may be conducted using the Internet or other interactive computer service only on a closed-loop subscriber-based system or a private network.
closed-loop subscriber-based system or a private network is used, as set forth in paragraph (d)(iv)(II), shall not apply in the case of gambling activity otherwise subject to section 1085, that was being conducted on Indian lands using the Internet or other interactive computer service on September 1, 1999, with the approval of the State gaming commission or like regulatory authority of the State in which such Indian lands are located, but without the compact language required by paragraph (d)(iv)(II). The exemption applies only until the date on which the compact governing gaming activity on such Indian lands expires (exclusive of any automatic or discretionary renewal or extension of such compact), and only to the extent that the gaming activity is conducted using the Internet or other interactive computer service on a closed-loop subscriber-based system or a private network. This exemption avoids the need to renegotiate compacts currently in effect if the specified conditions are satisfied. The exemption only affects the requirement of subparagraph (A)(iv)(II). It does not in any manner waive the compact authorization requirement of subparagraph (A)(iv)(I), the physical location requirement of subparagraph (A)(ii), the closed-loop or private network requirement of subparagraph (A)(iii), or any other requirement of subparagraph (A).

To use the previous illustration, if the compact that currently governs gaming on the Indian lands in Florida on which Person A is physically located when Person A places or makes the bet or wager does not expressly specify that the game may be conducted using the Internet or other interactive computer service (if a closed-loop subscriber-based system or a private network is used), the game may nevertheless be conducted on those Indian lands using the Internet or other interactive computer service (if a closed-loop subscriber-based system or a private network is used), notwithstanding section 1085, until that compact expires, if the game was one that was conducted on those Indian lands in Florida using the Internet or other interactive computer service (if a closed-loop subscriber-based system or a private network is used), with the approval of the gaming commission or like regulatory authority of Florida. After the compact expires, however, any gaming on those Indian lands using the Internet or other interactive computer service is subject to the requirement of express approval (limited to use of a closed-loop subscriber-based system or a private network) in subsequent compacts governing gaming activity on those Indian lands.

In subsection (d), section 1085 does not create immunity from any criminal prosecution under any provision of Federal or State law. This amendment applies only to concern expressed by Senator LEAHY.

Report on Enforcement. Section 3 of S. 692 has been amended to require the Justice Department to include in the required report to Congress further information specified by the Gambling Impact Study Commission in its “Final Report”.

Mr. President, S. 692 is urgently needed to address a serious social problem. It reflects the very best thinking on how to update existing law to meet the challenges of a new technology. I respectfully urge its passage.

Mr. LEAHY. Mr. President, I have long been an advocate for legislation that ensures that existing laws keep pace with developing technology. It is for this reason that I have sponsored and supported over the past few years a host of bills to bring us into the 21st Century.

This same impetus underlies my support for the legislation to ensure our nation’s gambling laws keep pace with developing technology, particularly the Internet. The Department of Justice has noted that “the Internet has allowed for new types of electronic gambling, including interactive games such as poker or blackjack, that may not clearly be included within the types of gambling currently made illegal. . . . “This new technology clearly has the potential to diminish the effectiveness of current gambling statutes.

Vermonters have spoken clearly that they do not want certain types of gambling permitted in our state, and they do not want current laws to be rendered obsolete by the Internet. Attorney General William Sorrell strongly supports federal legislation to address Internet gambling, as do other law enforcement officials in Vermont.

I believe, therefore, that there is considerable value in updating our federal gambling statutes, which is why I voted for S. 692, the “Internet Gambling Prohibition Act,” during Senate Judiciary Committee consideration. I support the bill as a step forward in our bipartisan efforts to make sure our federal laws continue to keep pace with emerging technologies.

I do, however, have concerns that S. 692 might unnecessarily weaken existing federal and state gambling laws.

My first concern is that the bill provides unnecessary exemptions from its Internet gambling ban for certain forms of gambling activities without a clear public policy justification. For example, the bill exempts parimutuel wagering on horse and dog racing from the ban on Internet gambling. The sponsors of S. 692 have offered no compelling reason for this special treatment of one form of gambling. Indeed, the Department of Justice is “especially troubled by the broad exemptions given to parimutuel wagering, which essentially would make legal on the Internet forms of gambling that are not legal in the physical world,” according to its June 9, 1999 views letter on S. 692.

Broad exemptions from the Internet gambling ban also contradict the recent recommendations to Congress of the National Gambling Impact Study Commission. After 2 years of taking testimony at hearings across the country, the Commission has endorsed the need for Federal legislation to prohibit Internet gambling. But the Commission clearly rejected adding new exemptions to the law in such a ban.

Indeed, in a letter to me dated June 15, 1999, Kay C. James, Chair, and William H. Frenck, Vice-Chair, the National Gambling Impact Study Commission, wrote:

The Commission recommends to the President, Congress, and the Department of Justice that the Federal government should prohibit, without exceptions, exemptions or the expansion of existing federal exemptions to other jurisdictions, Internet gambling not already authorized within the United States or among parties in the United States and any foreign jurisdiction. (emphasis in the original)

My second concern is that the bill unnecessarily creates a new section in our Federal gambling laws which may prove inconsistent with existing law and established legal precedent. Instead of updating section 1084 of title 18, which has prohibited interstate gambling through wire communications since 1961, S. 692 creates a new section 1085 to title 18 to cover Internet gambling only. Creating a new section out of whole cloth with different definitions and other provisions from existing Federal gambling statutes creates an island approach to Federal gambling laws for no good reason.

According to its views letter on S. 692, the Department of Justice believes overlapping and inconsistent Federal gambling laws can be easily avoided by amending section 1084 of title 18 to cover Internet gambling:

We therefore strongly recommend that Congress address the objective of this legislation through amending existing gambling laws rather than creating new laws that specifically govern the Internet. Indeed, the Department of Justice believes that an amendment to section 1084 of title 18 could satisfy many of the concerns addressed in S. 692, as well as ensure that the same laws apply to gambling businesses, whether they operate over the Internet, the telephone, or some other instrumentality of interstate commerce.

I want to thank the sponsors of the legislation, Senators Kyl and Bryan, for addressing my third concern in their substitute amendment. I was concerned that the bill unnecessarily create immunity from criminal prosecution under State law for Internet gambling. Any new immunity would have been in sharp contrast to
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existing Federal law, which specifically does not grant immunity from State prosecution for illegal gambling over wire communications.

To address this concern, the substitute amendment adds a new Rules of Construction section, section 2 (g)(1), which I authored. This section makes it clear that, except for the liability limits provided to Interactive Computer Service Providers in section 2 (d) of the bill, S. 692 does not provide any other immunity from Federal or State prosecution for illegal Internet gambling.

Indeed, the New York Attorney General recently prosecuted an offshore Internet gambling company, World Interactive Gaming Corporation, for targeting New York citizens in violation of State and Federal anti-gambling statutes. In July, the New York State Supreme Court upheld that prosecution.

As a former State prosecutor in Vermont, I strongly believe that Congress should not tie the hands of our State law-enforcement partners in the battle against Internet gambling when we do not mandate Federal preemption of state criminal laws for other forms of illegal gambling. Instead, we need to foster effective Federal-State partnerships to combat illegal Internet gambling.

During our consideration of the Internet Gambling Prohibition Act in this Congress and the last, the sponsors of the bill and members of the Senate Judiciary Committee have improved and refined the bill on a bipartisan basis. The bill now applies only to gambling businesses, while needlessly extending individual bettors to the discretion of state authorities acting under state law.

As Senators continue to work together to enact a ban on Internet gambling, we should keep these words from the Department of Justice foremost in our minds: “[A]ny prohibitions that are designed to prohibit criminal activity on the Internet must be carefully drafted to accommodate the legislation’s objectives without stifling the growth of the Internet or chilling its use as a communication medium.”

I look forward to working with my colleagues on both sides of the aisle and the administration to enact into law carefully drafted legislation to update our Federal gambling statutes to ensure that new types of gambling activities made possible by emerging technologies are prohibited.

Mr. TORRICELLI. Mr. President, I express my deep appreciation and thanks to Senator Kyl for his diligent work to help resolve my concerns. This compromise is reflected in section 1085. This language is very important to permitting parimutuel wagering on horse racing to be exempted from the prohibition on Internet gambling that we are enacting.

The bill’s language makes explicit which was implicit and assures that every State has the right to establish requirements for Internet and phone wagering that will best serve the public and governmental interests of the State and to do so, if it wishes, before such wagering takes place. I believe this is so important because it ensures that a State will have its traditional authority to safeguard the interests of its consumers and racing industry through the regulatory and approval process of proposed phone or Internet wagering.

Mr. CAMPBELL. Mr. President, today the Senate considers S. 692, entitled the “Internet Gambling Prohibition Act.” As you support this measure but from the day this bill was introduced I have had concerns about its scope. As Chairman of the Committee on Indian Affairs I have been concerned that existing law, namely the Indian Gaming Regulatory Act, would be irreparably harmed unless we made certain changes to the bill.

This is an important bill and I support the intent of the bill’s sponsors to make it more difficult for this kind of gaming to be conducted, particularly by underage players.

If enacted, this bill would prohibit Internet gambling, but make exceptions for certain segments of the gambling industry which currently use a variety of technologies to enhance traditional gaming.

It is important for my colleagues to realize that the bill does not prohibit all forms of gaming using available high-technology. As a result of S. 692 for the first time, I realized that certain gaming activities currently being conducted by Indian tribes would be prohibited by this bill.

My concerns centered on the fact that the same or similar activities were allowed to other entities—such as the states, the horse-racing industry and others—that were disallowed to tribes. This fundamental inequity is what led me to propose fair treatment for tribal governmental gaming.

In addition to inequity, the economic impacts of Indian gaming are substantial and should be acknowledged. These revenues provide an important source of development capital and jobs for many tribes across the country. Contrary to the views many here hold, Indian gaming is very highly regulated by federal, state and tribal officials, and has been subject to federal law for eleven years.

I addressed my concerns to the Senate Judiciary Committee in June of this year and began discussions on how best to address currently-legal Indian gaming in S. 692. My main concerns with drafting any language dealing with Indian gaming and the IGRA centered on the following requirements:

1. All gaming must be legal under current federal law;
2. All class III gaming (casino style) must be conducted pursuant to a tribal state compact; and
3. All aspects of the game must take place on Indian lands (game, player, facility, server, etc.).

It is critical to note that there is no tribe in the U.S. that is currently offering online/Internet betting. Instead, several tribes currently use widely available technology to broadcast bingo to numerous operations located on Indian lands or to link class III games for the purpose of determining an aggregate betting pool for the purpose of offering bigger prizes.

It is my understanding in supporting the substitute along with my amendment, that S. 692 allows tribes to continue their current use of technology to enhance the effectiveness and profitability of their operations, but does not authorize any tribe to operate betting online. As it currently perceived by the general public.

The specific provisions of my amendment address all currently legal class II and class III gaming, as defined in the Indian Gaming Regulatory Act, 25 U.S.C. §2701 et seq.

Accordingly, for Indian gaming activities to not run afoul of the provisions of S. 692

1. The game must be conducted according to the requirements of IGRA.
2. All persons making or receiving a bet, or transmitting information regarding a bet must be on Indian lands.
3. The game must be conducted on an interactive computer service which uses a closed-loop subscriber based service or a private network.
4. Where class III games are conducted, each tribe participating in a network must have a compact which authorizes games to be conducted using the technology described, that is, an interactive computer service which uses a closed-loop subscriber-based service or a private network. It is critical to understand that this means that a tribe must have a compact only in the state in which they are located, not that they compact with every state in which the network is located.
5. In jurisdictions where class III gaming does not currently use technology to link games, but either have compacts which do not specifically authorize networked games, or that do authorize these games, but do not contain...
the specific authorization required in S. 692, the amendment allows them to continue the operations of those games until a language addressing the compact's purpose. Once we have prohibited gambling on the Internet, what will be the next on-line activity that we will try to ban? We need to be very careful not to create a precedent that might stifle the commercial and educational development of this very exciting technological tool with unhealthy implications for the Internet. I fear that this bill starts us down a road in that direction.

Mr. President, in light of the expressed sentiment of this body last year, I did not object to the unanimous consent request to pass this bill in the closing days of this session, but I would like the record to reflect my continuing opposition to this bill. That is done.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendments be agreed to, the substitute amendment be agreed to, as amended, the bill be read the third time and passed, as follows:

The amendment (No. 2783) was agreed to.

The amendment (No. 2782) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 692), as amended, was read the third time and passed, as follows:

The amendment (No. 2783) was agreed to.

The amendment (No. 2782) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 692), as amended, was read the third time and passed, as follows:

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

DATE-RAPE DRUG CONTROL ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 416, S. 1516.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill to amend the Controlled Substance Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, 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 amendments as follows:

[Material proposed to be deleted is enclosed in brackets; new matter is printed in italic.]

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 “Date-Rape Drug Control Act of 1999.”]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999.”

SEC. 2. FINDINGS. Congress finds as follows:

(1) Gamma hydroxybutyric acid (also called G, Liquid X, Liquid Ecstasy, Grievous Bodily Harm, Georgia Home Boy, Scoop) has a significant role in the law enforcement. At least 20 States have scheduled such drug in their drug laws and law enforcement officials have been experiencing an increased presence of the drug in driving under the influence, sexual assault, and overdose cases especially at night clubs and parties.

(2) A behaviorally depressant and a hypnotic, gamma hydroxybutyric acid (“GHB”) is being used in conjunction with alcohol and other drugs with detrimental effects in an increasing number of cases. It is difficult to isolate the impact of such drug’s ingestion since it is so typically taken with an ever-changing array of other drugs and especially alcohol which potentiates its impact.

(3) GHB takes the same path as alcohol, processes via alcohol dehydrogenase, and its symptoms at high levels of intake and as impairment are comparable to alcohol ingestion/intoxication. Thus, aggression and violence can be expected in some individuals who use this drug.

(4) If taken for human consumption, common industrial chemicals such as gamma butyrolactone and 1,4-butanediol are swiftly converted by the body into GHB. Illicit use of GHB and other GHB analogues and precursor chemicals is a significant and growing law enforcement problem.

(5) A human pharmaceutical formulation of gamma hydroxybutyric acid is developed as a treatment for cataplexy, a serious and debilitating disease. Cataplexy, which causes sudden and total loss of muscle control, affects about 65 percent of the estimated 180,000 Americans with narcolepsy, a sleep disorder. People with cataplexy often are unable to work, drive a car, hold their children or live a normal life.

(6) Abuse of illicit GHB is an imminent hazard to public safety that requires immediate regulatory action under the Controlled Substances Act (21 U.S.C. 801 et seq.).

(7) In 1999, the United States, elsewhere, and at the United Nations has issued a substantial number of reports that have condemned the drug.

(8) The Committee on Education and the Workforce in the United States Congress, through its hearings, in its consideration of the Drug Abuse Workforce Act of 1999, and in its consideration of GHB, has indicated its desire to reduce the effect of the drug on the American community.

(9) The Committee on Commerce, Science, and Transportation in the United States Congress, through its hearings, has also indicated its desire to reduce the effect of the drug on the American community.
Substances Act (21 U.S.C. 812(c)) is amended in (4) through (10) as follows:

(1) by redesignating (4) through (10) as (6) through (12), respectively; and
(2) by redesignating (3) as (4);

(b) In section 401(b)(7)(A) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

(1) by redesignating subparagraph (X) as subparagraph (Y); and
(2) by inserting after subparagraph (W) the following subparagraph:

(‘‘X’’ Gamma butyrolactone.’’).

(d) RULE OF CONSTRUCTION REGARDING CONTROLLED SUBSTANCE ANALOGUES.—Section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(32)) is amended—

(1) in subparagraph (A), by striking “subsection (X)” and inserting “subsection (C)”;
(2) by redesignating subparagraph (B) as subparagraph (C); and
(3) by inserting after subparagraph (A) the following subparagraph:

(‘‘B’’ The designation gamma butyrolactone or any other chemical as a listed chemical pursuant to paragraph (34) or (35) does not preclude a finding pursuant to subparagraph (A) that the chemical is a controlled substance analogue.

SEC. 3. EMERGENCY SCHEDULING OF GAMMA HYDROXYBUTYRIC ACID AND LISTING OF GAMMA BUTYROLACTONE AS LIST I CHEMICAL.

A) EMERGENCY SCHEDULING OF GHB.—

(1) IN GENERAL.—The Congress finds that the abuse of illicit gamma hydroxybutyric acid is an imminent hazard to the public safety. Accordingly, the Attorney General, notwithstanding sections 201(a), 201(b), 201(c), and 202 of the Controlled Substances Act, shall issue, not later than 60 days after the date of the enactment of this Act, a final order to schedule gamma hydroxybutyric acid (together with its salts, isomers, and salts of isomers) in the same schedule under section 202(c) of the Controlled Substances Act as would apply to a substance that is a controlled substance by the Attorney General under section 201(h)(1) of such Act (relating to imminent hazards to the public safety), except as follows:

(A) in paragraphs of any requirements that relate to the physical security of registered manufacturers and distributors, the final order shall treat such drug, when the drug is manufactured, possessed, or possessed in accordance with an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (whether the exemption involved is authorized before, on, or after the date of the enactment of this Act), as being in the same schedule as that recommended by the Secretary of Health and Human Services for the drug when the drug is the subject of an authorized investigational new drug application (relating to new drug section 505(i)). The recommendation referred to in the preceding sentence is contained in the first paragraph of the letter transmitted on May 19, 1999, by such Secretary (acting through the Assistant Secretary for Health) to the Attorney General (acting through the Deputy Administrator for Compliance), which letter was in response to the letter transmitted by the Attorney General (acting through such Deputy Administrator) on September 16, 1997. In publishing the final order in the Federal Register, the Attorney General shall publish a copy of the letter that was transmitted by the Secretary of Health and Human Services.

(B) IN THE CASE OF GAMMA HYDROXYBUTYRIC ACID THAT IS IN A DRUG PRODUCT FOR WHICH AN APPLICATION HAS BEEN APPROVED UNDER SECTION 505 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, the following requirements apply with respect to such drug product:

(1) the drug product shall be removed (other than gamma hydroxybutyric acid) from the Federal Register, the name of the patient’s insurance policy, and the name of the prescribing practitioner, the prescribing practitioner’s Federal and State registration numbers, with the expiration date of registration.

(2) the manufacturer of bulk or dosage form shall report any inventory increases, including purchases, transfers, and returns, and reductions from inventory, including sales, transfers, theft, destruction, and seizure, and shall provide data on material manufactured, manufactured from other material, use in manufacturing other material, and use in manufacturing dosage forms.

(3) That every person who is registered as a manufacturer of bulk or dosage form shall report any increase in inventory and report any inventory reductions, including purchases, transfers, and returns, and reductions from inventory, including sales, transfers, theft, destruction, and seizure, and shall provide data on material manufactured, manufactured from other material, use in manufacturing other material, and use in manufacturing dosage forms.

(4) That all reports under this section must include the registered person’s registration number as well as the registration number, names, and other identification information of vendors, suppliers, and customers, sufficient to allow the Attorney General to track the receipt and distribution of the drug.

(5) That each dispensing practitioner shall maintain for each prescription the name of the prescribing practitioner, the prescribing practitioner’s Federal and State registration numbers, with the expiration dates of such registrations, verification that the prescribing practitioner possesses the appropriate registration to prescribe this controlled substance, the patient’s name and address, the name of the patient’s insurer and insurance policy, and any information required by law. The practitioner shall provide the drug as necessary and in the manner required by law.

(6) That the attorney general shall make a grant for the development of forensic field tests to assist law enforcement officials in detecting

SEC. 5. DEVELOPMENT OF FORENSIC FIELD TESTS FOR GAMMA HYDROXYBUTYRIC ACID.

The Attorney General shall make a grant for the development of forensic field tests to

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the presence of gamma hydroxybutyric acid and related substances.

SEC. 5. CONTROLLED SUBSTANCES ANALOGUES.

(a) RULE OF CONSTRUCTION REGARDING
CONTROLLED SUBSTANCE ANALOGUES.—Section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)) is amended—

(1) by striking paragraph (A), by striking “subparagraph (B)” and inserting “subparagraph (C)”; and

(2) by redesignating subparagraph (B) as subparagraph (C); and

(b) DISTRIBUTION WITH INTENT TO COMMIT
CRIME OF VIOLENCE.—Section 401(b)(7)(A) of the
Controlled Substances Act (21 U.S.C. 841(b)(7)(A)) is amended by inserting “or controlled substance analogue” after “distributing a controlled substance”.

SEC. 6. DEVELOPMENT OF MODEL PROTOCOLS,
TRAINING MATERIALS, FORENSIC FIELD TESTS,
AND COORDINATION MECHANISM FOR INVESTIGATIONS
AND PROSECUTIONS RELATING TO GAMMA
HYDROXYBUTYRIC ACID, OTHER CONTROLLED
SUBSTANCES, AND DESIGNER DRUGS.

(a) IN GENERAL.—The Attorney General, in consultation with the Administrator of the Drug Enforcement Administration and the Director of the Federal Bureau of Investigation, shall—

(1) develop

(a) model protocols for the collection of toxicology specimens and the taking of victim statements in connection with investigations into and prosecutions related to possible violations of the Controlled Substances Act or other Federal or State laws that result in or contribute to rape, other crimes of violence, or other crimes involving abuse of gamma hydroxybutyric acid, other controlled substances, or so-called “designer drugs”;

(b) model training materials for law enforcement personnel involved in such investigations; and

(c) make such protocols and training materials available to Federal, State, and local personnel responsible for such investigations.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General shall make a grant, in such amount and to such public or private person or entity as the Attorney General considers appropriate, for the development of forensic field tests to assist law enforcement officials in detecting the presence of gamma hydroxybutyric acid and related substances.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and House of Representatives a report which shall—

SEC. 7. ANNUAL REPORT REGARDING DATE-RAPE DRUGS; NATIONAL AWARENESS CAMPAIGN.

(a) ANNUAL REPORT.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall periodically submit to Congress reports each of which provides an estimate of the number of incidents of the abuse of date-rape drugs (as defined in paragraph (1) of this section) that occurred during the most recent one-year period for which data are available. The first such report shall be submitted not later than January 15, 2000, and subsequent reports shall be submitted annually thereafter.

(b) NATIONAL AWARENESS CAMPAIGN.—

(1) DEVELOPMENT OF PLAN; RECOMMENDATIONS OF ADVISORY COMMITTEE.—

(A) In general.—The Secretary, in consultation with the Attorney General, shall develop a plan for carrying out a national campaign to educate individuals described in subparagraph (B) on the following:

(i) The dangers of date-rape drugs.

(ii) The applicability of the Controlled Substances Act to such drugs, including penalties under such Act.

(iii) Recognizing the symptoms that indicate an individual may be a victim of such drugs, including symptoms with respect to sexual assault.

(2) TREATMENT OF REPORT.—Nothing in paragraph (1) shall be construed to require the Attorney General or the Administrator of the Drug Enforcement Administration from making any reallocation of existing resources that the Attorney General or the Administrator considers appropriate to make in response to the recommendations.

(c) REPORT ON RECOMMENDATIONS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report which shall—

(2) TREATMENT OF REPORT.—Nothing in paragraph (1) shall be construed to require the Attorney General or the Administrator of the Drug Enforcement Administration from making any reallocation of existing resources that the Attorney General or the Administrator considers appropriate to make in response to the recommendations.

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall—

(a) develop

(2) TREATMENT OF REPORT.—Nothing in paragraph (1) shall be construed to require the Attorney General or the Administrator of the Drug Enforcement Administration from making any reallocation of existing resources that the Attorney General or the Administrator considers appropriate to make in response to the recommendations.

(1) IN GENERAL.—The Secretary shall—

(a) develop

(2) TREATMENT OF REPORT.—Nothing in paragraph (1) shall be construed to require the Attorney General or the Administrator of the Drug Enforcement Administration from making any reallocation of existing resources that the Attorney General or the Administrator considers appropriate to make in response to the recommendations.

The amendment is as follows:

On page 6, line 21, strike “Samantha Reid and Hillory J. Farias” and insert “Hillery J. Farias and Samantha Reid”.

On page 6, line 21, strike “Samantha Reid and Hillory J. Farias” and insert “Hillery J. Farias and Samantha Reid”.

On page 7, line 12, strike “Samantha Reid and Hillory J. Farias” and insert “Hillery J. Farias and Samantha Reid”.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment be agreed to, and the bill be read the third time. I further ask unanimous consent that the Senate proceed to the consideration of the House companion bill, H.R.
Mr. ABRAHAM. Mr. President, I yield to the distinguished Senator from Michigan, Mr. ABRAHAM, who has been a real leader on this bill, for any comments he might have.

Ms. COLLINS. Mr. President, I yield to the distinguished Senator from Michigan, Mr. ABRAHAM.

Mr. ABRAHAM. Mr. President, I wanted to make a few comments about the legislation as we are about to pass. Before I do so, I would like to thank a number of people for their help in this effort.

First, I would like to thank my colleagues who cosponsored this legislation: Senators Feinstein, Lieberman, DeWine, Grassley, Coverdell, and Graham. Their support was crucial to moving forward with this bill and doing so in a timely fashion. Second, I would like to thank my Senate Judiciary Chief Counsel, Manuel Cooney, his Deputy Chief Counsel, Sharon Prost, his Chief of Staff, Patricia Knight, and Attorney Artim and Pattie DeLoache, all of whom committed to seeing this effort through to fruition. I appreciate both for the advice and guidance they provided and as the act of friendship I recognize it to be. Third, I would like to thank Senator Biden and his staff, especially Marcia Lee, whose assistance and cooperation in working out a final version of this bill acceptable to all involved, including the Administration, was indispensable. I would also like to thank my good friend Fred Upton, who first brought the serious problem that is the focus of this legislation to my attention. And to my former Senate staff, especially my Legislative Counsel, Chase Hutto, who worked tirelessly and creatively on this effort, and Lee Otis, my Subcommittee Chief Counsel.
ongoing research. It also makes clear that should this research pay off with a drug that the FDA approves because it concludes that it can be responsibly be prescribed to treat narcolepsy, cataplexy, or other diseases, the FDA approved drug will be classified as a Schedule III drug, although the Attorney General can impose additional record keeping requirements to help assure that it is not diverted to improper uses. Finally, anyone involved in selling or distributing the diverted product will be subject to the same tough "Schedule I" penalties that apply to the sale or distribution of the illicit or unapproved drug.

In practice, this means that while medical research will continue unhindered by the most cumbersome consequences of placing this drug in Schedule I, with harsh penalties provided for the sale, manufacture, and distribution of all Schedule I substances, it will apply to any and all illicit trafficking in GHB, whether the drug originated in a bathtub or a medical facility. This means that traffickers will be subject to a 20 year statutory maximum for distributing this drug, and that if, as in the case of Samantha Reid, the drug is slipped to someone who dies, or if it is slipped to someone who is raped or suffers serious bodily injury, that 20 year maximum become a 20 year minimum.

This legislation also addresses three other major problems society has had in responding to the threat posed by this drug. First, it would require the Attorney General to develop, and make available to Federal, State, and local authorities, model protocols for taking toxicoLOGY specimens and victim statements in connection with suspected crimes involving GHB and other controlled substances in so-called date-rape drug cases. The Attorney General also would be required to provide training materials for law enforcement officials responsible for investigating these offenses. And finally, she would be directed to make a grant for the development of standardized tests that could be used in the field to test for the presence of these drugs.

The reason for these requirements is that even many in law enforcement are unfamiliar with the operation of GHB. As a result, they may defer testing for it or taking victim statements on the drug. This means that GHB-related death and rape cases virtually daily. And, we have only scratched the surface at this point. Law enforcement, legislators, doctors and parents are still largely unfamiliar with this drug. Why, why didn't we know about this drug?'' Daily, I am asked by the families who have lost loved ones to GHB—"I've never heard of this drug. Why, why didn't we know about this drug?"

Each day that GHB is not a federally controlled substance is another day of failure by the "system." No, controlling a drug does not solve the problem, but it allows additional resources to be plugged into the tasks of educating the public, providing more standardized information to law enforcement, and developing testing procedures. It would be a giant step toward stopping the lies about GHB as a totally safe, wonder drug.

There isn't a meaningful data collection mechanism to capture this. Existing systems are cumbersome, far behind in reporting statistics, and non-responsive to changing trends. In early 1997, the tally of GHB-related deaths kept by the Enforcement Administration was seven. We knew that there was no way to put a figure on the possible number of deaths related to GHB or near-lifesaving poisonings by the coroners knew to test for it. During our hearings before the California Legislature, Dennis Fraga showed up on the witness list. He arrived with autopsy reports in hand, showing that his 25-year-old son, Jeffery, had died from alcohol and GHB ingestion. We realized that if we hadn't known about this drug, there were undoubtedly more where the coroner knew that GHB was involved but hadn't known to report it to anyone. Dr. Jim Tolliver, who was at that time tracking GHB deaths, I received leads on GHB research and investigation, and the death count rapidly jumped to 26. The death toll continued to slowly increase, based on word of mouth, followed by the DEA obtaining a copy of the autopsy to review before including each death in the tally. Still, there was no reporting mechanism, no blanket means of obtaining information on law enforcement administration. When knowledge of this drug was limited by DEA agents and local authorities, it was obvious that not all cases were being spotted. I have personally worked closely with Dr. Chris Sannerud, who is now tracking GHB data for the DEA, and have referred numerous leads about deaths to her for investigation.

The count recently jumped to 49. I would like to point out to you that of the 49, ten have been in 1999. Furthermore, 25 additional cases have come to light, all but one of them in 1999. These cases are now being reviewed. This is meaningful data collection mechanism to capture this. Existing systems are cumbersome, far behind in reporting statistics, and non-responsive to changing trends. Still, there was no reporting mechanism, no blanket means of obtaining information on law enforcement administration. When knowledge of this drug was limited by DEA agents and local authorities, it was obvious that not all cases were being spotted. I have personally worked closely with Dr. Chris Sannerud, who is now tracking GHB data for the DEA, and have referred numerous leads about deaths to her for investigation.

Meanwhile, the drug company and the pro-drug abuse element want to divert attention saying that it is the homebrew aspect of GHB that is the problem and that it is only dangerous with alcohol and other drugs. The homeweb aspect occasionally adds an extra
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Mr. President, I would say in closing that I am happy we have finally taken the action which Judi Clark and other parents across this country have been asking to take so that other children will be made aware of the dangers of GHB. Hopefully the predators who use drugs such as this will be treated in the fashion they deserve, which is to be prosecuted effectively and put behind bars where they belong.

No one else should have to go through what this family has suffered. I am very determined to not only see this legislation pass, but also to work closely with the Department of Justice, the Drug Enforcement Agency, and State and local law enforcement agencies, to make sure this is just the first step in what will ultimately be a successful campaign to rid this Nation of the illicit use of this drug, and to make sure the children of our country are no longer the victims of predators who use it for criminal purposes.

I yield the floor.

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

Ms. COLLINS. Mr. President, I commend the Senator from Michigan for his leadership and his eloquent statement.

Mr. HATCH. Mr. President, Today, the Senate adopted a significant measure against date rape and other heinous crimes associated with abusing certain types of drugs. I want to make a few comments on this bill, S. 1561, which addresses the abuse of the dangerous drug GHB, which has been used to commit date rape and other crimes.

As Chairman of the Senate Judiciary Committee, I am proud that it was a member of our Committee, Senator SPENCER ABRAHAM, who introduced and has played the key leadership role in the Senate passage of S. 1561. The Samantha Reid and Hillary J. Farias Date Rape Prohibition Act of 1999.” I am also proud that other members of the Judiciary Committee, Senators DEWEY, FEINSTEIN, and GRASSLEY have joined Senator ABRAHAM in co-sponsoring this legislation.

It is only through the hard work and insistence of Senator ABRAHAM that...
this bill will pass the Senate today. I also want to commend his able staff, especially Lee Otis and Chase Hutto, who took a considerable amount of time to improve in this legislation. Their efforts were in the best tradition of staff of the United States Senate.

I also want to thank my friend on the other side of the aisle, Senator BIDEN, who has long been in the forefront of controlled substances and other drug abuse issues. I must also recognize the efforts of Ms. Marcia Lee of his staff for her diligence and creativity in developing this language.

I must also recognize the efforts of Chairmen THOMAS BLILEY and FRED UPTON for their work in developing and sheparding the House companion to S. 1561, H.R. 2310, through that body. In this regard, I must mention the efforts of John Manthei of the House Commerce Committee as well as Ms. Jane Williams of Rep. Upton’s staff. Both of them deserve recognition for their dedication to passing this bill.

S. 1561 is concerned with the proper regulation of gamma hydroxybutyric acid, the chemical known on the street as GHB which has both hateful and hopeful uses. On one hand, many families across America have suffered due to abuse of this agent which has been used to lull unsuspecting women into a date-rape situation and has even resulted in death through overdose. On the other hand, GHB holds unprecedented promise to those one-quarter million Americans suffering from extreme sleep disorders such as cataplexy and narcolepsy.

Cataplexy is a debilitating condition suffered by some 70,000 Americans that results in an inability of the muscles to function. Narcolepsy, which attacks 170,000 Americans, causes a person suddenly and unpredictably to fall asleep. Neither of these terrible diseases have an effective treatment today. As author of the 1984 Orphan Drug Act which creates incentives for private sector drug firms to investigate treatments for rare diseases, I am particularly sensitive to the needs of families suffering from low-prevalence conditions. We need to do everything we can to get academic researchers and the pharmaceutical industry to find cures for the hundreds of currently untreatable rare diseases.

The problem for policymakers, both in the Congress and at the DEA, is how to encourage the use of the medically promising uses of GHB while discouraging and outlawing the illicit uses such as date rape.

While there are no known cases of diversion of this drug from the on-going and highly promising clinical trials of GHB as a treatment for cataplexy and narcolepsy, the problem of GHB abuse demands our attention.

According to DEA, hospital and law enforcement officials have reported about 5,500 cases of GHB abuse, including 49 deaths. Aggregate statistics, as alarming as they may be, cannot convey the absolute upheaval that GHB abuse can cause for an individual and a family.

Senator ABRAHAM has told me the story about the untimely death of a bright and vivacious 15-year-old young woman from Michigan, Samantha Reid. She went to a small gathering of friends, was given a drink from a soft drink bottle laced with GHB, and died. Samantha did nothing wrong. Her mother, Judi Clark, did nothing wrong. Unfortunately, this tragedy has struck this family.

Four young men have been charged under Michigan law for involuntary manslaughter and poisoning. But, given the prevalence and, as the Reid case highlights, the potential severity of use of GHB between friends and between classmates, I must mention the efforts of Ms. Marcia Lee of his staff to encourage the use of the medically promising uses. On one hand, many families across America have suffered due to abuse of this agent which has been used to lull unsuspecting women into a date-rape situation and has even resulted in death through overdose. On the other hand, GHB holds unprecedented promise to those one-quarter million Americans suffering from extreme sleep disorders such as cataplexy and narcolepsy.

Although there have been reports of substantial GHB abuse for several years now, I do not know why the Attorney General and Secretary of Health and Human Services have been unable to resolve the matters that have preceded this drug from being scheduled through the normal procedures under the Controlled Substances Act. I don’t know why DEA has not acted in the last six months to request FDA to analyze the matters relating to GHB. I don’t know why it took until May 19, 1999 to get a response to this request. I don’t know why DEA has not acted in the last six months to bring this matter to a conclusion through administrative means. It should not take an act of Congress to schedule a dangerous drug under the Controlled Substances Act.

I do know that part of the unjustifiable delay in the scheduling of GHB stemmed from the fact that there is a difference of opinion between DEA and FDA about how to schedule this drug. But that answer is not good enough. It is simply inadequate to tell a mother of a child like Samantha Reid, a promising young woman with her whole life ahead of her, that the system “just takes time” because two bureaucracies disagreed about how something so serious should be handled.

This situation points out that a significant breakdown in the system has occurred with respect to the scheduling of GHB. It behooves the Congress to delib erate more over ways to make the key agencies, DEA and FDA, be more responsive in the future, rather than be forced to do their jobs for them. The lesson of GHB should not be to teach the agencies to wait for Congressional encouragement whenever the bureaucracy cannot act.

Let me just say that as a general matter I do not favor legislative scheduling or rescheduling. By statute, the responsibility for scheduling is delegated to the experts at DOJ and HHS.

The world is turned upside down when DOJ informs Congress, as if did on May 3, 1999, that: “DOJ believes that it is appropriate for Congress to schedule GHB at this time.”

By any measure, a fair reading of the Controlled Substances Act places the primary responsibility for regulating dangerous drugs upon law enforcement and public health experts at the appropriate federal agencies. I do have a concern about Congress legislating on the safety and efficacy of individual drug products, especially before clinical testing or introduction into commerce commences. Nor should we allow the Congress to be placed in the position of making technical, scientific and law enforcement judgment whenever an individual drug product with an actual or potential legitimate medicinal use is determined by experts to warrant the application of the CSA.

I am firmly behind efforts to stop so-called “date rapes,” this is a despicable crime and the Federal Government should take action to make sure it does not occur. While I wholeheartedly applaud the efforts of the House to strike a blow against abuse of GHB, I am concerned about Congress getting directly involved in the scheduling process as the House mandated in adopting H.R. 2310. In this regard, I was my strong sense that rather than for Congress to legislatively schedule GHB, it would have more impact to amend the statute and direct DEA to implement the Surgeon General’s recommendations that were issued back on May 19, 1999.

I will not take the time today to consider the full implications of a policy of legislative rescheduling. I do plan in the future to re-examine the scheduling provisions of the Controlled Substances Act.

At this point, let me elaborate further on some of the issues I have raised.

Subsections (b) and (c) of section 201 of the Controlled Substances Act identify eight criteria that must be taken into account in scheduling a drug. With respect to scheduling a drug, these factors are:

1. Its actual or relative potential for abuse;
2. Scientific evidence of its pharmacological effect, if known;
3. The state of current scientific knowledge regarding the drug or other substance;
4. Its history and current pattern of abuse;
5. The scope, duration, and significance of abuse;
6. What, if any, risk there is to the public health.
The statute proscribes that the recommendations of the Secretary (of Health and Human Services) to the Attorney General shall be binding on the Attorney General as to such scientific and medical matters, and if the Secretary recommends that a drug or other substance not be controlled, the Attorney General shall not control the drug or other substances.

This is the section of the law which appears not to have functioned optimally in the case of GHB. We can, and should, do better in anticipating and combating the next GHB.

To a large degree, the legislation we adopt today implements the May 19, 1999 HHS recommendations and the accompanying "Eight Factor Analysis Report" that take into account both the illicit abuse of GHB as well as the highly promising legitimate uses of this substance. While I believe that the language worked out by Senators Abraham and Bingaman, Chairman Butler, Chairman McCollum, and the DEA, is preferable to the earlier versions of the bill, I remain troubled by some aspects of how the current statute has worked and may work in the future.

First, I am troubled that if we place promising pharmaceutical candidates such as GHB into Schedule I of the Controlled Substance Act we undermine its integrity of the CSA and will discourage the legitimate, potential life-saving uses of such compounds. According to the statute, one of the three requirements of schedule I is that there is "no accepted medical use" in the United States. But the May 19, 1999 HHS recommendation has already found that the pharmacy product has cleared this hurdle.

... the abuse potential of GHB, when used under an authorized research protocol, is consistent with substances typically controlled under Schedule IV. An authorized formulation of GHB is far enough along in the development process to meet the standard under Schedule II of a drug or substance having a "currently accepted medical use with severe restrictions." Under these circumstances, HHS recommends placing authorized formulations of GHB in Schedule III.

On October 12, 1999 DOJ sent a letter that disregards the May 19th HHS schedule III recommendation, DOJ first states "... the DEA strongly supports the control of GHB in Schedule I of the CSA" and then asserts: "The data collected to date would support control of the GHB product in Schedule II."

Second, in addition to giving no apparent deference to HHS on matters supposedly binding on DOJ under section 201(b) of the CSA, DOJ almost seems to be interpreting the statute as requiring full FDA approval before the "currently accepted medical use" language of the CSA can be satisfied. Such an outcome is neither compelled by the statute, nor does it reflect sound public health policy as it acts to discourage drug development and patient access to promising drugs in clinical trials.

I hasten to point out that I have advocated stiffening the penalties for abuse of date-rape drugs such as GHB. In 1997 I successfully led the charge to enact a law that imposed schedule I-level penalties for another date rape drug, flunitrazepam. This product was marketed for medical purposes overseas and did not meet the Schedule I requirement that "there is lack of accepted safety for use of the drug or other substance under medical supervision." Therefore, the Congress acted on my legislation to increase the penalties for this drug. But we stopped short of scheduling the pharmaceutical into Schedule I, recognizing that the product does have accepted medical uses. It was this aspect of the bill that I hoped could be the model for GHB legislation as well.

I want to work constructively with my colleagues in Congress to achieve our common goals of taking immediate action against GHB, preserving the integrity of the CSA, and sending a strong message to those agencies charged with implementing the CSA that they must work together in a cooperative and expedient way to protect the American public.

While I think the bill we adopt today might have been written differently, I agree with my colleagues that our foremost goal must be to take quick and decisive action with respect to the criminalization of GHB used for nonmedical purposes. Senator Abraham's bill is a good bill and he deserves a lot of credit for putting this improved legislative package together.

Let me also note that the bill we have just passed includes language I drafted requiring DEA to create a Special Unit to assess the abuse and trafficking of GHB and other date rape drugs, and will identify the threat posed by date rape drugs on a national and regional basis. I am pleased to be the sponsor of S. 497, the bill that creates this Special Unit. S. 497 has been incorporated in the final language that we adopt today. I can assure all my colleagues that this is one Senator that will closely review the Attorney General's report on the allocation and reallocation of resources to combat date rape and other crimes related to designer drugs.

We can and should look further into the problems associated with the scheduling of drugs under CSA and whether we need to change the relevant laws. But today we honor the sacrifice of Samantha Reid by taking an act that will hopefully reduce the risk of GHB abuse being visited upon unsuspecting women.
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"(D) Interstate transaction.—The term ‘interstate transaction’ means a transaction that is initiated in 1 State by the use of an electronic benefit transfer card that is issued in another State.

"(E) Portability.—The term ‘portability’ means an electronic benefit transfer card that is interoperable and portable required under paragraph (2).

"(F) Smart card systems.—The Secretary shall allow a State agency that is using smart cards for the delivery of food stamp program benefits to comply with the requirements of paragraphs (2) and (3) not later than October 1, 2002, as the Secretary determines that a practicable technological method is available for interoperability with electronic benefit transfer cards.

"(G) Smart card.—The term ‘smart card’ means an intelligent benefit card described in section 17(f).

"(H) Switching.—The term ‘switching’ means moving movement, and reporting such movement, of funds from an electronic benefit transfer card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

"(I) Smart card program.—The term ‘smart card program’ means a program that—

(i) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2); and

(ii) specifies a date by which the Secretary will issue the smart card under this Act for the purpose of switching and settling interstate transactions.

"(J) Funding.—

"(A) In general.—In accordance with regulations promulgated by the Secretary, the State agency shall pay 100 percent of the costs incurred by a State agency under this Act for switching and settling interstate transactions.

"(B) Limitation.—The total amount paid to State agencies for each fiscal year under subparagraph (A) shall not exceed $500,000.

SEC. 4. STUDY, ALTERNATIVES FOR HANDLING ELECTRONIC BENEFIT TRANS- ACTIONS INVOLVING FOOD STAMP BENEFITS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall study and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on alternative methods for handling interstate electronic benefit transactions involving food stamp benefits provided under the Food Stamps Act of 1977 (7 U.S.C. 2001 et seq.), including the feasibility and desirability of a single card for switching and settling (as defined in section 7(k)(1) of that Act (as added by section 3)).

Mr. FITZGERALD. Mr. President, I rise today to recognize the passage of the Electronic Benefit Transfers Interoperability and Portability Act of 1999. This legislation addresses the problem of food stamp beneficiaries being unable to redeem their benefits in authorized stores that may be located outside their state of residence.

As you may know, Congress passed legislation in 1996 that required the federal government to deliver food stamp benefits electronically. Unfortunately, this is currently not the case with EBT cards. If every state operated their EBT program under a standard set of operating rules, as this legislation requires, companies operating in multiple states could be more efficient, resolve any discrepancies in the way transactions are processed, and ultimately hold down the price of groceries for all consumers.

This legislation is more about good government than it is about food

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AMENDMENT NO. 2786

(Purpose: To provide continuing reported of intercepted wire, oral, and electronic communications)

Ms. COLLINS. Mr. President, Senator LEAHY has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Maine (Ms. COLLINS), for Mr. LEAHY, proposes an amendment numbered 2786.

Add at the end the following:

SEC. 2. (a) SHORT TITLE.—This Act may be cited as the "Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act of 1999." (b) FINDINGS.—Congress makes the following findings:

(1) Section 2519(3) of title 18, United States Code, requires the Director of the Administrative Office of the United States Courts to transmit to Congress a full and complete annual report concerning the number of applications for orders authorizing or approving the interception of wire, oral, or electronic communications. This amendment shall include information specified in section 219(5).

(2) The Federal Reports Elimination and Sunset Act of 1995 provides for the termination of certain laws requiring submittal to Congress of annual, semiannual, and regular periodic reports as of December 21, 1999, 4 years from the effective date of that Act.

(3) Due to the Federal Reports Elimination Act and Sunset Act of 1995, the Administrative Office of the United States Courts is not required to submit that annual report described in section 219(3) of title 18, United States Code, as of December 21, 1999.

(c) CONTINUED REPORTING REQUIREMENTS.—

(1) CONTINUED REPORTING REQUIREMENTS.— Section 2159 of title 18, United States Code, is amended by adding at the end the following:

"(4) The reports required to be filed by subsection (3) are exempted from the termination provisions of section 3003(a) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66)."

(2) EXEMPTION.—Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66) is amended—

(a) in paragraph (31), by striking "or" at the end and inserting "or"

(b) in paragraph (32), by striking the period and inserting "; or"; and

(c) by adding at the end the following:

"(33) section 2159 of title 18, United States Code.".

(d) ENCRYPTION REPORTING REQUIREMENTS.—

(1) Section 2159(2)(b) of title 18, United States Code, is amended by striking "and (iv)" and inserting "and (iv) the number of orders in which encryption was not utilized and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such orders, and (v)".

(2) The encryption reporting requirement in subsection (a) shall be effective for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

(e) REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 3126 of title 18, United States Code, is amended by striking the period and inserting "; which report shall include information concerning the period of time covered by the order, and the number and duration of any extensions of the order;".

stamps. Since 1996, the transition from paper coupons to electronic benefit transfers has made the federal government significant amount of money. For example, while the food stamp caseload decreased 24 percent from fiscal year 1995 to 1998, food stamp production and redemption costs dropped by an impressive 39 percent. While it is estimated that the bill’s implementation will cost federal government no more than $500,000 annually, it save at least $20 million per year when paper coupons are a thing of the past.

This legislation is sound public policy that enjoys strong bipartisan support. I thank my colleagues, Senators LEAHY, LUGAR, HARKIN, CRAIG, COCHRAN, CRAPO, KOHL, and KERRY for joining me as co-sponsors of this bill. This legislation is vitally important to every food stamp program administrator, and every food stamp recipient, every state agency that enjoys strong bipartisan support.

The legislative clerk read as follows:

S. CON. RES. 77

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 3194), making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, shall make the following correction:

At the appropriate place of the bill insert the following:

COMMODITY CREDIT CORPORATION
PRODUCER-OWNED MARKETING ASSOCIATIONS FORGIVENESS

SEC. 1. The Secretary of Agriculture shall reduce the amount of any principal due on a loan made to marketing association incorporated in the State of North Carolina for the 1999 crop of an agricultural commodity by at least 75 percent if the marketing association suffered losses of the agricultural commodity in a county with respect to which—(1) a natural disaster was declared by the Secretary for losses due to Hurricane Dennis, Floyd, or Irene; or (2) a major disaster was declared by the President for losses due to Hurricane Dennis, Floyd, or Irene under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

If the Secretary assigns a grade quality for the 1999 crop of an agricultural commodity marketed by an association described in this section that is below the base quality of the agricultural commodity, the Secretary shall compensate the association for losses incurred by the association as a result of the reduction in grade quality.

Up to $81,000,000 of the resources of the Commodity Credit Corporation shall be used for the cost of this section. Provided that the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) and Section 252(e) of such Act.

SEC. 2. In administering $50,000,000 in emergency supplemental funding for the Emergent Conservation Program the Secretary shall give priority to the repair of structures essential to the operation of the farm.

EXEMPTIONS PURSUANT TO THE FEDERAL REPORTS ELIMINATION AND SUNSET ACT OF 1995

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment 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 amendment (No. 2785) was agreed to.

The bill (S. 1733), as amended, was read the third time and passed, as follows:

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

MAKING TECHNICAL CORRECTIONS TO THE ENROLLMENT OF H.R. 3194

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Senate Concurrent Resolution 77 now at the desk introduced earlier by Senators LOTT and DASCHEL, and that the resolution be considered read a third time and passed, and the motion to reconsider be laid upon the table.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 77) making technical corrections to the enrollment of H.R. 3194.

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

The PRESIDING OFFICER. Without objection, the concurrent resolution is agreed to.

The concurrent resolution (S. Con. Res. 77) was agreed to.

The concurrent resolution (S. Con. Res. 77) is as follows:

S. CON. RES. 77

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the
would inevitably create more confusion and agency have changed these agencies that the reporting methodology in place. Finally, federal, state and local agencies are well accus-
ted to the reporting methodology developed by the AO. Notifying all these agencies that the reporting standards and agency have changed would inevitably create more confusion and more expense as law enforcement agencies across the country are forced to learn a new system and develop a li-
aison with a new agency.

The system in place now has worked well and we should avoid any disrup-
tions. We know how quickly law en-
forcement may be subjected to criti-
cism over their use of these surrep-
titious surveillance tools and we should avoid aggravating these sen-
sitivities by changing the reporting agency and methodology on little to no notice. I appreciate, however, the AO’s interest in transferring the wiretap re-
porting requirement to another entity. Any such transfer must be accom-
plished with a minimum of disruption to the collection and reporting of infor-
mation and with complete assurances that any new entity is able to fulfill this important job as capably as the AO has done.

The amendment would update the re-
porting requirements currently in place with one additional reporting re-
quirement. Specifically, the amend-
ment would require the wiretap reports prepared beginning in calendar year 2000 to include information on the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of com-
munications intercepted pursuant to such order.

Encryption technology is critical to protect sensitive computer and online information. Yet, the same technology poses challenges to law enforcement when it is exploited by criminals to hide evidence or the fruits of criminal activities. A report by the U.S. Work-
ning Group on Organized Crime titled, “Encryption and Evolving Tech-
nologies: Tools of Organized Crime and Terrorism,” released in 1997, collected anecdotal case studies on the use of encryption in furtherance of criminal activities in order to estimate the fu-
ture impact of encryption on law en-
forcement. The report noted the need for “an ongoing study of the effect of encryption and other information tech-
nologies on investigations, prosecu-
tions, and intelligence operations”. As part of this study, “a database of case information from federal and local law enforcement and intelligence agencies should be established and maintained.”

Adding a requirement that reports be furnished on the number of occasions when encryption is encountered by law enforcement is a far more reliable basis than anecdotal evidence on which to assess law enforcement needs and make sensible policy in this area.

The final section of this amendment would codify the information that the Attorney General already provides on pen register and trap and trace devices, and would require further infor-
mation on where such orders are issued and the types of facilities—telephone, computer, pager or other device—to which the order relates. Under the

Electronic Communications Privacy Act (“ECPA”) of 1986, P.L. 99-508, codi-
ed in 18 U.S.C. § 2706, the Attorney General of the United States is re-
quired to report annually to the Con-
gress on the number of pen register or-
ders and orders for trap and trace de-
vices applied for by law enforcement agencies of the Department of Justice. As the original sponsor of ECPA, I be-
lieved that adequate oversight of the surveil-
 lance activities of federal law en-
forcement could only be accom-
plished with reporting requirements such as the one included in this law.

The reports furnished by the Atty-
orney General on an annual basis compile information from five components of the Department of Justice: the Federal Bureau of Investigation, the Drug En-
forcement Administration, the Immi-
gration and Naturalization Service, the United States Marshals Service and the Office of the Inspector General. The re-
port contains information on the num-
ber of original and extension orders made to the courts for authorization to use both pen register and trap and trace devices, information concerning the number of investigations involved, the offenses on which the applications were predicted and the number of peo-
ple whose telephone facilities were af-
ected.

These specific categories of informa-
tion are useful, and the amendment would direct the Attorney General to continue providing these specific cat-
egories of information. In addition, the amend-
ment would direct the Attorney General to include information on the identity, including the district, of the agency making the application and the pers-
son authorizing the order. In this way, the Congress and the public will be informed of those jurisdictions using this surveillance technique—information which is currently not included in the Attorney General’s annual reports.

The requirement for preparation of the wiretap reports will soon lapse so I am delighted to see the Congress take prompt action on this legislation to continue the requirement for submis-
sion of the wiretap reports and to up-
date the reporting requirements for both the wiretap reports submitted by the AO and the pen register and trap and trace reports submitted by the At-
torney General.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amend-
ment be agreed to, the bill, as amend-
ed, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2786) was agreed to.

The bill (H. R. 3111), as amended, was read the third time and passed.
The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act is referred to as the "Third Millennium Digital Commerce Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The growth of electronic commerce and electronic transactions represents a powerful force for economic growth, consumer choice, improved civic participation and wealth creation.

(2) The promotion of growth in private sector electronic commerce through Federal legislation is in the national interest because that market is globally important to the United States.

(3) A consistent legal foundation, across multiple jurisdictions, for electronic commerce will promote the growth of such transactions, and that such a foundation should be based upon a simple, technology neutral, non-regulatory, and market-based approach.

(4) The Nation and the world stand at the beginning of a large scale transition to an information society which will require innovative legal and policy approaches, and therefore, States can serve the national interest by continuing to recognize and support legal and policy initiatives and innovations for quickly evolving areas of public policy.

(5) To the extent State laws or regulations do not provide a consistent, reasonable national baseline or in fact create an undue burden to interstate commerce in the important burgeoning area of electronic commerce, the national interest is best served by Federal preemption to the extent necessary to provide such consistent, reasonable national baseline or to eliminate such undue burdens.

(6) With due regard to the fundamental need for a consistent national baseline, each jurisdiction shall enact such laws as are sufficient to protect consumers and maintain consistency with existing related bodies of law within a particular jurisdiction.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to permit and encourage the continued expansion of electronic commerce through the operation of free market forces rather than proscriptive governmental mandates and regulations;

(2) to promote public confidence in the validity, integrity and reliability of electronic commerce and online government under Federal law;

(3) to facilitate and promote electronic commerce by clarifying the legal status of electronic records and electronic signatures in the context of writing and signing requirements imposed by law;

(4) to facilitate the ability of private parties engaged in interstate transactions to agree among themselves on the terms and conditions on which they use and accept electronic signatures and electronic records; and

(5) to promote the development of a consistent national legal infrastructure necessary to support of electronic commerce at the Federal and State levels within existing areas of jurisdiction.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELECTRONIC.—The term "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) ELECTRONIC AGENT.—The term "electronic agent" means a computer program or an electronic mechanism other automated means used to initiate an action or respond to electronic records or performances in whole or in part without review by an individual at the time of the action or response.

(3) ELECTRONIC RECORD.—The term "electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(4) ELECTRONIC SIGNATURE.—The term "electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.

(5) GOVERNMENTAL AGENCY.—The term "governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the Federal Government or of any county, municipality, or other political subdivision of a State.

(6) RECORD.—The term "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(7) TRANSACTION.—The term "transaction" means an action or set of actions relating to the conduct of commerce between 2 or more persons, whether of which is the United States Government, a State, or an agency, department, board, commission, authority, institution, or instrumentality of the United States Government or of a State.

(8) UNIFORM ELECTRONIC TRANSACTIONS ACT.—The term "Uniform Electronic Transactions Act" means the Uniform Electronic Transactions Act as reported to State legislatures by the National Conference of Commissioners on Uniform State Law in the form or any variation thereof that is authorized or provided for in such report.

SEC. 5. PRINCIPLES GOVERNING THE USE OF ELECTRONIC SIGNATURES IN INTERSTATE TRANSACTIONS.

To the extent practicable, the Federal Government shall make the following principles in an international context to enable commercial electronic transactions:


(2) To the extent necessary to provide such consistent, reasonable national baseline or in fact create an undue burden to interstate commerce will promote the growth of such transactions, and that such a foundation should be based upon a simple, technology neutral, non-regulatory, and market-based approach.

(3) To the extent necessary to provide such consistent, reasonable national baseline or in fact create an undue burden to interstate commerce will promote the growth of such transactions, and that such a foundation should be based upon a simple, technology neutral, non-regulatory, and market-based approach.
Ms. COLLINS. Mr. President, Senator Abraham, my colleagues on this side of the aisle, and Senator Wyden, and Mr. Leahy, propose an amendment numbered 2787.

The amendment is as follows:

[The amendment is printed in today's Record under "Amendments Submitted"].

Ms. COLLINS. I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 2787) was agreed to.

Ms. COLLINS. It is my understanding the Senator from Michigan, Senator Abraham, has a statement to make on this important legislation.

I yield to the Senator from Michigan.

Mr. ABRAHAM. Mr. President, I will briefly comment on this legislation.

First, I thank the cosponsors of this legislation, the Millennium Digital Commerce Act, and Senator Wyden, the lead cosponsor of the legislation, and Senators McCain, Burns, and Lott, who joined as cosponsors. I also thank Senator Leahy, Senator Sarbanes, Senator McCain and others who have worked with Senator Wyden and me in moving through the legislative process. I express my appreciation to all my colleagues.

As we move into the era of e-commerce it is important that people who wish to engage in commercial transactions online over the Internet be able to do so as effectively and efficiently as possible. Part of the challenge we confront is when people are entering into contracts in this nonwritten context, the potential exists for questions to be raised as to the validity of the contractual arrangements. Without getting into all the details, the goal of the Millennium Digital Commerce Act is to address this issue. Approximately 42 States have already passed what in effect are digital signature authentication laws which address contracts entered into online or which address the validity of contracts entered into through the web. The problem is those 42 bills are all different. It is possible for people to argue that a contract is valid in one State and not valid in the State of the other contracting party and, thus, is an invalid document.

The purpose of our legislation is to try to make all such agreements valid if they fit or meet some parameters, identical to the ones the States are moving toward; a uniform system. In short, we believe this will be an interim approach until the States have passed a model uniform act. If we don't do this, impediments will exist between parties who wish to contract via the Internet and through electronic commerce. We believe the passage of this bill will relieve those impediments, and allow for e-commerce to continue to expand and grow and strengthen our economy.

I am very pleased at the passage of the bill today, and look forward to working with our counterparts in the House, they have passed a slightly different bill, to pound out a final consensus through the conferencing process and bring back to the Senate the output of that process. I hope to do this very early in the next session, so we can enact this legislation and move it to the President for his signature, and, as I said at the outset, improve the efficiency with which we engage in an expanded e-commerce universe.

I yield the floor.

Mr. LOTT. Mr. President, I want to acknowledge the significant efforts of Senator Abraham to author and pass legislation aimed at facilitating the growth of electronic commerce. Commerce today is a significant driving force behind our nation's robust and expanding economy.

Today, the Senate passed by unanimous consent an Abraham substitute for S. 761, the Millennium Digital Commerce Act. This measure is important because it would ensure the legal certainty that electronic signatures in interstate commerce.

Mr. President, right now, there are over 40 different state electronic authentication regimes in play. This patchwork of inconsistent and often conflicting state laws makes it difficult to conduct business-to-business and business-to-consumer transactions over the Internet. Those involved in electronic transactions want assurance that their contractual arrangements are legally binding.

Senator Abraham took the lead on this issue and crafted a bill to ensure that a national framework would govern the use of electronic signatures. It is a rational, coherent, and minimalist approach supported by America Online, American Bankers Association, American Council of Life Insurance, the American Electronics Association, American Financial Services Association, American Insurance Association, Apple, Business Software Alliance, Charles Schwab, the Coalition for Electronic Authentication, Consumer Mortgage Coalition, DLJ Direct, the Electronic Industry Alliance, FORD, Gateway 2000, General Electric Company, GTE, Hewlett-Packard, IBM, Intel, Intuit, the Information Technology Association of America, the Information Technology Industry Council, Microsoft, NCR, the National Association of Manufacturers, National Retail Federation, and the U.S. Chamber of Commerce, among others.

Mr. President, in drafting his legislation, Senator Abraham included key concepts and provisions developed by the National Conference of Commissioners on Uniform State Law which included legal scholars, experts on electronic commerce, state officials and other interested stakeholders, spent the better part of two years drafting the Uniform Electronic Transactions Act (UETA). This model legislation was formally approved in August and is expected to be enacted on a state-by-state basis, much like the process followed in approving the Uniform Commercial Code, over the next three to five years.

Senator Abraham's electronic signatures measure is timely in that it serves as an interim solution needed to fill the void until states approve the model UETA package.

I applaud the junior Senator from Michigan for his continuing leadership on technology issues and commend the Senate's action today. This is definitely a significant step in the right direction.

Mr. President, Senator Abraham, my colleagues on this side of the aisle, and I agree that the measure passed today, while a significant accomplishment, only gets consumers to the 50-yard line
when it comes to e-commerce. In order to get to the end-zone, Congress still needs to address the issue of electronic records.

The Millennium Digital Commerce Act that was unanimously approved by the Senate Commerce Committee in July would have also provided legal certainty to electronic records. However, on July 29, 1999, Senator ABRAHAM, in earnest, offered a substitute amendment to S. 761. . . . [Its] provisions strike the appropriate balance between the needs of each State to develop its own laws in relation to commercial transactions and the needs of the Federal government to ensure that electronic commerce will not be impeded by the lack of consistency in the treatment of electronic authentication.

The Commerce Committee reported measure did not, as some contend, alter federal or state consumer protection laws. Instead, Senator ABRAHAM’s bill simply held that records could not be denied legal effect solely, and the key word is solely,” because such records were in electronic form.

Mr. President, consumers stand the most to gain from electronic records and the most to lose if such records are not clearly granted legal effect, validity, and enforceability. In order to further assuage concerns, Senator ABRAHAM, at relevant points, offered a substitute version that largely incorporated key provisions of UETA, verbatim. Even so, and as perplexing as it would seem, his UETA substitute was opposed by the minority. Remember, these are the words developed and agreed to by an esteemed panel of national and state legal experts, and these are the same words that will go into effect as states adopt UETA during the next few years. I would point out that the Department of Justice’s position letter supporting the Abraham substitute bill that passed the Commerce Committee, noted that “In the view of the Administration, the current UETA draft adheres to the minimalist ‘enabling’ framework advocated by the Administration, and we believe that UETA will provide an excellent domestic legal model for electronic transactions, as well as a strong model for the rest of the world.”

With these glowing endorsements of both the Commerce Committee report measure and UETA, both of which provide legal certainty to electronic records, I was surprised and dismayed that the Administration flip-flopped on the records issue at the last moment. One has to wonder what motivated this 180-degree change in position and why the Administration went to great lengths to stall and eventually oppose electronic transactions legislation that included digital records.

Consumers want and need electronic records, not only because digitized records are the equivalent of paper-notices, records, and disclosures, but also because such information is often easier to access, read, store and maintain. Electronic records will save consumers time, money, and the hassle of waiting for paper notices and disclosures. Used in conjunction with an electronic signature, electronic records, with appropriate and effective electronic disclosures, allow anyone, with a hook-up to the borderless World Wide Web, to transact business at any time and at any place.

Mr. President, it is the seamless nature of the Internet that makes it such a phenomenal communications and business tool. Isn’t it about time that no one is left out of this new millennium paradigm, the legal certainty of electronic records must be codified in federal statute—at least until UETA is adopted nationally. It is my sincere hope that Congress will address the legality of electronic records in the near term so consumers will experience the full benefits and to reap the rewards of the Internet.

Again, I want to applaud the efforts of the Senate in passing S. 761, Senator ABRAHAM’s electronic signatures bill. This action is good for America’s consumers, good for America’s businesses, and good for our nation’s economy and prosperity.

Mr. President, Senator ABRAHAM has once again proven that he is a champion of technology, a guardian of the consumer, and an extremely effective legislator.

Mr. LEAHY. Mr. President, I am pleased that the Senate today is passing the Abraham-Leahy substitute amendment to S. 761, the Millennium Digital Commerce Act. This bill seeks to permit and encourage the continued expansion of electronic commerce, and to promote public confidence in its integrity and reliability. These are worthy goals—goals that I have long sought to advance. In the last Congress, many of us worked together to pass the Government Paperwork Elimination Act, which established a framework for the federal government’s use of electronic forms and electronic signatures. Today’s legislation is part of our continuing efforts to ease the burdens of conducting business electronically.

This is an important bill on an issue of paramount concern to American businesses that engage in electronic commerce. It has had a long journey since it was reported by the Commerce Committee in June. As reported, the bill took a sweeping approach, pre-empting untold numbers of federal, state, and local laws that require contracts, records and signatures to be in traditional written form. I was concerned that such a sweeping approach would radically undermine legislation that is currently in place to protect consumers.

For example, the Committee-passed bill would have enabled businesses to use their superior bargaining power to compel or confuse consumers into waiving their rights to insist on paper disclosures and communications, even when they do not have the technological capacity to receive, retain, and print electronic records. Could a borrower be compelled to receive delinquency or foreclosure notices by electronic mail, even if she did not have a computer, or her computer could not read the notices in the electronic format in which they were sent? Would she be entitled to revert to paper communications if her computer broke or became obsolete? Could a company require customers to check its Web site for important safety information regarding its products, or for recall notices?

Under S. 761 as reported, the company would not have been required to provide any information on paper, even if a state consumer protection law so required. Crucially, it would not have the consumer’s rights and obligations would not be received. It was federal preemption beyond need, to the detriment of American consumers.

The problem did not stop there. When information is provided electronically, for it to be useful at a later time to prove its contents, the electronic file must be tamperproof. Otherwise, a consumer could inadvertently change a single byte on the file and thus make it technically different from the original and useless to prove its contents. The consumer would be left without any means of proving critical terms of the contract, including the terms of the warranty.

I have been working with Senator ABRAHAM and others since August to address these and other concerns I had with the bill. We crafted a bipartisan compromise several weeks ago, but it fell apart after certain industry representatives complained that it did not go far enough to relieve them of federal and state regulatory authority. Fortunately, other industry representatives recognized that this was not the primary focus of this legislation, and worked to get the legislative process back on track. I am pleased that we were able to do this and that we were able to reach agreement. For the second time, on an Abraham-Leahy substitute that encourages the continued expansion of electronic commerce, while leaving in place essential safeguards protecting the nation’s consumers.
In a letter dated November 5, 1999, the National Conference of State Legislatures identified that there were four essential criteria for any federal legislation related to electronic signatures:

(1) Any preemption of state law and authority must be limited in duration. The idea should be to ensure the validity of most electronic signatures for a period of time, thus giving the states time to act. (2) States must be allowed to adopt the Uniform Electronic Transactions Act or some similar legislation. (3) Essential state consumer protections must be preserved, along with the capacity of states to enact consumer protection measures in the future. (4) Any federal legislation must be limited to the topic of electronic signatures. It must not embrace any preemption of state regulatory and record keeping authority.

The Abraham-Leahy substitute meets these criteria.

Most importantly, the scope of the bill has been limited to address the principal concern of industry. When Senator ABRAHAM introduced S. 761 earlier, he said it was designed to eliminate uncertainty about the legality of electronic contracts signed with electronic signatures. Consistent with this design, the Abraham-Leahy substitute ensures that contracts will not be denied legal effect that they otherwise have under state law solely because they are in electronic form or because they were signed electronically. However, as section 4(4) of the bill makes clear, an electronic signature is valid only if executed by a person who intended to sign the contract.

The purpose of this legislation is to facilitate electronic commerce over the Internet. It is not intended that this legislation be the basis for unfair or deceptive trade practices, but rather provides a means of eliminating mandated information, disclosures, notices or content. For example, when the parties have conducted a transaction entirely in person, the fine print of a form contract cannot include an agreement that the contract can be provided electronically rather than on paper. The basic rules of good faith and fair dealing apply to electronic commerce, and this legislation is not intended to be a basis upon which consumers can be asked to agree to terms and conditions for using electronic signatures and electronic records which are unreasonable based on the circumstances surrounding the transaction.

Further, accurate copies of contracts must be delivered to consumers. The Abraham-Leahy substitute amendment therefore provides that if a law requires a contract to be in writing, an electronic record of the contract will not satisfy such law unless it is delivered to all parties in a form that can be retained for later reference and used to prove the terms of the agreement. This important provision is intended to protect consumers who execute contracts online, by ensuring that contracts are provided in a tamperproof, or “read-only” format. The delivery of any other type of electronic record would make it useless to prove its terms in court.

The new legislation also improves on the Committee-passed version by eliminating the requirement which established interpretive rules regarding the intent of the parties to an electronic transaction. These rules inappropriately allowed businesses to put the risk of forgery, unauthorized use, and identity theft on consumers, by making it easier for the proponent of an electronic record or electronic signature to prove its authenticity. By eliminating these rules, we have ensured that current contract and evidence laws remain in place. A person is always entitled to assert that an electronic signature is a forgery, was used without authority, or otherwise is invalid for reasons that would invalidate the effect of a signature in written form.

Having just last year worked with Senator KYL on passage of the Kyl-Leahy substitute to S. 512, the Identity Theft and Assumption Deterrence Act, to combat identity theft, we should be careful to avoid taking actions that could have the unintended consequence of making such crimes easier to commit.

In his introductory floor statement, Senator ABRAHAM stressed that S. 761 was an interim measure, which would provide a national baseline for the use of electronic signatures only until the states enacted their own e-signature legislation. To ensure the temporary nature of the federal preemption, the Abraham-Leahy substitute which passed the Senate includes a significant change from earlier versions of S. 761, including the version reported by the Commerce Committee. The Committee bill preempted a state’s laws until the state enacted the Uniform Electronic Transactions Act (“UETA”) as reported by the National Conference of Commissioners on Uniform State Law, or any variation that was “authorized or provided for in such report.” The full Senate votes today on language that gives states more leeway on the version of the UETA than the Senate amendments. The revised definition is meant to cover the electronic transactions legislation passed earlier this year by the State of California, and will preserve the capacity of states to perform their traditional role in protecting the health and safety of their citizens.

Nothing in this bill would allow any of the notices that may accompany an electronic contract to be provided electronically. This is especially important to ensure that consumers are apprised of all their rights under federal and state laws. It was the records language of S. 761 that held the greatest potential to harm consumers, with its across-the-board invalidation of hard-won consumer protections embodied in such laws as the Truth in Lending Act, the Fair Credit Reporting Act, the Real Estate Settlement Procedures Act, and others. I am pleased that the sponsors of this legislation agreed to remove the electronic records language so that we can allow the critical provisions regarding contracts and signatures to move forward. There will be time in the coming months to revisit the broader issue of electronic records, and to craft legislation that will not place consumers at risk.

In the meantime, contrary to some of the rhetoric that has been heard of late, nothing prevents companies from providing notices and disclosures to consumers electronically, so long as they also provide required disclosures in the limited set of circumstances in which a law so requires. Requirements that certain information be provided in a particular format, or by a particular method of delivery, are often adopted to serve consumers’ interests by providing them with information critical to making informed choices in the marketplace, understanding their rights and obligations during commercial transactions, and enforcing their rights when transactions go sour. Such laws should not be swept away without adequate assurance that consumers will be able to receive and retain the information electronically.

The AARP made this point in a letter to all Senators dated November 15, 1999, with respect to the more sweeping potentially preemptive H.R. 1714: “The time to investigate the implications of such a pivotal change in established consumer protections . . . is before, not after, legislation is enacted. Measures to take advantage of electronic market efficiencies must be tempered by a concern for legal and technological responsibilities that are being shifted to the consumer.”

The benefits of electronic commerce should not, and need not, come at the expense of increased risk to consumers. I commend the Department of Commerce for its help in crafting a substitute amendment that is more carefully tailored to protect the interests of America’s consumers. I also thank Senators SARRANES, who shared many of my concerns about the original bill’s impact on consumers, and Senators ABRAHAM and WYDEN, for agreeing to address our concerns.

This bill shows what can be achieved by bipartisan cooperation and compromise. It enjoys broad support from the Administration, consumer representatives, and responsible companies and trade associations that care about their customers. I urge its speedy enactment into law.
I ask unanimous consent to include in the RECORD a Statement of Administration Policy dated November 8, 1999, in support of the Abraham-Leahy substitute amendment; a letter dated November 8, 1999, from the National Automobile Dealers Association; and a letter dated November 5, 1999, from the National Conference of State Legislatures.

STATEMENT OF ADMINISTRATION POLICY,
November 8, 1999 (Senate)
(This statement has been coordinated byOMB with the concerned agencies.)

S. 761—MILLENNIUM DIGITAL COMMERCE ACT
(ABRAHAM (R) MICHIGAN AND 11 CONSPONSORS)

Electronic commerce can provide consumers and businesses with significant beneﬁts in terms of cost, choice, and convenience. The Administration strongly supports the development of this marketplace and supports legislation that will advance that development, while providing appropriate consumer protection. Many businesses and consumers are conducing business over the Internet because of the lack of a predictable legal environment governing transactions. Both the Congress and the Administration have been working to address this important potential impediment to commerce.

S. 761 addresses important concerns associated with electronic commerce and the rise of the Internet as a worldwide commercial forum and marketplace. The Administration supports Senate passage of the amendment in the nature of a substitute to S. 761 expected to be offered by Senator Abraham, based on an agreement with Senators Leahy and Wyden. The Administration supports this version of S. 761 because the bill, as proposed to be amended, would: Ensure the legal validity of contracts between private parties that are made and signed electronically; preserve the ability of States to establish safeguards, such as consumer protection laws, to promote the public interest in electronic commerce; and address private parties just as they can now establish safeguards for paper-based commerce; cover only commercial transactions between private parties that affect interstate commerce; not affect Federal laws or regulations, but instead would give Federal agencies six months to conduct a careful study of barriers to electronic transactions under Federal laws or regulations and to develop plans to remove such barriers, where appropriate; and sunset completely as to the en- trance into effect of any preemption of state regulatory and consumer protection legislation, which is retained, we believe that the states could still perform their traditional role of establishing the legal framework for major purchases.

We appreciate the opportunity to bring our concerns to your attention, and we appreciate all your efforts in addressing these matters before the legislation moves forward in the Senate.

Sincerely,

H. THOMAS GREENE,
Chief Operating Officer, Legislative Affairs.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, November 5, 1999.

Hon. Patrick J. Leahy,
Ranking Member, Committee on the Judiciary,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the National Automobile Dealers Association (NADA), I am writing to express our views on S. 761, the Millennium Digital Commerce Act.

Like many entrepreneurs throughout the country, America’s new car and truck dealers are using today’s technological advances to better serve customers, and at NADA we understand the desire to accelerate the role of electronic commerce. Even so, we share your desire to preserve the state’s role in this process.

The version of S. 761 that is now being presented comes closer to meeting NADA’s criteria than earlier versions of the bill. In general, this “compromise” version is taking the right approach to the issue. NCSL looks forward to working with the sponsors and others to resolve any remaining issues in the preemption and consumer protection. NCSL much prefers the new compromise to other earlier versions of electronic signatures legislation which we vigorously opposed because of its unnecessary preemption of state consumer protection and contract law.

For additional information about NCSL’s position, please call Neal Osten (202-624-8950) or Michael Bird (202-624-8866).

Sincerely,

Joaanne G. Emmons, Michigan State Senate, Chair, NCSL Commerce and Communications Committee.

Mr. ABRAHAM. Mr. President, the Senate is soon expected to pass the Millennium Digital Commerce Act—a bill introduced by Senators Wyden, McCain, Burns, Lott, and myself which is designed to provide a secure electronic commerce. I rise today to speak in support of this legislation and to thank the co-sponsors for their tireless efforts to pass this legislation. I believe it will have a profound impact on the way commerce is conducted on the Internet.

By now, all of us have heard the prophetic pronouncements: “The Internet will change all of our lives.” “The Computer Age is reshaping the world.” And so on. These words are true, and a review of the indicators which document the Internet’s extraordinary growth bear this out. In 1993 about 90,000 Americans had access to these on-line resources. By early 1999 that number had grown to about 81 million, an increase of about 900 percent. The Computer Industry Almanac predicts 320 million Internet users world-wide by the end of the year 2000.

And now the figures are coming in on how electronic commerce is transforming the way we do business. They are equally impressive. E-commerce between businesses has grown to an estimate $64.8 billion for 1999. 10 million customers shopped for some product using the Internet in 1998 alone. And 5.3 million households had access to financial transactions like electronic banking and stock trading by the end of 1999.

While the Internet has experienced almost exponential growth since its inception, there is still room to expand. Today, new technologies enable the Internet to serve as an efficient new tool for companies to transact business as never before. This capability is provided by the development of secure electronic authentication methods. These technologies permit an individual to positively identify the person with whom they are transacting business and to ensure that information being shared by the parties has not been tampered with or modiﬁed without the knowledge of both parties.
While such technologies are seeing limited use today, the growth of this application has out-paced government’s ability to properly model the legal framework governing the use of electronic signatures and other authentication methods.

The growth of electronic signature technologies will increasingly allow organizations to enter into contractual arrangements without ever having to drive across town or fly thousands of miles to personally meet with a client or potential business partner. The Internet is prepared to go far beyond the ability to buy a book or order apparel on-line. It is ready to lead a revolution in the execution of business transactions which may involve thousands or millions of dollars in products or services; transactions so important they require that both parties enter into a legally binding contract.

Mr. President, the Millennium Digital Commerce Act is designed to promote the use of electronic signatures in business transactions and contracts. At present, the greatest barrier to such transactions is the lack of a consistent and predictable national framework of rules governing the use of electronic signatures. Over forty States have enacted electronic authentication laws, and no two laws are the same. This inconsistency deters businesses from fully utilizing electronic signature technologies for contracts and other business transactions. The differences in our State laws create uncertainty about the effectiveness or legality of an electronic contract signed with an electronic signature. This legal uncertainty limits the potential of electronic commerce, and, thus, our nation’s economic growth.

For many years, the need for uniformity in electronic authentication rules was recognized early by the States. For the past two years, the National Conference of Commissioners on Uniform State Law, an organization comprised of e-commerce experts from the States, has been working to develop a uniform system for the use of electronic signatures for all fifty States. Their product, the Uniform Electronic Transactions Act, or UETA, was finished in July. As was expected, the UETA is an excellent piece of work and I look forward to the day when this model legislation is enacted by each of the 50 states.

But agreement on the final language of the UETA proposal is not the same as enactment, and despite the hard work of the Commissioners, uniformity will not occur until all fifty States actually enact the UETA. That will likely take some time. Because some State legislatures are not in session next year and other States have more pressing legislative items, it could take three to four years for forty-five or fifty States to enact the UETA. When you consider the changes that have taken place in just the last two years, it is obvious that in the high-technology sector four years is an eternity.

The Digital Millennium Commerce Act is therefore designed as an interim measure to provide relief until the States adopt the provisions of the UETA. It will provide companies the federal framework they need until a national baseline governing the use of electronic authentication exists at the State level. Once States enact the UETA, the Federal preemption is lifted.

To be specific, this legislation promotes electronic commerce in the following manner. First and foremost, the legislation provides that the electronic signatures used to agree to a contract shall not be denied effect solely because they are electronic in nature. This provision assures that a company will be able to rely on an electronic contract and that another party will not be able to escape such certainty, this bill will reduce the likelihood of dissatisfied parties attempting to escape electronic contractual agreements and transactions. To ensure a level playing field for all types of authentication, the bill grants parties to a transaction the freedom to determine the technologies to be used in the execution of an electronic contract. In essence, this assures technology neutrality because businesses and consumers, not government, will make the decisions as to what type of electronic signatures and authentication technologies will be used in transactions.

Since the Internet is inherently an international medium, consideration must be given to the manner in which the U.S. conducts business with overseas governments and businesses. This legislation therefore sets forth a series of principles for the international use of electronic signatures. In the last year, U.S. negotiators have been meeting with the European Commissioners to discuss electronic signatures in international commerce. In these negotiations, the U.S. Department of Commerce and the State Department have worked in support of an open system governing the use of authentication technologies. Some European nations oppose this concept, however. For example, Germany insists that electronic transactions involving a German company must utilize a German electronic signature application. I applaud the Administration for their steadfast opposition to that approach. This bill will bolster and strengthen the U.S. position in international negotiations by establishing the following principles as the will of the Congress:

One, paper-based obstacles to electronic transactions must be eliminated.

Two, parties to a transaction should have the freedom to agree to the types of documents and information they receive electronically. This right to choose to receive records electronically must be protected by Congress. The best way to do that is to pass laws which establish legal certainties for the sending, receipt and storage for the broad range of electronic records, and in particular, for records associated with loans and mortgages. Today, a vacuum exists with respect to these records. Aggressive businesses and small banks are filling this vacuum by providing loans and mortgages electronically even though there is question as to whether such transactions are protected under law. The increasing demand for such services demonstrates the popularity for electronic loans. By making applications easier and reducing associated...
November 19, 1999

CONGRESSIONAL RECORD—SENATE

Mr. President, despite our philosophical differences, it was clear from the beginning that everyone involved was interested in working cooperatively to enact good legislation. And while I wish this bill could go further, I am nevertheless pleased with the product that we have passed today. So I want to thank Senator LEAHY and Senator SARBANES for their cooperation and hard work. I also want to recognize the efforts of the Ranking Member of the Commerce Committee, Senator HOLLINGS. Senator HOLLINGS made it clear very early that he had concerns surrounding the issue of preemption. His staff and mine worked quickly and effectively to find common ground on this legislation and his spirit of compromise allowed us to move forward on a bill that I do not doubt he would have written differently. I want to thank him for his contribution.

Finally, I wish to express my thanks to the Technology Division of the State of Massachusetts. Governor Paul Cellucci’s staff provided indispensable counsel on existing State law governing the use of electronic signatures. And the manner in which Federal law can bolster or hamstring State contract law. I value the Governor’s input and will continue to work with him to address the extent to which the States are impacted by this legislation as it advances. Of course, the business and technology sectors have also been crucial in helping to craft this bill. Representatives from the Information Technology Association of America, Ford, the Coalition for Electronic Authentication, the Information Technology Industry Council, Apple, the American Electronics Association, NCR, America Online, the Electronic Industry Alliance, Microsoft, Hewlett-Packard, IBM and the National Association of Manufacturers have each lent their time and expertise to this effort. I appreciate their contributions and look forward to continuing this effort to ensure that we develop the best approach possible to promote use of electronic signatures in business transactions.

Mr. President, despite the great work that has taken place here in the Senate, there is more work to do on this legislation. The House is currently working on a companion bill and I look forward to working with the Chairman of the Commerce Committee and other Representatives to ensure that the legislation sent to the President for his signature is the best and most effective approach to expanding electronic commerce possibilities.

Mr. SARBANES. Mr. President, I rise today to discuss S. 761, the Third Millennium Digital Commerce Act. This is an important bill at a pivotal time in our nation’s history. The rapid growth of the Internet, and its transformation from an academic research tool to a truly global communications network, is exerting its influence in more and more areas of our daily lives.

One of enormous change is the way in which Americans buy, sell, and trade products and services. Just as the general store gave way to the shopping mall and mail order catalogues, these now “traditional” forms of retailing are being supplanted by electronic commerce over the Internet. Electronic retailers are providing consumers with a broad range of new choices in goods and services.

Electronic transactions are also becoming an integral part of business-to-business relationships. Order fulfillment, billing, and a host of other activities are now being handled by electronic means, cutting both costs and transaction times. These techniques will make our overall economy more efficient, and the benefits should eventually be passed on to consumers.

The world of electronic commerce is not without its problems, however. One of the largest of these is the lack of a coherent legal framework for the conduct of electronic transactions. The commercial world is governed by a patchwork of Federal, state, and local laws. Because electronic commerce is such a recent phenomenon, it can be difficult to apply existing commercial codes and statutes to these new kinds of transactions. Often the laws are simply silent on electronic issues, leading to uncertainty for businesses and consumers alike.

One such area is electronic signatures. Technology now exists that can replace written and facsimile documents with computer code that performs the same functions. However, many states have not yet enacted laws to ensure that digital signature technologies, when used in a reasonable and appropriate manner, will be considered valid. According to business groups, this uncertainty has had a dampening effect on the growth of electronic commerce.

Many state legislatures are hard at work to devise a workable, consistent legal framework for electronic records and signatures. Until their efforts are complete, however, S. 761, the bill introduced by Senator LEAHY will serve as a stop-gap measure. It will provide a measure of legal certainty, while protecting the rights of consumers under existing laws governing many types of transactions.

I am pleased to have worked closely with Senator ABRAHAM, Senator LEAHY, Senator Wyden, members of the Commerce Committee, industry, and consumer groups to craft a bill that answers the legal need, yet provides for continued consumer protection. I would like briefly to describe some of these critical consumer protections aspects of the bill.

While electronic commerce can provide consumers with enormous benefits, a sad stream of news articles over the past few years show clearly that there are unscrupulous operators on the Internet. The passage of this Act is intended to serve as a means of protecting consumers from deceptive practices.

To provide businesses with greater legal certainty, the bill stipulates that contracts cannot be deemed unenforceable solely because they involved the use of an electronic signature. Under this bill, companies should only be able to agree to reasonable and appropriate electronic signature technologies that provide adequate security to both parties. However, as the definition of the electronic signature makes clear, the electronic signature is only valid under this Act if the person intended to sign the contract.

The basic rules of good faith and fair dealing apply to electronic commerce, and this Act should not be the basis upon which parties to a contract can be asked to agree to terms and conditions for using electronic signatures and electronic contracts which are unreasonable based on the circumstances surrounding the transaction. For example, when the parties have conducted a transaction entirely in person, the fine print of a form contract should not include an agreement that the contract can be provided electronically rather than on paper. In addition, companies must deliver to consumers electronic records of the contract in a form they can receive, retain, and use to prove the terms of an agreement. Such an electronic record would have to be provided in a “locked,” or tamper proof, format.
Regarding new laws on electronic transactions, the states have been engaged for some time, through the National Conference of Commissioners on Uniform State Laws, in the formulation of a model Uniform Electronic Transactions Act (UETA). Versions of the UETA will be enacted by the individual states. The bill we are considering today includes a revised definition of UETA, changed from the bill reported by the Commerce Committee, that gives states more flexibility to pass versions of UETA that best meet their economic growth and evolution of electronic commerce. With this legislation, I am proud of the Senate’s recognition of the significant transformations taking place in our economy and industry, and I look forward to continuing growth of electronic commerce. The Senate recognizes the importance of this issue. I believe that we have reached an accommodation on this legislation that provides industry with the legal certainty they seek, while ensuring that consumer protections are not diluted by the increasing use of electronic commerce. This is an important step toward making our commercial laws ready for the twenty-first century.

Mr. LIEBERMAN. Mr. President, I rise today to express my support for the Millennium Digital Commerce Act of 1999. I thank Senators ABRAHAM, LEAHY, and WYDEN for their leadership on this important issue. As a coposer of this legislation, I am proud of the steps it takes to support an important and still emerging technology and industry. The Millennium Digital Commerce Act will facilitate the continued growth of the Internet and of electronic commerce. With this legislation, the Senate recognizes the significant transformations taking place in our economy and industry, and it looks forward to support for the growth and evolution of electronic commerce and technologies that will collectively bring us into the next century.

I think we all recognize that we are witnessing an electronic revolution. There is no shortage of statistics to prove what we are seeing all around us. According to a recent U.S. Department of Commerce report, approximately one third of the U.S. economic growth in the past few years has come from information technologies (over $1.1 trillion). Just this year, venture capitalists have invested more than $300 billion in revenue in Internet companies—twice the rate at which they seek, while ensuring that existing consumer laws are not diluted by the increasing use of electronic commerce. The purpose of this legislation is to provide interim Federal legal validity for electronic contracts and agreements until each state enacts its own Electronic Transactions Act or UETA (as part of the Uniform Commercial Code). Forty-two states have some law in place relating to electronic signatures law. However, only one—California—has developed its own electronic authentication. But differences between and among these laws can create confusion for e-entrepreneurs. The unstoppable growth of electronic commerce has led the States recently to develop a Uniform Electronic Transactions Act, or UETA. The purpose of this legislation is to provide interim Federal legal validity for electronic contracts and agreements until each state enacts its own UETA. This means e-commerce will benefit from the signature-based law. Like the Internet Tax Freedom Act, the bill would establish a moratorium on new state and local taxes on the Internet in order to give the digital economy some breathing room to evolve.

This legislation takes further steps to continue the growth of e-commerce and is a powerful follow-on to the Internet Tax Freedom Act. With this legislation we will eliminate a major barrier to e-commerce by providing for the legal recognition of electronic signatures in contracting and by creating a consistent, but temporary, national electronic signatures law to preempt a multitude of sometimes inconsistent state laws. This bill is technology neutral, allowing contracting parties to determine the appropriate electronic signature technology for their transactions. Importantly, this legislation is the result of thoughtful compromise. It gives electronic signatures more legal certainty but also provides for consumer protection. It deals with electronic signatures only in creating contracts. It preempts state law only until the states enact their own statutes and standards as provided for by the Uniform Electronic Transactions Act (UETA).

Mr. President, I would like to thank those who have worked so diligently to create this Act. Through the collaborative and collaborative approach of several of my colleagues, including Senators ABRAHAM, LEAHY, and WYDEN, we have created a model for each State legislature in developing further its own electronic signatures law. However, only one—California—has developed its own Electronic Transactions Act, or UETA. The purpose of this legislation is to provide interim Federal legal validity for electronic contracts and agreements until each state enacts its own UETA. This means e-commerce will benefit from the signature-based law. Like the Internet Tax Freedom Act, the bill would establish a moratorium on new state and local taxes on the Internet in order to give the digital economy some breathing room to evolve.

Mr. WYDEN. Mr. President, for the past several years, Congress has been working in a bipartisan way to write the rules of the digital economy. We have made good progress on Internet taxes, privacy, encryption and the Y2K problem. Now is the time to move forward on rules for electronic signatures.

The bill before us today, S. 761, is based on the premise that it’s better to be online than waiting in line. A growing number of Americans who now have to wait in line for things like a driver’s license or construction permit, could see their business expedited by a few clicks of their mouse.

We live in an increasingly mobile society, where young people get recruited for jobs clear across the country. They may need to move in a hurry but don’t have the time, for example, to pack up a home in Virginia and look for another one in Portland, Oregon. With the Internet, they can shop for a house in another town. With this electronic signatures bill, they can pretty much conclude the whole transaction of purchasing the house online.

The legislation puts electronic and paper contracts and agreements on equal footing legally. Like the Internet Tax Freedom Act, the bill would establish a moratorium on new state and local taxes on the Internet in order to give the digital economy some breathing room to evolve.

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This legislation does not address the issue of electronic records because this matter deserves more thorough study and discussion. I intend to work with all interested parties on this—from consumer groups to financial services firms—over the course of the coming months to craft legislation that will extend the benefits of this measure to electronic records in a way that continues consumer protections.

Commercial transactions have traditionally been governed by State laws which are modeled on the Uniform Commercial Code. Forty-two states have some law in place relating to electronic signatures. However, only one—California—has developed its own Electronic Transactions Act, or UETA. The purpose of this legislation is to provide interim Federal legal validity for electronic contracts and agreements until each state enacts its own UETA. This means e-commerce will benefit from the signature-based law. Like the Internet Tax Freedom Act, the bill would establish a moratorium on new state and local taxes on the Internet in order to give the digital economy some breathing room to evolve.

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November 19, 1999

CONGRESSIONAL RECORD—SENATE

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No State preemption: Its provisions sunset when a State enacts UETA.

Exemption of family law: It specifically excludes agreements relating to marriage, adoption, premarital agreements, divorce, residential landlord-tenant matters because these are not commercial transactions.

Repeal statutory barriers to electronic transactions: It requires OMB to report to Congress 18 months after enactment identifying statutory barriers to electronic transactions and recommending legislation to remove such barriers.

In conclusion, President, I wish to acknowledge the leadership of Sen. ABRAHAM in moving this legislation forward. He and I have teamed up successfully on other legislation, and it was a pleasure to work with him and his tireless staff on this bill. I also was a pleasure to work with him and forward. He and I have teamed up successfully on this bill.

Then, I ask unanimous consent that my statement be printed in the record following Senator ABRAHAM’s statement on the passage of S. 761.

Mr. LIEBERMAN. Mr. President, I rise today to express my support for the Millennium Digital Commerce Act of 1999. I thank Senators ABRAHAM, LEAHY, and WYDEN for their leadership on this important issue. As a cosponsor of this legislation, I am proud of the steps it takes to support an important and still emerging technology and industry. The Millennium Digital Commerce Act increases the continued growth of the Internet and of electronic commerce. With this legislation, the Senate recognizes the significant transformations taking place in our economy and how we do business today and into the future.

I think we all recognize that we are witnessing an electronic revolution. There is no shortage of statistics to prove what we are seeing all around us. According to a recent U.S. Department of Commerce report, approximately one third of the U.S. economy in the past few years has come from information technologies (over $1 trillion). Just this year, venture capitalists have invested more than $8 billion in Internet companies—twice the rate of last year.

According to a University of Texas report, e-commerce is growing at a much faster rate than many had expected. The digital economy generated more than $300 billion in revenue in 1998 and was responsible for 1.2 million jobs. Many e-commerce companies in my State of Connecticut, like Micro-Warehouse in Norwalk, Coastal Tool & Supply in West Hartford, and Sagemaker Inc. of Fairfield, are leading the way in the digital economy.

In the Senate, I have worked to support the growth of e-commerce by co-sponsoring the Internet Tax Freedom Act which places a three year moratorium on new state and local taxes on the Internet in order to give the digital economy some breathing room to evolve.

This legislation takes further steps to continue the growth of e-commerce and is a powerful follow-on to the Internet Tax Freedom Act. With this legislation we will eliminate a major barrier to e-commerce by providing for the legal recognition of electronic signatures in contracting and by creating a consistent, but temporary, national electronic signatures law to preempt a multitude of sometimes inconsistent state laws. This bill is technology neutral, allowing contracting parties to determine the appropriate electronic signature technology for their transaction. Importantly, this legislation is the result of thoughtful compromise. It gives electronic signatures more legal certainty but also provides for consumer protection. It deals with electronic signatures only in creating contracts. It preempts state law only until the states enact their own statutes and standards as provided for by the Uniform Electronic Transactions Act (UETA).

Mr. President, I thank those who have worked so diligently to create this Act. Through the considerate and collaborative approach of several of my colleagues, including Senators ABRAHAM, LEAHY, and WYDEN, we now have legislation with language that achieves a broad public purpose. We are now able to continue supporting the growth and evolution of electronic commerce and technologies that will effectively bring us into the next century.

Ms. COLLINS. Mr. President, I ask unanimous consent the committee amendment in the nature of a substitute be agreed to as amended, the bill be read the third time and passed, the motion to reconsider laid upon the table, and any statements be printed in the RECORD.

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

The PENDING OFFICER. The bill (S. 761), as amended, was read the third time and passed, as follows:

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

UNANIMOUS-CONSENT AGREEMENT

Ms. COLLINS. Mr. President, I ask unanimous consent at 4 p.m. the Senate proceed to the Work Incentives conference report, and that there be 120 minutes equally divided in the usual form, with an additional 10 minutes under the control of Senator LOTT. I further ask consent that following the use or yielding back of time, the vote on the adoption of the conference report occur immediately following the vote on adoption of the conference report to accompany H.R. 3195.

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

Ms. COLLINS. I further ask unanimous consent immediately following the vote on the adoption of the conference report, H. Con. Res. 236 be agreed to, and the motion to reconsider be laid upon the table.

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

CHURCH PLAN PARITY AND ENTANGLEMENT PREVENTION ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate proceed to consider the bill.

AMENDMENT NO. 2788

(Purpose: To provide for a complete substitute)

Ms. COLLINS. Mr. President, there is a substitute amendment at the desk submitted by Senators SESSIONS and JEFFORDS. I ask for its consideration.

The PENDING OFFICER. The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 1309) to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

There being no objection, the Senate proceeded to consider the bill.

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

The PENDING OFFICER. The clerk will report the bill by title. The legislative clerk read as follows:

Mr. President, the Senate from Maine [Ms. COLLINS] for Mr. SESSIONS, for himself, and Mr. JEFFORDS, proposes an amendment numbered 2788.

The amendment is as follows:

The amendment is as follows:

There being no objection, it is so ordered.

The PENDING OFFICER. The bill (S. 1309) was read the third time and passed, as follows:

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

SEC. 2. CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW

(a) In General.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

(b) STATE INSURANCE LAW.—A State insurance law described in this subsection is a law that—
SEC. 2. CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW.

(a) In General.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, to be licensed or insured; or

(b) State Insurance Law.—A State insurance law described in this subsection is a law that—

(1) requires a church plan, or an organization sponsoring or funding such a plan, to be licensed or insured; or

(2) relates solely to the solvency or insolvency of a church plan (including participation in State guaranty funds and associations).

(c) Definitions.—For purposes of this section:

(1) CHURCH PLAN.—The term ‘‘church plan’’ has the meaning given such term by section 414(e) of the Internal Revenue Code of 1986 and section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)).

(2) REIMBURSES COSTS FROM GENERAL CHURCH ASSETS.—The term ‘‘reimburses costs from general church assets’’ means engaging in an activity that is not the spreading of risk solely for the purposes of the provisions of State insurance laws described in subsection (b).

(3) WELFARE PLAN.—The term ‘‘welfare plan’’—

(A) means any church plan to the extent that such plan provides medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services; and

(B) does not include any entity, such as a health insurance issuer described in section 9832(b)(2) of the Internal Revenue Code of 1986 or a health maintenance organization described in section 9832(b)(3) of such Code, or any other organization that does business with the church plan or organization sponsoring or maintaining such a plan.

(d) Enforcement Authority.—Notwithstanding any other provision of this section, for purposes of enforcing provisions of State insurance laws that apply to a church plan that is a welfare plan, the church plan shall be subject to State enforcement as if the church plan were an insurer licensed by the State.

(e) Application of Section.—Except as provided in subsection (d), the application of this section is limited to determining the status of a church plan that is a welfare plan under the provisions of State insurance laws described in subsection (b). This section shall not otherwise be construed to recharacterize the status, or modify or affect the rights, of any plan participant or beneficiary who make plan contributions.

Mr. LEAHY. Mr. President, the Senate is today passing an important bill, S. 1257, the Hatch-Leahy-Schumer ‘‘Digital Theft Deterrence and Copyright Damages Improvement Act of 1999.’’ This legislation should help our copyright industries, which in turn helps both those who are employed in those industries and those who enjoy the wealth of consumer products, including books, magazines, movies, and computer software, that makes the vibrant culture of this country the envy of the world. This legislation has already traveled an unnecessarily bumpy road to get to this stage, and it is my hope that it will be sent promptly to the President’s desk.

On July 1, 1999, the Senate passed four intellectual property bills which Senator HATCH and I had joined in introducing and which the Judiciary Committee had unanimously reported. Each of these bills (S. 1257, which we consider today; S. 1258, the Patent Fee Integrity and Innovation Protection Act; S. 1259, the Trademark Amendment Act; and S. 1260, the Copyright Act Technical Corrections Act) make important improvements to our intellectual property laws, and I congratulate Senator HATCH for his leadership in moving these bills promptly through the Committee.

Three of those four bills then passed the House without amendment and were signed by the President on August 5, 1999. The House sent back to the Senate S. 1257, the Digital Theft Deterrence and Copyright Damages Improvement Act, with one modification which I will describe below.

I have long been concerned about reducing the levels of software piracy in this country and around the world. The theft of digital copyrighted works and, in particular, of software, results in lost jobs to American workers, lost taxes to Federal and State governments, and lost revenue to American companies. A recent report released by the Business Software Alliance estimates that worldwide theft of copyrighted software in 1998 amounted to nearly $11 billion. According to the report, if this ‘‘pirated software has instead been legally purchased, the industry would have been able to employ 32,700 more people. In 2008, if software piracy remains at its current rate, 52,700 jobs will be lost in the core software industry.’’ This theft also reflects losses of $991 million in tax revenue in the United States.

The statistics about the harm done to our economy by the theft of copyrighted software alone, prompted me to introduce the ‘‘Criminal Copyright Improvement Act’’ in both the 104th and
105th Congresses, and to work for passage of this legislation, which was finally enacted as the “No Electronic Theft Act of 1997.” Pub. L. 105–147. The current rates of software piracy show that we need to do better to combat this theft, both with enforcement of our current copyright laws and with strengthened copyright laws to deter potentially more serious violations.

The Hatch-Leahy-Schumer “Digital Theft Deterrence and Copyright Damages Improvement Act” would help provide additional deterrence by amending the Copyright Act, 17 U.S.C. § 504(c), to increase the amounts of statutory damages recoverable for copyright infringements. These amounts were last increased in 1988 when the United States acceded to the Berne Convention. Specifically, the bill would increase the statutory damages by 50 percent, raising the minimum from $500 to $750 and raising the maximum from $20,000 to $30,000. In addition, the bill would raise from $100,000 to $150,000 the amount of statutory damages recoverable for willful infringements.

Courts determining the amount of statutory damages in any given case would have discretion to impose damages within these statutory ranges at just and appropriate levels, depending on the harm caused, ill-gotten profits obtained and the gravity of the offense. The bill preserves provisions of the current law allowing the court to reduce the award of statutory damages to as little as $200 in cases of innocent infringement and requiring the court to remit damages in certain cases involving nonprofit educational institutions, libraries, archives, or public broadcasting entities.

Finally, the bill provides authority for the Sentencing Commission expeditiously to fulfill its responsibilities under the No Electronic Theft Act, which directed the Commission to ensure that the guidelines provide for consideration of the retail value and quantity of the items with respect to which the intellectual property offense was committed. Since the time that this law became effective, the Sentencing Commission has not had a full slate of Commissioners serving. In fact, we have had no Commissioners since October 1, 1995. The commission was corrected last week with the confirmation of seven new Commissioners.

As I noted, the House amended the version of S. 1257 that the Senate passed in July in two ways. First, the original House version of this legislation, H.R. 1761, contained a new proposed enhanced penalty for infringers who engage in a repeated pattern of infringement, but without any scienter requirement. I shared the concerns raised by the Office of Congressional Development on this provision, absent a willfulness scienter requirement, would permit imposition of the enhanced penalty even against person who negligently, albeit repeatingly, engaged in acts of infringement. Consequently, the Hatch-Leahy-Schumer bill, S. 1257, that we sent to the House last week would have added such a wide net, which could chill legitimate fair uses of copyrighted works. Instead, the bill we sent to the House would have created a new tier of statutory damages allowing a court to award damages in the amount of $250,000 per infringed work where the infringement is part of a willful and repeated pattern or practice of infringement. The entire “pattern and practice” provision, which originated in the House, has been removed from the version of S. 1257 sent back to the Senate.

Second, the original House version of this legislation provided a direction to the Sentencing Commission to amend the guidelines to provide an enhancement for similar a wide variety of infringement crimes, no matter the type and magnitude of harm. This was a problem we avoided in the carefully crafted Sentencing Commission directive originally passed as part of the No Electronic Theft Act. Consequently, the version of S. 1257 passed by the Senate in July did not include the directive to the Sentencing Commission. The House then returned S. 1257 with the same problematic directive to the Sentencing Commission.

I appreciate that my House colleagues and interested stakeholders have worked over the past months to address my concerns over the breadth of the proposed directive to the Sentencing Commission and to find a better definition of the categories of cases in which it would be appropriate to compute the applicable sentencing guideline based upon the retail value of the infringed upon item. A better solution than the one contained in the No Electronic Theft Act remains elusive, however.

For example, one recent proposal seeks to add to S. 1257 a direction to the Sentencing Commission to enhance the guideline offense level for copyright and trademark infringement based upon the retail price of the legitimate products multiplied by the quantity of the infringing products, except where “the infringing products are substantially inferior to the infringed upon products and there is substantial price disparity between the legitimate products and the infringing products.” This proposed direction appears to be under-inclusive since it would not allow a guideline enhancement in cases where legitimate goods are passed off as the real item to unsuspecting consumers, even though this is clearly a situation in which the Commission may decide to provide an enhancement.

In view of the fact that the full Sentencing Commission has not had an opportunity for the past two years to consider and implement the original direction in the No Electronic Theft Act, passing a new and flawed directive appears to be both unnecessary and unwise. This is particularly the case since the new Commissioners have already indicated a willingness to consider this issue promptly. In response to questions posed at their confirmation hearings, each of the nominated Sentencing Commissioners indicated that they would make this issue a priority. For example, Judge William Sessions of the District of Vermont specifically noted that:

If confirmed, my first task must be to address Congress’ longstanding directives, including implementation of the guidelines pursuant to the NET Act. Congress directed the Sentencing Commission to fashion guidelines under the NET Act that are sufficiently severe to deter such criminal activity, I personally favor addressing penalties under this statute expeditiously.

I fully concur in the judgment of Chairman HATCH that the Sentencing Commission directive provision added by the House and to send, again, S. 1257 to the House for action.

This bill represents an improvement in current copyright law, and I hope that it will soon be sent to the President for enactment.

TO AMEND THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Ms. COLLINS. Mr. President, I ask unanimous consent the Agriculture Committee be discharged from further consideration of S. 961, and the Senate 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 (S. 961) to amend the Consolidated Farm and Rural Development Act to improve shared appreciation arrangements.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT No. 2789

(Purpose: To provide a substitute amendment)

Ms. COLLINS. Mr. President, there is a substitute amendment at the desk submitted by Senator BURNS, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. Collins] for Mr. BURNS, proposes an amendment numbered 2789.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHARED APPRECIATION ARRANGEMENTS.

(a) IN GENERAL.—Section 333(e) of the Consolidated Farm and Rural Development Act
(7 U.S.C. 2001(e)) is amended by striking paragraph beginning with the following:—

“Sec. 21(a) of the Sentencing Act of 1987, as the

time of restructuring; and

“(d) EFFECTIVE DATE AND APPLICATION.—

Amendment No. 2789

(Purpose: To provide for the promulgation of emergency guidelines by the United States Sentencing Commission incident to criminal infringement of a copyright or trademark, and for other purposes)

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate concur in the House amendment with a further amendment which is as follows:

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

The amendment (No. 2789) was agreed to.

The bill (S. 961), as amended, was read the third time and passed, as follows:

The legislative clerk read as follows:

The PRESIDING OFFICER. The legislative clerk read as follows:

The Inspector General Act of 1978 (5 U.S.C. App.) consists of the amendment made by section 2(a) of the Inspector General Act of 1978, as the time of restructuring; and

A bill (S. 1707) to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be established under such Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which was reported from the Committee on Governmental Affairs with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. THE TENNESSEE VALLEY AUTHORITY AS AN ESTABLISHMENT UNDER THE INSPECTOR GENERAL ACT OF 1978.

(a) FINDINGS.—Congress finds that—

(1) Inspectors General serve an important function in preventing and eliminating fraud, waste, and abuse in the Federal Government; and

(2) independence is vital for an Inspector General to function effectively.

(b) ESTABLISHMENT OF INSPECTOR GENERAL.—


(1) in paragraph (1) by striking “the Tennessee Valley Authority,”; and

(2) in section 11—

(A) in paragraph (1) by striking or the Commissioner of Social Security, Social Security Administration; or the Board of Directors of the Tennessee Valley Authority; and

(B) in paragraph (2) by striking or the Social Security Administration, or the Tennessee Valley Authority; and

(c) EXECUTIVE SCHEDULE POSITION.—

On page 2, strike lines 2 through 26 and in-

SEC. 2. ESTABLISHMENT OF INSPECTORS GENERAL.

on the following:

The Senator from Maine [Ms. COLLINS] for Mr. HATCH, for himself, and Mr. LEAHY, pro-

The Inspector General of the Tennessee Valley Authority, unless that person is appointed by the President, by and with the advice and consent of the Senate, to be Inspector General of the Tennessee Valley Authority.

SEC. 2. ESTABLISHMENT OF INSPECTORS GENERAL. CRIMINAL INVESTIGATOR ACADEMY AND INSPECTORS GENERAL FORENSIC LABORATORY.

The Inspector General of the Tennessee Valley Authority, unless that person is appointed by the President, by and with the advice and consent of the Senate, to be Inspector General of the Tennessee Valley Authority.

(a) INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY.—

(1) ESTABLISHMENT.—There is established the Criminal Investigator Academy within the Department of the Treasury, the Criminal Investigator Academy is established for the purpose of performing investigator training services for offices of inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.) as applicable to the Board of Directors of the Inspector General of the Tennessee Valley Authority, unless that person is appointed by the President, by and with the advice and consent of the Senate, to be Inspector General of the Tennessee Valley Authority.

(b) EXECUTIVE DIRECTOR.—The Criminal Investigator Academy shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined

SEC. 3. SENTENCING COMMISSION GUIDELINES.

Section 2(g) of the No Electronic Theft (NET) Act (28 U.S.C. 994 note) is amended by striking paragraph (2) and inserting the following:

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

Ms. COLLINS. I ask unanimous consent that the Senate concur in the House amendment with a further amendment which is as follows:

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

AMENDING THE INSPECTOR GENERAL ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 408, S. 1707.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate concur in the House amendment with a further amendment which is as follows:

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:


(a) FINDINGS.—Congress finds that—

(1) Inspectors General serve an important function in preventing and eliminating fraud, waste, and abuse in the Federal Government; and

(2) independence is vital for an Inspector General to function effectively.

(b) ESTABLISHMENT OF INSPECTOR GENERAL.—


(1) in paragraph (1) by striking “the Tennessee Valley Authority,”; and

(2) in section 11—

(A) in paragraph (1) by striking or the Commissioner of Social Security, Social Security Administration; or the Board of Directors of the Tennessee Valley Authority; and

(B) in paragraph (2) by striking or the Social Security Administration, or the Tennessee Valley Authority; and

(c) EXECUTIVE SCHEDULE POSITION.—

On page 2, strike lines 2 through 26 and in-

SEC. 2. ESTABLISHMENT OF INSPECTORS GENERAL. CRIMINAL INVESTIGATOR ACADEMY AND INSPECTORS GENERAL FORENSIC LABORATORY.


(a) INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY.—

(1) ESTABLISHMENT.—There is established the Criminal Investigator Academy within the Department of the Treasury, the Criminal Investigator Academy is established for the purpose of performing investigator training services for offices of inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.) as applicable to the Board of Directors of the Tennessee Valley Authority, unless that person is appointed by the President, by and with the advice and consent of the Senate, to be Inspector General of the Tennessee Valley Authority.

(b) EXECUTIVE DIRECTOR.—The Criminal Investigator Academy shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined

SEC. 3. SENTENCING COMMISSION GUIDELINES.

Section 2(g) of the No Electronic Theft (NET) Act (28 U.S.C. 994 note) is amended by striking paragraph (2) and inserting the following:

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

Ms. COLLINS. I ask unanimous consent that the Senate concur in the House amendment with a further amendment which is as follows:

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

AMENDING THE INSPECTOR GENERAL ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 408, S. 1707.

The PRESIDING OFFICER. The clerk will report the bill by title.
in section 11 of the Inspector General Act of 1978 (5 U.S.C. App.)). (A) designated by the President’s Council on Integrity and Efficiency; or (B) if that council is eliminated, by a majority vote of the inspector generals created under the Inspector General Act of 1978 (5 U.S.C. App.). (2) EXECUTIVE DIRECTOR.—The Inspectors General Criminal Investigator Academy shall be admin-istered by an Executive Director who shall report to an inspector general for an establishment as defined in section 11 of the Inspector General Act of 1978 (5 U.S.C. App.). (A) designated by the President’s Council on Integrity and Efficiency; or (B) if that council is eliminated, by a majority vote of the inspector generals created under the Inspector General Act of 1978 (5 U.S.C. App.).

(c) SEPARATE APPROPRIATIONS ACCOUNT.—Section 110(a) of title 31, United States Code, is amended by inserting at the end the following: “(33) a separate appropriation account for appropriations for the Inspectors General Criminal Investigator Academy and the Inspectors General Forensic Laboratory of the Department of the Treasury.’’.

(d) EFFECTIVE DATE AND APPLICATION.— (1) IN GENERAL.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act. (2) INSPECTOR GENERAL.—The person serving as Inspector General of the Tennessee Valley Authority shall be paid the same amount of compensation as is used for the compensation of similarly situated officials of the Social Security Administration, or the Inspector General, Comptroller General of the United States (the ‘‘Comptroller General’’) determined that the appropriate amount of compensation to pay the Tribe for the land acquisition described in paragraph (1) is $290,723,000;
The Tribe is entitled to receive additional financial compensation for the land acquisition described in paragraph (2)(A) in a manner consistent with the determination of the Comptroller General described in paragraph (4), and (6) that a tribe may be entitled to withdraw amounts available to the Tribe under this title consistent with principles of self-governance and self-determination.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To provide for additional financial compensation to the Tribe for the acquisition of the Federal Government in 104,482 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).

(2) To provide for the establishment of the Cheyenne River Sioux Tribal Recovery Trust Fund, to be managed by the Secretary of the Treasury in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 103. DEFINITIONS.

In this title:

(1) TRIBE.—The term "Tribe" means the Cheyenne River Sioux Tribe, which is comprised of the Oahe, Sata, Minnieconejo, and Oshenumpa bands of the Great Sioux Nation that reside on the Cheyenne River Reservation, located in central South Dakota.

(a) COUNCIL.—The term "Tribal Council" means the governing body of the Tribe.

(b) PLAN.—The plan described in subsection (d)(1) of this Act, the Secretary of the Interior shall withdraw the aggregate amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, on the first day of the fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall use the payments made under subsection (d)(1), the Secretary of the Treasury shall not withdraw the aggregate amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteeed as to both principal and interest by the United States or in obligations guaranteed as to principal by the United States and in obligations guaranteed as to interest by the United States, on the first day of the fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) $290,722,958; and

(2) any additional amount that equals the amount deposited into the Fund under this title that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury’s judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) USE OF INTEREST.—(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payment is requested by the Tribe pursuant to tribal resolution.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to cover the administrative expenses of the Fund.

SEC. 107. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds (together with interest) into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking, by the United States, of the land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

TITLE II—BOSQUE REDONDO MEMORIAL

SEC. 201. SHORT TITLE.

This title may be cited as the “Bosque Redondo Memorial Act.”

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1863, the United States detained nearly 9,000 Navajo and forced their migration across nearly 1,200 miles of land near Bosque Redondo, a journey known as the “Long Walk”; and

(2) Mescalero Apache people were also incarcerated at Bosque Redondo;

(3) the Navajo and Mescalero Apache people labored to plant crops, dig irrigation ditches and build housing, but drought, cutworms, hail, and alkaline Pecos River water created severe living conditions for nearly 9,000 captives;

(4) suffering and hardships endured by the Navajo and Mescalero Apache people forged a new understanding of their strengths as Americans; and

(5) the Treaty of 1868 was signed by the United States and the Navajo tribes, recognizing the Navajo Nation as it exists today;

(6) the State of New Mexico has appropriated a total of $123,000 for a planning study and for the design of the Bosque Redondo Memorial;

(7) individuals and organizations in DeBaca County donated $6,600 toward the production of a brochure relating to the Bosque Redondo Memorial;

(8) the Village of Fort Sumner donated 70 acres of land to the State of New Mexico contiguous to the existing 50 acres comprising Fort Sumner State Monument, contingent on the funding of the Bosque Redondo Memorial; and

(9) full architectural plans and the exhibit design for the Bosque Redondo Memorial have been completed.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To commemorate the people who were interned at Bosque Redondo.

(2) To pay tribute to the native populations’ ability to rebound from suffering, and establish the strong, living communities that have long
been a major influence in the State of New Mexico. The Secretary is authorized to establish a Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument in New Mexico. No memorial shall be established without the consent of the Navajo Nation and the Mescalero Tribe.

SEC. 204. BOSQUE REDONDO MEMORIAL

(a) ESTABLISHMENT.—Upon the request of the State of New Mexico, the Secretary is authorized to establish a Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument in New Mexico. No memorial shall be established without the consent of the Navajo Nation and the Mescalero Tribe.

(b) COMPONENTS OF THE MEMORIAL.—The memorial shall include—

(1) exhibit space, a lobby area that represents the collections to be exhibited, security, preservation, protection, environmental controls, and presentation in accordance with professional standards;

(2) a venue for public education programs; and

(3) a location to commemorate the Long Walk of the Navajo people and the healing that has taken place since that event

SEC. 205. CONSTRUCTION OF MEMORIAL

(a) GRANT.—To carry out this section, the Secretary shall—

(1) submit to the Secretary a proposal that—

(A) provides assurances that the Memorial will comply with all applicable laws, including building codes and regulations; and

(B) includes such other information and assurances as the Secretary may require; and

(2) enter into a Memorandum of Understanding with the Secretary that shall include—

(A) a timetable for the completion of construction; and

(B) assurances that construction contracts will be competitively awarded;

(C) assurances that the State or Village of Fort Sumner will make sufficient land available for the Memorial;

(D) the specifications of the Memorial which shall comply with all applicable Federal, State, and local building codes and laws;

(E) arrangements for the operation and maintenance of the Memorial upon completion of construction;

(F) a description of Memorial collections and educational programming;

(G) a plan for the design of exhibits including the collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional standards;

(H) an agreement with the Navaajo Nation and the Mescalero Tribe relative to the design and location of the Memorial; and

(i) a financing plan developed by the State that will ensure the long-term management of the Memorial, including—

(1) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated funds;

(2) the payment of the operating costs of the Memorial through the assessment of fees or other income generated by the Memorial;

(3) a strategy for achieving financial self-sufficiency with respect to the Memorial by not later than 5 years after the date of enactment of this Act; and

(iv) a description of the business activities that would be permitted at the Memorial and appropriate vendor standards that would apply.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $1,000,000 for each fiscal year 2001 and 2002;

(2) $500,000 for each of fiscal years 2003 and 2004;

(b) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are authorized to be appropriated may remain available for use by the Secretary through September 30, 2004 for the purposes for which those funds were made available.

Ms. COLLINS. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 964), as amended, was read the third time and passed, as follows:

S. 964

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

TITLE I—CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Cheyenne River Sioux Tribe Equitable Compensation Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944, (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), commonly known as the "Flood Control Act of 1944", Congress approved the Pick-Sloan Missouri River Basin program referred to in this section as the "Pick-Sloan program";

(b) PURPOSES.—The purposes of this title are as follows:

(1) To provide for additional financial compensation for the land acquisition described in subparagraph (A) in a manner consistent with the determination of the Comptroller General described in paragraph (4); and

(2) To provide for the establishment of a trust fund to make amounts available to the Tribe under this title consistent with the principles of self-governance and self-determination.

(b) PURSUITS.—The purposes of this title are as follows:

(1) To provide for additional financial compensation to the Tribe for the acquisition by the Federal Government of 104,492 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).

(2) To provide for the establishment of the Cheyenne River Sioux Tribal Recovery Trust Fund, to be managed by the Secretary of the Treasury in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 103. DEFINITIONS.

In this title:

(1) TRIBE.—The term "Tribe" means the Cheyenne River Sioux Tribe, which is comprised of the Itazipco, Siha Sapa, Miniconjou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne River Reservation, located in central South Dakota.

(2) TRIBAL COUNCIL.—The term "Tribal Council" means the governing body of the Tribe.

SEC. 104. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND

(a) CREATION.—There is established in the Treasury of the United States a fund to be known as the "Cheyenne River Sioux Tribal Recovery Trust Fund" (referred to in this title as the "Fund"). The Fund shall consist of any amounts deposited into the Fund under this title.

(b) FUNDING.—On the first day of the fiscal year that begins after the date of enactment of this Act, the Secretary, at such time as the Comptroller General described in paragraph (4); and

(1) $290,722,958; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if
such amount had been invested in interest-bearing obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and continues until otherwise ordered by the Secretary of the Treasury.

(e) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury’s judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations guaranteed as to both principal and interest by the United States. The aggregate amount of interest deposited into the Fund for that fiscal year and transferred to the Secretary of the Interior for use in accordance with paragraph (2) shall be available without fiscal year limitation.

(f) PAYMENTS TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior in accordance with paragraph (2) of subsection (b). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribe resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan prepared under subsection (d) (referred to in this section as the “plan”).

(C) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (d). Such payments may not transfer or withdraw any amount deposited under subsection (b).

(3) PLAN.—

(A) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d) (referred to in this section as the “plan”).

(B) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and its members; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(4) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Tribal Council shall make available for review and comment by the members of the Tribe the plan described in subparagraph (B) before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) UPDATING OF PLAN.—The Tribal Council may, on an annual basis, revise the plan to update the plan. In revising the plan under this subparagraph, the Tribal Council shall provide members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) CONSULTATION.—In preparing the plan described in subparagraph (B), the Tribal Council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(5) AUDIT.—

(A) IN GENERAL.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit required to be conducted by the Office of Management and Budget under Budget circular number 133. The audit shall be conducted in accordance with generally accepted government auditing standards.

(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted as part of the annual single-agency audit. The copy of the written findings of the audit described in subparagraph (A) shall be inserted as part of the annual single-agency audit. The audit is presented to the Tribal Council.

(6) AUDITORS.—Any individual who is a member of the State of New Mexico and is licensed to practice public accounting in the State of New Mexico may have against the United States for the costs of the audit associated with the audit described in subparagraph (A) suffered by such individual that has been paid or reimbursed by the United States.

SEC. 105. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to cover the administrative expenses of the Fund.

SEC. 107. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds (together with interest) into the Fund under section 104(b) of the Act, all monetary claims that the Tribe has or may have against the United States for the taking, by the United States, of the land and water area designated for the Chacoan Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

TITLE II—BOSQUE REDONDO MEMORIAL

SEC. 201. SHORT TITLE.

This title may be cited as the “Bosque Redondo Memorial Act”.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1868, the United States detained nearly 9,000 Navajo and forced their migration to Bosque Redondo, a journey known as the “Long Walk”;

(2) the Navajo and Mescalero Apache people were also incarcerated at Bosque Redondo;

(3) the Mescalero and Navajo peoples, after their removal to Bosque Redondo, labored to plant crops, dig irrigation ditches, and maintain a significant presence in the community;

(4) the United States government, after placement of the tribe on the Bosque Redondo Reservation, allowed the Navajo people to be permitted to leave the reservation and return to the Navajo lands in the state of New Mexico;

(5) the United States government, after the end of the American Civil War, forced the Navajo people to leave the Bosque Redondo Reservation and return to the Navajo lands in the state of New Mexico;

(6) the State of New Mexico has appropriated $125,000 for a planning study and for the design of the Bosque Redondo Memorial;

(7) individuals and businesses in DeBaca County, New Mexico, have made contributions to the proposed memorial project and have supported the development of a brochure relating to the Bosque Redondo Memorial;

(8) the Village of Fort Sumner donated 70 acres of land to the State of New Mexico contiguous to the existing 50 acres comprising Fort Sumner State Monument, contingent upon the funding of the Bosque Redondo Memorial;

(9) full architectural plans and the exhibit design for the Bosque Redondo Memorial have been completed;

(10) the Bosque Redondo Memorial project has the encouragement of the President of the Navajo Nation and the President of the Mescalero Apache Tribe, who have each appointed tribal members to serve as project advisors;

(11) the Navajo Nation, the Mescalero Tribe, and the DeBaca County Memorial Project have worked collaboratively to develop a symposium on the Bosque Redondo, Long Walk and the curriculum for inclusion in the New Mexico school curriculum.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To commemorate the people who were interned at Bosque Redondo.

(2) To pay tribute to the native populations’ ability to rebound from suffering, and establish the strong, living communities that have long been a major influence in the State of New Mexico and in the United States.

(3) To provide Americans of all ages a place to learn about the Bosque Redondo experience and how it resulted in the establishment of strong American Indian Nations from once divergent bands.

(4) To support the construction of the Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument in the State of New Mexico.

(5) To commemorate the people who were interned at Bosque Redondo.

(6) To commemorate the people who were interned at Bosque Redondo.

SEC. 203. DEFINITIONS.

In this title:

(1) MEMORIAL.—The term “Memorial” means the building and grounds known as the Bosque Redondo Memorial.

(2) SECRETARY.—The term “Secretary” means the Secretary of Defense.
SEC. 205. CONSTRUCTION OF MEMORIAL.

(a) GRANT.—

(1) IN GENERAL.—The Secretary may award a grant to the State of New Mexico to provide up to 50 percent of the total cost of construction of the Memorial.

(2) NON-FEDERAL SHARE.—The non-Federal share of construction costs for the Memorial shall include funds previously expended by the State for the planning and design of the Memorial, and funds previously expended by non-Federal entities for the production of a brochure relating to the Memorial.

(b) REQUIREMENTS.—To be eligible to receive a grant under this section, the State shall—

(1) submit to the Secretary a proposal that—

(A) provides assurances that the Memorial will comply with all applicable laws, including building codes and regulations; and

(B) includes such other information and assurances as the Secretary may require; and

(2) enter into a Memorandum of Understanding with the Secretary that shall include—

(A) a timetable for the completion of construction and the opening of the Memorial;

(B) assurances that construction contracts will be awarded;

(C) assurances that the State or Village of Fort Sumner will make sufficient land available for the Memorial;

(D) the specifications of the Memorial, which shall comply with all applicable Federal, State, and local building codes and laws;

(E) arrangements for the operation and maintenance of the Memorial upon completion of construction;

(F) a description of Memorial collections and educational programming;

(G) a plan for the design of exhibits including the collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional standards;

(H) an agreement with the Navajo Nation and the Mescalero Tribe relative to the design and location of the Memorial; and

(I) a financing plan developed by the State that outlines the long-term management of the Memorial, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Memorial through the assessment of fees or other income generated by the Memorial;

(iii) a strategy for achieving financial self-sufficiency with respect to the Memorial by not later than 5 years after the date of enactment of this Act; and

(iv) a description of the business activities that would be permitted at the Memorial and appropriate vendor standards that would apply.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $1,000,000 for fiscal year 2000; and

(2) $500,000 for each of fiscal years 2001 and 2002.

(b) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated, shall remain available for use by the Secretary through September 30, 2002 for the purposes for which those funds were made available.
TITLE I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to national or regional membership organizations and associations for the membership consultation of judicial system personnel within tribal justice systems which submit an application to the Attorney General in such form and manner as the Attorney General shall prescribe to provide training and technical assistance for the development, enrichment, enhancement of tribal justice systems, or other purposes consistent with this Act.

SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of civil legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act. Funding under this title may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and guardianship or other appointments arising out of criminal or delinquency acts.

SEC. 104. NO OFFSET.

No Federal funds shall offset funds made available pursuant to this Act for Indian tribal court membership organizations or Indian legal services organizations against other funds otherwise available for use in connection with technical or legal assistance to tribal justice systems or members of Indian tribes.

SEC. 105. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution fora;

(5) imply that any tribal justice system is an instrumentality of the United States or of Indian reservations; and

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the activities under this title, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the activities under this Act, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Tribal Justice Technical and Legal Assistance Act of 1999.”

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and Indian tribes;

(2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian lands;

(3) the rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole;

(4) in any community, a high rate of violence is associated with crime, job creation and economic growth;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adjudication of disputes affecting personal and property rights on Native lands;

(7) enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency;

(8) there is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation;

(9) tribal court membership organizations have served a critical role in providing training, technical assistance, and development of tribal court systems and have an inordinate role of providing cost effective legal assistance to Indian people in tribal court forums, and also contribute significantly to the development of tribal courts and tribal jurisprudence; and

(10) the provision of adequate technical assistance to tribal courts and legal assistance to both individuals who use tribal courts is an essential element in the development of strong tribal court systems.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) to carry out the responsibility of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance;

(2) to strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of tribal governments;

(3) to strengthen tribal governments and the economies of Indian tribes through the enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services;

(4) to encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes, and tribal justice systems; and

(5) to assist in the development of tribal judicial systems by supplementing prior Congressional efforts as the Indian Tribal Justice Act (Public Law 103-176).

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) ATTORNEY GENERAL.—The term “Attorney General” means the Attorney General of the United States.


For purposes of the preceding sentence, such section 3(d) of the Indian Financing Act shall be applied by treating the term...
States to Indian tribes because of their status as Indians.

(4) Judicial Personnel.—The term "judicial personnel" means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal judicial system.

(5) Non-Profit Entities.—The term "non-profit entity" or "non-profit entities" has the meaning given that term in section 501(c)(3) of title 26 of the United States Code.

(6) Office of Tribal Justice.—The term "Office of Tribal Justice" means the Office of Tribal Justice in the United States Department of Justice.

(7) Tribal Justice System.—The term "tribal court", "tribal court system", or "tribal justice system" means the entire judicial branch of any Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, tribal courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority whether or not they constitute a court of record.

TITLE I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to national or regional membership organizations and associations whose membership consists of judicial system personnel within the tribal justice systems which submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems or members of Indian tribes.

SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act. Funding under this title may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and/or guardian-ad-litem appointments arising out of criminal or delinquency acts.

SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

with the Office of Tribal Justice and any other appropriate tribal or Federal officials.

(e) Consulting. —The Attorney General may consult with the Office of Tribal Justice and any other appropriate tribal or Federal officials.

(f) Authorization of Appropriations. —For purposes of carrying out the activities under this section, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

SEC. 202. TRIBAL JUSTICE SYSTEMS.

Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—


SEC. 203. TRIBAL FOOD AND SHELTER PROGRAM.

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 106, S. 1516.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1516) to amend title III of the Stewart B. McKinney Homeless Assistance Act and so forth and Shelter Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I note I am proud to be a cosponsor of this important legislation. I am pleased to see the Senate take final action on it today.

I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 1516) was read the third time and passed, as follows:

S. 1516

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

SEC. 1. AUTHORIZATION OF APPROPRIATIONS.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 13332) is amended to read as follows:

"SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $125,000,000 for fiscal year 2000, $130,000,000 for fiscal year 2001, and $135,000,000 for fiscal year 2002."

SEC. 2. NAME CHANGE TO NOMINATING ORGANIZATION.

Section 301(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 13331(b)) is amended by striking paragraph (5) and inserting the following:

"(5) Homeless Assistance Act (42 U.S.C. 11331(b)) is amended to read as follows:"

"SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $125,000,000 for fiscal year 2000, $130,000,000 for fiscal year 2001, and $135,000,000 for fiscal year 2002."

The bill (S. 1516) was read the third time and passed, as follows:

S. 1516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
Ms. COLLINS. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 405, S. 1877.

The PRESIDING OFFICER. The chair lay before the Senate a message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2280) entitled ‘An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorites applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes’, with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 1999’.

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) INCREASE IN RATES.—Section 1114 is amended—

(1) by striking ‘‘$95’’ in subsection (a) and inserting ‘‘$98’’;

(2) by striking ‘‘$182’’ in subsection (b) and inserting ‘‘$188’’;

(3) by striking ‘‘$279’’ in subsection (c) and inserting ‘‘$308’’;

(4) by striking ‘‘$399’’ in subsection (d) and inserting ‘‘$413’’;

(5) by striking ‘‘$599’’ in subsection (e) and inserting ‘‘$605’’;

(6) by striking ‘‘$717’’ in subsection (f) and inserting ‘‘$741’’;

(7) by striking ‘‘$965’’ in subsection (g) and inserting ‘‘$977’’;

(8) by striking ‘‘$1,049’’ in subsection (h) and inserting ‘‘$1,087’’;

(9) by striking ‘‘$1,181’’ in subsection (i) and inserting ‘‘$1,234’’;

(10) by striking ‘‘$1,964’’ in subsection (j) and inserting ‘‘$2,036’’;

(11) in subsection (k)—

(A) by striking ‘‘$75’’ both places it appears and inserting ‘‘$76’’; and

(B) by striking ‘‘$2,443’’ and ‘‘$3,426’’ and inserting ‘‘$2,533’’ and ‘‘$3,553’’, respectively;

(12) by striking ‘‘$2,443’’ in subsection (l) and inserting ‘‘$2,533’’;

(13) by striking ‘‘$2,694’’ in subsection (m) and inserting ‘‘$2,794’’;

(14) by striking ‘‘$3,066’’ in subsection (n) and inserting ‘‘$3,179’’;

(15) by striking ‘‘$3,426’’ each place it appears in subsections (o) and (p) and inserting ‘‘$3,553’’;

(16) by striking ‘‘$1,741’’ and ‘‘$2,190’’ in subsection (q) and inserting ‘‘$1,788’’ and ‘‘$2,271’’, respectively; and

(17) by striking ‘‘$1,788’’ and ‘‘$2,271’’ in subsection (r) and inserting ‘‘$2,036’’ and ‘‘$2,553’’.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on October 1, 1999.

Ms. COLLINS. Mr. President, I ask the Chair lay before the Senate a measurage from the House of Representatives on the bill (H.R. 2280) to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorites applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes.

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. 2280) entitled ‘An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorites applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes’, with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 1999’.

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) INCREASE IN RATES.—Section 1114 is amended—

(1) by striking ‘‘$95’’ in subsection (a) and inserting ‘‘$98’’;

(2) by striking ‘‘$182’’ in subsection (b) and inserting ‘‘$188’’;

(3) by striking ‘‘$279’’ in subsection (c) and inserting ‘‘$308’’;

(4) by striking ‘‘$399’’ in subsection (d) and inserting ‘‘$413’’;

(5) by striking ‘‘$599’’ in subsection (e) and inserting ‘‘$605’’;

(6) by striking ‘‘$717’’ in subsection (f) and inserting ‘‘$741’’;

(7) by striking ‘‘$965’’ in subsection (g) and inserting ‘‘$977’’;

(8) by striking ‘‘$1,049’’ in subsection (h) and inserting ‘‘$1,087’’;

(9) by striking ‘‘$1,181’’ in subsection (i) and inserting ‘‘$1,234’’;

(10) by striking ‘‘$2,694’’ in subsection (j) and inserting ‘‘$2,794’’;

(11) in subsection (k)—

(A) by striking ‘‘$75’’ both places it appears and inserting ‘‘$76’’; and

(B) by striking ‘‘$2,443’’ and ‘‘$3,426’’ and inserting ‘‘$2,533’’ and ‘‘$3,553’’, respectively;

(12) by striking ‘‘$2,443’’ in subsection (l) and inserting ‘‘$2,533’’;

(13) by striking ‘‘$2,694’’ in subsection (m) and inserting ‘‘$2,794’’;

(14) by striking ‘‘$3,066’’ in subsection (n) and inserting ‘‘$3,179’’;

(15) by striking ‘‘$3,426’’ each place it appears in subsections (o) and (p) and inserting ‘‘$3,553’’;

(16) by striking ‘‘$1,741’’ and ‘‘$2,190’’ in subsection (q) and inserting ‘‘$1,778’’ and ‘‘$2,271’’, respectively; and

(17) by striking ‘‘$1,778’’ and ‘‘$2,271’’ in subsection (r) and inserting ‘‘$2,036’’ and ‘‘$2,553’’.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on October 1, 1999.

Ms. COLLINS. Mr. President, I ask the Chair lay before the Senate a measure...
CONGRESSIONAL RECORD—SENATE

November 19, 1999

30889

Ms. COLLINS. Mr. President, I ask unanimous consent the amendments made by this Act shall take effect on December 1, 1999.

Amend the title so as to read "An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans."

Ms. COLLINS. I ask unanimous consent the Senate agree to the amendments of the House.

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

U.S. HOLOCAUST ASSETS COMMISSION EXTENSION ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 2401, and the Senate 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. 2401) to amend the U.S. Holocaust Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

There being no objection, the Senate agreed to the amendment of the title.

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate agree to the amendments of the House.

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

The bill (H.R. 2401) was read the third time and passed, the motion to reconsider be laid upon the table, and any state- ment relating to the bill be printed in the RECORD.

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

The bill (H.R. 2401) was read the third time and passed.

AMENDING THE FEDERAL RESERVE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 1094, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 1094) to amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal Reserve notes. This legislation will expand the field of assets that the Federal Reserve may use to collateralize Federal Reserve notes. All currency in circulation must be backed by specific assets, but much of the collateral that the Federal Reserve accepts for discount window loans is ineligible under current law for use to back the currency. The changes put in place by this legislation will allow the Federal Reserve to apply all eligible discount loan assets to collateralize the currency.

This legislation poses some risks unless adequate safeguards are in place. The Federal Reserve applies a discount to each type of asset used as collateral. Broadening the scope of eligible assets makes it even more imperative that strict and aggressive discounting be applied to any assets used to back U.S. currency. The Federal Reserve should discount aggressively these assets through an objective and clearly defined process that leaves no room for doubt that our currency is fully backed by reliable assets. At the most basic level, when valuing these assets this should be our general rule: when in doubt, discount.

Failure to discount collateral assets aggressively would do more than threaten the safety and soundness of the Federal Reserve’s balance sheet; it would threaten the U.S. economy and all economies that rely on a stable dollar. Many countries around the world recently have learned a painful lesson on the value of a sound currency.

We must remember that any country can engage in monetary mismanagement, and must have at some point in time. The United States must avoid that path. With a currency that is considered a stable medium by U.S. citizens and a store of value by both domestic and foreign investors, the Federal Reserve must hold sound money paramount as it implements this important change in currency collateral requirements. It has taken nearly two decades to rebuild the reputation of the dollar after the inflation of the Carter years. Today, “sound as a dollar” has meaning here and all over the world. We must do nothing to undermine it.

Ms. COLLINS. 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. 1094) was read the third time and passed.

17 by striking "$2,199" in subsection (s) and inserting "$2,280".

18 by striking "$191" and inserting "$222".

(b) SPECIAL RULE.—The Secretary of Veterans Affairs may authorize administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of service connection pursuant to chapter 11 of title 38, United States Code.

SEC. 2. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking "$114" in clause (A) and inserting "$117";

(2) by striking "$195" and "$60" in clause (B) and inserting "$201" and "$61", respectively;

(3) by striking "$78" and "$60" in clause (C) and inserting "$80" and "$61", respectively;

(4) by striking "$92" in clause (D) and inserting "$95";

(5) by striking "$215" in clause (E) and inserting "$222"; and

(6) by striking "$188" in clause (F) and inserting "$213".

SEC. 3. ADDITIONAL COMPENSATION for CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking "$286" and inserting "$346".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking "$222" and inserting "$373"; and

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

(a) NEW LAW RATES.—Section 1311(a) is amended—

(1) by striking "$350" in paragraph (1) and inserting "$373"; and

(2) by striking "$185" in paragraph (2) and inserting "$188".

(b) OLD LAW RATES.—The table in section 1311(a)(2) is amended to read as follows:

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(c) ADDITIONAL DIC FOR CHILDREN.—Section 1311(b) is amended by striking "$235" and inserting "$235".

(d) AID AND ATTENDANCE ALLOWANCE.—Section 1311(c) is amended by striking "$215" and inserting "$215".

(e) HOUSEBOUND RATE.—Section 1311(d) is amended by striking "$104" and inserting "$107".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1311(a) is amended—

(1) by striking "$361" in paragraph (1) and inserting "$373";

(2) by striking "$520" in paragraph (2) and inserting "$538";

(3) by striking "$675" in paragraph (3) and inserting "$699"; and

(4) by striking "$675" and "$373" in paragraph (4) and inserting "$699" and "$373", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking "$215" in subsection (a) and inserting "$222";

(2) by striking "$361" in subsection (b) and inserting "$373"; and

(3) by striking "$188" in subsection (c) and inserting "$188".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on December 1, 1999.
Ms. COLLINS. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 382, H.R. 1794.

Mr. SPECTER. Mr. President, I urge my colleagues to join me in support of this bill. Long-term care is one of the most pressing issues facing America's veterans and acknowledged our debt to them for their service. This legislation gives the Senate an opportunity to do something tangible to honor our veterans.

The Veterans Millennium Health Care Act—Conference Report

Ms. COLLINS. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2116) to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs, and ask for its immediate consideration.

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

The bill (H.R. 1794) was read the third time and passed.

VETERANS' MILLENNIUM HEALTH CARE ACT—CONFERENCE REPORT

Ms. COLLINS. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2116) to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H.R. 2116, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of November 16, 1999.)

Mr. SPECTER. Mr. President, I urge my colleagues to join me in support of the Veterans Millennium Health Care and Benefits Act of 1999. On Veterans Day, many of the members honored America's veterans and acknowledged our debt to them for their service. This legislation gives the Senate an opportunity to do something tangible to honor our veterans.

The Veterans Millennium Health Care and Benefits Act of 1999 contains 74 substantive provisions; I refer the Members to the conference report text for a complete description. Let me highlight just a few provisions now.

Long-term care for veterans is one of the most pressing issues facing America—and the Department of Veterans Affairs (VA). A half century ago, the 16 million youthful veterans of World War II looked forward to building new civilian lives. Today, only about 6 million survive, and the average age is 75. Health care is their primary concern, the long-term care is a critical component of their health care needs. Simply put, what World War II veterans need from VA is long-term care. Soon, so too will the 4 million Korean War veterans, now in their mid-sixties, and the 8 million Vietnam veterans, now in their fifties, who follow them.

Under current law, VA is not required to provide long-term care to any veteran. Such care is purely discretionary to VA; it is supplied on a space available basis only. Under this “discretionary” authority—as inadequate as it has been—VA has made a substantial contribution to the long-term care needs of veterans—by directly providing (at an annual cost of $1.1 billion) nursing home care to an average of approximately 13,000 veterans per day; by paying for nursing home care received by approximately 14,000 veterans per day in State veterans' homes; and by providing non-institutional alternatives to nursing home care to an average of 11,000 veterans at any given time at an annual cost of $154 million.

Notwithstanding these significant contributions by VA, there is increasing evidence that the discretionary nature of VA's long-term care mission has created an incentive for VA to divert resources to other missions and reduce its capacity to provide long-term care. This bill responds to that negative trend by requiring VA to maintain long-term capacity at least the 1996 level. In addition, this legislation would, for the first time, require VA, with the authorization of Congress, to provide nursing home care to veterans who need it to treat service-connected conditions, and to severely service-disabled veterans who need it to cope with other conditions.

Nursing home care is the most expensive form of long-term care and, from the veterans' standpoint, the form of care which is to be avoided if possible, or delayed until it is inevitable. This bill will assure that non-institutional alternatives to nursing home care—home-based primary care, home health aide visits, adult day health care, and similar services—will be available to veterans who need such services by requiring VA to provide such care.

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This legislation also directs VA to operate pilot programs to identify the best—and most cost-effective—ways to meet veterans' long-term needs. Armed with the data generated by these pilot programs, VA will establish long-term care and non-institutional long-term care after three years and determine how best to proceed at the four-year “sunset” point of this legislation. I might add that the conferences were all in agreement that, when we get to the point where we consider renewal of this legislation, we will be looking for ways to improve it, not to repeal it.

There is one additional key feature of this legislation that merits mention: this bill will save a substantial hole in VA health care coverage by allowing VA to fund the emergency care needs of all enrolled veterans who do not have other health care coverage to fund their care. The legislation states that all Americans should have access to emergency care. This bill assures that veterans who rely on VA health care will.

I am particularly pleased that this bill will extend, expand, and improve VA's authority to provide counseling to the victims of sexual trauma while on active duty. It will also extend and improve services for homeless veterans; it will liberalize eligibility for survivors' benefits for widows of totally disabled ex-POWs; it will expand benefits available to veterans exposed to radiation while in service; and importantly—it will ensure that the World War II Veterans' Memorial is constructed in a timely manner by facilitating funds raising for that monument.

This legislation does many positive things, particularly for our older veterans. The Committee on Veterans' Affairs, however, must also address the needs of veterans who are leaving the service today. Educational assistance is the most important benefit that our Nation provides to young veterans. Earlier this year, the Senate passed legislation which would have substantially improved benefits under the Montgomery GI bill. Unfortunately, budgetary pressures compelled the conferees to set these provisions aside for now. I know, however, that the House supports improvements in Montgomery GI bill benefits. I anticipate that we will take that issue up again in the second session.

This legislation reflects the hard work and dedication of many members of the Senate and the other body. I particularly acknowledge the contribution of the ranking Minority Member of the Committee on Veterans' Affairs, Senator ROCKEFELLER, and our Committee's longest-serving member and a member of the conference committee, Senator THURMOND. The conference committee could not have reached a successful conclusion without them, or without the energy and commitment of the chairman of the House Committee,
Mr. DOMENICI. Mr. President, it is with great pleasure that I rise today to talk about the Senate passage of the Veterans' Millennium Health Care Act. The legislation you unanimously passed today contains a provision that will extend the useful life of the Santa Fe National Cemetery in New Mexico. I also want to thank Senator SPECTER for his assistance in making passage of this Bill possible.

The men and women who have served in the United States Armed Forces have made immeasurable sacrifices for the principles of freedom and liberty that make this Nation unique throughout civilization. The service of veterans is in large part due to the history of the Nation, and the sacrifices made by veterans and their families should not be forgotten.

These veterans at the very least deserve every opportunity to be buried at a National Cemetery of their choosing. Unfortunately, projections show the Santa Fe National Cemetery will run out of space to provide casketed burials for our veterans at the conclusion of 2000. However, with Senate passage of this bill we are ensuring the continued viability of the Santa Fe National Cemetery.

I believe all New Mexicans can be proud of the Santa Fe National Cemetery that has grown from 39 1/100 of an acre to its current 77 acres. The cemetery first opened in 1868 and within several years was designated a National Cemetery in April of 1875.

Men and women who have fought in all of nation’s wars hold an honored spot within the ground of the cemetery. Today the Santa Fe National Cemetery contains almost 27,000 graves that are mostly marked by upright headstones.

The Senate’s action today strengthens the Santa Fe National Cemetery will not be forced to close next year. A provision in the bill passed today allows the Secretary of Veterans Affairs to provide for the use of flat grave markers that will extend the useful life of the cemetery until 2008. While the practice of utilizing headstones could continue indefinitely if a veteran chose, my wishes are outweighed by my desire to extend the useful life of the cemetery. I would note that my desire is shared by the New Mexico Chapter of the American Legion, the Albuquerque Chapter of the Retired Officers’ Association, and the New Mexico Chapter of the VFW who have all endorsed the use of flat grave markers.

Finally, this is not without precedent because exceptions to the law have been granted on six prior occasions with the most recent action occurring in 1994 when Congress authorized the Secretary of Veterans Affairs to provide for flat grave markers at the Willamette National Cemetery in Oregon.

Mr. President, I also want to thank Senator SPECTER for his assistance and state how pleased I am with the final passage of this important bill.

Mr. ROCKEFELLER. Mr. President, and the Vice Chairman of the Senate Committee on Veterans’ Affairs, I am enormously pleased that the Congress has passed this comprehensive bill which will make extensive changes to a wide range of veterans’ benefits and services. This legislation is the culmination of extensive oversight and investigation, as well as the normal process of developing legislation—hearings and markups in both the House and Senate. Further, the bill represents compromise on both sides of the aisle and in both chambers. It represents many, many hours of staff and Members’ work, and for that, I thank everyone involved.

The bill covers a wide spectrum of issues—from long-term care to new educational benefits for servicemembers. I will address some of the more substantive provisions.

Mr. President, H.R. 2116, as amended, represents a comprehensive effort to address the long-term care needs of our veterans.

We know that there is an expanding need for long-term care in our country, and in the VA, the demand is even more pressing. About 35 percent of the veteran population is 65 years or older, and that number will grow dramatically in the next few years. With this legislation, we are taking an important step forward for our veterans, and I am hopeful that it signals a new concern for providing long-term care for all elderly American veterans.

For the first time, the VA will be required to provide extended care services to enrolled veterans. Section 101 directs the VA to provide nursing home care to any veteran who is in need of such care for a service-connected condition, or who is 70 percent or more service-connected disabled. In addition, the VA is directed to provide non-institutional care, such as home care and adult day health care, to all enrolled veterans. This latter provision was included in the Veterans’ Long-Term Care Enhancement Act of 1999 which I introduced this summer. Within three years of the bill’s enactment, VA would evaluate and report to the House and Senate Committees on Veterans’ Affairs on its experience in providing services under both of these provisions.

Under the bill, the VA is also required to operate and maintain extended care programs for veterans who have compensably rated service-connected conditions and veterans with incomes below the pension rate are exempted from these copayments. Under this provision, VA would be required to develop a methodology for establishing the amount of copayments, taking into account the income of the veterans, the need to protect the veteran’s spouse from financial difficulties, and the desire to allow the veteran to retain a personal allowance. Further, it was the conference’s desire that copayments would not apply to patients who are currently receiving long-term care services.

Section 102—also based on the Veterans’ Long-Term Care Enhancement Act of 1999 which I authored—mandates that the Secretary of Veterans Affairs carry out a series of pilot programs, over a period of three years, which would be designed to test the best way for VA to meet veterans’ long-term care needs: either directly, through cooperative arrangements with community providers, or by purchasing services from non-VA providers.

While VA has developed significant expertise in long-term care over the past 20-plus years, it has not done so with any mandate to share its learning with others, nor has it pushed its program development beyond that which met the current needs at the time. Some experts even believe that VA’s expertise is gradually eroding. For VA’s expertise to be of greatest use to others, it needs both to better capture what it has done and to develop new learning that would be most applicable to other health care entities.

A key purpose of the pilot program would be to test and evaluate various approaches to meeting the long-term care needs of eligible veterans, both to develop approaches that could be expanded across VA, as well as to demonstrate to others outside of VA the effectiveness and impact of various approaches to long-term care. To this end, the pilot program would include specific data collection on matters such as cost effectiveness, quality of health care services provided, enrollment and health care provider satisfaction, and the ability of participants to carry out basic activities of daily living.

Another provision based on my veterans’ long-term care legislation would authorize the VA to establish a pilot program for assisted living services. Assisted living is the last remaining gap in VA’s long-term care continuum, and the Federal Advisory Committee on the Future of VA Long-Term Care recommended that VA be granted the authority to provide assisted living services. I urge VA to undertake this pilot program, as it will provide a basis on which to recommend expanding the authority.
Mr. President, earlier this year I joined with Senator Daschle as an original cosponsor to S. 1146, the Veterans’ Access to Emergency Care Act of 1999. In June, I offered the provisions included in this bill as an amendment to a veterans omnibus measure being discussed at a Senate Committee on Veterans’ Affairs markup. The amendment was agreed to by a majority of the Committee members.

Just this week I was reminded of the need for better coverage for non-VA emergency care. The wife of a seriously ill veteran in my state of West Virginia called my office. Her husband is a non-service-connected, low income veteran with no health insurance. Recently, severe chest pains sent him to a VA medical center. Because he is a cardiac patient and because he was in such distress, his family wanted to call the rescue squad to transport him to the VA medical center. The veteran refused. Why? Because he had used the ambulance service before in an emergency situation, leaving the family with a sizeable bill that they are unable to pay. So, this sick veteran almost crawled to the family car, insisting that his family drive him. Once there, the VA medical staff told the veteran and his family that by not calling for an ambulance, the veteran was placed at risk.

Section 111 would authorize the VA to make non-VA emergency care reimbursement payments on behalf of enrolled veterans in all priority groups, provided the veteran has received VA care within a two-year period prior to the emergency and has no other health insurance options. While this emergency care provision is significantly more restrictive than I had wanted, it is a valuable first attempt at ensuring that veterans who do not have other health insurance options—like the seriously ill West Virginia veteran who refused when his family tried to call for an ambulance—will be reimbursed for their non-VA emergency care services. In negotiating this provision, I was resolute in pushing for all enrolled veterans to have this coverage. I will be watching closely to ensure that this more limited emergency care provision is working for our veterans.

Substance use disorders also present complex treatment problems and have taken the brunt of reductions in specialized mental health services. These disorder programs have eliminated treatment completely, except for veterans requiring short detoxification in extreme situations. While some medical centers have closed inpatient substance use disorder beds, they have worked to provide alternative, sheltered living arrangements. Unfortunately, not all facilities have made these efforts. Many have moved directly to the closure of inpatient units without first developing these other alternatives.

I am very pleased that House and Senate conferees were able to reach agreement on this provision to improve care for military retirees.

Section 117 is of particular interest to me as it addresses VA’s specialized mental health services for veterans. Last year, I directed my staff on the Committee on Veterans’ Affairs to undertake a study of the services the Department of Veterans Affairs offers to veterans with special needs. Earlier this summer, I received the report my Committee staff wrote based on their 8-month oversight investigation, which sought to determine if VA is complying with a Congressional mandate to maintain capacity in five of the specialized programs: Prosthetics and Sensory Aids Services, Blind Rehabilitation, Pneumonia, Traumatic Stress Disorders (PTSD), and Substance Use Disorders. I was dismayed to learn that because of staff and funding reductions, with the resulting workload increases and excessive wait times, the latter two programs are failing to sustain services at the needed levels.

With specific regard to PTSD, VA has been moving to reduce inpatient treatment of PTSD, while expanding its use of outpatient programs. VA’s decision has been fueled in part by studies of the cost-effectiveness of various treatment approaches. The potential to stretch limited VA dollars to be able to treat more veterans. However, VA needs to be cautious before subscribing to the idea that outpatient care is as good as inpatient care for all veterans with PTSD. For some of the more seriously affected veterans—those who have not succeeded in shorter inpatient or outpatient programs, are homeless or unemployed, or have dual diagnoses—longer inpatient or bed-based care may be a necessity.

Substance use disorders also present complex treatment problems and have taken the brunt of reductions in specialized mental health services.
Section 201—based on the House bill—would allow the Secretary of Veterans Affairs to raise outpatient copayment rates, both for pharmaceuticals and for outpatient treatment. Currently, all veterans who are below 50 percent service-connected disabled, and veterans whose income is below the pension level, are required to pay $2 for each 30-day supply of medication. And all “category C” veterans are required to pay copayments based on the estimated average cost of an outpatient visit—and currently $45.

The outpatient copayment rate needs to be adjusted. This charge is incurred each and every time a category C veteran receives outpatient care, regardless of the services provided. There is no doubt that $45 for a routine outpatient visit is unreasonable at best, and at its worst, may, in fact, discourage veterans from getting the primary care they need. I am confident that VA will study this issue closely and will set the outpatient copayment to be more in line with managed care plans which charge either $5 or $10.

While I am supportive of adjusting the outpatient copayment, I have serious concerns about increasing the pharmaceutical drug copayment. The House Committee on Veterans’ Affairs was adamant that the Senate recede to this increase to help offset the Senate-sponsored program expansions in long-term care and emergency care. And although the $2 prescription charge that veterans are paying now may seem like an insignificant amount to some, I can assure my colleagues that to the veteran and his family living on a very limited income, it is quite significant. It is unreasonable to ask veterans whose income hovers just above the pension level, who must pay the assigned copayment for their pharmaceuticals. Many of them are older veterans who are on a number of different medications for multiple medical conditions.

It is critically important that we do not place this segment of our veteran population in the same situation as many of our aging population receiving care in the private sector—having to choose between buying their medication or putting food on the table.

In an effort to prevent this from happening, I strongly urge the VA to set maximum allowable and annual copayment amounts which are sensitive to the financial situation of veterans for those who have multiple outpatient prescriptions. I will be closely watching the implementation of this provision to ensure it does not impose an undue burden on our veterans.

While the Senate was not able to stave off the House in increasing prescription copayments, we were able to flatly reject a House provision to require copayments for hearing aids and eyeglasses. Such a provision would penalize veterans who are taking advantage of a needed benefit.

Section 206 extends the VA’s program for the evaluation of the health of spouses and children of Gulf War veterans for treatments prescribed under the original legislation providing for these health evaluations after hearing about Gulf War veterans and their families who reported miscarriages, birth defects, and other reproductive problems.

Last year, the Congress modified this program to allow VA to use fee-based care. It seems that these modifications are working well, as many new dependents have applied and are now waiting to be seen.

I am delighted that this program has been extended because the need for assessments continues. By this time last year, 2,800 dependents had applied for the program, and this year that total is up to 4,000. However, although 4,000 dependents have been enrolled in the evaluations, VA has only completed 1,140 examinations. I urge VA to process these examinations as rapidly as possible. These dependents of servicemembers should not be delayed in their quest for answers.

Section 208 contains provisions to improve VA’s enhanced use lease authority. I am delighted with these provisions, because I believe enhanced use leases are a critical component of VA’s management strategy for its properties. Many terrific projects that better serve veterans and assist the VA have been developed under this authority. By way of this legislation, we are encouraging VA to develop more enhanced use lease projects to leverage its assets, rather than begin to dispose of irreplaceable property.

Since VA received enhanced use authority, it has been used in a variety of ways. One approach has been to lease out buildings and surrounds to the private sector over millions of dollars. Another use has been to provide transitional housing for homeless veterans. Other projects have created reliable child care and adult day care facilities for VA employees’ families, so that they can care for veterans without having to worry about the health and safety of their loved ones. In other locations, VA regional offices are moving onto VA medical center campuses to allow more convenient access for veterans and better cooperation between the Veterans Benefits Administration and the Veterans Health Administration.

Section 208 of H.R. 2116 would remove many of the current barriers preventing VA from having an even more successful enhanced use lease program. It would allow VA to enter into leases with terms of up to 75 years, rather than the current 20 and 35 years, while still allowing for fall lease terms that exist between leases involving new construction or substantial renovation, and those involving current structures.

I am very interested in seeing VA engage in more of these projects, so I am excited that the Senate and the House Committee on Veterans’ Affairs have agreed that VA should establish a wider VA policy on chiropractic care. While Congress has followed on the heels of a 20 percent increase last year. Additionally, the legislation would provide funding for VA to furnish veterans with chiropractic treatment. Indeed, it is Congress’ intent that this provision not be read as an endorsement for chiropractic care.

Complementary and alternative medicine, including chiropractic care, are important aspects of health care. I urge VA to use this opportunity to develop a policy on all forms of complementary and alternative medicine. In particular, the report “VHA Complementary and Alternative Medicine: Practices and Future Opportunities” recommended that VHA consider providing acupuncture, following guidelines set forth by the National Institutes of Health, since NIH has already approved acupuncture as an effective treatment for back pain.

I am extremely disappointed that the House would not move the Senate Montgomery GI Bill (MGIB) enhancements legislation. The Senate passed MGIB enhancements on three occasions this year, but the House did not respond.

S. 1402, the education bill reported out of the Senate Committee on Veterans’ Affairs, contained a provision, among others, to increase the monthly benefit provided to current servicemembers from $528 to $600. This more than 12 percent increase would have followed on the heels of a 2 percent increase last year. Additionally, the Senate bill would have allowed servicemembers to elect to contribute up to an additional $600, in exchange for receiving four times their contribution. Although these increases fall short of the full tuition recommended by the so-called Transition Commission, they would have provided a substantial assistance to veterans. The
costs of tuition and fees for public and private educational institutions rose approximately 50 percent from 1980–1985, and by 1995 increased 42 percent from 1985 to 1995.

The statistics regarding education and employment for veterans are also revealing. Despite almost full enrollment in the program by servicemembers, the number of eligible veterans who take advantage of their MGIB benefits is startlingly low, around 50 percent. Less than 20 percent of those who use the MGIB attend private institutions. And the Transition Commission reports that the unemployment rate for veterans ages 20–24 and 35–39 is higher than their non-veteran counterparts. All these are reasons why I believe that there is more that we can and must do. Unfortunately, we will need to wait until at least next year to tackle these issues.

H.R. 2116 does provide for two provisions—relating to test preparation and Officer Candidate Training—which while small, can make a significant difference to the individual veterans affected.

The Department of Veterans Affairs currently has authority to provide MGIB benefits for post-graduate exam preparatory courses that are required for a particular profession, such as CPA exam or bar review courses. However, it does not have authority to provide for pre-admission preparatory coursework.

Nevertheless, studies by national consulting companies have shown improvement of over 100 points on the SAT exam and an average improvement of seven points in LSAT scores for students who take exam preparatory courses. An article in the April 8, 1998, New Republic stated, "[t]horough, expertly taught preparation can raise a student's ability to cope with, and hence succeed on, a particular exam. In many cases, the difference between getting into a top-flight law school and settling for the second tier." At some of the nation's top schools, scores on entrance exams can count for half of the total application.

The problem is that many of these exam preparatory courses are quite costly. One national provider charges as much as $750 for a two-month, part-time, SAT preparatory course. One educational advocacy group, Fairtest, argues that "[t]he SAT has always favored students who can afford coaching over those who cannot." To be able to compete, it is critical that veterans have access to such courses.

That is why I am pleased that section 701 corrects that disparity by allowing veterans to use their MGIB benefits for preparatory courses for entrance examinations required for college and graduate school admission ("test prep"). By giving veterans the opportunity to better their admissions test scores, this amendment would expand the choices available to veterans in their course of higher education. It will also allow MGIB beneficiaries to attend the nation's top schools, scores on which can raise a student's ability to cope with, and hence succeed on, a particular exam. In many cases, then, test prep can make the difference between getting into a top-flight law school and settling for the second tier. This provision corrects an oversight in the MGIB statutes that penalizes servicemembers for seeking promotions.

As we are all sadly aware, the veteran population is aging rapidly. In 1967, 237,000 veterans died. Projections of the veteran death rate show an increase through the year 2008, when the death rate of the World War II and Korea-era veterans will peak at 620,000 veterans. Unless expanded, 21 national cemeteries are scheduled to close to inground burial or close completely by FY 2004. National cemeteries take an average of seven years to open. That is why I felt it was critical to address now VA’s plan to provide burial sites for our nation’s veterans.

VA conducted studies in 1987 and 1994 that identified the top 10 veteran population areas that are not served by a national cemetery. Pursuant to those studies, VA has begun, and in some cases completed, construction of six new national cemetery in: Cleveland (OH), Chicago (IL), Seattle (WA), Dallas (TX), Sarasota (NY), and San Joaquin Valley (CA).

However, there has been no activity in the remaining six locations containing four cities: Detroit (MI), Sacramento (CA), Miami (FL), Atlanta (GA), Pittsburgh (PA), and Oklahoma City (OK). That is why I am pleased that H.R. 2116 authorizes VA to build cemeteries in the top areas in need. I am hopeful that the Appropriations Committee will fund construction of these cemeteries, particularly in light of their direction of advanced planning funds in this year’s VA-HUD Appropriations bill.

Section 702 allows the American Battle Monuments Commission to borrow funds from the Treasury Department to construct the WWII memorial on the Mall if it is unable to raise sufficient funds through private donations. It also extends the authority to break ground for four years. This provision corrects an oversight in last year’s transportation bill that is to be honored by this memorial will be able to see it constructed.

I have agreed to a study, based on a House provision, of the current state of cemeteries to assess repair needs, ways to improve appearance, and the number of cemeteries needed to serve veterans who die after 2005. Finally, section 621 requires that the VA study the adequacy and effectiveness of burial benefits that a veteran’s dependents receive, as well as options to better serve veterans and their families. In light of inflation in the cost of burials, as well as the increase in options such as cremation and burial at sea, it is appropriate that VA reevaluate this program.

This bill contains a number of benefits provisions that will aid veterans. For example, section 503 will add bronchiolo-alveolar carcinoma to the list of presumptive conditions associated with exposure to ionizing radiation. Bronchiolo-alveolar carcinoma is a type of lung cancer. The Senate has passed provisions adding lung cancer to the list of presumptive conditions on several occasions, but the House has not moved similar legislation.

Section 711 will extend the reservist home loan guaranty authority to December 31, 2007. The current authority is set to expire in 2003. However, a reservist must serve six years before being eligible for the home loan guaranty. Therefore, in order for it to be used as a recruiting incentive, the authority must be extended beyond 2006.

I am extremely gratified that section 501 authorizes payment of dependency indemnity compensation ("DIC") to the surviving spouse of a former POW veteran who dies of a non-service-connected condition if the former POW was rated totally disabled due to a POW-related presumptive condition for a period of one or more years immediately prior to death. In the case of former POWs, this reduces the 10-year period prior to death that a veteran must be rated 100 percent service-connected for the spouse to receive DIC if the veteran died of a non-service-connected condition. This provision recognizes that former POWs suffered extreme hardships and that their spouses cared for them throughout the years that VA did not recognize their health conditions as being service-related. I am proud that we named this provision the "John William Rolen Act." John passed away this year. He was a tireless advocate for America’s former POWs, and I will miss him.

Section 502 of H.R. 2116 corrects an oversight in last year’s transportation bill (TEA 21) that reinstated DIC to remarried widows of veterans whose re-marriages have now been terminated. The benefit had previously been cut off
as a budget reconciliation item. While reinstating DIC payments, however, the transportation bill failed to restore the limited ancillary benefits that accompany the receipt of DIC: CHAMPVA, home loan guaranty, and educational benefits. This bill restores those ancillary benefits.

Finally, I am glad that we will maintain our commitment to homeless veterans by reauthorizing the Homeless Veteran Reintegration Program (HVRP). Section 901 authorizes increased funding levels for job training for veterans for four consecutive years, beginning with $10 million additional in the first year, $15 million additional in the second year, and $20 million additional in each of the third and fourth years. We have also required, in section 903, that VA formulate a comprehensive plan showing how VA programs of Labor and Housing and Urban Development, to conduct a cross-cutting report evaluating the effectiveness of homeless programs beyond six months of placement or service delivery.

Title XI of H.R. 2116 provides VA with authority to offer voluntary separation incentives through December 31, 2000, to a specified number of FTEE. As is well known, inadequate VA budgets in the last several years have forced VA to make sweeping changes, many of which were warranted, including the downsizing of employees. VHA has already eliminated thousands of employees via "reductions in force" ("RIFs"). VHA FTEE staff now stands at 182,000, down from 218,000 in 1994. VBA FTEE has also declined, from 13,500 in 1994 to 11,200 today. All this is occurring at a time when VA is treating more patients and deciding more claims.

Unlike the program of voluntary separation incentives—or buyouts as they are known—is that the FTEE slot is eliminated in a one-for-one reduction, i.e. downsizing. But I believe that VA has already reached the precipice of staff reductions—the point beyond which we would not go if quality of VA health care is to be maintained. However, VA says that it still requires buyouts in order to "rightsize." That is, VA must let go of employees who do not have the needed skills, in order to free up slots to hire the most appropriately qualified people. The buyout language in this bill prohibits VA from eliminating the FTEE positions of employees who have received buyouts.

If we do not provide VA with buyout authority, VA will proceed down the path of reductions regardless. For example, VHA will RIF thousands of employees next year. However, RIFs are an inexact management tool. RIFs would not necessarily result in the skills mix VA needs, due to the civil service employment rights that allow senior employees to take the job of junior employees. I believe that buyouts offer a better option, but one that must still be used wisely and monitored carefully—which is why H.R. 2116 contains buyouts under very strict conditions.

I am very disappointed that we were unable to move the Senate provision overturning the "$1,500 rule." Since 1933, the law has required VA to suspend the compensation or pension benefits of incompetent veterans who have no dependents and are hospitalized at government expense. This suspension is triggered when the veteran's estate exceeds $1,500, and VA benefits are cut off until the veteran's estate is spent down to $500. At that time, the VA commences reinstating the veteran's compensation, until such time the veteran is hospitalized again and the estate exceeds $1,500, when the benefits are cut off again. The compensation for competent veterans is made for competent veterans or for incompetent veterans who are not hospitalized.

The rationale for cutting off benefits was that these veterans might have had a greater propensity for fraud and that it was not good policy to allow their estates to build up when they have no dependents to inherit them. There was also a fear of fraud on the part of the veteran's guardian or fiduciary. The dollar amounts have not changed since 1933, when $1,500 equaled almost three years' worth of VA benefits at a 100 percent rating level. In today's dollars, this is less than one month's benefits at a 100 percent rating level.

Although veterans are generally being hospitalized for shorter periods of time, based on the low dollar limit, the rule may be applied very quickly, sometimes immediately, when it does apply. Failing to timely reinstate compensation for 66 days to restore the benefits to incompetent veterans once their estates have been spent down. Since incompetent veterans are no longer routinely institutionalized for years at a time, it is very difficult for a non-Medicare eligible veteran (which would be any veteran receiving any significant amount of VA compensation) to be released from the hospital and placed in either a private assisted living or group home with only $500 in his bank account. I fear some of these veterans may end up on the streets because of this policy, despite the best efforts of VHA to place them at discharge.

I believe that this outdated and indefensible policy discriminates against incompetent veterans—those who are least likely to be able to fight for themselves. The fact is, we are means testing VA compensation for this one class of veterans. Why is a competent veteran with no dependents entitled to receive VA compensation and an incompetent veteran not entitled? There is no justification for this discrimination. It may also have some harmful effects for a small population of veterans, facilitating their downward spiral into homelessness. That may be too much of a price to pay for the government and the country from reverting to the state that if veteran died while hospitalized. While we were not successful in addressing this issue in this bill, I plan to readdress this policy until it is corrected.

Mr. President, in closing, I want to acknowledge the work of our Committee's Chairman, Senator SPECTER, in developing this comprehensive legislation. Through his efforts, and that of his staff—especially the former Committee Staff Director, Charles Battaglia, and the new Committee Staff Director, William Tuerk—the Senate Committee on Veterans' Affairs has fully met its responsibilities and can be proud of the legislation we constitute.

I appreciate the willingness of the House Committee on Veterans' Affairs, especially Chairman BOB STUMP and Ranking Member LANE EVANS, to work together to reach compromise on so many vital issues.

And I would be remiss if I did not acknowledge the efforts of my own staff, Minority Staff Director, Jim Gottlieb, Professional Staff Member, Kim Lipsky, and Counsel, Mary Schoelen. I am enormously grateful for their diligence, and for their commitment to the work we do in this Committee on behalf of our Nation's veterans.

Ms. SNOWE. Mr. President, I rise in support of H.R. 2116, the Veterans Millennium Health Care and Benefits Act of 1999.

I would like to begin by thanking my colleague, Senator SPECTER, chairman of the Senate Veterans' Affairs Committee, for his leadership on issues of vital importance to veterans. H.R. 2116 contains a number of provisions that will benefit veterans in Maine and elsewhere because of his strong leadership. I applaud Senator SPECTER for his efforts.

I would especially like to thank the chairman for his efforts to address a concern I had about a specific provision in the House-passed version of the bill, which would have jeopardized millions of dollars in grant funding for the Maine State Veterans Homes system.

H.R. 2116 contains a provision which fundamentally reorders the manner in which VA construction grants will be awarded in the future, placing the focus on renovation of existing facilities so that maintenance projects will take precedence in grant awards over proposals to construct new facilities. The House-passed version of the bill would have made Maine veterans homes and state homes in a number of states ineligible for funding, even though they had already prepared and filed grant applications under existing law and regulations.

In an effort to address this concern, I worked closely with Senator SPECTER...
to craft a transition provision balancing the need to treat current state home applicants fairly and not change the rules for applications filed prior to the new law while at the same time implementing the new rules as soon as possible.

I am very pleased that the conference for H.R. 2116 agreed to the measure I helped author that grandfathered proposals already filed by veterans homes, thereby exempting them from new criteria included in the House-passed version of the bill, while at the same time protecting the interests of states that had already submitted applications for funding.

In addition to work with Senator SPECTER personally, I wrote a letter to the chairman in September alerting him to my concerns, followed by a letter to my colleague from Maine, Senator COLLINS. In addition, last month, I spoke with 14 other Senators urging modification of the House construction grant provision to grandfather proposals made by Maine and other states under existing law, so that it would not change the methodology in the middle of the current fiscal year—after applications have been filed; after architectural, engineering, and legal fees have been incurred, and after local matching funds have been appropriated or borrowed by states for these projects.

If the House-passed provision had been enacted without this change, many states veterans homes would have lost their positions for Fiscal Year 2000 grants because these applications would have been judged according to a new set of criteria.

In Maine, this would have jeopardized funding for the entire Maine Veterans Homes system, which earlier this year applied for about $9.3 million in grant funding, and is seeking to construct new veterans’ residential care facilities in Augusta, Bangor, Caribou, and Scarborough. In their applications, the Maine Veterans Home System notes that more than half of Maine’s veterans population is reaching the age when long-term nursing care or domiciliary care is typically required. Since 1991, the number of Maine veterans aged 75-79 has doubled, from 6,000 to 12,500. Over the same time period, the numbers of veterans aged 80-84 has doubled from 2,400 to 6,000; and veterans over the age of 85 has increased by 50 percent from 1,200 to 1,800.

I would also like to thank Senator SPECTER for supporting another provision in H.R. 2116 based on legislation I introduced in the Senate, S. 1579, the Veterans Sexual Trauma Treatment Act. S. 1579 extends a VA program that offers counseling and medical treatment to veterans who were sexually abused while serving in the military, and requires a VA mental health professional to determine when counseling services are necessary. Currently, the VA Secretary makes this determination. The bill also calls for the dissemination of information concerning the availability of counseling services to veterans through public service announcements.

According to the Department of Defense, at least 55 percent of active duty women and 14 percent of active duty men have been subjected to sexual harassment. As a member of the Senate Armed Services Committee, I credit the DoD with working to reduce the prevalence of sexual harassment in the military. However, as long as there is harassment in the military, it is vital that victims have access to treatment, and H.R. 2116 provides the tools to do this.

Finally, I would like to commend the Senate and House Veterans’ Affairs Committees and the conferences for H.R. 2116 for their efforts to expand a whole range of benefits for veterans in this year’s conference report. For example, the bill expands long-term care for veterans, and will increase home and community-based care and assisted-living options for veterans. It expands mental health services, and requires the VA to enhance specialized services for PTSD and drug abuse disorders. It provides coverage for uninsured veterans who need care but who do not have access to a VA facility. It expands VA authority to provide services to homeless veterans. It improves Montgomery GI bill benefits by providing benefits for students in preparatory courses and to those whose enlistment is interrupted to attend officers training school. And these are just a few of the important provisions.

Mr. President, this is a strong bill, and I urge my colleagues to join me in a strong show of support.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, I too, would like to recognize Senator SPECTER, for his tremendous work and skillful leadership and sensitivity in bringing the Veterans Millennium Health Care bill (H.R. 2116) to the floor. As a veteran myself, I can assure you that this bill means a great deal in providing for the health and welfare of our veterans both in my state of New Hampshire as well as those veterans throughout the country. I congratulate Senator SPECTER’s leadership on issues that are of particular importance to our veteran community.

If I may also ask the senator to clarify the transition clause of Section 207(c) of the bill, which provides that provisions that provided that state home grant applicants covered by the transition clause follow all applicable laws and regulations in effect on November 10, 1999, that the Secretary of Veterans Affairs shall award grants to all applications remaining unfunded for fiscal year 1999 priority one projects first, then to new applications for new state home grants as would be funded by removing grandfathered grants to any other applications?

Mr. SPECTER. Yes, the Senator is correct. The purpose of this section is to reform the priorities under which state home grant applications are considered so that much-needed renovation and maintenance projects will receive more appropriate consideration for funding than under the current system.

I am pleased that we were able to craft a transition provision that balanced the desire to ensure that all states had an opportunity to participate under the old rules, with the desire to implement the new rules as quickly as possible.

Mr. SMITH of New Hampshire. Thank you Mr. Chairman and again I appreciate your consideration and sensitivity to the veteran community. Your leadership on this issue will enable the Veterans Home in Tilton, New Hampshire to better meet the medical needs of veterans in New Hampshire. I yield the floor.

Ms. SNOWE. I commend my colleague, Senator SPECTER, chairman of the Senate Veteran’s Affairs Committee, for the remarkably responsive and skillful manner in which he managed the progress of H.R. 2116. This bill means a lot to veterans throughout the nation, and especially in my home state of Maine. I applaud Senator SPECTER’s leadership on issues of importance to veterans.

I have only one point of clarification. Does the transition clause of Section 207(c) of the bill mean, that for all state home grant applications covered by the transition clause and otherwise in compliance with applicable law and regulations in effect on November 10, 1999, the Secretary of Veterans Affairs shall award grants first to all unfunded applications remaining for fiscal year 1999 priority one projects? And that following those projects, the Secretary shall next fund those FY 2000 applications and which both meet the criteria set forth in the bill and which were accorded priority one status for FY 2000? And that the Secretary would fund these projects in the order in which they would appear on the fiscal year 2000 priority one list, prior to awarding grants to any other applications?

Mr. SPECTER. Yes, the Senator is correct. The purpose of this section is to reform the priorities under which state home grant applications are considered so that much-needed renovation and maintenance projects will receive more appropriate consideration
for funding than under the current system. I am pleased that we were able to craft the transition provision that balanced the desire to ensure that all states had an opportunity to participate under the old rules, with the desire to implement the new rules as quickly as possible.

Ms. SNOWE. I thank the chairman once again, and I yield the floor.

Ms. COLLINS. I ask unanimous consent to have the conference report agreed to, the motion to reconsider be laid upon the table, and any statements related to the conference report be printed in the Record.

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

SUDAN PEACE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 410, S. 1453.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk reads as follows:

A bill (S. 1453) to facilitate famine relief efforts and comprehensive solution to the war in Sudan.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1453

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 "Sudan Peace Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) That the Government of Sudan intends to intensify its prosecution of the war against areas outside of its control, which has already cost nearly 2,000,000 lives and has displaced more than 4,000,000, a sustained and coordinated international effort to pressure combatants to end hostilities and to address the roots of the conflict offers the best opportunity for a comprehensive solution to the continuing war in Sudan.

(2) A viable, comprehensive, and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

(3) Continued strengthening of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

(4) Continued leadership by the United States is critical.

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustaining governance by the Sudanese people and to meaningful progress toward a viable peace process.

(6) Through manipulation of traditional rivalries among Sudanese groups and regions outside their full control, the Government of Sudan has effectively used divide and conquer techniques to subjugate their population, and Congress finds that international sponsored reconciliation efforts have played a critical role in reducing the tactic's effectiveness and human suffering.

(7) The Government of Sudan is increasingly utilizing and organizing militias, Popular Defense Forces (PDF) and other irregular groups for raiding and slaving parties in areas outside of the control of the Government of Sudan in an effort to severely disrupt the ability of those populations to sustain themselves. The tactic is in addition to the overt use of bans on air transport relief flights in prosecuting the war through selective starvation and to minimize the Government of Sudan's accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside its control.

(9) Through its power to veto plans for air transport flights under the United Nations relief operation, Operation Lifeline Sudan (OLS), the Government of Sudan has been able to manipulate the receipt of Sudanese peoples from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to subdue areas of Sudan outside of the Government's control.

(10) The efforts of the United States and other donors in delivering relief and assistance through means outside OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations to advantage in the civil war in Sudan.

(11) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan under the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

(12) The Nuba Mountains and many areas in Bahr al Ghazal, Upper Nile, and Blue Nile regions have been excluded completely from relief distribution by OLS, consequently placing their populations at increased risk of famine.

(13) At a cost which can exceed $1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current relief operations are neither sustainable nor desirable in the long term.

(14) The ability of populations to defend themselves against attack in areas outside the Government of Sudan's control has been severely compromised by the diversion of the front-line sponsor states, fostering the belief within officials of the Government of Sudan that success on the battlefield can be achieved.

(15) The United States should use all means of pressure available to facilitate a comprehensive solution to the war, including—

(A) The maintenance and multilateralization of sanctions against the Government of Sudan with explicit linkage of those sanctions to peace; and

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside government control;

(C) continued active support of people-to-people reconciliation mechanisms and efforts in areas outside of government control;

(D) the strengthening of the mechanisms to provide humanitarian relief to those areas;

(E) cooperative efforts of the United States and within multilateral institutions toward those ends; and

(F) the use of any and all possible unilateral and multilateral economic and diplomatic tools to compel Ethiopia and Eritrea to end their hostilities and again assume a constructive stance toward facilitating a comprehensive solution to the conflict in Sudan.

SEC. 3. DEFINITIONS.

In this Act:

(1) Government of Sudan.—The term "Government of Sudan" means the National Islamic Front and the Government of the Sudan.

(2) IGAD.—The term "IGAD" means the Inter-Governmental Authority on Development.

(3) OLS.—The term "OLS" means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as "Operation Lifeline Sudan".

SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND NEW TACTICS BY THE GOVERNMENT OF SUDAN.

Congress hereby—

(A) violations of human rights on all sides of the conflict in Sudan;

(B) the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice; and

(D) the Government of Sudan's increasing use and organization of "maraballun" or "mujahadeen"; Popular Defense Forces (PDF) and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, Upper Nile, and Blue Nile regions; and

(E) the use of any and all possible unilateral and multilateral economic and diplomatic tools to compel Ethiopia and Eritrea to end their hostilities and again assume a constructive stance toward facilitating a comprehensive solution to the conflict in Sudan.

SEC. 5. INCREASED PRESSURE ON COMBATANTS.

It is the sense of Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(A) sponsor a resolution in the United Nations Security Council to investigate the practice of
slavery in Sudan and provide recommendations on means to accelerate implementation of the resolutions of the Security Council.

2. (a) FINDING.—Congress recognizes that the Government of Sudan has been engaged in atrocities against its own citizens.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United Nations, the United States, and other international bodies should continue to take steps to address the situation in Sudan.

(c) IMPLEMENTATION.—It is the sense of Congress that the United States should provide economic and humanitarian assistance to Sudan.

SEC. 3. CONTINUED USE OF OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) FUNDING.—Congress recognizes that certain organizations in Sudan are providing critical relief to those affected by the conflict.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should provide continued support to these organizations.

(c) ADDITIONAL AUTHORITY.—It is the sense of Congress that the United States should provide additional support to these organizations.

SEC. 4. REFORM OF OLS ORGANIZATIONS TO IMPROVE RELIEF EFFORTS.

(a) FINDING.—Congress recognizes the importance of improving the effectiveness of the OLS agencies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support the reform of the OLS agencies.

(c) IMPLEMENTATION.—It is the sense of Congress that the United States should provide additional support to the reform of the OLS agencies.

SEC. 5. CONTINUOUS USE OF OLS FOR AIR TRANSPORT RELIEF FLIGHTS.

(a) PLAN.—The President shall develop a detailed and implementable contingency plan to provide, outside United Nations auspices, the greatest possible amount of United States relief to those affected in Sudan, including the Nuba Mountains, Upper Nile, and Blue Nile, in the event the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(b) ELEMENT OF PLAN.—The plan developed under subsection (a) shall include coordination of other donors in addition to the United States Government and private institutions.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit a classified report to Congress on the costs and startup time such a plan would require in the event of a total ban on air transport relief flights.

(d) IMPROVEMENT OF RELIEF FLIGHTS.—The President shall, as part of the implementation of subsection (a), take such actions as are necessary to improve the effectiveness of the OLS air transport relief flights.

SEC. 6. ADDITIONAL AUTHORITY FOR OLS RELIEF EFFORTS.

(a) FINDING.—Congress recognizes the importance of providing additional relief to those affected by the conflict in Sudan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should provide additional support to OLS relief efforts.

(c) IMPLEMENTATION.—It is the sense of Congress that the United States should provide additional support to OLS relief efforts.

SEC. 7. REPORTING REQUIREMENTS.

(a) FUNDING.—The President shall submit to Congress not later than 30 days after the date of enactment of this Act, a report on measures for its eventual elimination.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should provide additional support to OLS relief efforts.

(c) IMPLEMENTATION.—It is the sense of Congress that the United States should provide additional support to OLS relief efforts.

SEC. 8. REFORM OF OLS ORGANIZATIONS TO IMPROVE RELIEF EFFORTS.

(a) FINDING.—Congress recognizes the importance of improving the effectiveness of the OLS agencies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support the reform of the OLS agencies.

(c) IMPLEMENTATION.—It is the sense of Congress that the United States should provide additional support to the reform of the OLS agencies.

SEC. 9. CONTINUED USE OF OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) FUNDING.—Congress recognizes that certain organizations in Sudan are providing critical relief to those affected by the conflict.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should provide continued support to these organizations.

(c) ADDITIONAL AUTHORITY.—It is the sense of Congress that the United States should provide additional support to these organizations.

SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON OLS AIR TRANSPORT RELIEF FLIGHTS.

(a) PLAN.—The President shall develop a detailed and implementable contingency plan to provide, outside United Nations auspices, the greatest possible amount of United States relief to those affected in Sudan, including the Nuba Mountains, Upper Nile, and Blue Nile, in the event the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(b) ELEMENT OF PLAN.—The plan developed under subsection (a) shall include coordination of other donors in addition to the United States Government and private institutions.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit a classified report to Congress on the costs and startup time such a plan would require in the event of a total ban on air transport relief flights.

(d) IMPROVEMENT OF RELIEF FLIGHTS.—The President shall, as part of the implementation of subsection (a), take such actions as are necessary to improve the effectiveness of the OLS air transport relief flights.

SEC. 11. NEW AUTHORITY FOR USAID'S SUDAN TRANSITION ASSISTANCE FOR REHABILITATION (STAR) PROGRAM.

(a) SENSE OF CONGRESS.—Congress hereby expresses its support for the President's ongoing efforts to develop and implement comprehensive economic policies and programs to encourage and facilitate investment in the Sudan.

(b) ADDITIONAL AUTHORITY.—Notwithstanding any provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations.

SEC. 12. ASSESSMENT AND PLANNING FOR NUBA MOUNTAINS AND OTHER AREAS SUBJECT TO BANS ON AIR TRANSPORT RELIEF FlIGHTS.

(a) FINDING.—Congress recognizes that certain areas in Sudan, including the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan, are not receiving assistance through OLS due to restrictions by the Government of Sudan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) conduct comprehensive assessment of the humanitarian needs in the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan;

(2) respond appropriately to those needs based on such assessment; and

(3) report to Congress on an annual basis on efforts made under paragraphs (1) and (2).

SEC. 13. OPTIONS OR PLANS FOR NONLETHAL ASSISTANCE FOR NATIONAL DEMOCRATIC ALLIANCE PARTICIPANTS.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit to Congress a report on measures for its eventual elimination.

(b) CONSULTATIONS.—Not later than 30 days after submission of the report required by subsection (a), the President shall, in consultation with the appropriate congressional committees, submit a report to Congress on the feasibility of providing nonlethal assistance to the United States Government for the provision of nonlethal assistance to participants of the National Democratic Alliance.

(c) DEFINITION.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

Ms. COLLINS. I ask unanimous consent that the committee substitute 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 related to the bill be printed in the RECORD.

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

Ms. COLLINS. I ask unanimous consent that the committee substitute amendment be agreed to, the bill be read the third time and passed, as follows:

8. 1453

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 "Sudan Peace Act."
November 19, 1999

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30899

SEC. 3. DEFINITIONS.

In this Act:

(1) GOVERNMENT OF SUDAN—The term ‘‘Government of Sudan’’ means the National Islamic Front government in Khartoum, Sudan.

(2) IGAD.—The term ‘‘IGAD’’ means the Intergovernmental Authority on Development.

(3) OLS.—The term ‘‘OLS’’ means the United Nations Operation carried out by UNICEF, the World Food Program, and participating relief organizations known as ‘‘Operation Lifeline Sudan’’.

SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND NEW TACTICS BY THE GOVERNMENT OF SUDAN.

Congress hereby—

(1) condemns—

(A) violations of human rights on all sides of the conflict in Sudan, in particular the systematic denial of basic human and political rights to all Sudanese; and

(B) the Government of Sudan’s overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice.

(D) the Government of Sudan’s increasing use and organization of ‘‘murahalhin’’ or ‘‘mujahadeen’’, Popular Defense Forces (PDFs) and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, Upper Nile, and Blue Nile regions.

(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slavery parties in Sudan is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples, who are a key target population in the pursuit of self-serving goals.

SEC. 5. SUPPORT FOR THE IGAD PEACE PROCESS.

(a) Sense of Congress.—Congress hereby—

(1) declares its support for the efforts by the Government of Sudan and opposition forces, the United States and the President’s Special Envoy for Sudan to lead in a reinvigoration of the IGAD-sponsored peace process;

(2) urges the IGAD members, the United Nations, the European Union, the Organization of African Unity, Egypt, and other key states to support the peace process; and

(3) urges the United States to continue to provide substantial economic assistance to those states engaged in the implementation of the peace process.

(b) Relation to United Nations Diplomacy.—It is the sense of Congress that any such diplomatic efforts toward resolution of the conflict in Sudan are best made through a peace process based on the Declaration of Principle, which was reached in 1994, and that the United Nations should continue to be a key player in the mediation process.
(3) such financing’s relation to the sanctions on Sudan (a) and the Executive Order of November 3, 1997;
(4) the extent of aerial bombardment by the Government of Sudan forces in areas outside its control, including targets, frequency rates of tonnage, the number, duration, and locations of air strikes or other humanitarian relief facilities to which access is denied by any party to the conflict; and
(6) the status of the IGAD-sponsored peace process and any other ongoing effort to end the conflict, including the specific and verifiable steps taken by parties to the conflict, the members of the IGAD Partners Forum, and the members of IGAD toward a comprehensive solution to the war.

SEC. 8. REFORM OF OPERATION LIFELINE SUDAN (OLS).

It is the sense of Congress that the President should organize and maintain a formal consultative process with the European Union, its member states, the members of the United Nations Security Council, and other relevant parties on coordinating an effective distribution of United States relief contributions.

(a) Flights—The President shall submit a classified report to Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.
(b) Report—Not later than 90 days after the date of enactment of this Act, the President shall submit a classified report to Congress describing the progress made toward carrying out subsection (a).

SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) Funding—Congress recognizes the progress made by officials of the executive branch of Government toward greater utilization of non-OLS agencies for more effective distribution of United States relief contributions.
(b) Sense of Congress—It is the sense of Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.
(c) Report—Not later than 90 days after the date of enactment of this Act, the President shall submit a classified report to Congress describing the progress made toward carrying out subsection (b).

SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

(a) Plan—The President shall develop a detailed and implementable contingency plan to provide, outside United Nations auspices, the greatest possible amount of United States air transport relief flights and privately donated relief to all affected areas in Sudan, including the Nuba Mountains, Upper Nile, and Blue Nile, in the event the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.
(b) Element of Plan—The plan developed under subsection (a) shall include coordination of other donors in addition to the United States Government and private institutions.
(c) Report—Not later than 2 months after the date of enactment of this Act, the President shall submit a classified report to Congress describing the plan developed under subsection (a) and the extent to which the plan would require in the event of a total or partial ban on air transport relief flights or in the event of a partial or incremental ban on such flights if the President has made the determination required by subsection (a).
(d) Reprogramming Authority—Notwithstanding any other provision of law, the President may reprogram up to 100 percent of the funds available for support of OLS programs (but for this subsection) for the purposes of the plan.

SEC. 11. NEW AUTHORITY FOR USAID’S SUDAN TRANSITION ASSISTANCE FOR REHABILITATION (STAR) PROGRAM.

(a) Sense of Congress—Congress hereby expresses its support for the President’s ongoing efforts to diversify and increase effective transition assistance to populations in areas of Sudan outside of the control of the Government of Sudan, especially the long-term focus shown in the Sudan Transition Assistance for Rehabilitation (STAR) program with its emphasis on promoting future democratic governance, rule of law, building indigenous institutional capacity, self-reliance, and actively supporting people-to-people reconciliation efforts.
(b) Allocation of Funds.—Of the amounts provided under this Act, the President, having provided such funds in the amounts described in subsection (a) and the Executive Order of November 3, 1997, $16,000,000 shall be available for development of a viable civil authority, and civil and commercial institutions, in Sudan, including the provision of technical assistance, and for people-to-people reconciliation efforts.
(c) Additional Authorities.—Notwithstanding any other provision of law, the President is granted authority to undertake any appropriate programs using Federal agencies, contractual arrangements, or direct support of indigenous groups, agencies, or organizations, in the event of Sudan controlling the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal framework, support people-to-people reconciliation efforts, or implementation of any programs in support of any viable peace agreement at the local, regional, or national level.
(d) Implementation.—It is the sense of Congress that the President should immediately and to the fullest extent possible utilize the Office of Transition Initiatives at the Agency for International Development in an effort to pursue the type of programs described in subsection (c).
(e) Sense of Congress.—It is the sense of Congress that enhancing and supporting education and the rule of law are critical elements in the long-term success of United States efforts to promote a viable economic, political, social, and legal basis for development in the region and recognizes that the gap of 13-16 years without secondary educational opportunities in southern Sudan is an especially important problem which should be addressed in building and sustaining leaders and educators for the next generation of Sudanese. Congress recognizes the unusually important role the secondary school in Rumbek has played in producing the current generation of leaders in southern Sudan, and that priority should be given in current and future development or transition planning undertaken by the United States Government to rebuilding and supporting the Rumbek Secondary School.
(f) Programs in Areas Outside Government Control.—Congress also intends that such programs include cooperation and work with indigenous groups in areas outside of government control in all of Sudan, to include northern, southern, and eastern regions of Sudan.

SEC. 12. ASSESSMENT AND PLANNING FOR NUBA MOUNTAINS AND OTHER AREAS SUBJECT TO BANS ON AIR TRANSPORT RELIEF FLIGHTS.

(a) Finding—Congress recognizes that civilians in the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan are not receiving assistance through OLS due to restrictions by the Government of Sudan.
(b) Sense of Congress.—It is the sense of Congress that the President should—

REAUTHORIZING THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

Mr. Collins. Mr. President, I now ask unanimous consent the Senate proceed to the consideration of Calendar No. 328, S. 1119.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1119) to amend the act of August 9, 1950, to continue funding for the Coastal Wetlands Planning, Protection and Restoration Act.

There being no objection, the Senate proceeded to consider the bill.

Ms. Collins. I now ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the Record.

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

The bill (S. 1119) was read the third time and passed, as follows:

S. 1119

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

SECTION 1. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT.

Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking "1999" and inserting "2009".

HOLDING OF COURT AT NATCHES, MISSISSIPPI, IN THE SAME MANNER AS COURT IS HELD AT VICKSBURG, MISSISSIPPI

Ms. Collins. Mr. President, I now ask unanimous consent the Chair lay
November 19, 1999

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before the Senate a message from the House to accompany S. 1418.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 1418) entitled “An Act to provide for the holding of court at Natchez, Mississippi, in the same manner as court is held at Vicksburg, Mississippi, and for other purposes,” do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. HOLDING OF COURT AT NATCHES, MISSISSIPPI.

Section 104(b)(3) of title 28, United States Code, is amended by adding after Chicago “and Wheaton”:

Ms. COLLINS. I ask unanimous consent to the Senate agree to the amendment in the House.

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

AMENDING THE CONGRESSIONAL BUDGET ACT OF 1974

Ms. COLLINS, Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 3257, 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. 3257) to amend the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the Record.

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

The bill (H.R. 3257) was read the third time and passed.

COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1999

Ms. COLLINS, Mr. President, I ask the Chair lay before the Senate a message from the House of Representives on the bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representives:

Resolved, That the bill from the Senate (S. 376) entitled “An Act to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes,” do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Communications Satellite Competition and Privatization Act of 1999”.

SEC. 2. PURPOSE.

It is the purpose of this Act to promote a fully competitive global market for satellite communications, and providers of satellite services and equipment by fully privatizing the intergovernmental satellite organizations, INTELSAT and Inmarsat.

SEC. 3. REVOCATION OF COMMUNICATIONS SATELLITE ACT OF 1962.

The Communications Satellite Act of 1962 (47 U.S.C. 101) is amended by adding at the end the following new title:

“TITLE VI—COMMUNICATIONS COMPETITION AND PRIVATIZATION

“Subtitle A—Actions To Ensure Procompetitive Privatization

“SEC. 601. FEDERAL COMMUNICATIONS COMMISSION LICENSING.

“(a) LICENSING FOR SEPARATED ENTITIES.—Nothing in this section shall be construed as

(1) permitting the Commission to issue licenses or permit the assignment or use of such license or permit, or authorize the use by any entity subject to United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not harm competition in the telecommunications market of the United States. If the Commission does not make such a determination, it shall deny or revoke authority to use space segment owned, leased, or operated by the separated entity to provide services to, from, or within the United States.

(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621 and 623, and shall not make such a determination unless the Commission determines that the privatization of any separated entity is consistent with such criteria.

“(b) LICENSING FOR INTELSAT, INMARSAT, AND SUCCESSOR ENTITIES.—

(1) COMPETITION TEST.—The Commission shall substantially limit, deny, or revoke the authority for any entity subject to United States jurisdiction to use space segment owned, leased, or operated by INTELSAT or Inmarsat or any successor entities to provide non-core services to, from, or within the United States.

(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621 and 623, and shall not make such a determination unless the Commission determines that such privatization is consistent with such criteria.

“(A) after April 1, 2001, in the case of INTELSAT and its successor entities, that INTELSAT and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States; or

“(B) after April 1, 2000, in the case of Inmarsat and its successor entities, that Inmarsat and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States.

“(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621, 622, and 624, and shall not make such a determination unless the Commission determines that such privatization is consistent with such criteria.

“(1) COMPETITION AND PRIVATIZATION SAFE- GUARDS.—In making its licensing decisions under this subsection, the Commission shall consider whether users of non-core services provided by INTELSAT or Inmarsat or successor or separated entities are able to obtain non-core services from providers offering services other than through INTELSAT or Inmarsat or successor or separated entities, at competitive rates, terms, or conditions. Such considerations shall also include whether such licensing decisions would require users to replace equipment at substantial costs prior to the termination of its design life. In making its licensing decisions, the Commission shall also consider whether competitive alternatives in individual markets do not exist because they have been or are being precluded due to anticompetitive actions undertaken by or resulting from the INTELSAT or Inmarsat systems. Such licensing decisions shall be made in a manner which facilitates achieving the purposes and goals in this title and shall be subject to notice and comment.

“(c) ADDITIONAL CONSIDERATIONS IN DETERMINING LICENSING.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

“(d) INDEPENDENT FACILITIES COMPETITION.—(1) Nothing in this title shall preclude COMSAT from investing in or owning satellites or other facilities independent from INTELSAT and Inmarsat, and successor or separated entities. The Commission shall not be construed as restricting the types of contracts which can be executed or services which may be provided by COMSAT over the independent satellites and facilities described in this subsection.

“SEC. 602. INTELSAT OR INMARSAT ORBITAL LOCATIONS.

“(a) REQUIRED ACTIONS.—Unless, in a proceeding under section 601(b), the Commission determines that INTELSAT or Inmarsat have been privatized in a manner that will not harm competition, then—

“(1) the President shall oppose, and the Commission shall not assist in the registration of new orbital locations for INTELSAT or Inmarsat—

“(A) with respect to INTELSAT, after April 1, 2001; and

“(B) with respect to Inmarsat, after April 1, 2000; and

“(2) the President and Commission shall, consistent with the deadlines in paragraph (1), take all other necessary measures to preclude procurement, registration, development, or use of new satellites which would provide non-core services.

“(a) EXCEPTION.—

“(1) REPLACEMENT AND PREVIOUSLY CONTRACTED SATELLITES.—Subsection (a) shall not apply to—

(A) orbital locations for replacement satellite (as described in section 622(2)(B)); and

(B) orbital locations for satellites that are contracted for as of March 25, 1998, if such satellites do not provide additional services.

“(2) LIMITATION ON EXCEPTION.—Paragraph (1) is available only with respect to satellites designed to provide services solely in the C and Ku bands.

“SEC. 603. ADDITIONAL SECURITY AUTHORITY.

“(a) SERVICES AUTHORIZED DURING CONTINUED PROGRESS.—

“(1) CONTINUED AUTHORIZATION.—The Commission may issue an authorization, license, or permit, or renew the license of any provider of services using INTELSAT or Inmarsat space segment, or authorize the use of...
such space segment, for additional services (including new applications of existing services) or additional areas of business, subject to the requirements of this section.

(2) ADDITIONAL SERVICES PERMITTED UNDER NEW CONTRACTS UNLESS PROGRESS FAILS.—If the Commission determines under subsection (b) that conditions required by such subsection have not been attained, the Commission may not, pursuant to paragraph (1), permit such additional services to be provided directly or indirectly under new contracts for the use of INTELSAT or Inmarsat space segment, unless and until the Commission subsequently makes a finding under such subsection that such conditions have been attained.

(3) PREVENTION OF EVASION.—The Commission shall, by rule, prescribe means reasonably designed to prevent evasions of the limitations contained in paragraph (2) by customers who did not use specific additional services as of the date of the Commission's most recent finding under subsection (b) that the conditions of such subsection have not been obtained.

(b) REQUIREMENTS FOR ANNUAL FINDINGS.—

(1) REQUIREMENTS.—In making any findings required under this subsection shall be made, after notice and comment, on or before January 1 of each year.

(2) FIRST FINDING.—In making the finding required to be made on or before January 1, 2000, the Commission shall find (The requirements set forth in this subsection have been attained only if the Commission finds that—

(A) substantial and material progress has been made during the preceding period in a rate and manner that is probable to result in achieving pro-competitive privatizations in accordance with the requirements of this title and

(B) neither INTELSAT nor Inmarsat are hindering competitors' or potential competitors' access to the satellite services marketplace.

(2) FIRST FINDING.—In making the finding required to be made on or before January 1, 2000, the Commission shall find that the conditions required by this subsection have been attained unless the Commission finds that—

(A) INTELSAT Board of Governors a resolution calling for the pro-competitive privatization of INTELSAT in accordance with the requirements of this title and

(B) the United States has submitted such resolution at the first INTELSA Assembly of Parties meeting that takes place after such date of enactment.

(c) The INTELSAT Assembly of Parties has created a working party to consider and make recommendations for the pro-competitive privatization of INTELSAT consistent with such resolution.

(3) SECOND ANNUAL FINDING.—In making the finding required to be made on or before January 1, 2001, the Commission shall find that the conditions required by this subsection have been attained unless the INTELSAT Assembly of Parties has approved a recommendation for the pro-competitive privatization of INTELSAT in accordance with the requirements of this title.

(4) THIRD ANNUAL FINDING.—In making the finding required to be made on or before January 1, 2002, the Commission shall find that the conditions required by this subsection have been attained unless the pro-competitive privatization of INTELSAT in accordance with the requirements of this title has been achieved by such date.

(5) CRITERIA FOR EVALUATION OF HINDERING ACCESS.—(A) The Commission shall not make a finding pursuant to paragraph (1) unless the Commission determines that INTELSAT and Inmarsat are not in any way impairing, delaying, or denying access to national markets or orbital locations.

(c) EXCEPTION FOR SERVICES UNDER EXISTING CONTRACTS IF PROGRESS NOT MADE.—This section shall not preclude INTELSAT or Inmarsat from continuing to provide additional services under an agreement with any third party entered into prior to any finding under subsection (b) that the conditions of such subsection have not been attained.

Title B—Federal Communications Commission Licensing Criteria: Privatization

SEC. 621. GENERAL CRITERIA TO ENSURE A PRO-COMPETITIVE PRIVATIZATION OF INTELSAT AND INMARSAT.

The President and the Commission shall secure a pro-competitive privatization of INTELSAT and Inmarsat that meets the criteria set forth in this section and sections 622 through 624. In securing such privatizations, the following criteria shall be applied as licensing criteria for purposes of subtitle A:

(1) DATES FOR PRIVATIZATION.—Privatization shall be obtained in accordance with the criteria of this title of—

(A) INTELSAT as soon as practicable, but not later than April 1, 2001; and

(B) Inmarsat as soon as practicable, but not later than April 1, 2000.

(2) INDEPENDENCE.—The successor entities and separated entities of INTELSAT and Inmarsat shall be maintained as independent entities obtained pursuant to paragraph (1) shall—

(A) be entities that are national corporations;

(B) have ownership and management that is independent of—

(i) any signatories or former signatories that control access to national telecommunications markets; and

(ii) any intergovernmental organization remaining after the privatization.

(3) TERMINATION OF PRIVILEGES AND IMMUNITIES.—The preferential treatment of INTELSAT and Inmarsat shall not be extended to any successor entity or separated entity of INTELSAT or Inmarsat. Such preferential treatment includes—

(A) privileged or immune treatment by national governments;

(B) privileges or immunities or other competitive advantages of the type accorded INTELSAT and Inmarsat and their signatories through the terms and conditions of the INTELSAT Agreement and the associated Headquarters Agreement and the Inmarsat Convention; and

(C) preferential access to orbital locations, including the ability of a successor entity to warehouse any orbital location that is not subject to the legal or regulatory processes of a national government that applies due diligence requirements intended to prevent the warehousing of orbital locations.

(4) PREVENTION OF EXPANSION DURING TRANSITION.—During the transition period prior to full privatization, INTELSAT and Inmarsat shall be precluded from expanding into additional services (including additional applications of existing services) or additional areas of business.

(5) CONVERSION TO STOCK CORPORATIONS.—Any successor entity or separated entity created out of INTELSAT or Inmarsat shall be a national corporation established through the execution of an initial public offering as follows:

(A) Any successor entities and separated entities shall be incorporated as private corporations subject to the laws of the nation in which they are incorporated.

(B) An initial public offering of securities of any successor entity or separated entity shall be conducted on an arm's length basis.

(c) The shares of any successor entities and separated entities shall be listed for trading on one or more major stock exchanges with transparent and effective securities regulation.

(4) GENERAL.—Pending privatization in accordance with the criteria of this title, INTELSAT shall not expand by receiving additional orbital locations, placing new satellites in existing locations, or procuring new or additional satellite services except as provided by subparagraph (B), and the United States shall oppose such expansion:

(i) in INTELSAT, including at the Assembly of Parties;

(ii) in the International Telecommunication Union;
“(iii) through United States instructions to COMSAT;”

“(iv) in the Commission, through declining to facilitate the registration of additional orbital locations or the provision of additional services (including applications of existing services) or additional areas of business; and”

“(v) in other appropriate fora.

(B) EXCEPT FOR CERTAIN REPLACEMENT SATELLITES.—The replacement satellite shall not apply to any replacement satellites if—

(i) such replacement satellite is used solely to provide public-switched network voice telephony or occasional-use television services, or both;

(ii) such replacement satellite is procured pursuant to an ownership or management contract that was executed on or before March 25, 1998; and

(iii) construction of such replacement satellite commences on or before the final date for INTELSAT privatization set forth in section 621(h)(A).

(C) TECHNICAL COORDINATION AMONG SIGNATORIES.—Technical coordination shall not be used to develop or cause INTELSAT and its signatories to waive with respect to any transactions with any separated entity, any public offering of the securities of such entity shall be conducted.

(2) PRIVILEGES AND IMMUNITIES.—The privileges and immunities of INTELSAT and its signatories shall be waived with respect to any INTELSAT separated entity and ICO shall be prohibited until 15 years after the completion of INTELSAT privatization under this title.

(3) INTERLOCKING DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of INTELSAT or any successor entity or separated entity shall be individuals who are officers, directors, or employees of ICO.

(D) SPECTRUM ASSIGNMENTS.—The portions of the electromagnetic spectrum assigned as of the date of the enactment of this title to INTELSAT—

(A) shall, after January 1, 2006, or the date on which the life of the current generation of Inmarsat satellites ends, whichever is later, be made available for assignment to all systems (including the privatized Inmarsat) on a non-discriminatory basis and in a manner in which continued availability of the GMDSS is provided; and

(B) shall not be transferred between Inmarsat and ICO.

(7) PRESERVATION OF THE GMDSS.—The United States shall seek to preserve space segment capacity of the GMDSS.

SECTION 625. ENCOURAGING MARKET ACCESS AND PRIVATIZATION.

(a) NTIA DETERMINATION.—

(1) DETERMINATION REQUIRED.—Within 180 days after the date of the enactment of this section, the Secretary of Commerce shall, through the Assistant Secretary for Communications and Information, transmit to the Commission a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that impose barriers to market access for private satellite systems; and

(b) a list of Member countries of INTELSAT and Inmarsat that are Members of the World Trade Organization and that are not supporting pro-competitive privatization of INTELSAT and Inmarsat.

(2) CONSULTATION.—The Secretary’s determination under paragraph (1) shall be made in consultation with the Federal Communications Commission, the Secretary of State, and the United States Trade Representative, and shall take into account the actions of a country’s actions in all relevant fora, including the Assemblies of Parties of INTELSAT and Inmarsat.

(b) IMPOSITION OF COST-BASED SETTLEMENT RATE.—Notwithstanding any other law or executive agreement, when any pro-competitive privatization is achieved consistent with sections 621, 622, and 624.

(b) CLARIFICATION OF PRIVILEGES AND IMMUNITIES OF COMSAT.

(1) GENERALLY NOT IMMUNIZED.—Notwithstanding any other law or executive agreement, COMSAT shall not be entitled to any privileges or immunities under the laws of the United States or any State on the basis of its status as a signatory of INTELSAT or Inmarsat.

(2) LIMITED IMMUNITY.—COMSAT and any other company functioning as United States signatory to INTELSAT or Inmarsat shall not be liable for action taken by it in carrying out the specific, written instruction of the United States issued in connection with its relationships and activities with foreign governments, international entities, and the intergovernmental satellite organizations.

(c) PROVISIONS PROSPECTIVE.—Paragraph (1) shall not apply with respect to liability for any action taken by COMSAT before the date of the enactment of the Communications Satellite Competition and Privatization Act of 1999.

(c) PARITY OF TREATMENT.—Notwithstanding any other law or executive agreement, the Commission shall have the authority to impose similar regulatory fees on United States signatory which it imposes on other entities providing similar services.
SEC. 643. ELIMINATION OF PROCUREMENT PREFERENCES.

"Nothing in this title or the Communications Act of 1934 shall be construed to authorize or require any preference, in Federal Government procurement of telecommunications services, for the satellite space segment provided by INTELSAT, Inmarsat, or any successor entity or separated entity.

SEC. 644. USE OF ITU TECHNICAL COORDINATION.

The Commission and United States satellite companies shall coordinate with the International Telecommunication Union procedures for technical coordination with INTELSAT and its successor entities and separated entities, rather than INTELSAT procedures.

SEC. 645. TERMINATION OF COMMUNICATIONS SATELLITE ACT OF 1962 PROVISIONS.

"Effective on the dates specified, the following provisions of this Act shall cease to be effective:

(1) Date of the enactment of this title: Sections 11 and 102; paragraphs (1), (5) and (6) of section 201(a); section 301; section 303; section 602; and paragraphs (2) and (4) of section 504(a).

(2) On the effective date of the Commission’s order that establishes direct access to INTELSAT space segment: Paragraphs (1), (3) through (5), and (8) through (10) of section 301(c); and section 304(b).

(3) On the effective date of the Commission’s order that establishes direct access to Inmarsat space segment: Subsections (a) through (d) of section 503.

(4) On the effective date of a Commission order determining under section 601(b)(2) that Inmarsat privatization is consistent with criteria in sections 621 and 624: Section 504(b).

(5) On the effective date of a Commission order determining under section 601(b)(2) that INTELSAT privatization is consistent with criteria in sections 621 and 622: Paragraphs (2) and (4) of section 201(a); section 201(c); subsection (a) of section 403; and section 404.

SEC. 646. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS.—The President and the Commission shall report to the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate prior to each meeting of the Commission determined under section 601(b)(2) that INTELSAT or Inmarsat, including in particular the entity whose structure was under discussion by INTELSAT as of March 25, 1998, but excluding ICO.

(9) ORBITAL LOCATION.—The term ‘orbital location’ means the location for placement of a satellite on the geostationary orbital arc as defined by the International Telecommunication Union Radio Regulations.

(10) SPACE SEGMENT.—The term ‘space segment’ means the satellites, and the tracking, telemeter, control, command, monitoring and related facilities and equipment used to support the operation of satellites owned or leased by INTELSAT, Inmarsat, or a separated entity or successor entity.

SEC. 611. METHODS TO PURSUE PRIVATIZATION.

The President shall secure the pre-competitive privatizations required by this title in a manner that meets the criteria in subchapter B.

Subtitle D—Negotiations To Pursue Privatization

SEC. 661. METHODS TO PURSUE PRIVATIZATION.

The President shall ensure that the INTELSAT or Inmarsat privatization is consistent with criteria in sections 621 and 624: Section 504(b).

Subtitle E—Definitions

SEC. 681. DEFINITIONS.

(a) IN GENERAL.—As used in this title:

(1) INTELSAT.—The term ‘INTELSAT’ means the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT).

(2) INMARSAT.—The term ‘Inmarsat’ means the International Mobile Satellite Organization established pursuant to the Convention Relating to the International Mobile Satellite Organization (INMARSAT).

(3) SIGNATORIES.—The term ‘signatories’—

(A) in the case of INTELSAT, or INTELSAT successors or separated entities, means the parties, or the telecommunications entities designated by a Party or a separated entity to the Agreement as having entered into force or to which such Agreement has been provisionally applied; and

(B) in the case of Inmarsat, or Inmarsat successors or separated entities, means either a Party to, or an entity that has been designated by a Party to sign, the Operating Agreement.

(4) PARTY.—The term ‘Party’—

(A) in the case of INTELSAT, means a nation for which the INTELSAT agreement has entered into force or been provisionally applied; and

(B) in the case of Inmarsat, means a nation for which the Inmarsat convention has entered into force.

(5) COMMISSION.—The term ‘Commission’ means the Federal Communications Commission.

(6) INTERNATIONAL TELECOMMUNICATION UNION.—The term ‘International Telecommunication Union’ means the international organization that is a specialized agency of the United Nations and that takes the place of a treaty organization to which the satellites, and the tracking, telemeter, control, command, monitoring and related facilities and equipment used to support the operation of satellites owned or leased by INTELSAT, Inmarsat, or a separated entity or successor entity.

(7) SUCCESSOR ENTITY.—The term ‘successor entity’ means any privatized entity created from the privatization of INTELSAT or Inmarsat or from the assets of INTELSAT or Inmarsat; but

(8) does not include any entity that is a separate entity.

(9) SEPARATED ENTITY.—The term ‘separated entity’ means a privatized entity to whom a portion of the assets owned by INTELSAT or Inmarsat, as the case may be, have been transferred in order to pursue privatization of INTELSAT or Inmarsat, including in particular the entity whose structure was under discussion by INTELSAT as of March 25, 1998, but excluding ICO.

(10) SPACE SEGMENT.—The term ‘space segment’ means the satellites, and the tracking, telemeter, control, command, monitoring and related facilities and equipment used to support the operation of satellites owned or leased by INTELSAT, Inmarsat, or a separated entity or successor entity.

(11) NON-CORE SERVICES.—The term ‘non-core services’ means, with respect to INTELSAT provision, services other than public-switched telecommunications, television, and with respect to Inmarsat provision, services other than global maritime distress and safety services or other existing maritime or aeronautical services for which there are not alternative providers.

(12) ADDITIONAL SERVICES.—The term ‘additional services’ means Internet services, high-speed data, interactive services, maritime, or non-aeronautical mobile services, Direct to Home (DTH) or Direct Broadcast Satellite (DBS), video services, or Ku-band services.

(13) INTELSAT AGREEMENT.—The term ‘INTELSAT Agreement’ means the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT), including all its annexes (TIAS 7552, 22 UST 3813).


(15) OPERATING AGREEMENT.—The term ‘Operating Agreement’—

(A) in the case of INTELSAT, the agreement, including its annex but excluding all titles of articles, opened for signature at Washington on August 31, 1962, that establishes telecommunications services authorized by INTELSAT to the extent that they are not reserved for telecommunications entities designated by Governments in accordance with the provisions of the Agreement; and

(B) in the case of Inmarsat, the Operating Agreement on the International Maritime Satellite Organization, including its annexes.


(17) NATIONAL CORPORATION.—The term ‘national corporation’ means a corporation that owns the ownership of which is held through publicly traded securities, and that is incorporated under, and subject to, the laws of a national, state, or territorial government.

(18) COMSAT.—The term ‘COMSAT’ means the corporation established pursuant to title III of the Communications Satellite Act of 1962 (47 U.S.C. 7341 et seq).

(19) ICO.—The term ‘ICO’ means the company known, as of the date of the enactment of this title, as ICO Global Communications, Inc.

SEC. 682. SATELLITE SCATEN.
services under contracts executed prior to March 25, 1998 (in the case of direct broadcast satellites), or digital audio or video broadcasting services (as defined in section 108 of title 47, United States Code), but for purposes of subparagraph (D) of paragraph (1), the term "satellite service" means the delivery of audio or visual programming by one-way broadcast satellites. A satellite is only considered a replacement satellite to the extent such contracts are equal to or less than the design life of the satellite.

"(2) GLOBAL MARITIME DISTRESS AND SAFETY SERVICES OR GMDSSES.—The term 'global maritime distress and safety services' or 'GMDSSES' means a ship-to-shore distress and safety reporting system, an automated ship-to-shore distress and safety service, or 'AIDSS' which is established under contracts executed prior to March 25, 1998, and which permit the worldwide avertal of vessels, coordinated search and rescue operations, and dissemination of maritime safety information.

"(b) COMMON TERMINOLOGY.—Except as otherwise provided in subsection (a), terms used in this title that are defined in section 3 of the Communications Act of 1934 have the meanings provided in such section."

Mr. SCHUMER. Mr. President, I rise today to speak about the Satellite Home Viewer Act, which is part of the Intellectual Property and Communications Omnibus Reform Act of 1999. There are approximately half a million direct broadcast satellite households in New York State that have been disadvantaged by the restrictions currently facing satellite service providers. There are countless others who would like the privilege of having satellite service as a multi-channel video programming provider.

Earlier this year, direct broadcast satellite customers in many areas of New York State had their local network service shut-off as a result of a court order. This meant that satellite service customers were unable to receive their local news, weather, and major broadcast stations from their local broadcast companies. We now have a bill that will allow direct broadcast satellite companies the ability to provide experimental local programming. For small, rural communities, it is imperative that residents be allowed to receive notice of local events, like school closings, weather reports, cultural happenings, and local business developments. In addition, New York is one of the two states that will benefit from retroactive local programming via satellites.

For residents of New York rural counties like Allegany, Chenango, Clinton, Niagara, Ulster, and many others, that rely on distant broadcast network programming because they are typically unable to receive over-the-air broadcast signals, this bill allows them to continue to receive faraway TV works.

While I am pleased that we were able to pass the Satellite Home Viewer Act before it expired on December 31, 1999, I hope we will continue to further its progress. The federal loan provision that was included during conference, and regrettably taken out of the Senate conference report, must be revisited. It is my understanding that the Senate Banking committee plans on holding hearings next year to ensure that multi-channel service providers are encouraged to extend satellite service to rural and underserved communities. I look forward to working with my colleagues on that committee to make sure my constituents in Western and Northern New York have the same viewing options as those in downtown New York.

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate disagree to the amendment of the House, request a conference with the House, and the Chair be authorized to appoint conference of the part of the Senate.

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

There being no objection, the Presiding Officer appointed Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. HOLLINGS, and Mr. NOYCE conferences on the part of the Senate.

RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 1999

Ms. COLLINS. Mr. President, I now ask unanimous consent the Senate proceed to the consideration of Calendar No. 370, S. 1515.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1515) to amend the Radiation Exposure Compensation Act, 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:

(The part of the bill intended to be inserted is shown in italic.)

S. 1515

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 "Radiation Exposure Compensation Act Amendments of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) recognized the responsibility of the Federal Government to compensate individuals who were harmed by the mining of radioactive materials or fallout from nuclear arms testing;

(2) a congressional oversight hearing conducted by the Committee on Labor and Human Resources of the Senate demanded that since enactment of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), regulatory burdens have made it too difficult for some deserving individuals to be fairly and efficiently compensated;

(3) reports of the Atomic Energy Commission and the National Institute for Occupational Safety and Health testify to the need to extend coverage to those who were exposed to radiation by the Federal Government sponsored uranium mining and milling from 1941 through 1971;

(4) scientific data resulting from the enactment of the Radiation Exposure Compensation Act of 1990 (38 U.S.C. 101 note), and obtained from the Committee on the Biological Effects of Ionizing Radiations, and the National Academy of Sciences, Human Radiation Experiments provide medical validation for the extension of compensable radiogenic pathologies;

(5) above-ground uranium miners, millers and individuals who transported ore should be fairly compensated, in a manner similar to that provided for underground uranium miners, in cases in which those individuals suffered disease or resultant death, associated with radiation exposure, due to the failure of the Federal Government to warn and otherwise help protect the health hazards addressed by the Radiation Exposure Compensation Act of 1990 (42 U.S.C. 2210 note); and

(6) it should be the responsibility of the Federal Government in partnership with State and local governments and appropriate healthcare organizations, to initiate and support programs designed for the detection, prevention and education on radiogenic diseases in approved States to aid the thousands of individuals adversely affected by the mining of uranium and the testing of nuclear weapons for the Nation's weapons arsenal.

SEC. 3. AMENDMENTS TO THE RADIATION EXPOSURE COMPENSATION ACT.

(A) CLAIMS RELATING TO ATMOSPHERIC NUCLEAR TESTING.—Section 4(a)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"(1) CLAIMS RELATING TO LEUKEMIA.—

"(A) IN GENERAL.—An individual described in this subsection shall receive an amount specified in subparagraph (B) if the conditions described in subparagraph (C) are met.

An individual referred to in the preceding sentence is an individual who—

(i) was physically present in an affected area for a period of at least 1 year during the period beginning on January 21, 1951, and ending on October 31, 1958;

(ii) submits written documentation that the atmospheric detonation of a nuclear device; and

(iii) participated onsite in a test involving the atmospheric detonation of a nuclear device;

and

(B) AMOUNTS.—If the conditions described in subparagraph (C) are met, an individual—

(i) who is described in clause (I) or (II) of subparagraph (A)(i) shall receive $50,000; or

(ii) who is described in clause (III) of subparagraph (A)(i) shall receive $75,000.

"(C) CONDITIONS.—The conditions described in this subparagraph are as follows:

(I) Initial exposure occurred prior to age 21.

(ii) The claim for a payment under subparagraph (B) is filed with the Attorney General by or on behalf of the individual.

(iii) The Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

(iv) The conditions described in subparagraph (B) are defined in section 4(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by inserting "Wayne, San Juan," after "Millard,"

(B) by amending subparagraph (C) to read as follows:
(C) in the State of Arizona, the counties of Cochise, Pima, Yavapai, Navajo, Apache, and Gila; and;

(2) in paragraph (2)—

(A) by striking "the onset of the disease was between 2 and 30 years of first exposure, and requiring the onset of the disease was at least 2 years after first exposure, lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam.");

(B) by striking "(provided initial exposure occurred by the age of 20)" after "thoroid";

(C) by inserting "male" or before "female breast";

(D) by striking "(provided initial exposure occurred prior to age 40)" after "female breast";

(E) by striking "(provided low alcohol consumption and not a heavy smoker)" after "cigarette";

(F) by striking "(provided initial exposure occurred before age 30)" after "stomach";

(G) by striking "(provided not a heavy smoker)" after "pharynx";

(H) by striking "(provided not a heavy smoker and low coffee consumption)" after "pancreas";

(I) by inserting "salivary gland, urinary bladder, brain, colon, ovary," after "gall bladder";

(3) by inserting "(other than in situ lung cancer that is accompanied by written documentation that meets the requirements of this Act," after "(A) a chest x-ray administered in accordance with standard techniques and the interpretive reports described in subsection (c)(1); and"

(2) in paragraph (4)—

(A) by striking "the onset of the disease was between 2 and 30 years of first exposure, lung cancer (other than in situ lung cancer that is accompanied by written documentation that meets the requirements of this Act," after "(II) was a miller or ore transporter who"

(3) by inserting "(other than in situ lung cancer that is accompanied by written documentation that meets the requirements of this Act," after "(II) is a board certified physician; and"

(B) by striking "(I) is employed by the Indian Health Service or the Department of Veterans Affairs; or"

And;

Gila; and"

(3) by inserting "(other than in situ lung cancer that is accompanied by written documentation that meets the requirements of this Act," after "(II) was a miller or ore transporter who"

(3) by inserting "(other than in situ lung cancer that is accompanied by written documentation that meets the requirements of this Act," after "(II) is a board certified physician; and"

(C) by striking "the onset of the disease was between 2 and 30 years of first exposure, lung cancer (other than in situ lung cancer that is accompanied by written documentation that meets the requirements of this Act," after "(II) was a miller or ore transporter who"

(3) by inserting "(other than in situ lung cancer that is accompanied by written documentation that meets the requirements of this Act," after "(II) is a board certified physician; and"

(G) by striking "(provided not a heavy smoker)" after "pharynx";

(H) by striking "(provided not a heavy smoker and low coffee consumption)" after "pancreas";

(I) by inserting "salivary gland, urinary bladder, brain, colon, ovary," after "gall bladder";

(2) D EFINITIONS.—Section 5(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"(1) IN GENERAL.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"(1) Eligibility of Individuals.—

(1) In General.—An individual shall receive $100,000 for a claim made under this Act if—

(A) that individual—

(i) was employed in a uranium mine or uranium mill, or other aboveground mines, where uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, and Texas at any time during the period beginning on January 1, 1942, and ending on December 31, 1971; and

(ii) was a miller or ore transporter who worked for at least 1 year during the period described under clause (i) and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease; or

(iii) was a miller or ore transporter who worked for at least 1 year during the period described under clause (i) and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease or renal cancer and other chronic renal disease including nephritis and kidney tubal tissue injury.

(2) The claim for that payment is filed with the Attorney General by or on behalf of that individual; and

(C) the Attorney General determines, in accordance with section 5, that the claim meets the requirements of this Act.

(2) INCLUSION OF ADDITIONAL STATES.—

Paragraph (1)(A)(i) shall apply to a State, in addition to the States named under such clause, if—

(A) an Atomic Energy Commission uranium mine was operated in such State at any time during the period beginning on January 1, 1942, and ending on December 31, 1971;

(B) the State submits an application to the Department of Justice to include such State; and

(C) the Attorney General makes a determination to include such State.

(3) Payment Requirement.—Each payment under this Act may be made only in accordance with section 6.

(2) Definitions.—Section 5(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended as follows:

(A) in paragraph (3)—

(i) by striking "and before" and inserting "before"

(ii) if—

(A) the Attorney General makes a determination under this section may be made only in accordance with section 6.

(i) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation that meets the definition of that term under subsection (b)(5) shall be considered to be conclusive evidence of that disease.

(ii) CERTAIN WRITTEN DOCUMENTATION.—

(A) In General.—For purposes of this Act, a chest x-ray and the accompanying interpretive reports described in subsection (b)(5) shall—

(i) be considered to be conclusive; and

(ii) be subject to a fair and random audit procedure established by the Attorney General.

(B) In General.—For purposes of this Act, a written diagnosis made by a physician described in clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant referred to under clause (i) of a nonmalignant pulmonary disease or lung cancer of a claimant referred to under clause (i) of this Act if—

(C)定律要求.—Section 5(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant."

(3) Offset for Certain Payments.—

Section 6(c)(2)(B) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant.

(4) Application of Native American Law to Claims.—Section 6(c)(4) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant."
(5) ACTION ON CLAIMS.—Section 6(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) by inserting ‘‘(1) IN GENERAL.—’’ before ‘‘The Attorney General’’;

(B) by inserting at the end the following:

‘‘(2) AFFIDAVITS.—An affidavit referred to under subparagraph (A) is an affidavit—

(1) that meets such requirements as the Attorney General may establish; and

(2) is made by a person other than the individual filing the claim that attests to the employment history of the claimant.

(3) LIMITATIONS ON CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by inserting ‘‘(a) IN GENERAL.—’’ before ‘‘A claim’’;

(2) by adding at the end the following:

‘‘(b) RESUMITTAL OF CLAIMS.—After the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999 any claimant who has been denied compensation under this Act may resubmit a claim for consideration by the Attorney General in accordance with this Act not more than 3 times. Any request before the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999 shall not be applied to the limitation under the preceding sentence.

(g) EXTENSION OF CLAIMS AND FUND.—

(1) EXTENSION OF CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended in the first sentence by striking ‘‘22 years after the date of enactment of this Act’’ and inserting ‘‘22 years after the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999’’.

(2) EXTENSION OF FUND.—Section 3(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended in the first sentence by striking ‘‘10 per centum’’ and inserting ‘‘2 percent’’.

SEC. 4. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.

Subpart I of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

‘‘SEC. 417C. GRANTS FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES. ’’

Subpart I of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

‘‘SEC. 417C. GRANTS FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.

(a) Definition.—In this section the term ‘‘radiogenic’’ includes the following:

(1) National Cancer Institute-designated cancer center;

(2) Department of Veterans Affairs hospital or medical center;

(3) Federally Qualified Health Center; community health center, or hospital;

(4) any agency of any State or local government; or

(5) nonprofit organization.

(b) In General.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, in consultation with the Director of the National Institutes of Health and the Director of the Indian Health Service, may make competitive grants to any entity for the purpose of carrying out programs to—

(1) screen individuals described under section 417a(1)(A) or 417a(1)(A) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for cancer as a preventable health measure;

(2) provide appropriate referrals for medical treatment of individuals screened under paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services; and

(3) develop and disseminate public information and education programs for the detection, prevention, and treatment of radiogenic cancers and diseases; and

(4) facilitate appropriate inclusions in the documentation of claims as described in section 417a of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

(2) USE OF FUND.—The programs under subsection (a) shall include programs provided through the Indian Health Service or through tribal contracts, compacts, or cooperative agreements with the Indian Health Service and which are determined appropriate to raising the health status of Indians.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2000 through 2009 $20,000,000 for fiscal year 1999 and such sums as may be necessary for each of the fiscal years 2000 through 2009.

Ms. COLLINS. I ask unanimous consent that the committee substitute 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 related to the bill be printed in the Record by the PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1515), as amended, was read the third time and passed.
Ms. COLLINS. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 384, S. 302.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (S. 302) for the relief of Kerantha Poole-Christian.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 302) was read the third time and passed, as follows:

S. 302

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

SECTION 1. CLASSIFICATION AS A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT.

(a) In General.—In the administration of the Immigration and Nationality Act, Kerantha Poole-Christian shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Stan Edwards, a citizen of the United States, pursuant to section 204 of such Act.

(b) Limitation.—No natural parent, brother, or sister, if any, of Kerantha Poole Edwards shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Ms. COLLINS. Mr. President, I now ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 383, S. 276.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (S. 276) for relief of Sergio Lozano, Fauricio Lozano, and Ana Lozano.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. PERMANENT RESIDENT STATUS FOR SERGIO LOZANO.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Sergio Lozano shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Sergio Lozano enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) Deadline for Application and Payment of Fees.—(a) Notwithstanding subsections (a) and (b), there shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) Reduction of Immigrant Visa Number.—Upon the granting of an immigrant visa or permanent residence to Sergio Lozano, the Secretary of State shall reduce the total number of immigrant visas that are available to natives of the country of the alien’s birth under section 204(e) of such Act.

Amend the title to read as follows: “For the relief of Sergio Lozano”.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3373, 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. 3373) to require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the millennium of the discovery of the new world by Leif Ericson.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMM. Mr. President, I rise today to speak in support of H.R. 3373, the Leif Ericson Millennium Commemorative Coin Act. This bill authorizes three separate commemorative
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Mr. President, this legislation has the support of the Committee on Banking, Housing, and Urban Affairs as it fully meets the standards set forth by the committee and furthermore, each bill adheres to the commemorative coin reforms enacted in the 104th Congress. Those reforms were necessary to keeping the time-honored pastime of coin collecting from becoming overrun with far too many coin programs commemorating events or figures of lesser national recognition. I look forward to swift enactment of this legislation.

Mr. President, I am pleased to support H.R. 3373, providing for the minting of a Leif Ericson Millennium Commemorative dollar coin. This bipartisan legislation would authorize the U.S. Mint to issue a coin jointly by the Icelandic National Bank in commemoration of Leif Ericson and his voyage and exploration of North America. The part of the measure concerning Leif Ericson is identical to S. 1710 that Senator Grams and I introduced which has the support of 74 Senators. The House bill was introduced by Congressman Jim Leach of my home state of Iowa who has worked hard toward the passage of this measure. I want to commend him for his good work.

The famous Viking explorer is regarded as the first European to set foot on North American soil in the year 1000 AD. In a time of sea voyages and land exploration, perhaps the most recognized Viking in history is Leif Ericson. Ericson’s determination, nobility and spirit of exploration are demonstrated in his Voyage of Discovery. Next year marks the 1000th anniversary of Leif Ericson’s Voyage of Discovery and this coin will commemorate this landmark event in North American history.

Leif Ericson, son of Eric the Red, was born in Iceland in the mid 900’s AD. There he learned about reading and writing runes, the Celtic and Russian tongue and the ways of trade. Ericson was also taught the old sagas, plant stones, and seal grufl. As a young boy, Ericson and his friends would spend time watching ships coming in and out of the harbor and dream about someday going on voyage of their own. Ericson grew to be a large and impetuous man, one known for his far judgment and honesty. Having his father’s adventurous hand, Ericson had a strong urge to travel and explore.

Ericson was able to do some traveling between Iceland and Greenland, but his major Voyage of Discovery did not occur until 1000 AD, when explorer Bjarni Herjólfssson relayed exciting news of a new land that he had seen when he lost his course in the fog. Ericson bought Herjólfssson’s ship, gathered crew of 35, and sailed westward. Unlike today, Ericson’s voyages on the sea were without many modern conveniences. He did not travel by a motor-powered ship, nor have any of today’s advanced technological navigational tools. Instead, his small crew used the wind and tides as their primary source of motive power, relying on the weather as the engine for his vessel. His Viking ship did not do too well against hard winds with their single sails, but fortunately, fair weather allowed Ericson to navigate 600 miles west up the western coast. Soon he was following the outlines of the new lands he had heard of.

The first island Ericson landed on was among glaciers and seemed to be one huge slab of rock. Because of this he named it Helluland (Slab Land or Flat Rock Land), which is now believed to be Baffin Island. Ericson then sailed south and found another land that was flat with white beaches and some trees. He named it Markland (Woodland) which today is believed to be Labrador on the eastern coast of Canada.

Finally, Ericson sailed southeast for two days and came to an island with a mainland. On this land the Viking explorer and his crew came upon an abundance of grapes as well as vegetation. They had never before seen. They also were astounded by the size of fish and other animal life they saw while exploring this land. Ericson bought his crew settled in for the winter, but the winter here was very peculiar. No frost came to the grasses. They also noticed that the days and nights were of more equal length here. When spring came and the men were ready to go, Ericson gave this land the name Vinland, which either means Wineland or Pastureland. Vinland is believed to be today’s L’Anse aux Meadows in Newfoundland and archaeological findings of this winter camp seem to confirm this belief.

Ericson’s Voyage of Discovery is a significant event in North American history and symbolizes a long relationship between the U.S. and Iceland. The Government of Iceland is an important North Atlantic Treaty Organization (NATO) ally and this action would reiterate our strong relationship with and support for their nation. Iceland votes with the United States on virtually all United Nations and NATO issues and has formulated foreign policies parallel to ours. They also are cutting costs at our military base in Keflavík. Iceland has refrained from whaling, encouraged more U.S. trade and investment and initiated a partnership with the state of Alaska. The Government of Iceland has already approved a silver 1000 Kroner Icelandic coin to be produced by the U.S. Mint that will be packaged and issued simultaneously with the U.S. Leif Ericson Commemorative Coin. We believe jointly issuing these coins will help further relations between our nations.

The United States Congress strengthened U.S.-Icelandic relations in 1930 by presenting a statue of Leif Ericson as a gift to Iceland memorializing Ericson’s Voyage of Discovery. President Lyndon B. Johnson made October 9 “Leif Ericson Day” in commemoration of the famous Viking explorer. The Leif Ericson Commemorative Coin in the year 2000 would commemorate the millennial anniversary of Ericson’s voyage and would display our commitment to continuing this relationship for the coming millennium.

H.R. 3373 allows a simultaneous issuance of a commemorative U.S. silver dollar coin and a silver 1000 Kroner Icelandic coin. Both coins are to be produced in limited mintages, with U.S. Mint issuing a boxed set. Mint and surcharge proceeds from the coins will fund scholarships and student exchange programs between Iceland and United States. The U.S. Mint has read and approved the identical House version as meeting all the guidelines contained in the 1995 Congressional House Banking Committee Commemorative Coin Reforms Act, which protects the taxpayer from any costs. We feel such a coin is an important step in recognizing the important role Iceland has played in North American history. H.R. 3373 also provides for a Lewis and Clark Expedition Commemorative Coin which I strongly support and a Capitol Visitor Center Commemorative Coin.

Ms. Collins. 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 statement relating to the bill be printed in the RECORD.

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

The bill (H.R. 3373) was read the third time and passed.
WHEREAS the trade ministers of 34 countries, and the countries of Latin America and the Caribbean totaled $36,793,000,000 in 1996;

Whereas the Miami-Dade area and the State of Florida provide the necessary infrastructure, local resources, and culture necessary for the FTAA Secretariat’s permanent site;

Whereas the United States possesses the world’s largest economy and is the leading proponent of trade liberalization throughout the world; and

Whereas the city of Miami, Miami-Dade County, and the State of Florida have long served as the gateway for trade with the Caribbean and Latin America;

Whereas trade between the city of Miami, Florida, and the countries of Latin America and the Caribbean totaled $36,793,000,000 in 1996;
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Whereas according to the Department of State and international human rights organizations, the Government of the People's Republic of China does not provide these freedoms but continues to restrict unregistered religious activities and persecutes persons on the basis of their religious practice through measures including harassment, prolonged detention, physical abuse, incarceration, and police closure of places of worship; and

Whereas under the International Religious Freedom Act, the Secretary of State has designated the People's Republic of China as a country of special concern;

[Whereas the Government of the People's Republic of China has issued a decree declaring a wide range of activities illegal and subject to prosecution, including distribution of Falun Gong materials, gatherings or silent sit-ins, marches or demonstrations, and other activities to promote Falun Gong and has begun the trials of several Falun Gong practitioners;]

[Whereas the National People's Congress of the People's Republic of China on October 30, 1999, adopted a new law banning and criminalizing groups labeled by the Government of the People's Republic of China as cults; and]

[Whereas the Government of the People's Republic of China has officially labeled the Falun Gong movement a cult and has formally charged at least four members of the Falun Gong under this new law.] Now, therefore, be it

Resolved, That the Senate calls on the Government of the People's Republic of China to—

1) release all prisoners of conscience and put an immediate end to the harassment, detention, physical abuse, and imprisonment of Chinese citizens exercising their legitimate rights to free belief, expression, and association; and
2) demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or reforming laws and decrees that restrict those freedoms and proceeding promptly to ratify and implement the International Covenant on Civil and Political Rights.

Mr. HUTCHINSON. Mr. President, I rise in support of S. Res. 217, which calls upon the Government of the People's Republic of China to release all prisoners of conscience, to end its persecution of people of faith, and to abide by internationally accepted human rights standards. This resolution is co-sponsored by Senators LOTT, NICKLES, MACK, COVERDELL, COLLINS, FENIGOLD, DURBIN, LEAHY, SNOWE, GORTON, and WELLSTON.

Mr. President, the crackdown in China is escalating. The most immediate target is Falun Gong—a movement which combines traditional breathing exercises with elements of Buddhism and the beliefs of its founder. Since April, when more than 10,000 practitioners of Falun Gong shocked the Chinese government by gathering in front of the leadership compound in Beijing, the Chinese government has tried to systematically eradicate the practice.

The Beijing regime rounded up thousands of practitioners, arrested its leaders, ransacked homes, confiscated and burned Falun Gong materials, and forced adherents to renounce their beliefs. The government then banned the movement and the beliefs of its founder. The Chinese government officially labeled it a cult as part of a nationwide propaganda campaign to discredit practitioners. But this was not enough. On October 30, 1999, in a perverse maneuver, the National People's Congress raised the stakes of persecution by adopting a new law banning and criminalizing groups deemed by the Chinese government to be cults—perverse because this is the Chinese government's way of legitimizing their abuses of human rights—perverse because the law is being applied retroactively.

Protestors of this law faced police who beat, kicked, and yanked the hair of several elderly women protestors. Practitioners were arrested on the basis of their religious practice, including distribution of Falun Gong materials, gatherings or silent sit-ins, marches or demonstrations, and other activities to promote Falun Gong. The Chinese government has wasted no time in arresting Falun Gong leaders and charging them under this law. As of November 9, 1999, according to Chinese officials, 111 people had been formally arrested on charges ranging from disrupting state security to stealing state secrets. Many more have been detained and sent to re-education programs or labor camps. Now, at least four leaders have been convicted, with sentences ranging from two to eleven years. Many more will be convicted.

The truth of the matter is that the Chinese government is insecure and cannot tolerate any group that is outside of its control. That is why it is engaged in this crackdown. That is why it sentenced four pro-democracy activists to jail terms ranging from four to eleven years. That is why it continues to persecute people of faith.

In August, police detained a 65-year-old bishop of China's underground Roman Catholic Church in Hebei province and convicted seven lay members of the underground Catholic church in Jiangxi province.

In October, in Guangzhou, some 200 police officers demolished a shelter used by House Church Christians. They detained, brutalized, and warned five prominent House Church preachers or practicing their faith or preaching or practicing their faith. I am extremely concerned about the well being of Christians who are suffering in detention for their faith, including Pastor Li Dexian, one of the Guangzhou House Church members, Zhang Ronglian from Henan, and Zheng Xinqi from Anhui.

These incidents are simply anecdotal. They reflect a greater pattern of ongoing religious persecution.

Mr. President, at the same time that the Chinese government is cracking down on its own citizens, at the same time it is authorizing harsher punishments for believing outside of government control, the Beijing regime is flouting international norms, and even tossing aside its own constitution, which supposedly provides for the freedom of religious belief and the freedom not to believe.

The freedoms of thought, conscience, religion, expression, and assembly are not "western values" or "American values" that we are trying to impose on China. These values have been embraced by the international community. And it is up to the international community to uphold them when they are being trampled—to speak out in the face of injustice.

This resolution is part of our responsibility. With this resolution, we urge the Chinese government to step back into the realm of international standards, to end its crackdown, and to respect its prisoners of conscience. We urge the Chinese government to end its "campaign for stability," which has only caused far greater instability.

Mr. President, I expect that this resolution will be adopted. I also expect that the Clinton Administration will not offer silence as a hidden concession for the WTO agreement signed with China but will instead use this statement by the Senate to strengthen its hand in advocating an end to persecution in China.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendments to the preamble be agreed to, the preamble, as amended, be agreed to, the amendments to the preamble, as amended, be agreed to, the motions to reconsider be laid upon the table, and any statements relating to this resolution be printed in the Record.

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

The resolution (S. Res. 217) was agreed to.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

Ms. COLLINS. Mr. President, I note that I am proud to be a co-sponsor of this resolution which was introduced by my colleague, Senator Hutchinson of Arkansas, who has been a real leader on this issue.

RECOGNIZING 75 YEARS OF SERVICE OF UNITED STATES BORDER PATROL

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 122, 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. 122) recognizing the United States Border Patrol’s 75 years of service since its founding.

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

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 390, H. Con. Res. 141.

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

The legislative clerk read as follows: A concurrent resolution (H. Con. Res. 141) celebrating One America.

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

Ms. COLLINS. 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 that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 122) was agreed to.

The preamble was agreed to.

CELEBRATING ONE AMERICA

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 390, H. Con. Res. 141.

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

The legislative clerk read as follows: A concurrent resolution (H. Con. Res. 141) celebrating One America.

VETERANS OF THE BATTLE OF THE BULGE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 371, H.J. Res. 65.

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

The legislative clerk read as follows:

A joint resolution (H.J. Res. 65) commending the World War II veterans who fought in the Battle of the Bulge, and for other purposes.

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

Mr. HUTCHINSON. Mr. President, I rise today in support of H.J. Res. 65, which commends the World War II veterans who fought bravely in the Battle of the Bulge. This resolution was passed unanimously by the House on October 5, 1999 and mirrors S.J. Res. 32, which I introduced this year.

Mr. President, in mid-1944, the Allies were hopeful. The Russian Red Army was closing in on the German army on the Eastern front and German cities were being devastated by American bombs. The Allies had taken Paris, Casablanca, Tripoli, Naples, and Rome, and they were looking toward an end to the war in Europe. Hitler was on the run.

In desperation, Hitler planned a surprise counterattack on the Allies on an 80 mile front running from southern Belgium to the middle of Luxembourg. Hitler hoped to break through this thinly held line in the Ardennes forest region, cripple Allied fuel supply lines, and inflame tensions within the alliance.

On the harsh winter morning of December 16, 1944, five months after the Allied landings at Normandy, France, eight German armored divisions and thirteen German infantry divisions launched a brutal onslaught against five divisions of the United States First Army. A screaming hail of artillery fire sent many men to their deaths. Roger Rutland, First Sergeant in the 106th Infantry, described the devastation. "We lost many men that first day. An infantry company was approximately 200 men. A company was 21 men after the first day. C Company could account for 59 men, and in my company, I lost only 28 men the first day. Every company commander was missing the first day except my company’s commander . . . some of my better men in garrison were some of the first to crack under combat conditions. They were like hugging each other and just sitting down and NEVER seeing such a thing before." The American forces were pushed back. Many ran out of ammunition. After three days of fighting, more than 4,000 of the 106th were forced to surrender. But the American forces regrouped and pressed on.

For forty-one days, American forces fought against two enemies, German forces and the worst European winter in memory. Freezing conditions made it difficult to see more than ten or twenty yards ahead, much less fight out of frozen foxholes. Halfway through the battle, American troops were still waiting for the main shipment of winter boots. Men became cut off from their division. They lost the feeling in their feet as their toes froze. Some had to have their feet amputated at the ankle. Fifteen thousand soldiers were taken off the line because they suffered from frostbite. Some wounded soldiers froze too. Some American forces did not give in. They pushed on. They were met with brutality.

On December 17th, 140 Americans were taken prisoner at Baugnez. While on the road headed for Malmedy, 86 of these unarmed American soldiers were shot by their German captors in cold blood in what is now known as the Malmedy Massacre.

In spite of this horror, American soldiers fought on and took the key Belgian town of Bastogne. One of the heroes at Bastogne was James Hendrix, a Private in the 53rd Armored Infantry Battalion. 4th Armored Division and a native of Lepanto, Arkansas. On the night of December 26th, Private Hendrix was part of the leading element in the final thrust to break through to Bastogne. He and his fellow soldiers were met with fierce artillery and small arms fire. But he did not back down. Instead, he advanced against two 88mm guns and overpowered them. He saved two of his fellow soldiers who were wounded, helpless, and at the mercy of intense machine gun fire. He fought on and in another selfless act, Private Hendrix ran through sniper fire and exploding mines to pull a soldier out of a burning half-track. Because of his courage and valor, because of the heroic efforts of the 101st Airborne. American forces fought successfully at Bastogne. Private Hendrix was later awarded a Medal of Honor for his selfless heroism.

When the skies cleared at the end of December, Allied air forces were able to assist the ground forces. By early January 1945, Allied forces driving Hitler’s troops back. At the end of January, American troops made their way back to the lines they had held when the battle began. Three months later, Allied forces put an end to Nazi Germany.

Six hundred thousand American troops, 55,000 British soldiers, and other Allied participated in the Battle of the Bulge. With catastrophic casualties, the Army constantly had to find new men to take the place of fallen soldiers. Training was cut. Physical standards were lowered. Many of these soldiers were only 18 or 19 years old. At the end of these forty-one days, over 80,000 American soldiers were maimed, captured, or killed. Nineteen thousand gave their lives to stave off the forces of tyranny.

They made sure that we could live in freedom today. I believe that Ronald Reagan put it well when he said, "If we look to the answer as to why for so many years we achieved so much, prospered as no other people of Earth, it was because here in this land we unleashed the energy and individual genius that man to a extent that has ever been done before. Freedom and the dignity of the individual have been more available and assured here than in any other place on Earth. The price for this freedom at times has been high. But we have never been unwilling to pay that price.”

Mr. President, the soldiers who fought in the Battle of the Bulge
bought with their lives a precious gift for all Americans—freedom. It is this gift that we fervently cherish.

We cannot forget these sons, husbands, and fathers who died for our great country. We cannot forget their families, who endured through days of worry and nights of grief. We cannot forget the women who were exposed to blistering cold, to unyielding enemy fire—to this unimaginable nightmare.

For those who died at Ardenne—for those who were massacred at Malmedy, or any town in the Battle of the Bulge, we must remember their sacrifices. There is no more appropriate time than now, for the Senate and the Congress to honor those who fought in the Battle of the Bulge. I urge my colleagues to support this resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 200.

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

The legislative clerk read as follows:

A resolution (S. Res. 200) designating the week beginning November 19, 1999, as "National Family Week." The resolution, with its preamble, was read the third time and passed. The preamble was agreed to.

NATIONAL FAMILY WEEK

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 200.

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

The legislative clerk read as follows:

A resolution (S. Res. 200) designating the week beginning November 19, 1999, as "National Family Week," for other purposes.

The resolution (S. Res. 200) was agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 204

Whereas the family provides the support necessary for people to pursue their goals;

Whereas it is in the family that America’s youth are nurtured and taught the values vital to success and happiness in life: respect for others, honesty, service, hard work, loyalty, love, and others;

Whereas it is in the family that America’s youth are nurtured and taught the values vital to success and happiness in life: respect for others, honesty, service, hard work, loyalty, love, and others;

Whereas it is important for all Americans to understand the role biotechnology contributes to their quality of life: Now, therefore, be it

Resolved, That the Senate designates the week beginning on November 21, 1999, and the week beginning on November 19, 2000, as "National Family Week".

The amendment be agreed to. The title was amended so as to read: "A resolution designating January 2000 as ‘National Biotechnology Month’.

AMENDMENT NO. 2792

Ms. COLLINS. Mr. President, Senator GRAMS has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine (Ms. COLLINS), for Mr. GRAMS, proposes an amendment numbered 2792.

The amendment is as follows:

On page 2, line 7, strike the word “week” and insert “month.”

The amendment (No. 2792) was agreed to.

The amendment was agreed to.

The resolution (S. Res. 200), as amended, was agreed to. The resolution, with its preamble, reads as follows:

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

The title was amended so as to read: “A resolution designating January 2000 as ‘National Biotechnology Month.’”

NATIONAL CHILDREN’S MEMORIAL DAY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 118.

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

The legislative clerk read as follows:

A resolution (S. Res. 118) designating December 12, 1999, as “National Children’s Memorial Day.”

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

Ms. COLLINS. 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. 118) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 118

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a parent or family will ever endure during a lifetime; and

Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

Resolved, SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates December 12, 1999, as “National Children’s Memorial Day”; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

Ms. COLLINS. Mr. President, I also note that the Senator from Nevada is the chief sponsor of this resolution designating December 12 as “National Children’s Memorial Day.” I wanted to recognize his efforts.

DESIGNATING A DAY TO “GIVE THANKS, GIVE LIFE”

Ms. COLLINS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Res. 225 and the Senate 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. 225) to designate November 23, 2000, Thanksgiving Day, as a day to “Give Thanks, Give Life” and to discuss organ and tissue donation with other family members.

The motion to proceed to the resolution was agreed to.

The motion to table the resolution was disagreed to.

The adoption of this resolution is a small victory for the donor organ donation awareness cause, but we must not forget the many casualties who have died awaiting a donated organ. One tragic loss that so many of us can relate to is the recent death of Walter Payton, an American hero. He contracted a rare liver disease that is often cured if the patient can receive a liver transplant. In Payton’s case, the risk of deadly complications grew too quickly for him to be saved. He likely would have had to wait for years for his life-saving organ. The prevention of deaths like that of this great man and of so many others has been critical in increasing donor awareness and education of the public on this extremely important cause. Their willingness to become involved with the Give Thanks, Give Life resolution and to provide their expertise in the development and implementation of a national campaign targeted at Thanksgiving 2000 will be invaluable in making this a national event with far-reaching effects.

The tireless efforts of these groups and others have been critical in increasing donor awareness and education of the public on this extremely important cause. Their willingness to become involved with the Give Thanks, Give Life resolution and to provide their expertise in the development and implementation of a national campaign targeted at Thanksgiving 2000 will be invaluable in making this a national event with far-reaching effects.

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families to discuss organ and tissue donation with other family members, a day to “Give Thanks, Give Life.”

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to, en bloc, 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 (S. Res. 225) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 225

Whereas traditionally, Thanksgiving is a time for families to take time out of their busy lives to come together and to give thanks for the many blessings in their lives;

Whereas approximately 21,000 men, women, and children in the United States will have the gift of life each year through transplantation surgery, made possible by the generosity of organ and tissue donations;

Whereas 8,000 Americans are awaiting their chance to prolong their lives by finding a matching donor;

Whereas nearly 5,000 of these patients each year (or 13 patients each day) die while waiting for a donated heart, liver, kidney, or other organ;

Whereas nationwide there are up to 15,000 potentially donor eligible, but families’ consent to donation is received for less than 6,000;

Whereas the need for organ donations greatly exceeds the supply available;

Whereas designation as an organ donor on a driver’s license or voter’s registration is a valuable step, but does not ensure donation when an occasion arises;

Whereas the demand for transplantation will likely increase in the coming years due to the growing safety of transplantation surgery due to advancements in technology and drug developments, prolonged life expectancy, and increased prevalence of diseases that may lead to organ damage and failure, including hypertension, alcoholism, and hepatitis C infection;

Whereas the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will continue to grow in the coming years;

Whereas the final decision on whether a potential donor can share the gift of life usually is made by surviving family members regardless of the patient’s initial intent;

Whereas many Americans have indicated a willingness to donate their organs and tissues but have not discussed this critical matter with the family members who are most likely to make the decision, if the occasion arises, as to whether that person will be an organ and tissue donor;

Whereas some family members may be reluctant to give consent to donate their deceased loved one’s organs and tissues at a very difficult and emotional time if the person has not clearly expressed a desire or willingness to do so;

Whereas the vast majority of Americans are likely to observe Thanksgiving Day with some of those family members who would be approached to make such a decision; and

Whereas it is fitting for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings; Now, therefore, be it,

Resolved, That the Senate designates November 23, 2000, Thanksgiving Day, as a day to “Give Thanks, Give Life,” and to discuss organ and tissue donation with family members so that informed decisions can be made if the occasion to donate arises.

RECOGNIZING CONTRIBUTIONS OF OLDER PERSONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 234 recognizing the contribution of older persons to their communities, submitted earlier today by Senator BAYH and others.

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

The legislative clerk read as follows:

A resolution (S. 234) recognizing the contribution of older persons to their communities and celebrating events held in celebration of the International Year of Older Persons.

Whereas the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will continue to grow in the coming years;

Whereas the final decision on whether a potential donor can share the gift of life usually is made by surviving family members regardless of the patient’s initial intent;

Whereas many Americans have indicated a willingness to donate their organs and tissues but have not discussed this critical matter with the family members who are most likely to make the decision, if the occasion arises, as to whether that person will be an organ and tissue donor;

Whereas some family members may be reluctant to give consent to donate their deceased loved one’s organs and tissues at a very difficult and emotional time if the person has not clearly expressed a desire or willingness to do so;

Whereas the vast majority of Americans are likely to observe Thanksgiving Day with some of those family members who would be approached to make such a decision; and

Whereas it is fitting for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings; Now, therefore, be it,

Resolved, That the Senate designates November 23, 2000, Thanksgiving Day, as a day to “Give Thanks, Give Life,” and to discuss organ and tissue donation with family members so that informed decisions can be made if the occasion to donate arises.

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Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 234 recognizing the contribution of older persons to their communities, submitted earlier today by Senator BAYH and others.

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

The legislative clerk read as follows:

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Whereas many Americans have indicated a willingness to donate their organs and tissues but have not discussed this critical matter with the family members who are most likely to make the decision, if the occasion arises, as to whether that person will be an organ and tissue donor;

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

The legislative clerk read as follows:

A resolution (S. 234) recognizing the contribution of older persons to their communities and celebrating events held in celebration of the International Year of Older Persons.

Whereas the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will continue to grow in the coming years;

Whereas the final decision on whether a potential donor can share the gift of life usually is made by surviving family members regardless of the patient’s initial intent;

Whereas many Americans have indicated a willingness to donate their organs and tissues but have not discussed this critical matter with the family members who are most likely to make the decision, if the occasion arises, as to whether that person will be an organ and tissue donor;

Whereas some family members may be reluctant to give consent to donate their deceased loved one’s organs and tissues at a very difficult and emotional time if the person has not clearly expressed a desire or willingness to do so;

Whereas the vast majority of Americans are likely to observe Thanksgiving Day with some of those family members who would be approached to make such a decision; and

Whereas it is fitting for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings; Now, therefore, be it,

Resolved, That the Senate designates November 23, 2000, Thanksgiving Day, as a day to “Give Thanks, Give Life,” and to discuss organ and tissue donation with family members so that informed decisions can be made if the occasion to donate arises.
a loved one at home and the least we can do is make the process less financially burdensome. Research indicates that the services provided by family caregivers annually are valued at $196 billion. The care these families provide at home is not only more compassionate, it saves the government billions of dollars. Annually, we spend $33 billion in nursing home care and $32 billion in formal home health care, we should thank caregivers by providing them with some economic relief. 

There is still a great deal of work that can be done to take care of current seniors and prepare for the future. We need to have the difficult discussions and search for the solutions. I want to thank Senator Grassley and Senator Breaux for their support and involvement on this resolution and for their leadership on the Special Committee on Aging.

I commend all the organizations and individuals who have worked so hard throughout the year to help spread the message associated with the International Year of the Older Persons. As America works the remainder of this year and in the years to come to achieve the goals set forth by the International Year of the Older Persons, we need to seriously consider what we in Congress can do to create a society for all ages.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Res. 196 and that the Senate 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. 234) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 234) was agreed to.

The preamble was agreed to. The resolution, with its preamble, reads as follows:

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

HONORING HEROIC EFFORTS OF AIR NATIONAL GUARD'S 109TH AIRLIFT WING

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 205, 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. 205) recognizing and honoring the heroic efforts of the Air National Guard’s 109th Airlift Wing and its rescue of Dr. Jerri Nielsen from the South Pole.

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

Ms. COLLINS. 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 all statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The concurrent resolution (H. Con. Res. 205) was agreed to.

The preamble was agreed to.

COMMENDING UNITED STATES NAVY ON 100TH ANNIVERSARY OF SUBMARINE FORCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Res. 196 and that the Senate 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. 196) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 196) was agreed to.

The resolution, with its preamble, reads as follows:

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

WHEREAS subsequent to the design of the U.S.S. NAUTILUS, the submarine force continued to develop and to sea the world’s most advanced and capable submarines, which were vital to maintaining our national security during the Cold War; and

WHEREAS the United States Navy, with leadership provided by Admiral Red Raborn, developed the world’s first operational ballistic missile submarine, which provided an invaluable asset to our Nation’s strategic nuclear deterrent capability, and contributed directly to the eventual conclusion of the Cold War; and

WHEREAS in 1999, the submarine force provides the United States Navy with the ability to operate around the world, independent of outside support, from the open ocean to the littorals, carrying out multimission tasksing on tactical, operational, and strategic levels; Now, therefore, be it

RESOLVED,

(a) That the Senate—

(1) commends the past and present personnel of the submarine force of the United States Navy for their technical excellence, accomplishments, professionalism, and sacrifices; and

(2) congratulates those personnel for the 100 years of exemplary service that they have provided the United States.

(b) It is the sense of the Senate that, in the next millennium, the submarine force of the United States Navy should continue to comprise an integral part of the Navy, and to carry out missions that are key to maintaining our great Nation’s freedom and security as the most superior submarine force in the world.

ORDER FOR REVISION OF STANDING RULES OF THE SENATE AND PRINTING OF A SENATE DOCUMENT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be directed to prepare a revised edition of the Standing Rules of the Senate and that such Standing Rules be printed as a Senate document. I further ask unanimous consent that the usual number, 2,500 additional copies of this document be printed for the use of the Committee on Rules and Administration.

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

AUTHORIZING THE PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 235, submitted earlier by Senator McConnell.

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

The legislative clerk read as follows:

A resolution (S. Res. 235) to authorize the printing of a revised edition of the Senate Election Law Guidebook.

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

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be printed in the Congressional Record.
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. 235) was agreed to, as follows:

S. Res. 235
Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the Senate Election Law Guidebook, Senate Document 105–12, and that such document shall be printed as a Senate document.

Sec. 2. There shall be printed, beyond the usual number, 600 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

AUTHORIZING THE PRINTING OF A REVISED EDITION OF THE NOMINATION AND ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 236, submitted earlier by Senator MCCONNELL.

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

The legislative clerk read as follows:

A resolution (S. Res. 236) to authorize the printing of a revised edition of the nomination and election of the President and Vice President of the United States.

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

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

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

The resolution (S. Res. 236) was agreed to, as follows:

S. Res. 236
Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States, Senate Document 105–12, and that such document shall be printed as a Senate document.

Sec. 2. There shall be printed, beyond the usual number, 600 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

AUTHORIZING THE PRINTING OF BROCHURES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 221, which is at the desk.

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

The legislative clerk read as follows:


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

AMENDMENT NO. 2793
Purpose: To authorize the printing of brochures

Ms. COLLINS. Mr. President, there is a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine (Ms. COLLINS) for Mr. MCCONNELL, for himself and Mr. ROBB, proposes an amendment numbered 2793.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. OUR AMERICAN GOVERNMENT.

(a) IN GENERAL.—The 1999 revised edition of the brochure entitled "Our American Government" shall be printed as a House document under the direction of the Joint Committee on Printing;

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 400,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $115,208, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 2. DOCUMENT-SIZED, ANNOTATED UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 1999 edition of the document-sized, annotated version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing;

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 400,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $293,316, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 3. HOW OUR LAWS ARE MADE.

(a) IN GENERAL.—An edition of the brochure entitled "How Our Laws Are Made", as revised under the direction of the Architect of the Capitol and the Secretary of the Senate, shall be printed as a House document under the direction of the Architect of the Capitol and the Secretary of the Senate.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 400,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $393,316, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 4. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 20th edition of the pocket version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 400,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $200,722, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.


(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "Capitol Builder: The Shorthand Journals of Captain Montgomery C. Meigs, 1853-1861", prepared under the direction of the Clerk of the Senate, in consultation with the Clerk of the House of Representatives and the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated in the same proportion as determined by the Secretary of the Senate and the Clerk of the House of Representatives; or

(2) a number of copies that does not have a total production and printing cost of more than $31,500.

SEC. 6. THE UNITED STATES CAPITOL: A CHRONICLE OF CONSTRUCTION, DESIGN, AND POLITICS.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "The United States Capitol: A Chronicle of Construction, Design, and Politics", prepared by the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $143,000.
Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution be agreed to, as amended, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

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

The amendment (No. 2793) was agreed to.

The concurrent resolution (H. Con. Res. 221), as amended, was agreed to.

RECOGNIZING THE 4-H YOUTH DEVELOPMENT PROGRAM’S CENTENNIAL.

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Res. 218, and the Senate 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. 218) expressing the sense of the Senate that a commemorative postage stamp should be issued recognizing the 4-H Youth Development Program’s centennial.

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

Ms. COLLINS. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 218) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

WHEREAS the 4-H Youth Development Program celebrates its 100th anniversary in 2002; and

WHEREAS the 4-H Youth Development Program has grown to over 5,600,000 annual participants, from 5 to 19 years of age;

WHEREAS today’s 4-H Club is very diverse, offering agricultural, career development, information technology, and general life skills program;

WHEREAS these programs are offered in rural and urban areas throughout the world; and

WHEREAS the 4-H Youth Development Program continues to make great contributions toward the development of well-rounded youth: Now, therefore, be it

RESOLVED, That it is the sense of the Senate that—

(1) the United States Postal Service should make preparations to issue a commemorative postage stamp recognizing the 4-H Youth Development Program’s centennial; and

(2) the Citizens’ Stamp Advisory Committee should recommend to the Postmaster General that such a postage stamp be issued in 2002.

HONORING THE MEMBERS OF THE ARMED FORCES WHO HAVE BEEN AWARDED THE PURPLE HEART.

Ms. COLLINS. Mr. President, I ask unanimous consent that the concurrent resolution on Governmental Affairs be discharged from further consideration of S. Con. Res. 42, and that the Senate 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 (S. Con. Res. 42) expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart.

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

Ms. COLLINS. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution, with its preamble, reads as follows:

S. CON. RES. 42

WHEREAS the Order of the Purple Heart for Military Merit, commonly known as the Purple Heart, is the oldest military decoration in the world in present use;

WHEREAS the Purple Heart is awarded in combat to any of these bills be printed in the RECORD.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 42) expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart.

WHEREAS the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the “Clifford R. Hope Post Office,” was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1295

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

SECTION 1. DESIGNATION OF LANCE CORPORAL HAROLD GOMEZ POST OFFICE.

The United States Post Office located at 3813 Main Street in East Chicago, Indiana, shall be known and designated as the “Lance Corporal Harold Gomez Post Office”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to members of the Armed Forces who have been awarded the Purple Heart; and

WHEREAS the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force or while held by an enemy force as a prisoner of war, and posthumously to the next of kin of those members of the Armed Forces who were killed in conflict with an enemy force or who die of a wound received in conflict with an enemy force;

WHEREAS the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Badge of Distinction, otherwise known as the Badge of Military Merit or the Decoration of the Purple Heart;

WHEREAS the award of the Purple Heart ceased with the end of the War of the Revolution, but was revived out of respect for the memory and military achievements of George Washington in 1932, the year marking the 200th anniversary of his birth; and

WHEREAS 1999 is the year marking the 200th anniversary of the death of George Washington: Now, therefore, be it

RESOLVED by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart; and

(2) the Citizens’ Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued in 1999, the year marking the 200th anniversary of the death of George Washington.

THE CALENDAR.

Ms. COLLINS. Mr. President, I now ask unanimous consent that any committee amendments, if applicable, be agreed to, that the bills be considered read a third time and passed, the motions to reconsider be laid upon the table, and that any statements related to any of these bills be printed in the RECORD, with the above occurring en bloc.

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

LANCE CORPORAL HAROLD GOMEZ POST OFFICE.

The bill (S. 1295) to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the “Lance Corporal Harold Gomez Post Office,” was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1295

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

UNITED STATES POSTAL SERVICE BUILDING IN PHILADELPHIA, PENNSYLVANIA.

The bill (H.R. 100) to establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania, was considered, ordered to a third reading, read the third time, and passed.

CLIFFORD R. HOPE POST OFFICE.

The bill (H.R. 197) to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the “Clifford R. Hope Post Office,” was considered, ordered to a third reading, read the third time, and passed.

THE CALENDAR.
NOEL CUSHING BATEMAN POST OFFICE BUILDING

The bill (H.R. 1251) to designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noel Cushing Bateman Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

MAURINE B. NEUBERGER UNITED STATES POST OFFICE

The bill (H.R. 1327) to designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the "Maurine B. Neuberger United States Post Office," was considered, ordered to a third reading, read the third time, and passed.

JOHN J. BUCHANAN POST OFFICE BUILDING

The Senate proceeded to consider the bill (H.R. 1377) to designate the facility of the United States Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the "John J. Buchanan Post Office Building," which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. DESIGNATION.

The facility of the United States Postal Service, located at 9308 South Chicago Avenue, Chicago, Illinois, is designated as the "John J. Buchanan Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, regulation, map, document, paper, or other record of the United States to the facility referred to in section 1 shall be considered to be a reference to the "John J. Buchanan Post Office Building".

The committee amendment, in the nature of a substitute, was agreed to.

The bill (H.R. 1377), as amended, was considered read the third time and passed.

The title was amended so as to read:

"To designate the facility of the United States Postal Service located at 9308 South Chicago Avenue, Chicago, Illinois, as the 'John J. Buchanan Post Office Building'".

FOR THE RELIEF OF SUCHADA KWONG

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 322, and the Senate 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. 322) for the relief of Suchada Kwong.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 238 submitted earlier by Senators LOTT and DASCHLE.

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

The bill (H.R. 322) was read the third time and passed.

AUTHORIZATION OF REPRESENTATION

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 238 submitted earlier by Senator LOTT and DASCHLE.

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

The legislative clerk read as follows:

A resolution (S. Res. 238) to authorize representation in the case of Brett Kimberlin v. Orrin Hatch, et al.

Mr. LOTT. Mr. President, this resolution concerns a civil action commenced by a pro se plaintiff in the United States District Court for the District of Columbia against Senator Hatch and a former member of the staff of the Judiciary Committee. The plaintiff is a federal prisoner serving a sentence for offenses related to a series of bombings in 1979. The complaint seeks damages from Senator Hatch and staff for their alleged role in the United States Parole Commission's 1997 revocation of the plaintiff's parole for failure to satisfy an outstanding civil judgment against him in favor of one of the victims of his bombings.

The plaintiff's claims of unfairness and political bias in his parole revocation hearing have already been rejected by the federal district court in Maryland in habeas corpus proceedings initiated by the plaintiff.

This resolution authorizes the Senate Legal Counsel to represent Senator Hatch in the action. The Senate Legal Counsel will seek dismissal of the suit for failure to state a claim for relief and for other reasons.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be added, the motion to reconsider be laid upon the table, and finally that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 238) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

WHEREAS, in the case of Brett Kimberlin v. Orrin Hatch, et al., C.A. No. 99–1590, pending in the United States District Court for the District of Columbia, the plaintiff has named as a defendant Senator Orrin G. Hatch;

WHEREAS, pursuant to 28 U.S.C. §§ 2201, 2202, and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288(b) and 288(c), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Hatch in the case of Brett Kimberlin v. Orrin Hatch, et al.

DETERMINED AND FULL ENGAGEMENT AGAINST THE THREAT OF METHAMPHETAMINE OR DEFECT METH ACT OF 1999

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 238.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 486) to provide for the punishment of methamphetamine laboratory operators, to provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, 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 to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Methamphetamine Anti-Proliferation Act of 1999".

SEC. 2. ENHANCED PUNISHMENT OF AMPHETAMINE LABORATORY OPERATORS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, exportation, or trafficking in amphetamine (including an attempt or conspiracy to do any of the foregoing) in violation of—

(1) the Controlled Substances Act (21 U.S.C. 801 et seq.); or

(2) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(3) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(b) GENERAL REQUIREMENT.—In carrying out this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) relating to amphetamine—

(1) review and amend its guidelines to provide for increased penalties such that those penalties are comparable to the base offense level for methamphetamine; and

(2) take any other action the Commission considers necessary to carry out this subsection.
SEC. 5. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO THE MANUFACTURE OF CONTROLLED SUBSTANCES.

(a) In General.—Part I of title 18, United States Code, is amended by inserting after chapter 42—

“CHAPTER 22—CONTROLLED SUBSTANCES

“Sec. 421. Distribution of information relating to manufacture of controlled substances

“(a) PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO MANUFACTURE OF CONTROLLED SUBSTANCES.—In this subsection, the term ‘controlled substance’ has the meaning given that term in section 401 of the Controlled Substances Act (21 U.S.C. 801).”

“(2) PROHIBITION.—It shall be unlawful for any person—

“(A) to teach or demonstrate the manufacture of a controlled substance, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of a controlled substance, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime; or

“(B) to teach or demonstrate to any person the manufacture of a controlled substance, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of a controlled substance, with the intent that the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18, imprisoned not more than 10 years, or both.”

(b) SCHEDULE I CONTROLLED SUBSTANCES.—Section 401(c) of such Act (21 U.S.C. 801(c)) is amended to—

“(1) in the first sentence, by inserting before the period the following: ‘‘or, to directly or indirectly advertise for sale, after ‘sell’; and

“(2) by adding at the end the following:

‘‘(g) In this section, the term ‘directly or indirectly advertise for sale’ includes the use of any communication facility (as that term is defined in section 103(a)(22)(A) of the Sentencing Act of 1987 (Public Law 95–78) (91 Stat. 320) as amended—

“(A) by adding to the end the following:

“(B) by adding the word ‘directly’ before the term ‘advertise for sale’; and

“(C) by adding at the end the following: ‘‘(D) to teach or demonstrate the manufacture of a controlled substance, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of a controlled substance, with the intent that the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime; or

“(D) by striking ‘‘then’’ after ‘‘United States’’ in section 421 and inserting ‘‘the United States’’ before ‘‘United States’’ after ‘‘any’’ in section 421(a) of the Controlled Substances Act (21 U.S.C. 835); and

“(E) by adding at the end the following: ‘‘(H) The term ‘controlled substance’ has the meaning given that term in section 401 of the Controlled Substances Act (21 U.S.C. 801).”

“SEC. 7. TRAINING FOR DRUG ENFORCEMENT ADMINISTRATION AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO CLANDESTINE LABORATORIES.

(a) In General.—

“(1) REQUIREMENT.—The Administrator of the Drug Enforcement Administration shall carry out training programs described in subsection (b) with respect to the law enforcement personnel of States and localities determined by the Administrator to have significant levels of methamphetamine-related or amphetamine-related crime or projected by the Administrator to have the potential for such levels of crime in the future.

“(2) DURATION.—The duration of any program under this subsection may not exceed 3 years.

(b) COVERED PROGRAMS.—The programs described in this subsection are as follows:

“(1) ADVANCED MOBILE CLANDESTINE LABORATORY TRAINING TEAM.—A program of advanced mobile clandestine laboratory training teams, which shall provide information and training to State and local law enforcement personnel in techniques utilized in conducting undercover investigations and conspiracy cases, and other information designed to assist in the investigation of illegal manufacturing and trafficking of methamphetamine and methamphetamine.

“(2) BASIC CLANDESTINE LABORATORY CERTIFICATION TRAINING.—A program of basic clandestine laboratory certification training, which shall provide information and training—

“(A) to Drug Enforcement Administration personnel and State and local law enforcement personnel for purposes of enabling such personnel to meet any certification requirements under law with respect to the handling of wastes created by illegal amphetamine and methamphetamine.

“(B) to State and local law enforcement personnel for purposes of enabling such personnel to provide the information and training covered by subparagraph (A) to other State and local law enforcement personnel.

“(3) CLANDESTINE LABORATORY RECERTIFICATION AND AWARENESS TRAINING.—A program of clandestine laboratory recertification and awareness training, which shall provide information and training to State and local law enforcement personnel for purposes of enabling such personnel to provide recertification and awareness training relating to clandestine laboratories to additional State and local law enforcement personnel.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, and 2002 amounts as follows:

“(1) $1,500,000 to carry out the program described in subsection (b)(1).

“(2) $3,000,000 to carry out the program described in subsection (b)(2).

“(3) $1,500,000 to carry out the program described in subsection (b)(3).

“SEC. 8. COMBATTING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) In General.—

“(1) REQUIREMENT.—The Director of National Drug Control Policy shall use amounts available under this section to combat the trafficking of methamphetamine and amphetamine in areas designated by the Director as high intensity drug trafficking areas.

“(2) ACTIVITIES.—In meeting the requirement in paragraph (1), the Director shall provide funds for—

“(A) employing additional Federal law enforcement personnel, or facilitating the employment of additional State and local law enforcement personnel, including agents, investigators, prosecutors, laboratory technicians, crime scene investigators, investigative assistants, and drug-prevention specialists; and
(B) such other activities as the Director considers appropriate.

(2) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated for this section—

(1) $15,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) APPORTIONMENT OF FUNDS.—

(1) FACTORS.—The Director shall apportion amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (b) for activities under sections 801(a) and 801(b) and within areas designated by the Director as high intensity drug trafficking areas based on the following factors:

(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

(B) The number of methamphetamine prosecutions and amphetamine prosecutions in Federal, State, or local courts in the previous fiscal year.

(C) The number of methamphetamine arrests and amphetamine arrests by Federal, State, or local law enforcement officials in the previous fiscal year.

(D) The amounts of methamphetamine, amphetamine, or listed chemicals (as that term is defined in section 10233) of the Controlled Substances Act (21 U.S.C. 80233) seized by Federal, State, or local law enforcement officials in the previous fiscal year.

(E) Intelligence and predictive data from the Drug Enforcement Administration and the Department of Health and Human Services showing patterns and trends in abuse, trafficking, and transportation in methamphetamine, amphetamine, and listed chemicals (as that term is defined in section 10233) of the Controlled Substances Act (21 U.S.C. 80233) seized by Federal, State, or local law enforcement officials in the previous fiscal year.

(2) TRANSMIT THE BUDGET TO THE ADMINISTRATION.—Before the Appropriations Committees and the administration transmit the budget to the President for consideration, the Director for the fiscal year, the number of fiscal years from 2001 to 2004.

SEC. 10. ENVIRONMENTAL HAZARDS ASSOCIATED WITH ILLEGALLY MANUFACTURED AMPHETAMINE AND METHAMPHETAMINE.

(a) USE OF AMOUNTS OR DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 5243(e)(1)(E) of title 28, United States Code, is amended—

(1) by inserting (i) for before disbursements; and

(2) by inserting and after the semicolon.

(3) by adding at the end the following:

(iii) for payment for—

(I) costs incurred by or on behalf of the Department of Justice in connection with the removal, for purposes of Federal forfeiture and disposition, of any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine; and

(II) costs incurred by or on behalf of a State or local government in connection with such removal in any case in which such State or local government has assisted in a Federal prosecution related to the removal of hazardous substances or pollutants or contaminants associated with the illegal manufacture of amphetamine or methamphetamine, to the extent such costs exceed equitable sharing payments made to such State or local government in such case;''.

(b) GRANTS UNDER DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting be—

between the underscores the following: and remove any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine;''.

(c) GRANTS AND SUPPLEMENT AND NOT SUPPLANT.—

(1) ASSETS FORFEITURE FUND.—Any amounts made available from the Department of Justice Assets Forfeiture Fund in a fiscal year by reason of the amendment made by subsection (a) shall supplement, and not supplant, any other amounts made available to the Department of Justice in such fiscal year from other sources for payment of costs described in section 5243(e)(1)(E) of title 28, United States Code, as so amended.

(2) GRANT PROGRAM.—Any amounts made available in a fiscal year under the grant program under section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 for the removal of hazardous substances or pollutants or contaminants associated with the illegal manufacture of amphetamine or methamphetamine may only be used to the extent that the amendment made by subsection (b) shall supplement, and not supplant, any other amounts made available in such fiscal year from other sources for such removal.

SEC. 11. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES.

Not later than 90 days after the date of the enactment of this Act, the head of each department, agency, and establishment of the Federal Government shall, at the request of the Director of the Office of National Drug Control Policy, place antidrug messages on appropriate Internet websites controlled by such department, agency, and establishment. The message shall state that the drug should not be used, where appropriate, contain an electronic hyperlink to the Internet website, if any, of the Office.

SEC. 12. MAIL ORDER REQUIREMENTS.

Section 310b(3) of the Controlled Substances Act (21 U.S.C. 830(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

(As used in this paragraph:

(i) The term ‘drug product’ means an active ingredient in dosage form that has been approved or otherwise may be lawfully marketed under the Food, Drug, and Cosmetic Act for distribution in the United States.

(ii) The term ‘valid prescription’ means a prescription which is issued for a legitimate medical purpose by an individual practitioner licensed by law to administer and control the drug and dispensed and authorized by such practitioner’s professional practice;

(iii) the following distributions to a nonperson, and the following export transactions, shall not be subject to the reporting requirements in subparagraph (B):

(iv) Distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosages in liquid form, not to exceed 100 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.

(v) Distributions of drug products by retail distribution that may not include face-to-face transactions to the extent that such distributions are consistent with the activities authorized for a retail distributor as specified in section 1018.

(vi) Distributions of drug products to a resident of a long term care facility as that term is defined in regulations prescribed by the Attorney General or a distributor of drug products to a long term care facility for dispensing to or for use by a resident of that facility.

(vii) Distributions of drug products pursuant to a valid prescription.

(viii) Exports which have been reported to the Attorney General pursuant to section 1004 or 1018 or which are subject to a waiver granted under section 10183(e).

(3) in paragraph (B), as so redesignated, by inserting after or who engages in an export transaction after nonperson; and

(4) by adding at the end the following:

(‘‘D’’) Except as provided in subparagraph (E), the following distributions to a nonperson, and the following export transactions, shall not be subject to the reporting requirements in subparagraph (B):

(1) Distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosages in liquid form, not to exceed 100 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.

(2) Distributions of drug products by retail distribution that may not include face-to-face transactions to the extent that such distributions are consistent with the activities authorized for a retail distributor as specified in section 1018.

(iii) Distributions of drug products to a resident of a long term care facility as that term is defined in regulations prescribed by the Attorney General or a distributor of drug products to a long term care facility for dispensing to or for use by a resident of that facility.

(iv) Distributions of drug products pursuant to a valid prescription.

(v) Exports which have been reported to the Attorney General pursuant to section 1004 or 1018 or which are subject to a waiver granted under section 1018(e).

(vi) Any quantity, method, or type of distribution or any quantity, method, or type of distribution of a specific listed chemical (including specific formulations or drug products) or of a group of listed chemicals (including specific formulations or drug products) which the Attorney General has excluded by regulation from such reporting requirement on the basis that such reporting is not necessary for the enforcement of this title or title III.

(‘‘E’’) The Attorney General may revoke any or all of the exemptions listed in subparagraph (D) for an individual regulated person if he finds that drug products distributed by the regulated person are being used in violation of this title or title III. The regulated person shall be notified of the revocation, which will be effective upon receipt by the person of such notice, as provided in section 1018(c)(1), and shall have the right to seek an expeditious hearing as provided in section 1018(c)(2).’’.

November 19, 1999

CONGRESSIONAL RECORD—SENATE 30921
SEC. 13. THEFT AND TRANSPORTATION OF ANHYDROUS AMMONIA FOR PURPOSES OF ILLICIT PRODUCTION OF CONTROLLED SUBSTANCES.

(a) In General.—Section 515 of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

"ANHYDROUS AMMONIA

"Sec. 423. (a) It is unlawful for any person—

(1) to sell, transport, or attempt to sell or transport anhydrous ammonia, across State lines, knowing, intending, or having reasonable cause to believe that anhydrous ammonia will be used to manufacture a controlled substance in violation of this part;

(b) Any person who violates subsection (a) shall be imprisoned or fined, or both, in accordance with section 403(d) as if such violation were a violation of a provision of section 403."

(2) CLERICAL AMENDMENT.—The table of contents for this Act is amended by inserting after the item relating to section 421 the following new items:

"Sec. 422. Drug paraphernalia.

"Sec. 423. Anhydrous ammonia."

(3) Assistance for Certain Research.—

(A) AGREEMENT.—The Administrator of the Drug Enforcement Administration shall seek to enter into an agreement with Iowa State University in order to permit the University to continue and expand its current research into the development of inert agents that, when added to anhydrous ammonia, eliminate the usefulness of anhydrous ammonia as an ingredient in the production of methamphetamine.

(B) NONREIMBURSABLE PROVISION OF FUNDS.—The agreement under paragraph (A) may provide for the provision to Iowa State University, on a nonreimbursable basis, of $500,000 for purposes of the activities specified in that paragraph.

(4) Authorization of Appropriations.—

There is hereby authorized to be appropriated for the Drug Enforcement Administration for fiscal year 2000, $500,000 for purposes of carrying out the agreement under this subsection.

SEC. 14. REPORT ON METHAMPHETAMINE CONSUMPTION IN RURAL AREAS, SUBURBAN AREAS, SMALL CITIES, MIDSIZE CITIES, AND LARGE CITIES.

(a) In General.—The Secretary of Health and Human Services shall submit to the designated committees of Congress on an annual basis a report on the consumption of methamphetamine in rural areas, suburban areas, small cities, midsize cities, and large cities.

(b) Concerns Addressed.—Each report submitted under this section shall include an analysis of—

(1) the manner in which methamphetamine consumption in areas differs from methamphetamine consumption in areas with larger populations, and the means by which to accurately measure those differences;

(2) the incidence of methamphetamine abuse in rural areas and the treatment resources available to deal with methamphetamine addiction in those areas;

(3) any relationship between methamphetamine consumption in rural areas and a lack of substance abuse treatment in those areas; and

(4) any relationship between geographic differences in the availability of substance abuse treatment and the geographic distribution of the methamphetamine abuse problem in the United States.

(c) Definitions.—In this section:

(A) The term "designated committees of Congress" means the following:


(2) The term "large city" means any city that has a population under 20,000.

(3) The term "midsize city" means a city with a population under 250,000 and over 20,000.

(4) The term "rural area" means a county or parish with a population under 50,000.

(5) The term "small city" means a city with a population under 20,000.

SEC. 15. EXPANSION OF METHAMPHETAMINE USE PREVENTION EFFORTS.

(a) EXPANSION OF EFFORTS.—Section 515 of the Public Health Service Act (42 U.S.C. 200b-21) is amended by adding at the end the following:

"(e)(1) The Administrator may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

(A) to carry out school-based programs concerning the dangers of abuse of and addiction to methamphetamine and other illicit drugs, using methods that are effective and science-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

(B) to carry out community-based abuse and addiction prevention programs relating to methamphetamine and other illicit drugs that are effective and science-based.

(2) Amounts provided under a contract, contract or cooperative agreement under paragraph (1) shall be used for planning, establishing, or administering prevention programs relating to methamphetamine and other illicit drugs in accordance with paragraph (3).

(3)(A) Amounts provided under this subsection may be used—

(i) to carry out school-based programs that are focused on those districts with high or increasing rates of methamphetamine abuse and addiction and targeted at populations which are most at risk to start abuse of methamphetamine and other illicit drugs;

(ii) to carry out community-based prevention programs that are focused on those populations within the community that are most at risk for abuse of and addiction to methamphetamine and other illicit drugs;

(iii) to assist local government entities to conduct community-based activities relating to methamphetamine and other illicit drugs;

(iv) to train and educate State and local law enforcement officials, prevention and education officials, and other people involved in anti-drug coalitions and parents on the signs of abuse of and addiction to methamphetamine and other illicit drugs, and the options for treatment and prevention;

(v) for planning, administration, and educational activities related to the prevention of abuse of and addiction to methamphetamine and other illicit drugs;

(vi) for the monitoring and evaluation of prevention activities relating to methamphetamine and other illicit drugs;

(vii) for the identification and expansion of the most effective methods of prevention of methamphetamine abuse and addiction;

(viii) for the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments;

(ix) risk factors for methamphetamine abuse and addiction on pregnant women and their fetuses.

(x) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

(4) RESEARCH RESULTS.—The Director shall promptly disseminate research results under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

(b) AUTHORIZATION OF APPROPRIATIONS FOR EXPANSION OF ABUSE PREVENTION EFFORTS AND PRACTITIONER REGISTRATION REQUIREMENTS.—

There is authorized to be appropriated for carrying out section 515(e) of the Public Health Service Act (as added by subsection (a) and section 306(c)(2) of the Controlled Substances Act (as added by section 18(a) of this Act), $15,000,000 for fiscal year 2000, and such sums as may be necessary for each succeeding fiscal year.

SEC. 16. EXPANSION OF METHAMPHETAMINE RESEARCH.

Section 464N of the Public Health Service Act (42 U.S.C. 285s-2) is amended by adding at the end the following:

"SEC. 464N. AUTHORIZATION OF APPROPRIATIONS FOR METHAMPHETAMINE RESEARCH.—

(1) GRANTS OR COOPERATIVE AGREEMENTS.—

The Director of the Institute may make grants or enter into cooperative agreements to expand the current and on-going interdisciplinary research and clinical trials with treatment centers of the National Drug Abuse Treatment Clinical Trials Network relating to methamphetamine abuse and addiction and other biomedical, behavioral, and social issues related to methamphetamine abuse and addiction.

(b) Authorization of Appropriations.—There is authorized to be appropriated under a grant or cooperative agreement under paragraph (1) for methamphetamine abuse and addiction may be used for research and clinical trials relating to—

(A) the effects of methamphetamine abuse on the human body, including the brain;

(B) the addictive nature of methamphetamine abuse and how such effects differ with respect to different individuals;

(C) the connection between methamphetamine abuse and mental health;

(D) the identification and evaluation of the most effective methods of prevention of methamphetamine abuse and addiction; and

(E) the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments; and

(F) risk factors for methamphetamine abuse and addiction on pregnant women and their fetuses.

(G) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

(2) RESEARCH RESULTS.—The Director shall promptly disseminate research results under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

(b) Authorization of Appropriations.—

There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.

(c) Authorization of Appropriations for Efforts to Eliminate Methamphetamine Abuse.—

There is authorized to be appropriated pursuant to the authorization of appropriations in subparagraph (A) for a fiscal year shall supplement and not supplant any other appropriations authorized for the fiscal year for research on methamphetamine abuse and addiction."
SEC. 17. STUDY OF METHAMPHETAMINE TREAT-
MENT.

(a) STUDY.—
(1) REQUIREMENT.—The Secretary of Health and Human Services shall, in consultation with the Institute of Medicine of the National Acad-
emy of Sciences, conduct a study on the develop-
ment of medications for the treatment of ad-
duction to amphetamine and methamphetamine.
(2) REPORT.—Not later than nine months after the date of the enactment of this Act, the Sec-
retary shall submit to the Committees on the Ju-
venile and the Senate and House of Representa-
tives a report on the results of the study con-
ducted under paragraph (1).
(b) AUTHORIZATION OF APPROPRIATIONS.—
There are hereby authorized to be appropriated for the Department of Health and Human Serv-
ices for fiscal year 2000 such sums as may be necessary to meet the requirements of subsection (a).

SEC. 19. REGISTRATION REQUIREMENTS FOR 
PRACTITIONERS WHO DISPENSE 
CERTAIN NARCOTIC DRUGS FOR 
MAINTENANCE TREATMENT OR 
DETOXIFICATION TREATMENT.

(a) In general.—Section 303(g) of the Con-
trolled Substances Act (21 U.S.C. 823(g)) is 
amended—
(1) in paragraph (2), by striking “(A) secu-
” and inserting “(ii) security”, and by strik-
ing “(B) the maintenance” and inserting “(ii) the 
maintenance”; 
(2) by redesignating paragraphs (1) through 
(3) as subparagraphs (A) through (C), respec-
tively; 
(3) by inserting “(I)” after “(g)”; 
(4) by striking “Practitioners who dispense” 
and inserting “Except as provided in paragraph 
(2), practitioners who dispense”; and 
(5) by adding at the end the following:
"(2)(A) Subject to subparagraphs (D) and (G), 
the requirements of paragraph (1) are waived in the case of the prescribing or dispensing, by a 
practitioner, of narcotic drugs in schedule IV or 
V or combinations of such drugs if the practi-
tioner meets the conditions specified in subpara-
graph (B) and the narcotic drugs or combina-
tions of such drugs meet the conditions specified 
in subparagraph (C). 
"(B) For purposes of subparagraph (A), the 
conditions specified in this subparagraph with 
respect to a practitioner are that, before pre-
scribing or dispensing narcotic drugs in schedule 
IV or V or combinations of such drugs, the 
practitioner has demonstrated capacity to refer 
the patients for maintenance or detoxification treat-
ment, the practitioner submit to the Secretary a 
notification of the intent of the practitioner to 
begin dispensing the drugs or combinations for 
such purpose, and that the notification contain 
the following certifications by the practitioner: 
"(i) The practitioner is a physician licensed 
under State law, and the practitioner has dem-
onstrable training or experience and the abil-
ity to treat and manage opiate-dependent 
patients. 
"(ii) With respect to patients to whom the 
practitioner will provide such drugs or combina-
tions of drugs, the practitioner has the dem-
onstrated capacity to refer the patients for ap-
propriate counseling and other appropriate an-
cillary services. 
"(iii) In any case in which the practitioner 
is not in a group practice, the total number of 
such patients the practitioner will handle at 
any one time will not exceed the applicable number. For pur-
poses of this clause, the applicable number is 20, 
except that the Secretary may by regulation change 
this total number.
"(iv) In any case in which the practitioner 
is in a group practice, the total number of such 
patients of the practitioner at any one time 
will not exceed the applicable number. For pur-
poses of this clause, the applicable number is 20, 
except that the Secretary may by regulation change 
such total number, and the Secretary for 
such purposes may establish different 
categories on the basis of the number of practitioners in a group practice and establish for the various categories different 
numerical limitations on the number of such patients that 
the group practice may have.
"(C) For purposes of subparagraph (A), the 
conditions specified in this subparagraph with 
respect to narcotic drugs in schedule IV or V or 
combinations of such drugs are as follows: 
"(i) The drugs or combinations of drugs have 
under the Federal Food, Drug and Cosmetic Act 
or section 353 of the Public Health Service Act, 
been approved for use in maintenance or deto-
Xication treatment. 
"(ii) The drugs or combinations of drugs have 
not been the subject of an adverse determina-
tion. For purposes of this clause, an adverse de-
termination is a determination published in the 
Federal Register and made by the Secretary, 
after consultation with the Attorney General, 
that the use of the drugs or combinations of 
T drugs for maintenance or detoxification treat-
ment requires additional standards respecting 
the qualifications of practitioners to provide 
such treatment, or requires standards respecting 
the quantities of the drugs that may be provided 
for unsupervised use.
"(D)(i) A waiver under subparagraph (A) 
with respect to a practitioner is not in effect un-
less (in addition to conditions under subpara-
graphs (B) and (C)) the following conditions are met: 
"(I) The notification under subparagraph (B) 
is in writing and states the name of the practi-
tioner; 
"(II) The notification identifies the registra-
tion issued for the practitioner pursuant to sub-
section (f). 
"(III) If the practitioner is a member of a 
group practice, the practitioner identifies in the 
notification the names of the other practitioners in the practice and identifies the registrations issued for the other 
practitioners pursuant to subsection (f). 
"(IV) A period of 45 days has elapsed after 
the date on which the notification was sub-
mitted, and during such period the practitioner 
does not receive from the Secretary a written no-
tification that the notification is not in effect; 
and the Secretary has not by regulation estab-
lished under subparagraph (B) or (C) the 
requirements under subparagraph (B) as the Attor-
ney General may request. 
"(E) If in violation of subparagraph (A) a 
practitioner dispenses narcotic drugs in sched-
ule IV or V or combinations of such drugs for 

maintenance treatment or detoxification treat-
ment, the Attorney General may, for purposes of 
section 304(a)(4), consider the practitioner to 
have committed an act that renders the registra-
tion of the practitioner pursuant to subsection (f) to be inconsistent with the public interest. 
"(F) In this paragraph, the term ‘group prac-
tice’ has the meaning given in such term in section 
1877(h)(4) of the Social Security Act. 
"(G)(i) This paragraph takes effect on the 
date of the enactment of the Methamphetamine 
Anti-Proliferation Act of 1999, and remains in 
effect thereafter except as provided in clause 
(iii) relating to a decision by the Secretary or 
the Attorney General to make a determination 
that this paragraph should not remain in effect.
"(ii) For purposes relating to clause (iii), the 
Secretary and the Attorney General shall, in 
making any such decision, consult with the At-
torney General, and shall, in publishing the de-
cision in the Federal Register, include any 
comments received from the Secretary for in-
clusion in the publication. The Attorney Gen-
eral shall, in making any such decision, consult 
with the Secretary, and shall, in publishing the 
decision in the Federal Register, include any 
comments received from the Secretary for in-
clusion in the publication. 
"(iii) During the 3-year period beginning on 
the date of enactment of the Methamphetamine 
Anti-Proliferation Act of 1999, a State may not pro-
life a practitioner from dispensing narcotic 
DRugs in schedule IV or V, or combinations of 
such drugs, to patients for maintenance or 
detoxification treatment in accordancw with this 
paragraph, or the other amendments made by 
section 22 of that Act, unless, before the expira-
tion of that 3-year period, the State enacts a 
legislation prohibiting a practitioner from dispensing 
such drugs or combination of drugs.”.

(b) CONFORMING AMENDMENTS.—Section 304 of 
the Controlled Substances Act (21 U.S.C. 824) is 
amended—
(1) in subsection (a), in the matter following 
paragraph (5), by striking “section 303(g)’’ each 
place the term appears and inserting “section 
304(a)(4)’’; and 
(2) in subsection (d), by striking “section 
303(g)” and inserting “section 304(g)(1)”.
Ms. COLLINS. Mr. President, I ask for its immediate consideration.

The Senator from Maine [Ms. COLLINS], for
the record under "Amendment Submitted.""

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment (No. 2794) was agreed to.

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

Amendment No. 2794

Ms. COLLINS. Mr. President, there is a substitute amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. HATCH, proposes an amendment numbered 2794.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

Amendment (No. 2794) was agreed to.

SEC. 19. ENHANCED PUNISHMENT OF METHAMPHETAMINE LABORATORY OPERATORS.

(a) FEDERAL SENTENCING GUIDELINES.—

(1) In general.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this paragraph, the United States Sentencing Commission shall—

(A) if the offense created a substantial risk of harm to human life (other than a life described in subparagraph (B) or the environment, increase the base offense level for the offense—

(i) by not less than 3 offense levels above the applicable level in effect on the date of enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 27, to not less than level 27; or

(B) if the offense created a substantial risk of harm to the life of a minor or incompetent, increase the base offense level for the offense—

(i) by not less than 6 offense levels above the applicable level in effect on the date of enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

(b) EFFECTIVE DATE.—The amendments made pursuant to this section shall apply with respect to any offense occurring on or after the date that is 60 days after the date of enactment of this Act.

SEC. 20. METHAMPHETAMINE PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended in the matter preceding paragraph (1) by inserting "methamphetamine," after "PCP,.

Mr. HATCH. Mr. President, I rise today to commend my fellow Senators for unanimously supporting the passage of the Anti-Proliferation Act of 1999. This bill, introduced by Senator ASHcroft and amended in committee to include provisions from bills that I and Senator Grassley had introduced, passed by acclamation in the Judiciary Committee earlier this year and represents a significant bipartisan effort to combat the scourge of methamphetamine. With this bill we are arming our communities with responsible, innovative enforcement tools designed to curb the manufacturing and trafficking of this most destructive drug.

I want to take a moment to highlight some of the provisions in this bill that will assist Federal, State, and local law enforcement officials in their efforts against drug traffickers:

(1) The bill bolsters the DEA's ability to combat the manufacturing and trafficking of methamphetamine by authorizing the creation of satellite offices and requiring the DEA to assign national agents to assist State and local law enforcement officials. More than any other illicit drug, methamphetamine manufacturers and traffickers operate in small towns and rural areas. And, unfortunately, rural law enforcement agencies often are overwhelmed and in dire need of the DEA's expertise in conducting methamphetamine investigations.

(2) The bill will assist State and local officials in handling the dangerous toxic waste left behind by methamphetamine labs.

(3) Another section of the bill will help prevent the manufacture of methamphetamine by prohibiting the dissemination of drug "recipes" on the Internet.

(4) The bill amends the Federal anti-drug paraphernalia statute to clarify that the ban includes Internet advertising for the sale of controlled substances and drug paraphernalia.

(5) To counter the dangers that manufacturing drugs like methamphetamine inflict on human life and on the environment, the bill imposes stiffer penalties on manufacturers of all illegal drugs when their actions create a substantial risk of harm to human life or to the environment.

(6) The bill also works to keep all drugs away from children and to punish severely those who prey on our children, especially while at school away from their parents. The bill does this by increasing the penalties for distributing illegal drugs to minors and for distributing illegal drugs near schools and other locations frequented by juveniles.

(7) Further, the bill increases penalties for manufacturing and trafficking the drug amphetamine, a lesser-known, but no-less dangerous drug than methamphetamine. Other than

for a slight difference in potency, amphetamine is manufactured, sold, and used in the same manner as methamphetamine. Moreover, amphetamine labs pose the same dangers as methamphetamine labs. Not surprisingly, every law enforcement officer with whom I have spoken agreed that the penalties for amphetamine should be the same as those for methamphetamine. For these reasons, the bill equalizes the punishment for manufacturing and trafficking the two drugs.

In addition to these law enforcement tools, the bill establishes and funds prevention measures and a creative new treatment program for helping those trapped in drug addiction. Specifically, it contains provisions from S. 324, the "Drug Addiction Treatment Act," which I and my good friend Senators Gravel and Kennedy introduced and amended in committee to include provisions from bills that I and Senator Grassley had introduced, passed by acclamation in the Judiciary Committee earlier this year and represents a significant bipartisan effort to combat the scourge of methamphetamine. With this bill we are arming our communities with responsible, innovative enforcement tools designed to curb the manufacturing and trafficking of this most destructive drug.

Mr. President, as I stated on the floor just last week, the timeliness of this bill cannot be overstated. According to a report prepared by the Community Epidemiology Work Group, which is part of the National Institute on Drug Abuse, methamphetamine abuse levels have almost doubled each year since 1995. Last year, more than 5,500 amphetamine and methamphetamine labs were discovered by DEA and State and local law enforcement officials, and millions of dollars were spent on cleaning up the pollutants and toxins created and left behind by operators of these labs. In Utah alone, there were 268 lab seizures last year, a number which elevated Utah to the unenviable position of being ranked third in the nation for highest per capita clandestine lab seizures.

Mr. President, this bill furnishes the means for our ongoing battle against those who manufacture and sell illicit drugs. Perhaps even more important, this bill underscores our unwavering commitment to win this battle. Let
there be no misunderstanding; we will not throw up our hands and surrender our streets and those who sell misery and destruction. For the sake of our children and grandchildren, we will defeat this plague. I again thank my colleagues for joining with me in this effort.

Mr. LEAHY. The manufacture and distribution of methamphetamines and amphetamines is an increasingly serious problem, and this bill would provide significant additional resources for both law enforcement and treatment. It was unfortunate that the majority has played politics with this important issue and strained the strong bipartisan support for this bill by including its provisions in a larger, controversial amendment to S. 625, the Bankruptcy Reform Act of 1999, which amendment was approved by a vote of 50-49 on November 10, 1999. I strongly opposed that amendment, which significantly increased the use of mandatory minimum penalties for powder cocaine offenses and unwisely diminished local control.

That amendment to the bankruptcy bill mandated a 10-year mandatory minimum sentence for crimes involving 500 grams or more of powder cocaine, instead of the current 5 kilogram threshold. It also instituted a 5-year mandatory minimum sentence for crimes involving 50 grams or more of powder cocaine, instead of the current 500 gram threshold. I oppose mandatory minimums both because they are extraordinarily costly for taxpayers and because they are counterproductive to our law enforcement efforts. The Justice Department estimated that the amendment’s powder cocaine provision would cost more than $10 billion. Next 30 years will apply to build 11,000 more prison beds. Moreover, the use of mandatory minimums for smaller and smaller quantities of drugs gives federal prosecutors further incentive to prosecute lower-level drug offenders, further distorting the balance between state and federal law enforcement responsibilities. It simply makes no sense—except perhaps as a matter of politics—to federal our Nation’s drug laws to such an extreme extent.

In addition, that amendment provided the wrongheaded approach to the necessary task of rectifying the disparity between sentences for powder and crack cocaine. Under current law, the quantity threshold to trigger mandatory minimum penalties for crack offenders is 100 times more severe than for powder cocaine offenders. Under this amendment the quantity threshold to trigger mandatory minimums for crack offenders would still be 10 times more severe, and the amendment would do nothing to mitigate the unnecessary federalization and extreme penalties that the criminal justice system imposes for lower-level crack offenses.

Finally, that amendment contained education provisions that would take funding and control away from local level authorities who possess illegal drugs on school property. Second, it authorizes the use of public funds to pay tuition for any private schools, including parochial schools, for students who were injured by violent criminal offenses on public school grounds. This provision raises serious constitutional and policy questions, and should have not been slipped into an end-of-session amendment to a bankruptcy bill.

Because of the extreme reservations that both sides of the aisle expressed about that amendment to the bankruptcy bill, I pressed for the original methamphetamine bill to be considered as a separate matter. I am pleased that we have an opportunity to consider and I pass this legislation without the poison pills that the Republican leadership inserted.

I continue to have some reservations about this bill. For example, I disapprove of its order to the Sentencing Commission to increase penalties for certain amphetamine and methamphetamine crimes by a specific number of base offense levels. I oppose such specific directives for some of the same reasons that I oppose mandatory minimums—they subvert the considered sentencing process that Congress wanted when it established the Sentencing Commission.

But the good in this bill outweighs the bad. In creating tougher penalties for those who manufacture and distribute amphetamines as illicit drugs, this bill allocates additional funding to assist local law enforcement, allows for the hiring of new DEA agents, and increases research, training and prevention efforts. This is a good and comprehensive approach to America’s growing amphetamine problem.

We significantly improved this bill during committee considerations. As the comprehensive substitute for the original bill was being drafted, I had three primary reservations: First, earlier versions of the bill imposed numerous mandatory minimums. As I stated earlier, I continue to believe that mandatory minimums are generally an inappropriate tool in our critically important national fight against drugs. Simply imposing or increasing mandatory minimums subverts the more considered process Congress set up in the Federal Sentencing Guidelines already provide a comprehensive mechanism to equalize sentences among persons convicted of the same or similar crime, while allowing judges the discretion they need to give appropriate weight to individual circumstances.

Second, earlier drafts of this bill would have contravened the Supreme Court’s 1999 decision in Richardson versus U.S. I, along with some other members of the Committee, believed that it would be inappropriate to take such a step without first holding a hearing and giving thorough consideration to such a change in the law. The Chairman of the Committee, Senator HATCH, was sensitive to this concern and I thank him for agreeing to remove that provision from this legislation.

Third, an earlier version of the bill would have added a provision that would have created a rebuttable presumption that may have violated the Constitution’s Due Process Clause. Again, I believe that we needed to seriously consider
and debate such a provision before vot-
ing on it. And again, the Chairman was
sensitive to the concerns of some of us
on the Committee and agreed to re-
move that provision.
By reaching an accord on each of those
issues, I was able to join as a co-
sponsor of this bill. I support it strong-
ly, and I look forward to seeing it be-
come law.
Mr. KOHL. Mr. President, I rise
today with my colleagues to express
my support for the Methamphetamine
Anti-Proliferation Act of 1999, of which
I am proud to be a co-sponsor. This bi-
 partisan measure is a crucial step in
the battle against the spread of Meth-
amphetamine, also known as “Meth.”
It sets forward a comprehensive ap-
proach including targeted enforcement
through increased resources, training
and public education, expansion of pre-
vention and intervention programs, envi-
ronmental cleanup, and research.
The Meth problem is growing rap-
 idly—not only across the country west-
ward, but also in my home state: our
Wisconsin State Crime Laboratory has
tripled the number of Meth examina-
tions since 1996, with prosecutions dou-
bling from previous years; thefts of the
precursor chemical Anhydrous Ammon-
ia from farmers and retailers are be-
coming routine; and more Meth pro-
ducers are emptying out shelves of “blister packs”—packages of Sudafed and other cold remedies which are
legal products used as precursor chemi-
cals and sold in our markets and retail
stores. Just last week, law enforcement
officers in Fox Valley, Wisconsin re-
ported their first seizure of a Meth lab,
evidencing Meth’s quick spread across
the state.
In fact, Wisconsin has become a
source of one of the most toxic of Meth
recipes—known to its Western pro-
ducers as the “Nazi variety”—which
causes the most aggressive behavior. This
is largely due to the availability of Anhydrous Ammonia, which acceler-
ates users to a fast and violent high. At
the same time, the environmental dan-
gers associated with this chemical pose
a serious threat to our law enforce-
ment officers and our communities.
I am particularly pleased that the
bill includes several provisions from
the “DEFEAT Meth” legislation—the Meth-
amphetamine Anti-Proliferation Act of
1999, introduced by Senator GRASSLEY and me earlier this
year. In particular, the underlying bill
authorizes $6.5 million for additional
Drug Enforcement Administration (DEA) agents in rural areas and $5.5
million for DEA training designed to
combat “meth” production. In addi-
tion, it criminalizes the transport and
sale of Anhydrous Ammonia. These
provisions will be of great assistance to
rural states like Wisconsin, adding to
the ongoing efforts of state and local
law enforcement and building on the $1
million in funding I helped secure
through the Appropriations process for
a Meth “Task Force” in Western Wis-
consin.
As Meth continues its devastation
throughout the Midwest, it is time to
confront this raging menace at mul-
tiple levels and with cooperative
strength. This bipartisan legislation is
an important step in that direction.
Mr. ASHCROFT. Mr. President, I rise
today to commend the Senate for pass-
ing, S. 486, the Methamphetamine
Anti-Proliferation Act of 1999. I’m
proud to say this comprehensive anti-
methamphetamine bill was built upon
the DEFEAT Meth legislation that I
introduced earlier this year. This re-
fects a tremendous amount of bi-par-
tisan work by the members of the judi-
iciary committee.
And the reason for the level of bipar-
tisan effort in crafting this bill was the
revision by all involved that it is
needed desperately to combat one of
the fastest growing threats to Amer-
ican society: the explosive problem of
methamphetamine.
With its roots on the West coast, this
epidemic has now exploded in middle
America. Meth in the 1990s is what co-
caine was in the 1980s and heroin was in
the 1970s. It is currently the largest
drug threat we face in my home state
of Missouri. Unfortunately, it may be
coming soon to a city or town near
you.
If you wanted to design a drug to
have the worst possible effect on your
community, you’d make methamphet-
amine. It is highly addictive, highly
destructive, cheap, and easy to manu-
facture.
To give you an idea of the scope of
the problem, in 1992, law enforcement
seized 2 clandestine Meth labs in my
state of Missouri. By 1994, there were 14
seized labs. By 1998, there were 99
labs. Based on the figures collected so far
this year, that number will jump again
this year to over 800 labs.
And with this growth have come all
of the problems. As meth abuse has in-
creased, domestic abuse, child abuse,
burglaries and meth related murders
have also increased proportionately.
From 1992 to 1998 meth-related emer-
grency room incidents increased 63 per-
cent.
What is more unacceptable is that
meth is ensnaring our children. In 1998,
the percentage of 12th graders who
used meth was double the 1992 level.
In recent conversations I have had with
local law enforcement officers in Mis-
ouri, they estimated that as many as
10% of high school students know the
recipe for meth. I want to ensure that 100% of
them know that meth is a recipe for
disaster.
Meth presents us with a formidable
challenge. We have faced many other
challenges in the past and we can face
this one as well. In fact, the history of
America is one of meeting challenges
and surpassing people’s highest expec-
tations. Meth is no exception. All its
takes is that we marshal our will and
channel the great indomitable Amer-
can spirit. Through legislative efforts
like this bill we will meet this new
meth challenge and defeat it.
Furthermore, three years ago I joined with my distin-
guished friend and colleague, Senator HATCH, to introduce the “Hatch-Biden
Methamphetamine Control Act” to
address the growing threat of meth-
amphetamine use in our country before
it was too late.
Our failure to foresee and prevent the
crack cocaine epidemic is one of the
most significant public policy mistakes
in recent history. We were determined
not to repeat that mistake with meth-
amphetamine.
That 1996 Act provided crucial tools
that we needed to stay ahead of the
methamphetamine epidemic—increased

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penalties for possessing and trafficking in methamphetamine and the precursor chemicals and equipment used to manufacture the drug; tighter reporting requirements and restrictions on the legitimate sales of products containing precursor chemicals to prevent their diversion; increased reporting requirements for firms that sell those products by mail; and enhanced prison sentences for meth manufacturers who endanger the life of any individual or endanger the environment while making this drug. We also created a national working group of law enforcement and public health officials to monitor any growth in the methamphetamine epidemic.

I have no doubt that our 1996 legislation slowed this epidemic significantly. But we must have a powerful and highly addictive drug.

The Methamphetamine Anti-Proliferation Act of 1999—which I have co-sponsored—builds on the 1996 Act. First and foremost, it closes the “amphetamine loophole” in current law by making the penalties for manufacturing, distribution, importing and exporting amphetamine the same as those for meth. After all, the two drugs differ by only one chemical and are sold interchangeably on the street. If users can’t tell the difference between the two substances, there is no reason why the penalties should be different.

The amendment also addresses the growing problem of meth labs by establishing penalties for manufacturing the drug with an enhanced penalty for those who would put a child’s life at risk in the process. We provide the Drug Enforcement Administration with much needed funding to clean up clandestine labs after they are seized as well as to train state local law enforcement officers to handle the hazardous wastes produced in the meth labs and certify them to train their colleagues.

Methamphetamine is made from an array of hazardous substances—battery acid, lye, ammonia gas, hydrochloric acid, just to name a few—that produce toxic fumes and often lead to fires or explosions when mixed. I am concerned nothing by naming some of these chemical ingredients. Anyone with access to the Internet can download a detailed recipe from them and make the drug by simply following the instructions. The legislation would make such postings illegal.

We provide money for the Drug Enforcement Administration to clean up these toxic sites and certify state and local officials to handle the hazardous byproducts of these sites. We provide funds for additional law enforcement personnel—including agents, investigators, prosecutors, lab technicians, chemists, investigative assistants and drug prevention specialists in High Intensity Drug Trafficking Areas where meth is a problem.

We also provide funds for new agents to assist State and local law enforce-

Further, the legislation provides much needed money for prevention, treatment and research, including clinical trials. It asks the Institute of Medicine to issue a report on the status of pharmacotherapies for treatment of amphetamine and methamphetamine addiction.

I understand that the scientists at the National Institute on Drug Abuse are making headway in isolating amino acid and developing medications to deal with meth overdose and addiction.

We also have a provision that would allow certain doctors to dispense Schedule III, IV and V drugs from their offices to treat addiction. I am glad to report that this provision passed. Ten years ago, I asked the question: “If drug abuse is an epidemic, are we doing enough to find a medical ‘cure’?” Unfortunately that question is still with us. But today we also have another question: “Are we doing enough to get rid of the ‘cures’ we have to those who need them?” We have an enormous “treatment gap” in this country. Less than half of the estimated 4.4 to 5.3 million people who need drug treatment are receiving it. Licensing qualified doctors to prescribe certain pharmacotherapies from their offices is a significant step toward bridging the treatment gap.

Also to that end, this bill authorizes $10 million for treatment of methamphetamine addiction.

The bill also tightens the restrictions on direct and indirect advertising of illegal drug paraphernalia and Schedule I drugs. Under this legislation, it would be illegal for on-line magazines and other websites to post advertisements for such paraphernalia or provide “links” to websites that do. We crafted this language carefully so that we restrict the sale of drug paraphernalia without restricting the First Amendment.

All in all, I believe that this is a comprehensive bill that attacks the methamphetamine and amphetamine problem from every angle.

Today the Senate also passed the “Date Rape Drug Control Act of 1998,” a very important piece of legislation which will place the most stringent controls on GHB, a drug which is being used with increasing frequency to commit rape. I commend Senator Abraham for his efforts to get this bill passed and I thank him for acknowledging my efforts as well.

For nearly five years now, I have been working to raise awareness about date rape drugs including rohypnol and ketamine.

In 1996, I first introduced legislation to schedule these drugs under the Controlled Substances Act. This was not a step I took lightly because there is a regulatory procedure in place for scheduling controlled substances. But my view was that the regulatory process would take years to do what needed to be done in months. Forfeiting valuable time in the fight to stop these drugs from being used to commit heinous crimes.

Federal scheduling is important for three simple reasons. First, federal scheduling triggers increased state drug law penalties. This is because state law penalties are linked to the level at which a drug appears on the federal controlled substance schedule. Since more than 95 percent of all drug cases are prosecuted at the state level, not by the federal government, federal scheduling is vitally important.

Second, federal scheduling triggers tough federal penalties.

And third, scheduling has proven to be an important tool. The 1994 methamphetamine scheduling is vitally important.

Quaaludes and methamphetamine are both dangerous drugs. For nearly five years now, I have been working to raise awareness about these drugs and develop training materials on date rape drugs for police officers. The bill also calls for a national awareness campaign to warn people about the danger of these drugs.

Currently, these date rape drugs have been used in my State of Delaware. Several women at “The Big Kahuna,”
the largest nightclub in Wilmington have had drugs slipped into their drinks.

This is a serious problem and we must take bold steps, like passing the measure we passed today, to establish strict penalties for this cowardly crime.

I am pleased that the Senate has passed both of these important pieces of legislation today and I hope to see them enacted into law.

Mr. LEVIN. Mr. President, the Senate has now approved a long-time crusade of mine—that of speeding the development and delivery of anti-addiction medications that block the craving for illicit addictive substances. This is one way in which we can fight and win the war on drugs—by blocking the craving for illegal substances. The proposal to be effective blockers of Senate as embodied in S. 324, the Drug Addiction Treatment Act, which I introduced in January of this year along with Senator HATCH, Senator MOYNIHAN and Senator BIDEN, will achieve this goal. The result has been a treatment system consisting primarily of large clinics, preventing physicians from treating patients in an office setting or in rural areas or small towns, thereby denying treatment to thousands in need of it. Additionally, experts say that many heroin addicts who want treatment are often deterred because of the stigma that is associated with such clinics.

The medications Buprenorphine and Buprenorphine/naloxone combination have proven to be effective blockers of craving for heroin. Dr. Alan Leshner, Director of the National Institute on Drug Abuse (NIDA), in collaboration with a private pharmaceutical company developed Buprenorphine for the treatment of heroin addiction. Because of the reductance of the pharmaceutical industry to become involved in developing anti-addiction medications, NIDA has played an active role in supporting research at every step of the drug development process. NIDA’s Medications Development Division has been working to accelerate the identification, evaluation, development, and approval of new formulations of drugs for addiction, which I call anti-addiction drugs. Through this process, NIDA has been able to bring a number of effective medications into drug treatment.

In the case of Buprenorphine products, NIDA has supported research for many years which indicates that the medication is effective in blocking the craving for heroin.

Mr. President, the crisis of illegal drug use continues to cost society both in terms of billions of dollars each year. Consider the startling and compelling findings of the January 1995 Institute of Medicine Report, which estimates the cost to society for drug abuse and dependence treatment at $69.9 billion in 1990 alone, and estimated the cost of drug-related crime at $46 billion that same year. A 1995 report of the Office of National Drug Control Policy tells us that users of illegal drugs spent $8.7 billion on illegally purchased illicit substances to feed their addiction.

Recent findings of the Monitoring the Future Program, headed by Dr. Lloyd Johnson of the University of Michigan, indicates that heroin use among American teens doubled between 1991 and 1998, and represents a clinical and public health crisis of significant number of American young people. Dr. Johnson attributes this to a “sharp increase in use ... resulting from adoption of non-injectable modes of administration—smoking and snorting, in particular.” Dr. Johnson goes on to say that “the very high purity of heroin on the streets has made these new developments possible and that unfortunately, a number of those users will become dependent on heroin and will switch over to injection, which is a more efficient way to derive the equivalent high”.

The President of the Michigan Public Health Association, Dr. Stephanie Meyers Schim, has spoken out eloquently about ‘the great problem’ of substance abuse. In her recent letter in support of S. 324, she says: Substance abuse affects health care costs, mortality, workers’ compensation claims, reduced productivity, crime, suicide, domestic violence, child abuse, and increases costs associated with extra law enforcement, motor vehicle crashes, crime, and lost productivity. Dr. Schim goes on to say, “Buprenorphine will allow drug addicted individuals to maximize everyday life activities, and participate more fully in work day and family activities while seeking the needed treatment and counseling to become drug free”.

Dr. James H. Wood, Professor of Pharmacology at the University of Michigan Medical School recently wrote: “One of the most important aspects of your bill is the use of Buprenorphine by well-trained physicians to treat narcotic addiction from their offices, which has the potential to attract and treat effectively substantial populations of currently untreated addicts ... a major byproduct of this increased treatment, of course, will be reduction in the demand for illicit narcotics in the U.S.”

Dr. Thomas Kosten, President of the American Academy of Addiction Psychiatry echoed these sentiments in recent testimony on The Drug Addiction Treatment Act before the House Commerce Committee on Health and Environmental Protection. Addiction is a brain disease and office-based practice is primarily needed for effective treatment of Buprenorphine.”

The American Society of Addiction Medicine (ASAM), and the College on Problems of Drug Dependence which is the nation’s longest standing organization of scientists addressing drug dependence and drug abuse, has stated that the availability of Buprenorphine in physicians’ offices adds a needed expansion of current treatment for heroin addiction. ASAM also cautioned
that Buprenorphine will have limited utility if it is tied to the regulatory structure for current treatments of heroin addiction.

There are other compelling reasons why we must expedite the delivery of anti-addiction medications. Of the juveniles who land behind bars in state institutions, more than 60 percent of them reported using drugs once a week or more, and over 40 percent reported being under the influence of drugs while committing crimes, according to a report from the Bureau of Justice Statistics. Drug-related incarcerations are up and we are building more jails and prisons to accommodate them—more than 1000 have been built over the past 20 years. According to the July 14, 1999 Office of National Drug Control Policy Update, and I quote: ‘‘Drug-related crimes are responsible for manufacturing, distribution, importing and exporting amphetamine for manufacturing, distribution, importing and exporting amphetamine for treatment of methamphetamine addiction. I understand that the scientists at the National Institute on Drug Abuse are making headway in isolating amino acids and headway in isolating amino acids and isolating and for development of methamphetamine and methamphetamine addiction. I understand that the scientists at the National Institute on Drug Abuse are making headway in isolating amino acids and hydrochloric acid, lye, ammonia gas, hydrochloric acid, lye, ammonia gas, and developing medications to deal with meth overdose and addiction.

We also have a provision that would allow certain doctors to dispense Schedule III, IV and V drugs from their offices to treat addiction. I am glad to see this provision included. Ten years ago, I asked the question: ‘‘If drug abuse is an epidemic, are we doing enough to find a medical ‘cure’? ’’ Unfortunately that question is still with it. But today we also have another question: ‘‘Are we doing enough to get the ‘cures’ we have to those who need them?’’ We have an enormous ‘treatment gap’ in this country. Less than half of the estimated 4.5 to 5.3 million people who need drug treatment are receiving it. Licensing qualified doctors to prescribe certain pharmacotherapies from their offices is a significant step toward bridging the treatment gap. Also to that end, this bill authorizes $10 million for treatment of methamphetamine addiction.

The bill also tightens the restrictions on direct and indirect advertising of illegal drug paraphernalia and Schedule...
I drugs. Under this legislation, it would be illegal for on-line magazines and other websites to post advertisements for some illegal drug material or "links" to websites that do. We crafted this language carefully so that we restrict the sale of drug paraphernalia without restricting the first amendment. All in all, I believe that this is a comprehensive bill that attacks the methamphetamine and amphetamine problem from every angle. Today the Senate also passed the "Date Rape Drug Control Act of 1999," a very important piece of legislation which will place the most stringent controls on GHB, a drug which is being used with increasing frequency to commit rape. I commend Senator ABRAHAM for his efforts to get this bill passed and I thank him for acknowledging my efforts as well.

For nearly 5 years now, I have been working to raise awareness about date rape drugs including rohypnol and ketamine. In 1996, I first introduced legislation to schedule these drugs under the Controlled Substances Act. This was not a step I took lightly because there is a regulatory procedure in place for scheduling controlled substances. But my view was that the regulatory process would take years to do what needed to be done in months, forfeiting valuable time in the fight to stop these drugs from being used to commit heinous crimes. Federal scheduling is important for three simple reasons. First, Federal scheduling triggers increased state drug law penalties. This is because state law penalties are linked to the level at which a drug appears on the Federal controlled substance schedule. Since more than 95 per cent of all drug cases are prosecuted at the state level, not by the Federal government, federal scheduling is vitally important.

Second, Federal scheduling triggers tough federal penalties. And third, scheduling has proven to work. In 1984, I worked to reschedule Quaaludes from Schedule II to Schedule I. Congress passed the law and the Quaalude epidemic was greatly reduced. Again in 1990, I worked to reclassify steroids as a Schedule III substance. Congress passed the law and again a drug epidemic that had been on the rise was reversed.

Progress on scheduling date rape drugs has been slow. This past August—4 years after I first called for stricter regulations—the Drug Enforcement Administration finally classified ketamine as a Schedule III drug. Rohypnol has yet to be classified as a Schedule I drug, though we have passed legislation that stipulates that it is subject to federal penalties. Far from perfect, it is a small step in the right direction.

In 1996, we passed legislation to crack down on those who commit violent crimes—including rape—by giving the victim a controlled substance without that person's knowledge. As a result of that legislation, this cowardly act is punishable by up to 20 years in prison. And today the Senate passed legislation that recognizes that GHB is a significant public safety hazard and will result in the drug being designated as a Schedule II substance. At the same time, the legislation recognizes that there is a public health interest here. GHB is currently being studied as a treatment for narcolepsy and this bill goes to great lengths to ensure that this research can continue without undue burdens.

Further, the Date Rape Drug Control Act requires the Attorney General to assist in the development of forensic tests to help law enforcement detect GHB and related substances and develop training materials on date rape drugs for police officers. The bill also calls for a national awareness campaign to warn people about the danger of these drugs. Currently, these date rape drugs have been used in my State of Delaware. Several women at "The Big Kahuna," the largest nightclub in Wilmington have had drugs slipped into their drinks. This is a serious problem and we must take bold steps, like passing the measure we passed today, to establish strict penalties for this cowardly crime. I am pleased that the Senate has passed both of these important pieces of legislation today and I hope to see them enacted into law.

Mr. MOYNIHAN. Mr. President, I rise to commend the Senate for unanimously passing the Drug Addiction Treatment Act of 1999 (S. 324), as Title II, Subsection B, of the DEFEAT Meth Act of 1999 (S. 486). The Senate's action today marks a milestone in the treatment of opiate dependence. The Drug Addiction Treatment Act increases access to new medications, such as buprenorphine, to treat opiate addiction. I thank my colleagues Senator LEVIN (whose long-term vision inspired this legislation), Senator HATCH, and Senator BIDEN for their leadership and dedication in developing this Act, and I look forward to seeing the Drug Addiction Treatment Act of 1999 become law.

Determining how to deal with the problem of addiction is not a new topic. Just over a decade ago when we passed the Anti-Drug Abuse Act of 1988, I was assigned by our then-Leader ROBERT BYRD, with Sam Nunn, to co-chair a working group to develop a proposal for drug control legislation. We worked together with a similar Republican colleague for a year, learned from our mistakes, and, after four months, to divide funding under our bill between demand reduction activities (60 percent) and supply reduction activities (40 percent). And we created the Director of National Drug Control Policy a Deputy Director for Demand Reduction and a Deputy Director for Supply Reduction."

We put demand first. To think that you can ever end the problem by interdicting the supply of drugs, well, it's an illusion. There's no possibility. I have been intimately involved with trying to eradicate the supply of drugs into this country. It fell upon me, as a member of the Nixon Cabinet, to negotiate shutting down the heroin traffic that went from central Turkey to Marcellus to New York—"the French Connection"—but we knew the minute that happened, another route would spring up. That was a given. The success was short-lived. What we needed was demand reduction, a focus on the user. And we still do.

Demand reduction requires science and it requires doctors. I see the science continues to develop, and The Drug Addiction Treatment Act of 1999 will allow doctors and patients to make use of it.

Congress and the public continue to fixate on supply interdiction and harsher sentences (without treatment) as the "solution" to our drug problems, and adamantly refuse to acknowledge what various experts now know and are telling us: that addiction is a chronic, relapsing disease; that is, the brain undergoes molecular, cellular, and physiological changes which may not be reversible.

What we are talking about is not simply a law enforcement problem, to cut the supply; it is a public health problem, and we need to treat it as such. We need to stop filling our jails under the misguided notion that such actions will stop the problem of drug addiction. The Drug Addiction Treatment Act of 1999 is a step in the right direction.

Ms. COLLINS. Mr. President, I ask unanimous consent that the committee substitute, as amended, be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 486), as amended, was read the third time and passed.

ESTABLISHING THE ABRAHAM LINCOLN BICENTENNIAL COMMISSION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1451, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The Clerk will report the bill as follows:

A bill (H.R. 1451) to establish the Abraham Lincoln Bicentennial Commission.

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Mr. HATCH, for herself, Mr. LEAHY, Mr. FITZGERALD, and DURBIN, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment. The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. HATCH, for herself, Mr. LEAHY, Mr. FITZGERALD, and DURBIN, proposes an amendment numbered 2795.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE. This Act may be cited as the “Abraham Lincoln Bicentennial Commission Act”.

SEC. 2. FINDINGS. Congress makes the following findings:

(1) Abraham Lincoln, the 16th President, was one of the Nation’s most prominent leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation’s history.

(2) Born of humble roots in Hardin County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men were created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for the country Lincoln loved, dying from an assassin’s bullet on April 15, 1865.

(6) All Americans could benefit from studying the life of Abraham Lincoln, for Lincoln’s life is a model for accomplishing the “American Dream” through honesty, integrity, loyalty, and a lifetime of education.

(7) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln, and a Commission should be established to study and recommend to Congress activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Abraham Lincoln.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Abraham Lincoln Bicentennial Commission (referred to in this Act as the “Commission”).

SEC. 4. DUTIES.

The Commission shall have the following duties:

(1) To study activities that may be carried out by the Federal Government to determine whether the activities are fitting and proper to honor Abraham Lincoln on the occasion of the bicentennial anniversary of Lincoln’s birth, including:

(A) the minting of an Abraham Lincoln bicentennial penny;

(B) the issuance of an Abraham Lincoln bicentennial postage stamp;

(C) the convening of a joint meeting or joint session of Congress for ceremonies and activities relating to Abraham Lincoln;

(D) a redesignation of the Lincoln Memorial, or other activity with respect to the Memorial;

(E) the acquisition and preservation of artifacts associated with Abraham Lincoln.

(2) To recommend to Congress the activities that are fitting and proper to honor Abraham Lincoln on such occasion, and the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such activities.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed as follows:

(1) Two members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President.

(2) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Illinois.

(3) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Indiana.

(4) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Kentucky.

(b) QUALIFIED CITIZEN.—A qualified citizen described in subsection (b) is a qualified citizen described in subsection (b) who—

(1) has a detailed statement of the findings and conclusions of the Commission;

(2) has any other information that the Commission considers to be appropriate.

(c) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to a 5-year term prior to the date of the establishment of the Commission, such member may continue to serve on the Commission for a 5-year term ending on the 30-day period beginning on the date that member ceases to be a Member of Congress.

(d) MEMBERSHIP.

(1) Number and Appointment.—The Commission shall have the following membership and shall be appointed subject to the provisions of chapter 53 of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) STAFF.—The staff of the Commission shall be subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 6. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold such hearings at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate.

(b) POWERS OF SUBPOENA.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—The Commission may, for the purpose of carrying out this Act, hold such hearings at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate.

(f) ADMINISTRATIVE SUPPORT SERVICES.—The Commission may, for the purpose of carrying out this Act, hold such hearings at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate.

(g) BUDGET ACT COMPLIANCE.—The Commission shall, after submitting the final report of the Commission pursuant to section 8, be entitled to receive such sums as may be necessary to carry out this Act.
Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 2785) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 1451), as amended, was read the third time and passed.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS-CONSENT REQUEST—S. RES. 237

Mr. REID. On behalf of Senator Boxer, I send a Senate resolution to the desk and ask for its immediate consideration.

Ms. COLLINS. On behalf of the Republican leader, I object.

The PRESIDING OFFICER. Objection is heard.

S. Res. 237 will lie over under the rule.

Mrs. BOXER. Mr. President, today I am submitting a resolution on the Convention to Eliminate All Forms of Discrimination Against Women.

For those unfamiliar with this issue, the Treaty, known by its acronym CEDAW, is the most comprehensive and detailed international treaty to date that addresses the rights of women.

The United States was an active participant in drafting this treaty. It was approved by the General Assembly in 1979. President Carter signed the treaty on behalf of the United States.

To date, 165 nations have ratified or acceded to the treaty. The United States joins the likes of Afghanistan, North Korea and Iran as the few nations who have decided not to become state parties to this treaty.

The Convention requires that nations take measures to eliminate discrimination against women. Discrimination is defined as “any distinction, exclusion or restriction made on the basis of sex which has the effect of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status.”

The treaty addresses “human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.”

Let me be clear, this treaty covers the most basic rights for women. For example, Article 5 recognizes the common responsibility of men and women for raising children. Article 6 requires measures to suppress all forms of trafficking in women and exploitation of prostitution of women.

Articles 7 and 8 would ensure that women have the right to vote, run for office, and represent their countries in international activities.

Article 10 calls for the elimination of discrimination in the field of education.

Article 11 gives women the right to work and free choice of employment.

Article 12 eliminates discrimination in the delivery of health care services.

This treaty covers other areas of discrimination as well, but as you can tell by the few Articles I have described, this treaty is extremely important to the rights of women throughout the world.

And, ratification of this treaty will strengthen our capability to urge other nations to promote these rights. In 1994 the Senate Foreign Relations Committee overwhelmingly supported this treaty approving the resolution of ratification by a vote of 13 to 5.

Unfortunately, time ran out in the 103rd Congress before the full Senate had the opportunity to consider the treaty.

Today, I am offering amendment stating that it is the Sense of the Senate that the Foreign Relations Committee should once again hold hearings on CEDAW.

It also states the Senate should take action on the treaty prior to March 8, 2000—International Women’s Day.

The United States needs to show that it is the world leader on promoting human rights and that includes the rights of women throughout the world. I urge my colleagues to join us in co-sponsoring this resolution.

CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of calendar No. 356, H.R. 764.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 764) to reduce the incidence of child abuse and neglect, 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 to strike all after the enacting clause and inserting in lieu thereof the following:

TITLE I—THE CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

SEC. 101. SHORT TITLE.

This title may be cited as the “Child Abuse Prevention and Enforcement Act”.

SEC. 102. GRANT PROGRAM.

Section 1402(d)(2) of the Victims of Crime Act of 1998 (42 U.S.C. 14023(d)(2)) is amended by inserting “(2)(A) Except as provided in subparagraph (B), the next $10,000,000;” and “(2) by adding at the end the following: “(B)(i) For any fiscal year for which the amount deposited in the Fund is greater than the amount deposited in the Fund for fiscal year 1998, the $10,000,000 referred to in subparagraph (A) plus an amount equal to 30 percent of the increase in the amount from fiscal year 1998 shall be available for grants under section 1404.”

SEC. 1. ELIGIBILITY.

SEC. 2. PROGRAM AUTHORIZED.

The Attorney General is authorized to provide grant awards to States to enable States to improve the reporting of unidentified and missing persons.

SEC. 203. ELIGIBILITY.

(a) Application—To be eligible to receive a grant award under this title, a State shall submit an application at such time and in such form as the Attorney General may reasonably require.

(b) Contents—Each such application shall include assurances that the State shall, to the greatest extent possible—

(1) report to the National Crime Information Center and when possible, to law enforcement authorities throughout the State regarding every deceased unidentified person, regardless of age, found in the State’s jurisdiction;

(2) enter a complete profile of such unidentified person in compliance with the guidelines established by the Department of Justice for the
The PRESIDING OFFICER. The Committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 764), as amended, was read the third time and passed.

Ms. COLLINS. Mr. President, I am pleased that the Senate has approved the Child Abuse Prevention and Enforcement Act, which Senator DeWINE and I recently introduced in the Senate. Our bipartisan legislation builds on the successful passage into law of the Crime Identification Technology Act of 1998, which Senator DeWINE and I sponsored in the last Congress. Our bill also complements S. 249, the Missing, Exploited, and Runaway Children Protection Act, which Senator Hatch and I worked together to steer to final passage last week.

Unfortunately, the number of abused or neglected children in this country nearly doubled between 1986 and 1993. Each day there are 9,000 reports of child abuse in America and more than three million cases annually of abused or neglected children. In my home state of Vermont, 2,309 children were reported to child protective services for child abuse or neglect in 1997. The local agencies spent over $1 million providing services to these children. Unfortunately, about 30 percent of these cases were substantiated. The Vermont Department of Social and Rehabilitative Services reported that 95 percent of these reports were accurate. Unfortunately, the number of abused or neglected children in this country nearly doubled between 1986 and 1993. Each day there are 9,000 reports of child abuse in America and more than three million cases annually of abused or neglected children. In my home state of Vermont, 2,309 children were reported to child protective services for child abuse or neglect in 1997. The local agencies spent over $1 million providing services to these children. Unfortunately, about 30 percent of these cases were substantiated. The Vermont Department of Social and Rehabilitative Services reported that 95 percent of these reports were accurate. Unfortunately, about 30 percent of these cases were substantiated. The Vermont Department of Social and Rehabilitative Services reported that 95 percent of these reports were accurate.

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The amendment is as follows:

On page 2, line 5, strike "March of each year" and insert "March, 2000."

Amend the title so as to read: "Resolution designating the month of March, 2000, as National Colorectal Cancer Awareness Month".

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 2786) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution, as amended, be agreed to, the preamble be agreed to, the title amendment be agreed to, the motion to reconsider be laid upon the table, and finally, that any statements related to the resolution be printed in the Record.

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

The resolution (S. Res. 108), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

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

Ms. COLLINS. Mr. President, I yield the floor.

Several Senators addressed the Chair.

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

Mr. LEAHY. Mr. President, I wonder if the Senator from Maine would yield for one comment?

Mr. SPECTER addressed the Chair.

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

Mr. LEAHY. Mr. President, would the Senator from Pennsylvania yield for 30 seconds?

Mr. SPECTER. I would.

Mr. LEAHY. Mr. President, I commend the Senator from Maine. She has cleared out the Judiciary Committee docket to a fare-thee-well. A lot of the legislation was worked in a bipartisan fashion by Senator HATCH and myself in advance of the close of the fiscal year, September 30, but that has not occurred.

It had been my hope and plan to present it to the President before the end of the fiscal year so he could have signed it or vetoed it and, had he chosen to veto it, there could have been a public debate on the priorities in the bill and also the key point of having local control on the decision of $1.3 billion, which has been allocated for additional teachers for the reduction of classroom size.

Unfortunately, it has been the practice in the Congress in recent years to pass the bills after the close of the fiscal year so we are going to yield to the President's wishes, subject to a veto, because it may result in the closing down of the Government. Winston Churchill had it right when he said that democracy is a terrible form of government except compared to everything else. I think that would apply to representative democracy as well. Somehow we muddle through. We are in the final stage of the muddling process now.

To describe the process to people who are not familiar with the inside of the Senate is very challenging. I was discussing with my son last night the plan to have the Senate convene at 12:01 a.m., November 20, Saturday morning, to take up a cloture motion on the appropriations bill, and then to vote at 1:01 a.m. It was necessary to have the conversation because I had to defer lunch with my 4-year-old granddaughter, Perri, and picking up my 6-year-old granddaughter, Slivy, from school, all of which is fine, but there has to be some reason for that.

We have Senators exercising their rights which, to be repetitious, they have a right to do, such as to have bills read for several hours, which does not change the ultimate outcome, or to have cloture votes with these extraordinary scheduling problems. I learned a long time ago that the Senate is a lot smarter than I am and the rules of the Senate are in place for a purpose.

As my distinguished colleagues said yesterday in a closed caucus, Senators ought not be discouraged from exercising their rights because when they take to the floor and debate, have a filibuster, and have extended discussions for the purpose of acquainting the country with what is going on, perhaps it may arouse some public reaction to perhaps change what the Senate might be doing.

So, in essence, I am delighted to see the Senate preserved and rights to Senators activated. For whatever delay there is, so be it. It is my hope that next year the appropriations bill for my subcommittee on the Departments of Labor, Health and Human Services, and Education will be completed at an early date. I have talked to our distinguished colleague Senator Lott, and I have had some encouragement that my bill may be taken up first next year, so that priorities can be established in regular course by the subcommittee, the full committee, and the Senate—the same on the House side—then conferenced and presented to the President for his signature or for his veto. If he chooses to veto the bill, so be it.

The bill which was voted out of the Senate by a vote of 73-25 had been very carefully crafted on a bipartisan basis with my distinguished colleague from Iowa, Senator Tom HARKIN. I learned a long time ago that if you want to get anything done in Washington in the 1990s, you had to be an extraordinarily bipartisan Senator HARKIN and I worked through our bill. We had a very attractive bill. We had emphasized $300 million more than the President's figure on education, establishing the priorities which we thought were in order.

We had provided very substantial increases to the National Institutes of Health because of the great work done there in looking for cures and being on the verge of cures for very many major maladies. We are within 5 years striking distance, so the experts say, on Parkinson's and have made great progress on Alzheimer's and heart disease and cancer—prostate cancer, breast cancer and cervical cancer.

We picked a figure of $93.7 billion because we thought that would attract very substantial bipartisan support, that being $300 million higher in education than the President had, that it would qualify for a President's signature.

Regrettably, the House of Representatives did not pass the bill. In conference, the bill was substantially altered, being joined with the bill for the District of Columbia. It had an across-the-board cut of almost 1 percent. The bill was ultimately vetoed. Then it came back for reconsideration.

On reconsideration, the White House administration wanted to add some $2.3 billion more. I knew that would cause a major strain on the Republican side of the aisle, and there was a great deal of pressure to yield to the President because of the bad experience we had in December 1995 and early 1996 when the Government was closed down and the Republican-controlled Congress took the blame. The result is that the Congress is now gun shy to fight with the President, gun shy because, with his threatened veto, the Congress has a strong tendency to back down, perhaps not on every point—the family planning amendment was a notable exception—but backing down on almost every point. The result has been that we are developing an imperial presidency because we have a gun-shy
or timid Congress. That is very unfortunate.

The issue came into sharp focus on the matter of classroom size reduction and additional teachers, with the President's program to add 100,000 teachers. I think it is a very good program. I support it. But I do not support it if the local school district says that there are other needs at the local level which are more important to the school district than additional teachers and classroom size.

When we crafted our bill, we said we would acknowledge the President's ideas as the first priority, but if the local school district made a decision after a fact finding study that they wanted to use the money for something else, then let them use the money for something else. We held tough to that position without going into all the details, finally we were undercut. The rug was pulled out, and there was a concession to the President on that point, with a bone being thrown to the Congress so that 25 percent could be used for teachers. But that is not the kind of flexibility that is best public policy. The best public policy is, OK, class size reduction and additional teachers are important and they are the first priority, but if a local school district says our local needs are different, then let's not put them in a Washington, DC, bureaucratic straitjacket. That is the result of what has happened.

It is my hope that next year we can take this bill up early. This issue will still be with us next year and President Clinton will still be with us next year. When Senator HARKIN and I and other Republicans and Democrats, on a bipartisan basis, establish our priorities, let's not be in a straitjacket. The Constitution says, the power of the purse is with the Congress—the appropriation power—so let us present the bill to the President. If he vetoes it, let's take the case to the public. I think we can certainly win on the issue of local control versus the Washington bureaucratic strait-jacket. To do that, the bill has to be presented to the President before the end of the fiscal year. It has to be presented to the President in September—hopefully early September. That is the plan for next year.

I would like to see the process modified where we do not have the White House officials in the legislative process as part of the negotiations. The Constitution says that Congress submits a bill to the President and he signs it or vetoes it. But that system has been aborted, observed in the breach more often than in the rule by having OMB officials, the Director of OMB, sitting down with the appropriators to decide what the President will accept before the Congress makes a decision and submits a bill to the President. That is not the constitutional way and we ought to change it.

So against that backdrop with substantial concerns about what has been done, I do intend to vote for this appropriation bill because the good points outweigh the bad points, perhaps close, but the benefits do outweigh the negatives. We come through in this bill with an increase in the National Institutes of Health funding by $2.3 billion, for a total of $17.9 billion. Senator HARKIN and I have taken the lead with an increase, 2 years ago, of almost $1 billion, last year $2 billion, and this year $2.3 billion. Some objections have been lodged, but nobody with sufficient bravado to try to take it out of the bill.

Enormous advances have been made on dreaded diseases. They are within 5 years of curing Parkinson's, so say the experts, with major research advances in Alzheimer's, cancer, heart ailments, and a whole range of various other ailments. With the Federal budget of $1.8 trillion, $17.9 billion is not chopped liver, but it is not too much.

This bill also has an increase in special education funding. The total to more than $6 billion on what is essentially a Federal obligation, and it frees State and local funds for other purposes. The Head Start increase is $608 million, to more than $5.2 billion. After-school learning centers more than doubled for a total of $453 million. The substance abuse and mental health program increases by $163 million over fiscal year 1999, for more than $2.6 billion. AIDS funding increased by $185 million over last year to almost $1.6 billion. There is first-time funding of $75 million for the Ricky Ray Hemophilia Act, which are appropriations that are long past due.

We worked out an accommodation on the organ transplant issue, made a compromise, which is a Federal obligation, and I free the State and local funds for other purposes. The Head Start increase is $608 million, to more than $5.2 billion. After-school learning centers more than doubled for a total of $453 million. The substance abuse and mental health program increases by $163 million over fiscal year 1999, for more than $2.6 billion. AIDS funding increased by $185 million over last year to almost $1.6 billion. There is first-time funding of $75 million for the Ricky Ray Hemophilia Act, which are appropriations that are long past due.

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on the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1555, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The Conference report is printed in the House proceedings of the RECORD of November 5, 1999).

Mr. SHELBY. Mr. President, I ask unanimous consent that there be no 30 minutes for debate with the time divided as follows: Forty minutes equally divided between the chairman and vice chairman of the Intelligence Committee; 20 minutes under the control of Senator LYNCH.

I further ask unanimous consent that following the use or yielding back of time, which we anticipate, the conference report be agreed to, the motion to reconsider be laid upon the table, and any additional statements relating to the conference report be printed in the RECORD.

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

Mr. SHELBY. Mr. President, I rise today to ask that my colleagues support the conference report on the Intelligence Authorization Act for Fiscal Year 2000.

I want to thank my colleagues in the House for their work on this legislation and especially Chairman Goss and Ranking Member DIXON for their leadership in the conference.

I believe that the conference committee put together a solid package for consideration by the full Senate that fairly represents the intelligence priorities set forth in both the Senate and House versions of the Intelligence Authorization Act.

I am pleased to report that the conference committee accomplished its task in a bipartisan manner, and I want to thank my colleague from Nebraska, Senator KERNEY, for working so closely with me to produce this legislation.

I believe that the conference report embraces many of the key recommendations that the Senate adopted in its version of the bill.

We recommended significant increases in funding for high-priority projects aimed at better positioning the Intelligence Community for the threats of the 21st century, while at the same time reducing funds for programs and activities that were not adequately justified or redundant.

In so doing, we authorized a moderate increase in overall funding for intelligence programs above the President’s request. This is a positive step forward this year, the administration will follow our lead and begin to reinvest in our intelligence gathering capabilities.

The conference report includes key initiatives that I believe are vital for the future of our Intelligence Community.

These initiatives include:

1. bolstering advanced research and development across the Community, to facilitate, among other things, the modernization of NSA and CIA imagery; and
2. strengthening efforts in counter-proliferation, counter-terrorism, counter-narcotics, counter-intelligence, and effective covert action; 3. expanding the collection and exploitation of measurement and signature intelligence, especially ballistic missile intelligence; 4. boosting education, recruiting, and technical training for Intelligence Community personnel; 5. enhancing analytical capabilities; 6. streamlining dissemination of intelligence products; 7. developing our ability to process, exploit and disseminate commercial imagery; and 8. providing new tools for information operations.

I believe that the conferees have provided the funds and guidance necessary to ensure that military commanders and national political leaders are able to utilize fully.

The conference report includes a number of reductions to programs that were not adequately justified or were redundant with other elements within the Intelligence Community.

The legislation contains some important new authorities for the Intelligence Community. I’ll mention some of the highlights:

First, there are new protections for the identities of former covert agents and for the operational files of the National Imagery and Mapping Agency or ‘NIMA.’

Second, there are new counterintelligence authorities—these include provisions allowing access to government computers used in classified work by executive branch employees. Also, there are new requirements for the FBI to begin its consultation with agencies that they are investigating at a far earlier stage than before.

Third, we have once again placed strong emphasis on recapitalizing the National Security Agency’s information technology infrastructure.

As we demand more from our Intelligence Community, we must focus on a number of areas, we also demand fiscal responsibility. The conference report includes a number of reductions to programs that were not adequately justified or were redundant with other elements within the Intelligence Community.

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As we demand more from our Intelligence Community, we must focus on a number of areas, we also demand fiscal responsibility. The conference report includes a number of reductions to programs that were not adequately justified or were redundant with other elements within the Intelligence Community.
Title eight of this bill, the so-called “Foreign Narcotics Kingpin Designation Act,” is modeled after the Executive Order that designated Colombian traffickers and those that assist them in their trafficking activities.

Mr. President, I support strongly efforts to target and destroy significant foreign drug trafficking organizations. I have placed significant emphasis on counter-narcotics in this and every Intelligence Authorization bill since I became Chairman of this Committee. The record is clear.

The existing Colombian program has been highly successful. I would be the first to support the President if he chose to expand the program in a thoughtful and measured way. In fact, the Chief Executive already has the constitutional and statutory authority to do so. The President does not need this legislation to expand the scope of this program.

Accordingly, Mr. President, I, along with other Members of Congress, have expressed concern with this legislation because it may have some very serious unintended consequences for innocent American citizens.

Although the express language of the “Kingpin” legislation deals exclusively with foreign persons and entities, it will affect American citizens. Lurking within the seemingly innocuous language is the real possibility of unwitting and innocent American citizens being caught up in its global net. For example, an American business owner may be a joint venture partner with a foreign company that has been designated as “supporting” the activities of a foreign narcotics trafficker. Although the American person may be completely unaware of the illicit activities of their foreign partner, their own assets will also be blocked if they are jointly held.

The “Kingpin” legislation does not provide an opportunity for an American person to seek judicial review of the blocking of their jointly held assets. The result is that Americans may be deprived of their property without due process of law. Let me repeat that, Mr. President, Americans may be deprived of their property without due process of law.

Mr. President, I strongly support the expansion of this successful program. I do not, however, support depriving innocent Americans of their fundamental right to due process.

Many attempts were made to amend the “Kingpin” legislation in conference to make it clear that American citizens have an immediate avenue into Federal District Court should they be snared unjustifiably in this trap. Unfortu- nately, the sponsors and proponents of this bill in the House and Senate opposed any effort to clarify this fundamental American right. In fact, I have been told that if we were to expressly state that a United States citizen has the right to immediate judicial review, this would, quote, gut the bill, quote.

Thomas Jefferson said that our “Bill of Rights is what the people are entitled to against any government on earth . . . and what no just government should refuse, or rest on inference.” Mr. President, I also believe that our right to due process should not “rest on inference,” but rather we should state it clearly and without equivocation. We do not do that in this bill.

Mr. President, I fear that in our earnest to pass a “tough drug bill” we may have sacrificed part of our freedom. I applaud the sponsors and proponents of this bill for their dedication to protecting our shores from the scourge of illegal drugs. However, I believe that our enthusiasm may be dampened as the true implications of this legislation become known.

Notwithstanding my concerns, I am encouraged that the conferees did agree to include a provision in the so-called “Kingpin” legislation that creates a panel to study whether these kinds of sanction regimes affect U.S. persons doing legitimate business with foreign partners, and whether there are adequate and fair remedies for honest U.S. persons.

I commend my colleague from Nebraska, Senator Kerrey, for suggesting this study and also for other areas of leadership on which I have worked with the Senator during my tenure on the Intelligence Committee. He will be leaving the Intelligence Committee at the end of this year whenever his term is up, and we will miss him because he has certainly been a friend, but he has also been a leader to put America’s national security and foremost everywhere it comes up.

In my opinion, we have put the cart squarely before the horse dealing with due process. I am confident that such a panel as I alluded to earlier will confirm my concerns and the concerns of others and make substantive recommendations that my well-meaning colleagues will ultimately acknowledge and I hope will be able to accept.

The conference committee worked closely together in a bipartisan fashion to produce the comprehensive intelligence authorization act. I urge my colleagues to support its adoption.

Mr. SMITH of New Hampshire. Mr. President, I would like to recognize and thank Senator Shelby and Senator Kerrey for their leadership and support with regard to the POW/MIA sections of the Intelligence Authorization Act that originally passed the full Senate earlier this year. I am pleased that the bill, which has remained largely intact in the conference report we are now adopting. That provision (Section 308), will require a declas- sification review of two assessments of Vietnam’s cooperation on the POW/MIA issue which were conducted in 1998. One of these assessments was prepared by my office and the other by the National Intelligence Council. Much of this information in both of these documents does not require continued classification, and I believe the interests of the POW/MIA families and our nation’s veterans are best served by having as much information as possible in the public domain concerning Vietnam’s performance on the POW/MIA question. As the Chairman will recall, there is a provision in Section 308 that allows the Director of Central Intelligence to withhold from declassification the names of living foreign individuals who have cooperated with U.S. efforts to account for missing personnel from the Vietnam War.

Mr. SHELBY. Yes it is.

Mr. SMITH of New Hampshire. I thank the Chairman for that clarification.

Mr. President, I also want to take this opportunity to express by profound disappointment that neither of her sections concerning review of POW/MIA information to the Congress was not adopted by the Conference because of Member opposition from the House Permanent Select Committee on Intelligence.

This provision, previously adopted by the full Senate this summer with the support of the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, required our intelligence agencies to provide to Congress, within 120 days, a list of POW-MIA related documents that are still classified. This list would help the Congress exercise oversight on the POW/MIA issue on behalf of the families of missing personnel and our nation’s veterans. I fail to see why such a reasonable provision could not have been adopted with the full support of the Conference. I plan to revisit this matter in the coming months, and would appreciate having the Chairman’s views as to how we might proceed with respect to this important matter.

Mr. SHELBY. I share the disappointment expressed by my colleague, the senior Senator from New Hampshire.
As he knows, I have worked steadily with him over the past several years to address his well-founded concerns with respect to the way the POW/MIA issue has been addressed by our Intelligence Community. I agree that the provision to which he refers would help us with our oversight responsibilities. That is why I supported his amendment, as did my Vice-Chairman, when our intelligence bill passed the full Senate earlier this year. I want the Senator to know that I will work closely with him over the next few months to find a way to get the listing of POW/MIA reports he seeks provided to the Senate. He has a right to review these reports, as does every Member of the Senate. I would urge the Director of Central Intelligence and heads of each of our intelligence agencies to work cooperatively with the Select Committee on Intelligence and I also want the Senator to know that I will include his provision in next year’s authorization measure if the information he seeks is not provided to the Senate in the next few months. I thank him for his leadership on this important matter.

Mr. SMITH of New Hampshire. I thank my distinguished colleague for that clarification and for his continued support on the POW/MIA issue.

Mr. SHELBY. Mr. President, I ask unanimous consent that, following my remarks, an editorial which appeared recently in the New York Times dealing with drug kingpin legislation, and specifically the due process problem I raised, be printed in the RECORD.

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

(See Exhibit 1.)

EXHIBIT 1

Carried Away by Drugs

The target of a new anti-drug initiative now speeding toward final congressional approval is a worthy one—big international drug traffickers. But as too often happens, the measure makes no exception for those individuals or partners who thought they were dealing with legitimate business.

"Is this the America we want?" asked Representative Jerrold Nadler, Democrat of New York, as he waged a lonely and futile fight against the measure. "What is the remedy if the bureaucracy gets the wrong person?" Those pertinent questions were sadly lost in the rush to crack down on foreign drug lords before Congress adjourns.

Mr. SHELBY. I yield the floor.

Mr. KERREY. Mr. President, I rise to join Chairman SHELBY in urging my colleagues to vote in favor of the intelligence authorization conference report. This report is a culmination of the lengthy effort to fund intelligence activities for fiscal year 2000. It has not been easy to arrive at this point because the committee had to address many significant nonintelligence issues ranging from the reorganization of INTELLIGENCE Community and the establishment of procedures for blocking the assets of drug kingpins. We have arrived at this point because we have reached several important compromises with our House colleagues, and the report deserves the Senate’s full support.

This conference report supports many new initiatives. In my view, one of the most important new initiatives is to make the year 2000 a watershed year for intelligence. The watershed represents a turnaround in spending on intelligence activities. I believe it is time to increase spending because we now have a much better understanding of the threats facing the United States of America and the important role intelligence plays in meeting those threats.

One of the most difficult parts of my job as the Intelligence Community vice chairman has been to talk to people about the importance of intelligence. The truth is that most Americans think we are spending too little or too much.”

Mr. SHELBY. My colleagues are well aware that classified conference reports and the classified schedules of authorizations are available for their review in S–407 but you have to go there to get the details. We cannot talk about them now. Let me say, however, that intelligence is following. Others have questioned the Community’s ability to see years ago about the Soviet Union during the height of the Cold War. This is the type of effort we have come to expect from NRO.

But the NRO has come under public attack in the recent past. Unfavorable news accounts have caused some to be unsure about the NRO and the path it is following. Others have questioned whether the NRO should remain an agency resting somewhere between the authorities of the Director of Central Intelligence and the Secretary of Defense. Moreover, the end of the Cold War has altered forever the nature of the threats we face. New threats mean a changed emphasis for intelligence. Furthermore, the explosion of information technology has created new opportunities for the collection and the delivery of intelligence. Thus, the Conference decided there is a need to evaluate the NRO’s roles and missions, organizational structure, technical skills, contractor relationships, use of commercial satellite imagery, acquisition authorities, and its relationships to other agencies and departments of the Federal Government in order to assure...
continuing success in satellite reconnaissance. I look forward to the Commission's work.

Finally, Mr. President, I would like to comment briefly on the "Foreign Narcotics Kingpin Designation Act," contained in the conference report. This is a significant piece of legislation intended to attack drug traffickers at the heart by blocking all of their assets, whether inside or outside the United States or that are under U.S. control. It establishes a procedure for the President of the United States to publicly identify drug kingpins and to block the kingpin's assets. Our colleagues may recall, a similar provision sponsored by Senators Coverdell and Feinstein was accepted as an amendment to the Intelligence Authorization Bill during floor action.

As I mentioned at the beginning of my statement, this provision has made the Intelligence Conference extremely interesting. Several of us joined the Chairman in being concerned about the right of judicial review for U.S. persons whose assets could be seized as a result of being involved in a joint venture with someone later identified as a drug kingpin. This was a matter of debate during discussions leading to the conference meeting and was addressed during the conference. The House Conference argued strenuously for their vision of the legislation which passed the House by a vote of 385 to 26. Further, the Administration supported the House version. Nonetheless, Chairman Shelby and several of us remained concerned about due process being afforded to those who might unwittingly get caught up in the kingpin designation and subsequent blocking of assets.

The Conference agreed the concerns were correct to warn the appointment of a special judicial review panel to evaluate these concerns and report its findings. The Commission was charged with the responsibility of reviewing judicial, regulatory, and administrative authorities relating to the blocking of assets. It is to report on its evaluation of the remedies available to U.S. persons affected by the Government's blocking of assets of foreign persons. I believe their detailed and extended evaluation will provide the Congress insights into both the complexities of the Drug Kingpin legislation contained in the Intelligence Conference Report and the consequences to American persons when the assets of foreign persons are blocked under the International Emergency Economic Powers Act.

In conclusion, Mr. President, I would like to note this is my last Conference Report as the committee's Vice Chairman. My term on the Committee expires today. On January 20th, we will have had the privilege of serving under highly distinguished Chairmen and Vice Chairmen: David Boren, Frank Murkowski, Dennis DeConcini, John Warner, Arlen Specter, and Richard Shelby. In every instance, I have experienced a commitment to a bipartisan approach to our work.

Throughout my time on the Committee, the members always have treated intelligence activities and intelligence policy as serious issues deserving our close attention. Because the issues have always been treated very seriously, committee members have had disagreements. But, Mr. President, in the end we always found a bipartisan answer to our differences. Bipartisanship has been a hallmark of the committee because intelligence is not a partisan issue. If it ever should become a partisan issue, I believe we can look forward to a consequent politicization of intelligence.

This can be very bad for Congress and even worse for the country.

Again, I thank Chairman Shelby for his leadership in delivering the conference report to the floor and for his commitment to finding bipartisan answers to some very complex questions. I look forward to the opportunity in the future to speak more fully on the floor concerning intelligence and its values.

Lastly, I call to my colleagues' attention and to the attention of the American people that the intelligence community is full of highly dedicated men and women who are working under some of the most difficult circumstances. Their professionalism, their patriotism knows no bounds, and I salute them for their excellent work. Being the committee vice chairman has, indeed, been a great privilege. I yield the floor.

Mr. LOTT. Mr. President, I ask unanimous consent that the agreement relative to the Work Incentives conference report commence at 3 p.m. today and that the remaining parameters of the consent agreement remain in order.

I further ask consent that the cloture vote relative to the appropriations conference report occur no later than 5 p.m. and that if cloture is invoked, adoption of the conference report immediately occur, without intervening action or debate.

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

Mr. LOTT. In light of this agreement, there will be three back-to-back votes that will occur a few minutes before 5 o'clock this afternoon, the first being the cloture vote relative to the appropriations conference report, the second being passage of the appropriations conference report, and the third being passage of the Work Incentives conference report.

There are two very important colloquies we must have this afternoon before the votes, one with regard to understandings with regard to the Work Incentives bill and another colloquy we will have with the leadership on both the Democratic side, and I will participate in, along with Senator Lugar and others, to discuss the overall dairy situation. We will fulfill that commitment.

I thank Senator Daschle, Senator Kohl, Senator Feingold, and everybody who has been involved. I know how emotional and how strongly held these feelings are. I also share those feelings, and I will make that clear in a colloquy here in a few minutes.

Senator Daschle, do you want to do that now or in a few minutes?

Mr. DASCHLE. Mr. President, I know there are a number of other Senators who asked to be a part of this colloquy and they are not on the floor yet. I do recognize the Chairman of the Appropriations Committee because intelligence is a very important piece of legislation.

Mr. LOTT. Let me just say, Mr. President, if I might, Senator Daschle and Senator Reid and Senator Lugar and others and will be prepared to do our colloquy when the debate is concluded on this very important piece of legislation. Thank you for allowing us to interpret at this point. If you will complete your work, we will be ready to go.

Mr. DASCHLE. I might also say, I heard the distinguished Chair talk about the service provided to the committee and to the Senate by the distinguished ranking member, the Senator from Nebraska. I will make a full statement at a later time, but let me say for the record now, no one has served this committee, this caucus, and this Senate more effectively, taking his intelligence responsibility more seriously, than the distinguished Senator from Nebraska. He has been an extraordinary leader, an extraordinary Member, and one who has taken his responsibilities on this Senate more effectively, taking his intelligence responsibility more seriously, than any other Senator who has served here.

He departs with the actions taken today. He will leave the committee as a result of the statute requiring a certain limit of time for each Senator. I know I speak for all Senators in expressing our gratitude to him and our admiration for a job very well done, I yield the floor.

Mr. LOTT. Mr. President, if I may take a moment of my leader time to join Senator Daschle in those remarks.

This is a very important committee. It is a committee that operates in the best tradition of total bipartisanship,
I am not aware, however, despite the implications of this new language added in conference, of any committee jurisdiction in either the Senate or the House having held a single hearing on the provision contained in title 8. The Senate Intelligence Committee has not had a hearing on title 8. The Senate Judiciary Committee has not had a hearing. Not a single legal or national security expert inside or outside of Government has testified before a congressional hearing as to whether title 8 should or should not become law, and if it does, how the legal rights of Americans might be changed as a result.

Except for the recent and very perfunctory House of Representatives debate and vote on this provision, the only public debate on the complexities of title 8 has been press. The way the issue has been characterized in press reports erroneously suggest that if you are ready to sign up to title 8 as now set forth after this conference committee in H.R. 1555, then you are doing so with respect to traffickers. If, however, you are troubled by the effect that the title 8 language would have on currently existing due process protections afforded innocent Americans, you are described by some in the press as doing the bidding of narcopoliticians.

This simplistic characterization is not only false, it is an insult to Members of this body, and it obscures a vitally important civil liberties issue which is at the core of title 8, which is the rights of innocent American citizens to challenge in our courts the taking of their property.

As a member of the Intelligence Committee, I was a conferee. I did not sign the conference report accompanying the bill because of the contradiction existing between the stated legislative intent of title 8 and the actual language contained in the bill, a contradiction which I attempted but failed in conference to correct by amendment.

Specifically, my objection is that title 8, as presently written, would undermine the due process protections now afforded a U.S. citizen or business that has interests or assets blocked under title 8 to challenge the legality of the blocking under the Administrative Procedures Act.

This is what the conference report before us says about title 8:

There is no intention that this legislation derogate from existing constitutional and statutory due process protections and for the legal rights of Americans who are not knowingly and willfully engaged in international narcotics trafficking, nor is it intended in any way to derogate from constitutional and statutory due process protections for those whose assets are blocked or seized pursuant to law.

That is the stated intent. That is well and good, and I commend the authors on that intent. The problem is that the words of the bill before us do not, I am afraid, comport with that stated intention.

According to the Department of Treasury, which is tasked in title 8 with developing the list of significant foreign narcotics traffickers, due process protections exist in law today for those U.S. citizens to challenge the legality of the blocking of assets in court.

On November 8, I wrote a letter to the Secretary of Treasury Lawrence Summers requesting an opinion on two legal questions concerning title 8. The first question was the following:

What existing constitutional and statutory due process protections would allow an American citizen or business to challenge blocked by executive branch action to challenge the blocking?

Question 2 was:

If H.R. 1555 is enacted into law, how would these existing constitutional and statutory due process protections be changed?

In his November 10 reply to me, Richard Newcomb, who is Director of the Treasury’s Office of Foreign Assets Control, or OFAC, stated the following with regard to currently existing judicial review of the blocking of American assets:

The Administrative Procedures Act, or the APA, provides for judicial review of final agency action.

Mr. President, 5 U.S.C. 702 is the citation.

In existing sanctions programs administered by the Office of Foreign Assets Control (OFAC) the final agency action related to blocking are subject to challenge by affected parties through judicial review afforded by the Administrative Procedures Act.

Then they go on to say:

Because of normal rules of standing and other jurisdictional principles, a U.S. citizen in every case may not directly challenge the blocking of a foreign person’s assets pursuant to APA. However—

However, and this is the key line—as discussed below, agency review by OFAC, followed by judicial review under APA of any resulting final agency action that citizen may still be available. In addition to any statutory review available under the APA, a U.S. citizen may also seek judicial review of constitutional claims or challenges related to blockings under existing OFAC sanctions programs.

Under the process that is currently in place, OFAC determines who is a foreign drug kingpin after an internal Department of Justice review of the evidence and evidentiary review that is coordinated with the Department of Justice.

Under Executive Order 12978 issued in 1995, the State Department and Justice Department are required to be consulted by Treasury prior to that designation and prior to the blocking of assets. After designation is made and assets are blocked, OFAC regulations allow for a named party to petition OFAC.

The PRESIDING OFFICER. The Senator’s time has expired. Under the previous order, we will proceed to H.R. 1180.
Mr. LEVIN. Parliamentary inquiry. I did not realize I was acting under a time constraint.

Mr. SHELBY. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KERREY. The majority leader did not complete his unanimous consent request as a consequence of some observation.

Mr. SHELBY. He was going to complete it after this.

The PRESIDING OFFICER. The agreement provided we go to this bill at 3 o'clock, and it is now 3 o'clock.

Mr. LEVIN. I ask unanimous consent to be yielded 30 seconds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Michigan is granted 30 seconds.

Mr. KERREY. I ask unanimous consent that the Senator be given an additional minute and the Senator from Georgia be given 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, reserving the right to object, the time had been set at 5 o'clock for the beginning of the votes. There are a number of us who have commitments to depart, and have had for some time. Ordinarily it would not be a matter of concern to this Senator, but if we are to complete the arrangements which have been made with a great many Senators, I understand from the Parliamentarian that under the prevailing order, debate will resume on this matter but at the conclusion of the votes.

The PRESIDING OFFICER. That is correct.

Mr. KERREY. An additional 5 minutes for the Senator from Georgia right now would not affect the 5 o'clock vote.

Mr. ROTH. Reserving the right to object, we do have a number of people who want to speak. We only have an hour.

Mr. LEVIN. If I could just have—- Mr. KERREY. I have a unanimous consent request for time for the Senator from Michigan and the Senator from Georgia.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. I am not going to complete my speech now. I simply want to apologize to my colleagues. I did not realize there was a unanimous consent agreement that would trigger a 3 o'clock debate on a different bill. That is all I had to say.

I am perfectly happy to pick up my speech after whatever is scheduled is completed.

The PRESIDING OFFICER. The Senator from Georgia has 5 minutes.

Mr. COVERDELL. Mr. President, I will try to do this in 2 minutes.

First, I compliment the chairman of the Intelligence Committee, and the ranking member, the cochairs, for their diligent work on the overall bill and the changes that were made with the Narcotic Kingpin Designation Act. There have been some legitimate and reasonable differences of opinion. I am obviously, as a sponsor of the Narcotic Kingpin Designation Act, pleased that it is proceeding to passage.

To make my point in deference to the difficulties with time here, I simply ask unanimous consent that the letter to Senator LEVIN of November 17 from the Department of the Treasury, by Richard Newcomb, Director, Office of Foreign Assets Control, be printed in the RECORD.

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


Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

Dear Senator LEVIN: This letter responds to your letter to Senator Summers of November 8, 1999, concerning Title VIII of H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act, entitled the “Foreign Narcotics Kingpin Designation Act” (the “Act”). You requested an opinion concerning two questions arising under sections 801 and 805 of the proposed legislation: What existing constitutional and statutory protections would allow an American citizen who has an interest in assets blocked by Executive Branch action to challenge the blocking? If H.R. 155 is enacted into law, how would these existing constitutional and statutory due process protections be changed?

As noted in my October 13, 1999 letter to Senator Coverdell, the Administrative Procedure Act (the “APA”) provides for judicial review of final agency action. 5 U.S.C. 702. In existing sanctions programs administered by the Office of Foreign Assets Control (“OFAC”), final agency actions related to blocking are subject to challenge by affected parties through judicial review afforded by the APA. However, as discussed below, agency review by OFAC, followed by judicial review under the APA of any resulting final agency action as to that citizen, may still be available due to the existence of other civil jurisdiction. A U.S. citizen may in many cases not be able directly to challenge the blocking of a foreign person’s assets pursuant to the Act, however, as discussed below, agency review by OFAC, followed by judicial review under the APA of any resulting final agency action as to that citizen, may still be available due to the existence of other civil jurisdiction. A U.S. citizen may in many cases not be able directly to challenge the blocking of a foreign person’s assets pursuant to the Act.

In my October 13 letter to Senator Coverdell, the Administration has indicated that it would not oppose judicial review of Treasury decisions. However, we also can work with the text of Title VIII of H.R. 1555 as finalized by the conference committee. The proposed statute does not eliminate all avenues for seeking relief. I want to emphasize that as the program under the proposed legislation is implemented, the Office of Foreign Assets Control’s (OFAC) traditional administrative mechanisms will be employed. Thus, a U.S. citizen whose interests have been blocked will be able, if he chooses, to avail himself of OFAC’s licensing authority. In current OFAC-administered programs, this mechanism has served to minimize the adverse impact of OFAC sanctions programs.

I ask unanimous consent that the letter from the Department of the Treasury dated November 10 to Senator LEVIN of Michigan by Richard Newcomb, Director, Office of Foreign Assets Control, be printed in the RECORD.

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


Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

Dear Senator LEVIN: This letter responds to your letter to Senator Summers of November 8, 1999, concerning Title VIII of H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act, entitled the “Foreign Narcotics Kingpin Designation Act” (the “Act”). You requested an opinion concerning two questions arising under sections 801 and 805 of the proposed legislation: What existing constitutional and statutory protections would allow an American citizen who has an interest in assets blocked by Executive Branch action to challenge the blocking? If H.R. 155 is enacted into law, how would these existing constitutional and statutory due process protections be changed?

As noted in my October 13, 1999 letter to Senator Coverdell, the Administrative Procedure Act (the “APA”) provides for judicial review of final agency action. 5 U.S.C. 702. In existing sanctions programs administered by the Office of Foreign Assets Control (“OFAC”), final agency actions related to blocking are subject to challenge by affected parties through judicial review afforded by the APA. However, as discussed below, agency review by OFAC, followed by judicial review under the APA of any resulting final agency action as to that citizen, may still be available due to the existence of other civil jurisdiction. A U.S. citizen may in many cases not be able directly to challenge the blocking of a foreign person’s assets pursuant to the Act, however, as discussed below, agency review by OFAC, followed by judicial review under the APA of any resulting final agency action as to that citizen, may still be available due to the existence of other civil jurisdiction. A U.S. citizen may in many cases not be able directly to challenge the blocking of a foreign person’s assets pursuant to the Act.

In my October 13 letter to Senator Coverdell, the Administration has indicated that it would not oppose judicial review of Treasury decisions. However, we also can work with the text of Title VIII of H.R. 1555 as finalized by the conference committee. The proposed statute does not eliminate all avenues for seeking relief. I want to emphasize that as the program under the proposed legislation is implemented, the Office of Foreign Assets Control’s (OFAC) traditional administrative mechanisms will be employed. Thus, a U.S. citizen whose interests have been blocked will be able, if he chooses, to avail himself of OFAC’s licensing authority. In current OFAC-administered programs, this mechanism has served to minimize the adverse impact of OFAC sanctions programs.

I ask unanimous consent that the letter from the Department of the Treasury dated November 10 to Senator LEVIN of Michigan by Richard Newcomb, Director, Office of Foreign Assets Control, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:
Finally, one point in your November 8 letter requires comment. Paragraph 9 refers to my October 13 letter to Senator Coverdell. That letter was written in response to the Senate draft of H.R. 1555 received in this office on October 13. My reference is to the letter, quoted only in part in your letter, addressed not the current provisions of the Act, but provisions (section 704(d), and in particular, 704(d)(2) of the October 13 draft) that were subsequently deleted. We believe it is important to understand the context of my letter, as well as to examine my statement in its entirety. The Administrative Procedure Act already provide for judicial review of final agency actions; and, therefore, additional judicial review provisions are unnecessary (emphasis supplied). That statement reflected the Department’s position that judicial review did not need to be addressed separately in the proposed legislation.

We hope this information is of assistance.

Sincerely,

R. Richard Newcomb
Director, Office of Foreign Assets Control.

Mr. COVERDELL. Mr. President, I ask unanimous consent the New York Times op-ed written by A.M. Rosenthal, of August 27, 1999, be printed in the Record.

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

[From the New York Times, Aug. 27, 1999]

ON MY MIND—VOTE ON DRUGS

(A.M. Rosenthal)

Notice to the public: Vote now on drugs, one of the only two ways.

1. If you support the war against drugs, vote for Senator Feinstein’s bill. It would use economic sanctions already directed at Colombian drug lords under executive order. It will prohibit any U.S. commerce by specifically named drug operators, seize all their assets in the U.S., and ban trading with them by American companies.

The bill specifies that every year the U.S. Government list the major drug lords of the world, by name and nation. The lists are certain to include top drug traders from countries such as Afghanistan, Jamaica, the Dominican Republic, Thailand and Mexico.

In the Senate it was introduced by Paul Coverdell, Republican of Georgia, and Dianne Feinstein, Democrat from California, and passed with bipartisan support. In the House it also has support in both parties, including Porter Goss of Florida, a Republican and chairman of the House Intelligence Committee, and Charles Rangel, the New York Democrat. It waits the final September House-Senate Joint Intelligence Committee vote.

For awhile I heard from within the Administration the kind of mutters that preceded the announcement that the Clinton ceiling that Mexican drug cartels were carrying out anti-drug commitments satisfactorily, which was certainly a surprise to Mexican drug lords.

Then, yesterday, the White House told me that it favored some target sanctions.

Its objection to the bill was that the Administration would have to list all major drug lords for the President to choose targets, and that could endanger investigations.

The White House said it would be better for the President to select targets without having to choose from a list.

Bit of a puzzle. The bill already gives him the right of decide which of the drug lords to target, from a list in Mr. Clinton’s unpublished list. But some members of Congress think the motive is to avoid a list that might include just a little too many from a ‘‘sensitive country.’’

No one bill will end the drug war. Only the determination of Americans to use every sort of resource will do that—parental teaching, law enforcement with some compassion toward first offenders and none for career drug criminals, enough money for therapy in and out of jail, targeting drug lords—and passionate leadership.

That would preclude Presidential candidates who mince around about whether they used drugs in a lifetime—unless they grow up publicly and quickly.

Dr. Mitchell S. Rosenthal, head of the Phoenix House therapeutic communities, says that the bill ‘‘reflects the kind of values that we don’t hear enough these days.’’ So vote—one way or the other.

Mr. COVERDELL. Mr. President, I yield back my time in accordance to the pressure—the moment here.

Mr. LEVIN. Mr. President, the conference report to H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act, include legislation under Title VIII of the bill entitled the ‘‘Foreign Narcotics Kingpin Designation Act.’’ Title VIII is intended to strengthen the U.S. Government efforts to identify the assets, financial networks and business associates of major foreign narcotics trafficking groups in an effort to disrupt these criminal organizations and bankrupt their leadership.

No doubt all Senators would agree with this laudable goal of combating the insidious effects of drug trafficking. In fact, an earlier version of this legislation was seen as being so without controversy that it was added by the Senate to the Intelligence Authorization bill in July of this year with little debate and on a voice vote.

Senators should be aware, however, that Title VIII as it is now written has significant national security, law enforcement, judicial, and trafficking implications that belle the legislation’s simple design. Yet, I am not aware of any committee of jurisdiction in either the Senate or the House having held a single hearing on the provisions contained in Title VIII. The Senate Intelligence Committee has not held a hearing. The Senate Judiciary Committee has not held a hearing. Not a single legal or national security expert, inside or outside government, has testified before a congressional hearing as to whether Title VIII should or should not become law, and, if it does, how would the legal rights of Americans be changed as a result.

Except for recent and perfunctory House of Representatives debate on the provision, the only public debate on the complexities of Title VIII has occurred in the press. The way that the issue has been characterized in press reports erroneously suggests that if you are ready to sign up to Title VIII as set forth in H.R. 1555, you are tough on foreign drug traffickers. If, however, you are troubled by the effect that the Title VIII language would have on currently existing due process protections afforded innocent Americans, you are described as doing the bidding of ‘‘narco-lobbyists.’’

This simplistic characterization is not only false and an insult to the Members of this body, it obscures a vitally important civil liberties issue at the core of Title VIII: the rights of innocent American citizens to challenge in our Courts the taking of their property.

As a member of the Senate Intelligence Committee, I was a co-sponsor of Title VIII, as presently written, would undermine the due process protections afforded innocent Americans, you are described as doing the bidding of ‘‘narco-lobbyists.’’
statutory due process protections for those whose assets are blocked or seized pursuant to law.’’ That’s the stated intent. But what do the words of this CR do?

According to the Department of Treasury, which is tasked in Title VIII with developing the list of significant foreign narcotics traffickers, due process protections exist today for those U.S. citizens to challenge the legality of the blocking of assets in court.

On November 8th, I wrote a letter to Secretary of the Treasury Lawrence Summers requesting an opinion on two legal questions concerning Title VIII.

The first question was: ‘‘What existing constitutional and statutory due process protections would allow an American citizen who has an interest blocked by Executive Branch action to challenge that blocking?’’

The second question was: ‘‘If H.R. 1555 is enacted into law, how would these existing constitutional and statutory due process protections be changed?’’

In his November 10, 1999 reply to me, Mr. Richard Newcomb, Director of the Treasury’s Office of Foreign Assets Control (or ‘‘OFAC’’), stated the following with regard to currently existing judicial review of the blocking of American assets:

‘‘...the Administrative Procedure Act (the “APA”) provides for judicial review of final agency action. 5 U.S.C. 702. In existing sanctions programs administered by the Office of Foreign Assets Control (“OFAC”), the final agency actions related to blocking are subject to challenge by affected parties through judicial review afforded by the APA. Because of normal rules of standing and other jurisdictional principles, a U.S. citizen in many cases not be able directly to challenge the blocking of a foreign person’s assets pursuant to APA. However, as discussed below, agency review by OFAC, followed by judicial review under APA of any resulting final agency action as to that citizen, may still be available. In addition to any statutory review available under the APA, a U.S. also may seek judicial review of constitutional claims or challenges related to blockings under existing OFAC sanctions programs.

Under the process currently in place, OFAC determines who is a foreign drug kingpin after an internal Department of Treasury review of the evidence, an evidentiary review that is coordinated with the Department of Justice. Executive Order 12978, issued in 1995, requires that the State and Justice Departments be consulted by Treasury prior to this designation and blocking of assets. After designation is made and assets are blocked, OFAC regulations allow for a named party to petition OFAC to have its designation removed through an administrative appeal. Most petitioners initiate this administrative review process simply by writing OFAC. Exchanges of correspondence, additional fact-finding, and, of course, OFAC decides whether there is a basis for removing the designation and unblocking assets. Once the named party has exhausted this administrative remedies process, OFAC’s final decision can be challenged in federal court under the Administrative Procedure Act.

To repeat, the Administrative Procedure Act, or APA, provides some due process protection under current law for an American to challenge the blocking of his or her assets pursuant to a Department of Treasury OFAC agency decision.

However, a straightforward reading of section 805 of Title VIII makes clear that these existing statutory due process protections, referred to in the conference report as being unaffected by the bill, could well be, in fact, foreclosed if H.R. 1555 becomes law in its present form.

More specifically, section 805(a) of the bill provides in part: ‘‘A significant foreign narcotics trafficker publicly identified . . . shall be subject to any and all sanctions as authorized.’’

Section 805(b) of the bill provides that ‘‘all property and interests in property within the United States, or within the possession or control of any United States person’’ are blocked effective as of the date of a report designating the significant foreign narcotics traffickers.

And then the critically important language of section 805(f): ‘‘The determinations, identifications, finding, and designations made pursuant to section 804 and subsection (b) of this section shall not be subject to judicial review.’’

In sum, under Title VII, designation and blocking decisions are essentially final; there is no judicial appeal opportunity, thereby enhancing the authority federal bureaucrats have to not only hear but decide all challenges to Department of Treasury designation and asset blocking decisions.

The Department of Treasury confirms this change in statutory due process protections in its November 10th letter to me:

If H.R. 1555 is enacted, section 805(f) presumably would foreclose U.S. citizens from bringing a claim under the APA to challenge the blocking.’’

That is what the Department of Treasury, the agency empowered under current law as expanded by Title VIII to block assets, states this bill will foreclose currently existing statutory due process protections.

Mr. President, at this point I ask that both my November 8, 1999 letter to Secretary Summers and the November 10, 1999 reply from OFAC be printed in the Record in their entirety.

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

(See Exhibit 1.)

A different section of Title VIII provides perhaps the most conclusive evidence that this legislation is being brought to a vote in haste and without the careful consideration it needs. Section 819 of the bill, creates a Judicial Review Commission on Foreign Asset Control.

The conference report includes six judicial review and due process questions the prospective Commission is being asked to examine and report on to Congress in the next year. I am going to read each of the six questions and, as I do so, I ask that my colleagues consider whether we should have the answers to these important legal questions before approving Title VIII of H.R. 1555.

‘‘(1) Whether reasonable protections of innocent U.S. businesses are available under the regime currently in place that is utilized to carry out the provisions of the International Emergency Economic Powers Act (‘‘IEEPA’’).’’

Should not the Senate know the answer to this question before we act on Title VIII?

‘‘(2) Whether advance notice prior to blocking of one’s assets is required as a matter of constitutional due process’’

Should not the Senate know the answer to this question before we act on Title VIII?

‘‘(3) whether there are reasonable opportunities under the current IEEPA regulatory regime and the Administrative Procedure Act for an erroneous
blocking of assets of mistaken listing under IEEPA to be remedied.

We know the most important part of the answer already. The Department of Treasury confirms that Americans would no longer be able to use the Administrative Procedure Act and a court appeal from an agency determination under that act to remedy an erroneous blocking of assets or mistaken listing. Should not the Senate have the answer to this question before we act on Title VIII?

(4) whether the level of proof that is required under the current judicial, regulatory, or administrative scheme is adequate to protect legitimate business interests from irreparable financial harm.

Should not the Senate know the answer to this question before we act on Title VIII?

(5) whether there is constitutionally adequate accessibility to the courts to challenge agency actions under IEEPA, or the designation of persons or entities under IEEPA.

We know that section 805(f) of Title VIII will foreclose the statutory access to the courts to challenge agency actions, but should not the Senate know the complete answer to this question before we act on Title VIII?

(6) whether there are remedial measures and legislative amendments that should be enacted to improve the current asset blocking scheme under IEEPA or this title [Title VIII].

Should not the Senate know the answer to this question before we act on Title VIII?

These are crucially important questions and strike to the very essence of due process protections afforded to U.S. citizens. So important are these questions that the Senate as a body should know the answers to them before approving a law with potentially far-reaching legal consequences. These questions deserve careful consideration through a hearing process in the Judiciary Committee, the Intelligence Committee, and other committees of jurisdiction. We should know the answers before we vote on the bill before us.

As it stands today, the Senate is being asked to approve a new law which will foreclose a currently existing statutory right of judicial appeal without the benefit of this hearing record and without a complete understanding of how this change in due process protections could harm innocent Americans.

Senators should be aware that the original drug kingpin amendment to the Intelligence Authorization Act—the Coverdell-Feinstein amendment—approved by the Senate on July 21st on a voice vote, did not eliminate or alter the existing judicial review avenue afforded innocent Americans under the Administrative Procedure Act to challenge the legality of the blocking of assets. The Coverdell-Feinstein amendment was silent on the issue. Only at the insistence of the House conferees during conference on the bill was the language contained in section 805(f) foreclosing final agency actions included in the final conference agreement. So Senators should be clear that this significant difference exists between the original Coverdell-Feinstein amendment approved by the Senate in July and what we are being asked to adopt today.

Because the House approved the conference report to H.R. 1555 last week, the rules of the Senate preclude a motion to recommit the bill back to conference with instructions to remove the provision of Title VIII eliminating current review of final agency actions under the Administrative Procedure Act.

Realistically, the conference report to H.R. 1555, even with this offending provision, will pass overwhelmingly given the signatures on the conference report. The only way to minimize the damage it could do to innocent U.S. citizens is to attempt to amend Title VIII after it becomes law. Therefore, I ask unanimous consent to be allowed to speak in morning business for the purpose of introducing a bill to do just that.

Mr. President, I send a bill to the desk on behalf of myself, Senator Shelby, Senator Kerrey of Nebraska, and Senator Roberts.

This bill would restore the right that U.S. citizens are about to lose under section 805(f) of H.R. 1555 to challenge in court under the Administrative Procedure Act an illegal blocking of their assets by Executive Branch decision.

Based on my reading of the conference report language accompanying H.R. 1555, the conferees may not have intended or fully understood that Title VIII would foreclose a currently existing avenue of judicial review under the Administrative Procedure Act. It wasn’t until after the conference on H.R. 1555 was concluded did any one in either Congress or the Executive Branch state in writing that this would be the bill’s effect. I argued this position at the conference called immediately before the conferees voted. Therefore, I am hopeful that this significant flaw in H.R. 1555 can be corrected soon and that the American people will be reassured that the United States Congress is not taking away rights of Americans to challenge the wrongful taking of their property by bureaucratic action. Because of this flaw, if there had been a recorded vote on the conference report before us, I would have voted “no”.

Mr. President, I yield the floor.
Avoid any Constitutional problems, a U.S. asset.

805(b) of the proposed legislation to unblock the

interest of OFAC to have the interest unblocked.

What existing constitutional and statutory due process protections would allow an American citizen who has an interest in as-

sets blocked by Executive Branch action to challenge the blocking?

If H.R. 1555 is enacted into law, how would these existing constitutional and statutory due process protections be changed?

As noted in my October 13, 1999 letter to Senator Coverdell, the Administrative Procedure Act (the "APA") provides for judicial review of final agency action. 5 U.S.C. 704.

In existing sanctions programs administered by the Office of Foreign Assets Control ("OFAC"), final agency actions related to blocking are not challenge by affected parties through judicial review afforded by the APA. Because of normal rules of standing and other jurisdictional principles, a U.S. citizen may not be able to directly challenge the blocking of a foreign person's assets pursuant to the APA. However, as discussed below, agency review by OFAC, directly by judicial review under the APA of any resulting final agency action as to that citizen, may still be available. In addition to any statutory review available under the APA, a U.S. citizen also may have judicial review of constitutional claims or challenges related to blocking under existing OFAC sanctions programs.

If H.R. 1555 is enacted, section 805(f) presumably would foreclose U.S. citizens from bringing a claim under the APA to challenge a blocking. Such statutory preclusion of ju-
dicial review under the APA is expressed for in the APA itself. 5 U.S.C. 701(a)(1). Despite the limitation on judicial review in section 805(f), however, a U.S. citizen would not be foreclosed from other meaningful avenues of review.

First, even when assets are properly blocked under the law, a U.S. citizen can petition OFAC for a license unblocking the U.S. citizen's interest in blocked assets. OFAC has a long-established practice of utilizing its licensing authority in sanctions programs to minimize the adverse impact on innocent U.S. persons while vigorously implementing the sanctions against targeted foreign persons. OFAC regulations in every major sanctions program contain licensing authority. The Act would provide the Treasury Department with similar authority. The ability of OFAC (or even a reviewing court, if judicial review were available) to grant re-

lief would, of course, depend on the nature of the U.S. citizen's interest in blocked assets.

Second a U.S. citizen would have recourse to challenge the blocking of a U.S. citizen whose interests have been blocked blocked by OFAC has served to minimize the adverse im-

pact on innocent U.S. citizens while vigorously implementing sanctions against targeted foreign persons. Additionally, a U.S. citizen will be able to petition OFAC for the unblocking of his interest in blocked prop-

erty. Similarly, we believe that the proposed law would not deny a U.S. citizen any rights he would have had to raise consti-

tutional claims.

We hope that this information is of assistance.

Sincerely, R. RICHARD NEWCOMB,

Director, Office of Foreign Assets Control.

U.S. SENATE,

COMMITTEE ON ARMED SERVICES

Washington, DC, November 12, 1999.

Hon. Lawrence H. Summers,

Chairman, the Treasury Committee

Department of the Treasury, Washington, DC.

Dear Mr. Secretary: Thank you for your No-

vember 10, 1999 reply to my letter request-

ing that you forward to me a written con-

stitutional opinion of Title VIII of H.R. 1555, the Fiscal Year 2000 Intelligence Au-

thorization Act, entitled the "Foreign Narcotics Kingpin Designation Act." Your reply was not only prompt but responsive to the ques-

tions I posed.

Paragraph three of your letter contains the following conclusion about how H.R. 1555, if enacted into law, would change existing statutory due process protections:

"If H.R. 1555 is enacted, section 805(f) presumably would foreclose U.S. citizens from bringing a claim under the APA (Administrative Procedure Act) to challenge a blocking."

I do not believe this existing current existing avenue for judicial review of final agency action should be foreclosed. Therefore, I am re-

questing that you forward to me a written answer to the following question before the Senate considers the conference report to H.R. 1555 next Tuesday:

Do you support maintaining the present right afforded a United States citizen who has an interest in assets blocked by Executive Branch action to challenge the blocking under the Administrative Procedure Act?

Your immediate response to my request is appreciated.

Sincerely,

CARL LEVIN,

Ranking Minority Member.

DEPARTMENT OF THE TREASURY

Washington, DC, November 17, 1999.

Hon. Carl Levin,

Chairman, the Senate Committee

Washington, DC

Dear Senator Levin: I received your No-

vember 12 letter to Secretary Summers re-

questing our position on the following question:

Do you support maintaining the present right afforded a United States citizen who has an interest in assets blocked by Executive Branch action to challenge the blocking under the Administrative Procedure Act?

In my October 13 letter to Senator Cover-

dell, the Department said that it would not oppose judicial review of Treasury decision. However, we also can work with the text of Title VIII of H.R. 1555 as finally by the conference committee or the statute does not eliminate all avenues for seeking relief. I want to emphasize that as the program under the proposed legislation is implemented, the Office of Foreign Assets Control's (OFAC) traditional administrative mechanisms will be employed. Thus, a U.S. citizen whose interests have been blocked will be able, if he chooses, to avail himself of OFAC's licensing authority. In current OFAC-administered programs, this mech-

anism has served to minimize the adverse im-
pact on innocent U.S. citizens while vigor-

ously implementing sanctions against tar-

geted foreign persons. Additionally, a U.S. citizen will be able to petition OFAC for the unblocking of his interest in blocked prop-

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tutional claims.

We hope that this information is of assistance.

Sincerely,

R. RICHARD NEWCOMB,

Director, Office of Foreign Assets Control.

Mr. DOMENICI. Mr. President, I am pleased that the Senate today will pass S. 1515, an important bill to make some much needed changes to the Radiation Exposure Compensation Act. I am pleased to join my colleagues, includ-

ing the Chairmen of the Senate Judic-

iary and Indian Affairs Committees, in support of this legislation.

Mr. President, my home state of New Mexico is the birthplace of the atomic bomb. One of the unfortunate con-

sequences of our country's rapid develop-

ment of its nuclear arsenal was that many of those who worked in the earliest uranium mines became afflicted with terrible illnesses.

I noticed this problem more than twenty years ago, when I learned that miners had contracted an alarmingly high rate of lung cancer and other disea-

eses commonly related to radiation exposure.

Many of the miners were Native Americans, mostly members of the Navajo Nation, with whom the United States government has had a long-

standing trust relationship based on the treaties and agreements between our country and the tribes. Some 1,500 Navajos worked in the uranium mines from 1947 to 1971. Many of them have since died of horrible radiation-related illnesses.

All of the uranium miners, including the Navajos, performed a great service out of patriotic duty to this country. Their work helped end the Cold War. Unfortunately, our Nation failed to fulfill its duty to protect the miners' health. After hearing of the problem, I began the effort the miners' health. After hearing of the problem, I began the effort to see that the miners and the families would receive just compensa-

tion for their illnesses.

Mr. President, I want to take a mo-

ment to recognize a person who has

Washington, DC.
been a champion in the hearts of uranium miners and their families throughout the Colorado Plateau. This personal, former uranium miner himself, has worked tirelessly in advocating many of the reforms we have established within this bill.

Mr. President, Paul Hicks of Grants, New Mexico deserves a large amount of credit for bringing attention to this legislation in the United States Senate. Paul is President of the New Mexico Uranium Workers Council and he has spearheaded the grassroots effort that is responsible for several of these much needed reforms.

Paul was a uranium miner for over twelve years in New Mexico. He later worked as a lead miner, a shift boss, and ended his mining career as a mine foreman. But as Paul will tell you, “it takes far more than to make a good miner, but only ten minutes to make a good foreman.” Mr. President, Paul Hicks and will always be a miner at heart.

Paul has fought this effort for the miners of the Navajo nation, Acoma Pueblo, Grants, New Mexico, and Dove Creek and Grand Junction, Colorado. Paul Hicks is truly a hero in the heart’s of the many people along the Colorado Plateau that have been adversely affected by exposure to uranium.

Unfortunately Mr. President, Paul is now facing another battle. That is fight against cancer. Paul was diagnosed last week with bone cancer and now, he must endure massive radiation treatments for the next six weeks. It will be a tough fight, but one I know he’ll win. Simply, because I know Paul Hicks.

Way back in 1979, I held the first field hearing on this issue in Mr. Hicks’ hometown of Grants, New Mexico to learn about the concerns and the health problems faced on uranium miners. In later years, I traveled to Shiprock, New Mexico and the Navajo Nation Indian Reservation to gather more information about the uranium miners and their families.

Twelve years after I introduced that first bill, President Bush signed RECA into law. At the time, RECA was intended to provide fair and swift compensation for those miners and downwinders who had contracted certain radiation-related illnesses.

Since the RECA trust fund began making awards in 1992, the Department of Justice has approved a total 3,135 claims valued at nearly $222 million. In my home state of New Mexico, there have been 371 claims approved with a value of nearly $37 million. For that work, the Department of Justice is to be commended.

The original RECA was a compassionate law which unfortunately has come to be administered in a bureaucratic, dispassionate and often unfair manner. Many claims have languished at the Department of Justice for far too long. Miners and their families, particularly Navajos, often have waited many years for their claims to be processed. Many claims were denied because the miners were smokers and could not prove that their diseases were related solely to uranium mining. In other cases, miners faced problems establishing the requisite amount of working level months needed to make a successful claim. Native American claims by spousal survivors often were denied because of difficulties associated with documenting Native American marriages.

This bill makes some important, common-sense changes to the radiation compensation program to address the problems I have outlined. First, it expands the list of compensable diseases to include new cancers, including leukemia, thyroid and brain cancer. It also includes certain non-cancer diseases, including pulmonary fibrosis. Medical science has been able to link these diseases to uranium mining over the past 10 years since the enactment of the original RECA. We now know that prolonged radiation exposure can cause many additional diseases. This bill uses the best available science to make sure that those who were injured by radiation exposure are compensated.

The bill also extends eligibility to above-ground and open-pit miners, millers and transport workers. The latest science tells us that the risks of disease associated with radiation exposure were not necessarily limited to those who worked in unventilated mines.

Most importantly, the bill requires the Department of Justice to take Native American law and customs into account when deciding claims. I have heard countless stories about the inequities faced by the spouses of Navajo miners who have been unable to successfully document their traditional tribal marriages to the satisfaction of the Justice Department under current law and regulations. This bill will change that, and make it easier of spousal survivors to make successful claims.

Mr. President, I am pleased to support this important legislation. The Congressional Budget Office estimates that the bill will cost close to $1 billion over the next 21 years. That is far less than some of the other proposals floated in the House and Senate during the past few years. This is a common-sense approach, which addresses many of the problems with the existing program, without unnecessarily expanding the scope of the Radiation Exposure Compensation Act. The Chairman of the Senate Judiciary Committee has done the hard work on this bill and I have been pleased to work with him in that regard. I yield the floor.

Mr. COVERDELL. Mr. President, today marks a major breakthrough in our War on Drugs. H.R. 1555, the Intelligence Reauthorization bill, contains a provision authored by myself and Senator Feinstein which is designed to put drug kingpins out of business. Enactment of our Drug Kingpin legislation represents the most dramatic change in our Nation’s drug laws since the drug certification process was established in 1986.

The Drug Kingpin legislation, which Senator Feinstein and I introduced earlier this year as a free-standing bill, targets major drug kingpins by blocking their assets in the U.S. and by preventing their access to U.S. markets. Our objective is to use U.S. economic power to undercut the financial base of the cartels and their kingpins, thereby providing a tool that directly targets a major security threat to this country. Nearly 25,000 people are thought to be working drug traffickers where it hurts them most—in their wallets.

This legislation codifies and expands an existing Presidential Executive Order which has had remarkable success in financially isolating the drug traffickers where it hurts them most—in their wallets.

The Coverdell-Feinstein initiative expands the President’s Executive Order to include all foreign narcotics trafficking organizations deemed as threats to our national security and enhances congressional oversight of this important and effective program. Here’s how it works: As under the President’s Executive Order, the Treasury Department’s Office of Foreign Assets Control (OFAC) would develop a list of specially Designated Foreign Narcotics Traffickers in consultation with the Department of Justice, the Department of State, and other executive branch agencies. Any foreign entity which appears on the list would be prohibited from conducting any economic activity with the United States. American firms or individuals who violate this prohibition would be subject to significant financial penalties and, potentially, prison terms.

Mr. President, this program’s track record in Colombia is impressive. The United States targeted over 150 companies and nearly 300 individuals involved in the ownership and management of the Colombian drug cartels’ narcotics business empire, which included a variety of companies ranging from drugstores to poultry farms. Once labeled as drug-linked businesses, these
companies found themselves financially isolated. Banks and legitimate companies that do business with the blacklisted firms, choking off key revenue streams to the cartels. Over 40 drug-funded companies, with estimated combined sales of over $200 million, were liquidated or in the process of liquidation by February 1986. I am submitting for the Record a recent Treasury Department Impact Summary on the Colombia program.

The best part of this approach to fighting foreign drug kingpins is that it supports the efforts of foreign governments who need our help to take down the cartels. To that end, it is essential that implementation of this program occurs with the cooperation and participation of the host country. Indeed, in the case of Colombia, the particular success of the legal process on drug money and the Colombian Banking Association were crucial to the success of the program. It is our hope and intention that as this program is expanded in legislation, a similar framework of cooperation and participation is developed with other countries.

One of our principle intentions with this legislation is to avoid the country-to-country confrontation that often occurs and to focus instead on the bad actors who are producing and trafficking the illegal drugs and who are causing so much damage to our nation. At the same time, it is designed to be a supplement, not a replacement for the current drug certification process.

The Coverdell-Feinstein provision is not country specific. It is a global initiative which targets foreign drug kingpins and their associates regardless of nationality and location—from Burma to Nigeria to Colombia.

Despite the track record of this program, some raised concerns that this legislation would not adequately protect U.S. business interests. I disagree. So do the vast majority in both Houses of Congress, the Department of Treasury that implemented the successful Colombia program and the National Security Council. This legislation has been thoroughly vetted and painstakingly examined by the experts in Congress and in the Executive Branch. It was included in our July 1999 report as an amendment to the Intelligence Reauthorization bill, and the changes were made which perfected and refined this provision that will be soon signed into law.

It is important to remember that this bill targets foreign drug traffickers and their front companies, not U.S. entities. This program is implemented so as to minimize the possibility of unfairly tarnishing the reputation of an individual or company. If a U.S. company is knowingly or unknowingly conducting business with drug traffickers or their associates, they are warned by the Treasury Department to discontinue business with the blacklisted firms, choking off key revenue streams to the cartels. This program is implemented so as to minimize the possibility of unfairly tarnishing the reputation of an individual or company. If a U.S. company is unknowingly conducting business with drug traffickers or their associates, they are warned by the Treasury Department before any further steps are taken. According to Treasury Department practice, alert letters are sent by the Treasury Department to those entities potentially conducting business with a designated foreign narcotics trafficker or their associates. Often, a Treasury Department representative will personally warn the U.S. entity. Actions would only be taken if the U.S. entity continues the business relationship with the narcotics trafficker.

The purpose is not to harm unwitting U.S. businesses. Instead, it is to inform U.S. persons of the identities of the prohibited foreign parties. In the case of the Colombia program, U.S. businessmen have termed this program as "a good preventative measure" that helps them steer clear of the cartels' front and agents. If a U.S. entity does happen to be a target, it has recourse to administrative remedies through the Treasury Department, and of course has access to U.S. courts—as would any U.S. citizen under the Constitution. I am submitting for the Record a copy of several Treasury Department letters on this issue which should put this matter to rest once and for all. In addition, at the suggestion of Senator Richard Shelby and Senator Bob Kerry, the legislation provides for a commission to examine a range of legal issues that could arise through implementation of the program.

As for the foreign drug kingpins, this legislation treats them for what they really are: a national security threat. Many of these criminals, who peddle their wares on our streets and in our school yards, are already under indictment in the U.S. These are the thugs responsible for thousands of deaths each year. In several cases tried before U.S. district courts since 1995, U.S. federal juries have found the legislation process to be appropriate and applicable to the named foreign entities.

The provision unanimously passed the Senate as an amendment to the Intelligence Authorization Bill in July. It then passed the House on November 2 as a free-standing bill by a vote of 385–26. The provision was accepted in the Intelligence Conference on November 5. And then, last week, the House unanimously passed the Intelligence Conference Report, which included this provision. And, today, this provision received final approval in the Senate and will soon be sent to the President for his signature.

This provision is time-tested, has had extraordinary success in Colombia, and will continue to be an effective tool when applied on a global basis. This is a tough but fair measure. It punishes some of the worst criminals alive today, and at the same time protects the rights of innocent U.S. citizens.

Take legitimate U.S. dollars out of drug dealers' pockets is a vital step in destroying their ability to traffic narcotics across our borders. This is a bold but necessary tool to fight the war on drugs.

Finally, Mr. President, I would like to thank the distinguished Senator from California Senator Diane Feinstein, for her leadership and dedication to this issue. I would also like to recognize Representative Porter Goss and Representative Bill McCollum for their work on behalf of this bill and their tireless efforts in fighting the war on drugs.

Mrs. Feinstein. Mr. President, I rise in strong support of the Coverdell-Feinstein Drug Kingpin bill, which is contained in modified form within this Intelligence Authorization Conference Report.

That bill, also co-sponsored by Senators Bob Torricelli, Helms, Craig, Graham and Reid, is designed to strengthen the President's hand in combating foreign narcotics traffickers around the world. Senator Coverdell and I have worked for months to answer questions about the legislation, iron out remaining problems, and satisfy the concerns of the Clinton Administration over how the bill will work.

We and our staffs met with representatives from the White House, the Justice Department, the Treasury Department, the Department of State, the National Security Council, other Senate offices and many others during that time. I am gratified to report that we now have the support of this Administration, as well as both Houses of Congress.

Let me speak a bit about this provision and why it is so important. This provision is patterned after an Executive Order issued by President Clinton in 1995, which targeted the assets of the powerful Colombian drug kingpins.

That Order expanded the International Emergency Economic Powers Act to include "Specially Designated Narcotics Traffickers." As issued, the President's Executive Order applies to drug traffickers affiliated with the Colombian Cali cartel. The goal is to completely isolate the targeted drug traffickers.

The Executive Order blocks any financial, commercial and/or business dealings with any entity associated with the four named drug traffickers—to include criminal associates, associated family members, related businesses and financial accounts.

Under the Coverdell-Feinstein provision now contained in this Conference report—as under the President's Executive Order—the Treasury Department's Office of Foreign Assets Control (OFAC) would develop a list of Specially Designated Narcotics Traffickers in consultation with the Department of Justice, the CIA and Department of State. Now, this list can contain traffickers throughout the world, and not just in Colombia.

By focusing on the financial relationships between drug cartels and their

November 19, 1999

CONGRESSIONAL RECORD—SENATE 30947

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That Order expanded the International Emergency Economic Powers Act to include "Specially Designated Narcotics Traffickers." As issued, the President's Executive Order applies to drug traffickers affiliated with the Colombian Cali cartel. The goal is to completely isolate the targeted drug traffickers.

The Executive Order blocks any financial, commercial and/or business dealings with any entity associated with the four named drug traffickers—to include criminal associates, associated family members, related businesses and financial accounts.

Under the Coverdell-Feinstein provision now contained in this Conference report—as under the President's Executive Order—the Treasury Department's Office of Foreign Assets Control (OFAC) would develop a list of Specially Designated Narcotics Traffickers in consultation with the Department of Justice, the CIA and Department of State. Now, this list can contain traffickers throughout the world, and not just in Colombia.

By focusing on the financial relationships between drug cartels and their
Treasury, the expanded program will target new international drug cartels with the same successful financial chokeholds that worked so well in Colombia.

And let me also be clear about one thing. Nothing in this provision should in any way be read to say that the United States Government should stop cooperating with other governments in the fight against drugs.

To the utmost extent possible, the United States under this provision should continue and even expand upon its current agreements with other nations in the fight against drugs. While valid concerns over the compromise of national security, sources and methods, or ongoing investigations must be taken into account, we must also make sure that we continue to work cooperatively with these governments also intent on solving this drug crisis.

This will not be an easy process, and the results will not be immediate. But over time, we hope that the flow of drugs across our borders will be diminished.

Before I yield the floor, I want to address one concern that has been raised about due process for American citizens under this bill. Some have expressed concern that this bill would leave U.S. citizens without redress for blocked assets, in possible violation of their due process rights. Such an outcome is certainly not what we are trying to accomplish with this bill, and I have been assured by the Treasury Department that avenues of redress will remain open to United States Citizens.

According to Richard Newcomb, the Director of Foreign Assets Control (OFAC), the entity responsible for carrying out the provisions of this bill:

Even when assets are properly blocked under U.S. law, a U.S. citizen can petition OFAC for a license unblocking the U.S. Citizen interest in blocked assets. OFAC has a long-established formal and informal licensing authority in sanctions programs to minimize adverse impact on U.S. persons while vigorously implementing the sanctions against targeted foreign persons.

Second, according to Newcomb, OFAC will have the authority under section 805(b) of this Act to completely unblock assets:

If the U.S. citizen believed that its interest in the foreign person’s assets is mistakenly or wrongly blocked, that U.S. citizen could petition OFAC to have the interest unblocked.

Finally, “Also, as section 805(f) must be read to avoid any Constitutional problems, a U.S. citizen would not be precluded from that section from pursuing any Constitutional claims.”

In other words, Mr. President, U.S. citizens are now, and will continue to be, offered significant protections against wrongful blocking or seizure of their assets. The Treasury Department has assured us that nothing in this bill will eliminate a U.S. citizen’s absolute, Constitutional right to due process, and nothing in this bill attempts to do so. The clear purpose of the bill is to seek out foreign drug kingpins and cut off their access to the American economy.

I’d like to thank Senator COVERDELL for working so tirelessly with me on this bill, and I thank my colleagues on both sides of the aisle for supporting our efforts. I yield the floor.

Mr. KENNEDY. Mr. President, for the record, I want to ensure that congressional intent on the Secretary of Health and Human Services’ organ transplantation rule is clear. The provision in the tax extender bill, which provides for a 90 day delay with a required 60 day comment period, does not reflect the views of the Health, Education, Labor, and Pensions Committee. Rather, congressional intent is expressed by the appropriate 1999 Consolidated Appropriations bill, which simply delays the effective date of the regulation by 42 days. This compromise assures that the transplant community and affected patients will have one final chance to discuss this issue, and that the Secretary shall then proceed with the regulation. Therefore, the provision in the Consolidated Appropriations bill should have legal effect, notwithstanding the provision in the tax extender bill.

I ask unanimous consent a statement of Administration Policy 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 ON H.R. 1180—TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT

Today, the Senate is expected to vote on the conference report of H.R. 1180, the Ticket to Work and Work Incentives Improvement Act. The Administration has a deep and long-standing commitment to helping and promoting the independence of people with disabilities.

H.R. 1180 would give people with disabilities a new chance to work without fear of losing their Medicare and Medicaid coverage. This bill also would create a demonstration program that provides people who are not yet too disabled to work the opportunity to “buy into” Medicaid to help them keep working. In addition, it would enhance opportunities for Social Security disability beneficiaries to obtain vocational rehabilitation and employment services from their choice of participating providers. The Administration strongly supports these provisions that will enable more people with disabilities to work.

The Administration is deeply troubled that H.R. 1180 includes a provision concerning the organ transplantation rule of the Department of Health and Human Services that would provide for a 90-day delay in the rule, including a required 60-day comment period. This provision is in conflict with the provision in the 1999 Consolidated Appropriations bill that would provide for a 42-day delay. The Statement of the Managers for the Consolidated Appropriations bill makes clear their intent that there be no further delay.

The provision in the Consolidated Appropriations bill represents the true compromise
that resulted from negotiations involving all parties. The Administration agreed to and supports the compromise provision in the Consolidated bill and believes that the rule should be issued without further delay after the 42nd joint session.

H.R. 1180 contains several time-sensitive provisions that extend expiring tax laws. The Administration supports many of these provisions, including the extension of alternative minimum tax provisions, the research and experimentation tax credit, the qualified zone academy bond authorization, the brownfield investment tax credit, and the District of Columbia homebuyers credit. Although the extension of certain expiring tax laws is essential, the failure to fully offset the revenue losses resulting from these provisions is unfortunate. The Administration also is disappointed that H.R. 1180 includes the special allowance adjustment for student loans because it exposes the Federal Government, rather than lenders, to substantial financial risk due to the difference between Treasury and commercial paper borrowing rates.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report.

The assistant legislative clerk read as follows:

The committee on conference on the disagreements of the two Houses on the amendments of the Senate to the bill, H.R. 1180, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conference.

(The conference report is printed in the House proceedings of the RECORD of November 17, 1999.)

The PRESIDING OFFICER (Mr. Roberts). Who yields time?

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I ask the Chair, what is the status?

The PRESIDING OFFICER. The time until 5 o’clock is equally divided between the Senators from Delaware and the Senator from New York.

Mr. KERREY. The Senate is currently on the conference report for tax extenders.

The PRESIDING OFFICER. The Senator is correct.

DAIRY COMPACTS

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. LOTT. Thank you, Mr. President. And I thank the Senator from New York.

The PRESIDING OFFICER. The conference report was agreed to.

Mr. KERREY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. LOTT. I know we have this very important legislation involving work incentives for our disabled citizens that—

Mr. MOYNIHAN. May we have order.

The PRESIDING OFFICER. The Senator from New York is exactly correct. The Senate is not in order. We will be in order. The Senate will be in order. Will Senators to my right please cease all audible conversation.

The majority leader.

Mr. LOTT. Thank you, Mr. President, and I thank the Senator from New York.

The PRESIDING OFFICER. The Senator is correct.

In this case, the two Senators from Wisconsin, PLENNEL, and Senator FITZGERALD, were not treated fairly. I do not think we should leave it on this line. But I am committed here today to work with those who believe we should not be doing this to find a way to do it better, to know that the Senate on the other side will fight tenaciously against that, but I want the RECORD to reflect my true feelings on this and reflect my commitment that we are not going to leave it on this line. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I associate myself with the remarks made by the distinguished majority leader. He noted that this is a matter of great importance to many Senators, including those from the Northeast. They have made their position known, and I respect that position.

I have also indicated to them personally, and I have said publicly, that I do not support compacts. I do not support the Northeast Dairy Compact. I do not believe it is good economic policy. I think the process that allowed the Northeast Dairy Compact in H.R. 1402 to be inserted in the budget process was flawed and wrong and unfair. This isn’t the way we ought to deal with complex and extraordinarily important economic policy affecting not hundreds or thousands but millions of rural Americans.

I oppose compacts in any form, but I especially oppose them when they are loaded into a bill without the opportunity of a good debate, without the opportunity of votes, without the opportunity of amendment.

We will come back to this issue. We must revisit this question. We must find a way by which to assure that all views are taken into account, and all sections of the country are treated fairly.

In this case, the two Senators from Wisconsin, in particular, and the Senators from Minnesota, WELLSTONE and GRAMS, were not treated fairly. I do not fault anybody. These things happen. Senator LOTT and I have to deal

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with a lot of different challenges and issues. He and I have admitted that we wished this could have been done differently. Those four Senators were not treated fairly. I applaud them for coming to the floor to express themselves, and to say in as emphatic a way as they can, as eloquently as they have, how important this matter is to them and how determined they are to see it resolved.

My hat is off to them. I thank them. I also thank them for their cooperation in working with us to come up with a way to resolve this. It is one thing to throw things and to stomp up and down and to cause all kinds of havoc. Anyone can do that. But it takes courage, it takes character, it takes class to say, look, in spite of the fact that we were not treated fairly, we are going to work with you to assure that people in other circumstances will be treated more fairly. I thank them for that.

Again, I appreciate the majority leader’s comments in acknowledging the unfairness of this and ensuring that we will deal with it appropriately at a later date.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I enter this colloquy because I want to give a little bit of historical perspective, as chairman of the Agriculture Committee.

Mr. LOTT. Will the Senator yield briefly.

Mr. LUGAR. Yes.

Mr. LOTT. I ask unanimous consent that this colloquy extend for not to exceed 10 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MOYNIHAN. Mr. President, it may take a little longer. We are in an accommodating mode, thanks to our colleagues.

Mr. REID. If I could say to the majority leader, we have a number of people, Senator LUGAR, Senator GRAMS, Senator BYRD, who—

Mr. LOTT. I think it would help if I withdraw that and urge my colleagues, be profound but succinct.

The PRESIDING OFFICER. The distinguished Senator from Indiana has the floor.

Mr. LUGAR. The history of this situation goes back to the farm bill of 1996. At that time, the dairy provisions were the final issue to be compromised. At that time, the House and the Senate agreed upon a New England dairy compact for 2 years. The 2 years were to end September 30, 1998. During that time, the USDA was charged with the need to reform the entire dairy system and reduce the number of the arrangements for pricing from roughly 38 to 13.

USDA acted this year. The Secretary promulgated some reforms that moved toward more of a market system. Likewise, the Secretary did not make further comment about the compacts because, under the law, they were supposed to be gone at this point. Obviously, they have disappeared. A similar legislative predicament last year gave a wedge for the compacts to continue for another year in New England. Obviously, as the leaders have described it, that situation has occurred and will proceed for another year in New England.

Let me say, as chairman of the Agriculture Committee, we would like to reclaim the issue. It is in our jurisdiction. It is not in the jurisdiction of the people who worked this out. They had no right to do this. They have been widely condemned for doing it. There has been no debate on the compacts in our committee or on the floor, except for the bill. And they should have been gone by September 30, 1998, under those provisions. Likewise, although the House did decide to disagree with the Secretary of Agriculture, the Senate did not. The Senate did not have debate on this and, the fact is, the leadership of the committee wrote to the Secretary of Agriculture in a bipartisan way.

Let me reassure the distinguished Senators from Wisconsin and Minnesota that the Agriculture Committee of the Senate will be eager to take up legislation that deals definitively with this situation. It will require a majority of the committee and a majority of this body and, likewise, some cooperation from the House. But that is the proper way to proceed. A suggestion has been made that we ought to be heard as a Senator. I suggest that that is the way we will follow.

We will entertain legislation with regard to these dairy time and time again about this issue, I might add, above what the market would pay. Milk processors have to pay the higher price for the raw milk they process, and this higher price is passed along to the participating states, and, I might add, above what the market would pay. Milk processors have to pay the higher price for the raw milk they process, and this higher price is passed along to the consumer at the grocery store. With higher prices, consumption goes down, and children are the biggest losers. I don’t argue against a fair price or honest price—for any dairy farmer in Minnesota or Vermont or any other state. But I cannot support price-fixing schemes that legislatively transfer market share.

The Northeast Compact was authorized in 1996 during consideration of the Farm Security and Rural Investment Act (FAIR) Act. This controversial issue was inserted in the conference committee, avoiding a separate vote, after the measure had been
overwhelmingly defeated on the floor. While most of the FAIR Act was
designed to help farmers compete in world markets, an involvement in agriculture, the North-
east Interstate Dairy Compact established a regional price-fixing cartel with
in our very own country. The Northeast Dairy Compact has harmed dairy farmers in Minnesota, and this
kind of unfair subsidy should be termi-
nated. We should not be passing laws
that will have such a harmful impact
on any American. This compact does,

When this issue came to the fore, compacts were roundly condemned in
the major newspapers of the compact region. The New York Times, Boston
Herald, the Connecticut Post, and the Hartford Courant all weighed in
against the cartel, in addition to publica-
tions that are far USA Today and the
Washington Post.

Again, compacts were hardly con-
sensus legislation to begin with. The
House refused to put the provision in
its broader farm bill. And I must re-
iterate, the Senate voted on the floor to
strip the Compact language from its
bill. Despite these defeats, the compact
provision was slipped into the bill in
conference and signed by the President.
The Compact legislation could not
withstand the scrutiny of a fair debate
on the floor, and had to be muscled in
at the last minute in conference, just
as we’ve seen with this attempted ex-
tension today. Knowing that this
scheme was a bad idea from the start,
Congress limited the life of the com-
 pact, and that is why compact pro-
ponents asked for an extension and
could only achieve an extension
sneaked into an omnibus bill as we are
about to head out of town for the ses-
sion.

Retail prices of milk jumped imme-
 diately after the higher Compact price
was implemented. As predicted, the
milk produced in New England in-
creased by four times the national rate
of increase in a six-month period fol-
lowing Compact implementation. The
surplus milk was converted into milk
powder, leading to a 60% increase in
milk powder production. That surplus
directly harms dairy farmers in Min-
nesota and Wisconsin, driving down
prices of butter curd in the Midwest.

Soon after implementation, the
Northeast Compact had to begin reim-
bursing school food service programs
for the increases in cost caused by the
milk price hikes; an admission that
prices have gone up and consumers are
being affected. However, low-income
families that need milk in their diet
are not being reimbursed by the Com-
 pact for their increased costs. Milk is
a food staple, and one of the healthiest
foods we have. Going to groin with the
extension of this milk tax that hits low-
icome citizens hardest? Are we
going to continue a food tax on the
group of citizens who spend the highest
percentage of their income on food?

What’s next, a special tax on bread,
eggs, ground beef, or potatoes? But
the military, not the consumer! It would
be unfair, just as this compact
cartel is unfair. Consider the low-in-
come families with small children and
the elderly on fixed incomes in your
state and ask if this is the population
you want to bear the brunt of this re-
gressive milk tax.

Despite all of the discrediting infor-
mation about dairy compacts, members
continue to contemplate extending for
the second time this bad policy that
was initially only to be “temporary”
assistance to Northeast producers. Ev-
eryone who truly understands this
issue admits that compacts are harmful
for consumers and for American ag-
riculture, but somehow we can’t mus-
to distinguish from the truth. One to
the entrenched interests that support the
compact. Thus, we keep hitting the
snooze button—preferring to “tempo-
rarily” extend bad policy rather than
addressing it on a policy basis. What is
the more egregious is other regions of
the country are promoting compacts
for themselves to tap into these
goodies at the expense of other regions
of the country such as the Upper Mid-
west. And again would force consumers
to pay unfair high prices for milk.

This is really Economics 101. If you
artificially raise the price received for
a commodity, you can count on more
being produced. Where does the excess
go? It goes into areas where there isn’t
a floor price, and that excess produc-
tion depresses the price that producers
in my state receive. It’s really not that
hard to understand, despite the senti-
mental arguments that compact sup-
porters use to cloud the real issues at
play in this debate. Again, we are try-
ing to knock down the bar-

riers around the world to open markets
and give our farmers a level playing
field to compete, but would erect these
same barriers to trade inside our own
borders that will not allow dairy farm-

er in the Midwest to fairly compete.

As I said earlier, I must address some
of these urban myths about the bene-

fits of compacts, myths that are so
often repeated around here by col-
 leagues that they have become difficult
discernible. One of these claims is that compacts are
somehow a matter of “states’ rights,”
and that compacts make an important
contribution toward devolving power
back to the states.

The fact is that regulation of inter-
state commerce is a power specifically
delegated to Congress in Article I, Sec-

tion 8 of the Constitution, which states
that Congress shall have power “to reg-
ulate commerce with foreign nations,
and among the several states, and with the
Indian tribes.”

Regulation of interstate commerce
was one of the chief reasons our coun-
try’s founders abandoned the Articles
of Confederation and moved to adopt
the Constitution. I consider it one of
the great ironies of this debate when I
hear colleagues claim that the dairy
compact issue boils down to “states’
rights.”

Professor Burt Neuborne, a constitu-
tional law professor at the New York
University School of Law, in testimony
before a subcommittee of the House Ju-
diciary Committee, noted that the
chief motive for the Founding Fathers’
decision to abandon the Articles of
Confederation in favor of the Constitu-
tion was to foster a free market of
trade within the United States. Under
the weaker Articles of Confederation
that entrusted commerce powers in the
states, states enacted price controls
to protect high-cost producers from com-
petition from other regions of the
country. The Constitution corrected
this problem by empowering Congress

to regulate interstate commerce. Ac-
cording to Professor Neuborne,

At the close of the Revolution, the thir-
teen original states experimented with a
national confederation that delegated power
over foreign affairs to a national govern-
ment, but retained power over virtually ev-
erything else at the state and local level.
The lack of a national power to regulate

interstate Commerce led to the eruption of a
series of trade wars, pitting states and re-
gions against one another in a mutually de-
structive spiral.

United States Supreme Court Justice
Robert H. Jackson, reviewing the his-
tory of the Commerce Clause in a 1949
opinion, stated that:

The sole purpose for which Virginia ini-
tiated the movement which ultimately pro-
duced the Constitution was “to take into
consideration the trade of the United States;
to examine the relative situations of trade of
dead States; to consider how far a uniform
even in their commerce may under the
power over its internal affairs. No other fed-
eralize regulation of foreign and inter-
state commerce stands in sharp contrast to
their jealous preservation of the state’s
power over its internal affairs. No other fed-
eral power was so universally assumed to
be necessary, no other state power was so read-
ily relinquished. [As Madison] indicated,

“want of a general power over Commerce led
an exercise of this power separately, by the
states, (which) not only proved abortive,
but engendered rival, conflicting, and angry
regulations.”

Continuing to quote again from Pro-
essor Neuborne,

James Madison noted that the single most
important achievement of the Constitutional
Convention was to rescue the nation from a
continuation of the parochial trade wars
that had marred the first ten years of its ex-
estion, threatened its future permanent
harmony. . . . Congress should reflect on the
fact that Madison’s understanding of the re-

lations between economic protectionism
and the erosion of political unity was bril-
liantly prescient. One of the Founders’ en-
during insights was that regional economic

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protectionism is ultimately corrosive of national political unity. To prevent economic nationalism, the Founders imposed a constitutional prohibition on state and regional efforts to discriminate against goods and services produced elsewhere in the nation. To tamper with that constitutional prohibition is to tamper with the mainspring of the nation’s political and economic fabric.

Professor Neuborne’s research on the topic of interstate compact localism is currently in progress under the auspices of the Constitution. Two hundred ninety-nine times before, the compact power had been used for a constitutionally legitimate purpose. Only now, with the advent of the dairy compact, has Congress codified the meaning of Article I, Section 10 as an opportunity to set up a protectionist, multi-state cartel, in direct conflict with the Commerce Clause of the Constitution.

The Supreme Court has repeatedly ruled that by granting to Congress the power to regulate interstate commerce via Article I, Section 8, the Constitution carries with it a negative implication precluding the states from engaging in protectionist schemes that favor local economic interests at the expense of national competitors.

Mr. President, are we not in fact returning to the very types of behavior that the Constitution was in large part designed to remedy? Are we really willing to pit region against region, and create protectionist regimes, under the guise of dairy compacts, even within our own country?

The next pro-compact argument I would like to address is the claim that the compact is necessary to guarantee an “adequate supply of fresh, locally produced milk” to consumers. As I have said before, I believe the constant refrain that compact supporters are merely trying to guarantee an “adequate supply of fresh, locally produced milk” is a calculated deception designed to mislead consumers into believing that without this legislation, there may not be a consistent supply of milk in the grocer’s dairy case. This is simply false. Our nation produces three times more milk than it consumes as a beverage. And I should note that Minnesota farmers have not come to the federal government asking for pricing advantages so they can grow oranges or lemons and guarantee Minnesota consumers a quote “adequate supply of fresh, locally produced citrus.” Minnesota farmers want to produce what they can earn enough to support their families and continue to do something they love to do. I would ask my opponents to please not cloak the dairy cartels with the mantle of supposedly helping the little guy against encroaching agribusiness conglomerates. The hard evidence shows that on average, the wealthy, large producers are not, I repeat, not, in the Midwest, and the rich will only get richer if a compact extension gets rammed through the Senate. Mr. President, not only are certain members of this Congress trying to impose expensive dairy compacts on the American consumer, but they are also trying to strong-arm through milk marketing order changes that adversely impact both Upper Midwest producers in the dairy heartland of America and low-income consumers. I also want to review how we have arrived at this point today where Congress is trying not only through compact but through the milk marketing order system, to blatantly seize market share from dairy producers in one area of the country and give it to processors in another. This bill not only hits Midwest producers once, but twice. The current milk marketing system requires processors to pay higher minimum prices for fluid milk the further the region is located from Eau Claire, Wisconsin. To reform this antiquated, Depression-era method for supplying milk to consumers reincarnates the idea that the market should pick winners and losers in the dairy industry. Congress, through the 1996 FAIR Act, required USDA to significantly reduce the number of milk marketing orders, and transition to a more market-oriented system of milk distribution. After many months of study and comments from hundreds of market participants, USDA proposed Options 1–A and 1–B. The Option 1–A proposal made minimal changes to the old marketing order pricing system, while Option 1–B contained some basic free market reforms and modernizations of the system. The Upper Midwest did not like what it saw in 1–B, actually, and liked the compromise even less, but it was a small step in the right direction, and we supported it as a compromise.

The compromise came after the USDA received testimony concerning the two alternatives, and, as I said previously, the final rule takes steps toward simplifying and modernizing the milk marketing order system. As an Option 1–B supporter, I hoped for a proposal closer to 1–B, but accepted the need for compromise and, again, supported it. Implementation of the new compromise orders has unfortunately been postponed by a lawsuit in federal court.

Option 1–A is basically no reform, and would ignore the direction of Congress in the FAIR Act. It would increase prices for consumers, affecting most the low-income consumers that spend a high percentage of their wages on food. Option 1–A also keeps in place the regional discrimination of the milk pricing system that benefits producers in some parts of the country at the expense of dairy farmers in other regions, much like compacts. Again, it’s a government program that picks winners and losers, not allowing the market to set the prices. It is opposed by free market taxpayer advocacy groups, consumer groups, regional producer groups, and processor groups, and it is forbidden to pit region against region. Option 1–B, actually, and liked the compromise even less, but it was a small step in the right direction, and we supported it as a compromise.

The compromise came after the USDA received testimony concerning the two alternatives, and, as I said previously, the final rule takes steps toward simplifying and modernizing the milk marketing order system. As an Option 1–B supporter, I hoped for a proposal closer to 1–B, but accepted the need for compromise and, again, supported it. Implementation of the new compromise orders has unfortunately been postponed by a lawsuit in federal court.
Again, the final rule is a compromise, not the best for either 1A or 1B advocates but a middle ground. We should not rush to replace it with 1A. Adoption of 1A would in effect maintain the status quo that, again, heavily favors some dairy farms at the expense of others. And please don’t look at this debate as a mere balance sheet of who wins and who loses, or count votes that way. Remember that the Upper Midwest has been at a price disadvantage for more than sixty years, and this reform was only a modest and, in fact, inadequate, attempt to correct the unfairness. Compacts are bad enough, but retaining these failed dairy policies of the past on top of that is incomprehensible.

Currently 85% of the milk produced in the Upper Midwest goes into manufacturing. When other regions of the country receive higher Class I differentials, the excess production spills into Midwestern markets and lowers the prices that our producers receive. Artificially inflated prices will always, always always increase production. You can count on it like the sun rising in the morning. And by artificially inflating milk prices in areas of the country that are not particularly suitable to dairy production, Congress is literally trying to micro-manage where America’s milk will be produced, and to take away dairy markets from the Upper Midwest.

No other product receives the same kind of discriminatory pricing treatment that milk does in our country. The Upper Midwest can produce milk for a third less than some regions of the country. Why should the family farmers in the Upper Midwest not be allowed to benefit from the comparative advantage they have in milk production?

Some will claim that the compromise reform will cost the dairy farmers across the country $200 million. This is not true. Actually, according to a USDA study, net farm income will be higher under the compromise rule in comparison to the status quo. And the Food and Agricultural Policy Research Institute at Iowa State, an agricultural policy research group, concluded that 60% of the nation’s dairy farmers would receive more income under the USDA plan.

Some supporters of H.R. 1402 make a strong argument as dairy compact proponents that if we do not implement H.R. 1402 then milk will be produced by agribusiness, or that further farm consolidations will occur. Going back to the USDA figures, North Carolina, where a delegation has argued strenuously for the reversion to Option 1A, has an almost 20% larger per head average dairy farm size than my home state of Minnesota. Of course, Minnesota is part of one of the regions of the country that the opposition tries to demonize as the center of corporate agriculture. This is not a battle between, quote, “small family dairy farms” and large Midwestern dairy farms only gets more striking. New York, a state that has also seen significant political support for H.R. 1402, has an average herd size per dairy farm that is 37% larger than Minnesota’s. Georgia’s average herd size is 72% larger than Minnesota’s, and Florida’s average herd size is four times larger than my home state’s. Like the dairy compact argument, so much for the idea that we are saving the family farmer through passage of H.R. 1402.

As an aside, because of the blatant unfairness of the system, and because the efforts of Upper Midwesterners to get their compact dumped have been ignored, forcing us to fight these last minute riders and strong-arm tactics, I have recently introduced legislation to totally deregulate the milk marketing order system, effective upon the date of enactment. This new marketing order system is a relic from the past. It’s a byzantine arrangement of complicated pricing formulas that looks like something conceived in 1980s Eastern Europe. It’s time to tear this entire decaying, outdated infrastructure down, and start anew with an even playing field on which all producers can compete. That’s what my legislation does, and I ask my colleagues who believe in fair trade and a fair shake for hard working farmers to sign on as cosponsors.

Mr. President, the dairy compact and other dairy provisions attached to this legislation are anti-competitive, anti-consumer, unprincipled, and an affront to the family dairy farmers in my state who are thoroughly disgusted by this entire turn of events. We have sacrificed any basic sense of fairness during this process. These provisions have been added at the last minute, behind closed doors because they won’t surly be the scrutiny of public debate. Because of the blatant injustice that is being done to Minnesota farmers, I am committed to joining my Upper Midwest colleagues in doing all I can do to ensure that this legislation does not reach the President’s desk.

Mr. President, I would now like to read several newspaper editorials that have been written across the country in opposition to dairy compacts and H.R. 1402.

To begin, from the March 15, 1997 edition of The New York Times:

Agriculture Secretary Dan Glickman blundered last year when he approved a dairy cartel in the Northeast that would jack up consumer prices by perhaps 25 percent. ... The Dairy cartel, also called a compact, would control the production and distribution of milk in New England, raising its price by between 13 and 35 cents a gallon. That would pump money into the bank accounts of the region’s 3,660 dairy farmers by pushing prices back up to last year’s sky-high.

From the March 2, 1998 USA Today:

Imagine being a widget maker in Georgia or New Hampshire with a federal guarantee that assures you a higher price for your product than widget makers in Wisconsin or Iowa. Sounds incredible, huh? Imagine being a cattle raiser in Florida or Oregon with a guarantee for your beef that’s better than what ranchers in Texas or Nebraska can get. Impossible? Yes—but only because you’re producing widgets or hamburgers. If you’re in the milk industry, it’s business as usual.

Pressured by the dairy industry, the government maintains a Depression-era formula that makes some cows (and their owners) more equal than others, depending on where they live. Millions of consumers and taxpayers pay the price; higher milk costs for themselves, higher taxes for government-bought milk for schools and other programs.

Apologists for government control claim the program is necessary to keep farmers in business and assure a supply of milk. The number of dairy cows has nearly quadrupled. U.S. milk production has increased from 23.6 million in 1940 to 9.4 million in 1996; farms with dairy cows dropped from 4.7 million in 1940 to 155,300 in 1992. But the milk produced per cow has nearly quadrupled. U.S. milk production is up from 109 billion pounds in 1940 to a projected 162 billion pounds in 2000, despite a 60% reduction in the number of cows. And while the sales of cheese, milk, and other dairy products like eggnog and yogurt are up, U.S. demand for liquid milk has been essentially flat for more than 20 years.

Yet dairy farmers continue to get special privileges, eluding even the 1996 “Freedom to Farm” law that committed the government to phasing out price supports and market manipulation for corn, soybeans, wheat and other commodities. ... Aggressive dairy lobbyists in state capitals from Louisiana to New York are pressing to form or enlarge new regional compacts that permit even more manipulation of milk prices at the consumer’s expense—adding up to 15 or 20 cents a gallon. That’s on top of the indefensible marketing orders, which inflate retail milk prices by at least $1.5 billion a year for a program that isn’t needed. Congress abolished “welfare as we know it” for mothers and children. Welfare for cows and dairy farmers should end as well.

The next editorial shows that though the compacts are ostensibly put in place to help small farmers, they have failed to do so, and exist as subsidies to large New England operations. Following are excerpts from a July 19, 1999 Boston Globe editorial:

Dairy farming in New England, especially in Massachusetts has been an oppor-
Concluding with an excerpt from the editorial, it says:

Even the New England system provides more subsidies than are needed to achieve its objective. The funds that now go to larger farms would be more effective if they were used to increase small-farmer subsidies, typically $3,000 to $4,000 per farm.

Now, I must disagree with the editorialis’s assessment that the subsidies should be continued, but I find it very significant that even in New England they recognize that since the subsidy does not specifically target the smaller farms, it disproportionately helps the larger operations because the subsidy is based upon the volume produced. It should not be surprising that efforts to cap the subsidy to a fixed level of production have been successfully resisted by the large dairy farms in New England.

The next editorial I will read is from the April 27, 1999 edition of the Houston Chronicle:

The Texas House of Representatives recently approved a bill that seeks to raise milk prices and deprive Texans of the benefits of the Senate’s proposal to deflect long before rejecting it. House Bill 2000 would require Texas to join the Southern Dairy Compact, which sets the minimum price for milk producers in six member states. The minimum price inevitably would be higher than the price Texans pay in a competitive market.

I should note at this point that Congress has not in fact authorized the Southern Dairy Compact, and if common sense, prevails, it won’t. Congress has arbitrarily chosen New England consumers to pay the milk tax, and New England producers to receive it.

Again, this excerpt from the Houston Chronicle article:

Texas dairy farmers are producing all the milk that Texas families and dairy product manufacturers need and more. There is no reason to believe the state government should make families pay more for the milk, ice cream and other dairy products they buy. The state purpose of House Bill 2000 is to preserve family dairy farms and ensure a supply of fresh milk. But history shows that milk price controls heighten the financial advantage enjoyed by the largest producers without subsiding the small dairy farms.

Furthermore, anyone who thinks Texas needs added government regulation to provide a reliable milk supply has not seen the dairy case at the supermarket that are filled to overflowing with milk and dairy products of every description. Why change a system that provides ample supply and variety at a reasonable price? Adding to Texas the Southern Dairy Compact would do little to help Texas milk producers, but it would deprive Texas dairy production manufacturers and retailers of consumers in state where the price of milk is controlled.

This bill is bad for consumers, bad for manufacturers and retailers of dairy products. The Senate’s proposal to limit the subsidies to a fixed level of production, about $1.5 million gallons of milk annually, which is typical for smaller farms.

In 1996, Congress revamped federal farm laws, intending to ratchet down government’s intrusion in agriculture. But a bill would permit the creation of regional cartels that would set artificially high prices for milk. Pennsylvania consumers should be lobbying lawmakers against this legislation. The fact that the state’s outdated milk-board system already sets minimum milk prices—albeit much lower than the prospective of a regional price-fixing body imposing still higher prices. Here’s how it works: Congress established the Northeast Interstate Dairy Compact, an agreement among six New England states to prop up milk prices in an effort to save small dairy farms. When milk prices on the open market fall below a certain target price, the compact states tack a surcharge onto milk. The extra revenue is passed back to consumers; the higher milk price gets passed along to consumers.

The compact is set to expire October 1, but a bill introduced in April would make it permanent. It would include six more states, including Pennsylvania. What’s worse, the bill also would establish a Southern Dairy Compact, which could include up to 15 more states. The Northeast Interstate Dairy Compact has raised milk prices by almost 20 cents a gallon since its inception. By federal and state law, the compact could raise milk prices in Pennsylvania by about 70 cents a gallon, consumer groups warn. The logic behind the original legislation, to save small dairy farms, has some appeal. Dairy farms nationwide have been going out of business, usually because they are acquired by larger producers, at an average rate of 5.1% a year in the 1990s, experts say. But that doesn’t prove the compact would protect small farmers; it may hurt them. Larger dairy farms which produce the most milk reap the most benefit in subsidies from the compact. Alarmed by the potential harm both to middle-class consumers and low-income families, various groups are protesting the new bill. Nutrition and consumer groups, government-spending watchdogs and milk processors and retailers all have lined up against the concept. Congress should reject this attempt to stifle the counter-productive intrusion on the workings of the free market. Let the milk cartel die.

The following editorial is from the January 5, 1999 issue of Newsway:

Despite a few new consumer protections such as the right to buy local dairy products, the deal for the Northeast Dairy Compact, the state should not have allowed New York’s dairy farmers to join a regional milk cartel. This sorry stuff will result in a higher wholesale price of milk artificially high, forcing producers to pass the cost on to consumers. The hit will fall hardest on the poorest parents who buy milk for their children. And it’s not clear now much it will help the small farm owners most in need.

Besides, there are other ways to help dairy farmers that wouldn’t necessarily push up milk prices in markets. For instance, could cut or subsidize a variety of taxes about which farmers have complained. Meanwhile, wholesale milk prices are at a record high, easing some pressure on farmers. Entrance into the Northeast Interstate Dairy Compact would tie New York’s farmers into a New England cartel designed to maintain higher prices when they otherwise would collapse. Rather than benefit from lower prices, consumers would pay the higher ones when wholesale prices soar. And the law linking wholesale and retail prices, barring severe inflation, it won’t ever be reached. Schools are protected but not other nonprofits. Now, there’s only one way to stop this scheme: Congress has to approve it. It shouldn’t.”

This next editorial is from the April 4, 1999 edition of the Atlanta Journal-Constitution:

Since the federal Freedom to Farm Act was passed in 1996, the U.S. government has been trying to wean the nation’s farmers, including the dairy industry, from government price supports and other subsidies that interfere with the workings of the free market. Unfortunately, the dairy industry is trying to undo that progress by pressuring Congress and states such as Georgia to approve interstate dairy compacts. If the industry succeeds in that lobbying campaign, consumers will have to pay higher prices for a basic food commodity essential for good health.

The compacts, if approved would essentially establish legal cartels for dairy farmers, forcing them to sell their products to the cartel’s processors and retailers at higher prices, higher than the market would otherwise allow. In Georgia, dairy farmers have lobbied the recent session of the General Assembly to sign the cartel into law. If Georgia approves the Northeast Dairy Compact, it will be the first in the nation to join the Southern Dairy Compact. The same bill was passed a year ago by the General Assembly but was vetoed by Gov. Zell Miller, who noted that it might be unconstitutional and would certainly raise prices for consumers. The decision whether to sign the latest bill rests with Miller’s successor, Roy Barnes.

Barnes was elected last year in part by portraying himself as a consumers’ advocate. If he honors the philosophy, he too should see the dairy compact as more than a back-door tax increase and veto it accordingly. Government should not use its power to guarantee any business or industry a profit.

A dairy compact already exists in New England. After it was enacted in 1997, the price of milk rose from $2.54 and fluctuated to a high of $3.21 a gallon. Milk prices there initially jumped about 20 cents a gallon, enough to generate an additional $16.7 million for dairy farmers in less than two years. Not surprisingly, New England dairy farmers have used the compact as a tool to keep the price of milk high, not designed to prevent their profits from dropping too dramatically.
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Those who actually pay higher prices, however, are farmers who sell in markets that are significantly in the South, where the price of milk is higher than in the Midwest. Farmers who live farther away from the dairy farms and thus pay higher prices for milk that they use to make cheese and butter are the real winners of the milk price war. The federal government should be concerned about the welfare of dairy farmers, but there is no evidence that higher prices for milk are a benefit to consumers. In fact, higher prices for milk only benefit dairy farmers who sell in markets where the price of milk is higher than in the Midwest. Farmers who live farther away from the dairy farms and thus pay higher prices for milk that they use to make cheese and butter are the real winners of the milk price war. The federal government should be concerned about the welfare of dairy farmers, but there is no evidence that higher prices for milk are a benefit to consumers. In fact, higher prices for milk only benefit dairy farmers who sell in markets where the price of milk is higher than in the Midwest.
Kansas lawmakers have given tentative approval to a plan that would close the last market-based dairy subsidy — the “price order” — for milk farmers. While the United States is market-friendly, it’s only a first step. It simplifies pricing and narrows disparities between efficient Midwestern farmers and less-efficient producers who often get up to $3 per 100 pounds of milk. But doing so, it would remove a $200 million, consumer-pooled subsidy, potentially driving many Northeastern and Southern dairy farmers out of business.

The House scapped the Eau Claire system, but left in place pricing that hurts consumers, who pay artificially high prices for milk. The Senate shouldn’t follow suit; if it does, the President should veto the bill. Meanwhile, Vermont’s senators are spearheading an effort to renew the federal authorized Northeast Dairy Compact, which is expiring. Separate from the USDA pricing system, the compact allows regional officials to set prices for milk. Some Southern senators want a similar cartel.

Yet all this price-fixing has failed to halt the decline of inefficient dairy farms. Between 1990 and 1996, dairy farms fell about 5 percent a year to 91,508. Price-fixing only drags out the difficult process of weeding out unprofitable business in 1933. Citizens Against Government Waste notes that the excuse was to reorganize the dairy industry. This idea has always survived. The House scrapped the Eau Claire system, but left in place pricing that hurts consumers, who pay artificially high prices for milk. The Senate shouldn’t follow suit; if it does, the President should veto the bill. Meanwhile, Vermont’s senators are spearheading an effort to renew the federal authorized Northeast Dairy Compact, which is expiring. Separate from the USDA pricing system, the compact allows regional officials to set prices for milk. Some Southern senators want a similar cartel.

Price supports and marketing orders are part of a . . . system rivaling anything devised in the capital. They are in the Office of the Secretary of Agriculture. They cut off the dairy farmer from the realities of the market, causing overproduction and waste, with the government trying to buy up perishable stocks like cheese, butter and even entire dairy herds. Price supports are winding down because of the 1996 Farm Bill, but marketing orders remain.

Clinging to the days when long-distance refrigeration was a potential problem, the order include differential pricing based on the distance from Eau Claire, Wisconsin, which makes that hamlet the center of the dairy universe for no logical reason. That translates into 35 cents more per gallon of milk for Florida residents, 14 cents for those in the Midwest, and 72 percent last year, the Kansas Farm Management Association announced Tuesday. The House voted Wednesday to block the Agriculture Department from modernizing the 1937 pricing system, which is obsolete. The nation, too, has a stake in modernizing the 1937 pricing system, which is obsolete.

“Today’s dairy farmers are more than just earning a living; it’s a way of life and a connection with the land. The nation, too, has a stake in preserving farms. But at what price? It’s a mistake to argue that agriculture can be insulated from shifting market forces forever. Government can help farmers adjust but not always survive.”

This week saw Congress swing backward in its own mandate to update a federal system of setting milk prices that currently prop up farmers. There’s one crucial issue: Dairy sales make up roughly 10 percent of American farm income. The House voted Wednesday to block the Agriculture Department (USDA) from modernizing the 1937 pricing system in which dairy farmers get higher prices for raw milk the farther they live from Eau Claire, Wisconsin. (Then considered a “center,” said Congress in the 1930s, of the dairy industry. The idea has always survived.) The House scrapped the Eau Claire system, but left in place pricing that hurts consumers, who pay artificially high prices for milk. The Senate shouldn’t follow suit; if it does, the President should veto the bill. Meanwhile, Vermont’s senators are spearheading an effort to renew the federal authorized Northeast Dairy Compact, which is expiring. Separate from the USDA pricing system, the compact allows regional officials to set prices for milk. Some Southern senators want a similar cartel.

Yet all this price-fixing has failed to halt the decline of inefficient dairy farms. Between 1990 and 1996, dairy farms fell about 5 percent a year to 91,508. Price-fixing only drags out the difficult process of weeding out unprofitable business. Implementation of price supports and marketing orders are part of a new market-based dairy compact and to create a new one. Such deals “are bad for consumers, bad for farmers and bad for the future of American agriculture,” he said. It would be another step backward from free-market reform—a troubling turn of events. And so the Freedom to Farm Act itself has been left to take the rap for farmers’ woes—low prices resulting from a record harvest, coupled with overseas financial crises. The news is terrible: Kansas farm income plunged 72 percent. The House voted Wednesday to block the Agriculture Department (USDA) from modernizing the 1937 pricing system in which dairy farmers get higher prices for raw milk the farther they live from Eau Claire, Wisconsin. (Then considered a “center,” said Congress in the 1930s, of the dairy industry. The idea has always survived.) The House scrapped the Eau Claire system, but left in place pricing that hurts consumers, who pay artificially high prices for milk. The Senate shouldn’t follow suit; if it does, the President should veto the bill. Meanwhile, Vermont’s senators are spearheading an effort to renew the federal authorized Northeast Dairy Compact, which is expiring. Separate from the USDA pricing system, the compact allows regional officials to set prices for milk. Some Southern senators want a similar cartel.

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He says Mr. Clinton ought to help Congress with trade and regulatory relief legislation instead of throwing up roadblocks and imposing new sets of rules on farmers. Mr. Boehner is right, and his colleagues should join him in putting the pressure on the White House. As reforms go, Freedom from Farm was pretty tame, a watered-down compromise that left a lot of pet projects intact. But it breaks federal precedent, by starting to reverse 60 years of Depression-era subsidies and controls that made little sense once America recovered from recession. Now, those measures are in danger from a rule-happy, control-freak administration, enabled by a complacent Congress.

Finally, the last editorial I’m going to read is from Wednesday’s edition of the Washington Post. It says:

This is a Congress that began with lofty discussions of saving Social Security, modernizing Medicare, etc. But all legislatures come back to the fundamentals in the end. Among the few issues that remained as the two chambers were completing their work—right up there with U.N. dues and Third World debt—were milk price supports. Somewhere in the final mega-bills will be provisions allowing New England to maintain a dairy compact that keeps milk prices artificially high, and abandoning a modest reform that Congress itself virtuously ordered a few years ago reducing such supports elsewhere in the country. These provisions are brought to you by people who in other contexts present themselves as foes of government regulation. But they like it well enough when it produces what they want—exporting higher prices for milk, for example.

In the Freedom to Farm Act of 1996, while reducing supports for other crops, Congress called for a study of the milk marketing order system, which props up prices at the checkout counter. The study produced a recommendation that the system be preserved but eased. Even that seems too much for the milk folks in Congress. Though the issue was still in play, it appeared last night they would succeed in keeping the old system intact. The emergency dairy pricing program, doled out to producers of other crops in the past two years, repealing by another name the reduced supports in Freedom to Farm. Meanwhile, the Northeast Dairy Compact, which was due to expire, will be allowed to remain in effect for two more years.

The result will be to transfer hundreds of millions of dollars from consumers to inefficient producers who couldn’t otherwise compete. By definition, most of the benefit will go to larger producers. The impact will be disproportionately felt by lower-income consumers. It will be evident inside government regulation. But they like it well enough when it produces what they want—exporting higher prices for milk, for example.

We will have it, especially having passed Freedom to Farm. In the outrage of my two colleagues, I just want to say to Rod Grams and Herb Kohl, on this issue, not only did they fight for their States but for every consumer across this country. Senator Byrd, if the great general had been from Wisconsin it would have been a much shorter war, from a historians point of view, and that would have meant a much better outcome from a humanitarian’s point of view. In any case, we have had people here who stood up and fought for what they believed in, what was right for their States. In this body we still honor those people, I commend both Senator Kohl and Senator Grams.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. President, I have had the good fortune, in the past several days, to work to resolve many issues. We have made some progress. I want to say that what we have seen in the last few days could not be a better illustration that what politics and Government is all about. I say that in a positive fashion. We have had people from the State of Wisconsin and the State of Minnesota fighting for what they believe is right. The Constitution was developed to protect the minority, not the majority. The majority can always protect themselves.

The Constitution is set up, especially through the Senate, to always protect the minority. That is what they were doing, protecting themselves. They, in effect, didn’t get a fair deal in this omnibus bill.

About the Senator from Wisconsin, there have been a number of things said, especially by the Senator from West Virginia. I want to underscore and applaud the Senator. We have had people from the other Senator from Wisconsin is also recognized. They have both been stalwarts in this battle.

I direct everybody’s attention to yesterday’s CONGRESSIONAL RECORD. On page S14794, there was a statement made by Senator Kohl. If anyone is ever concerned about what the free enterprise system is all about, read what Senator Kohl said yesterday on the Senate floor. That is what this debate has been all about—about the free enterprise system in this great country of ours.

In effect, what the Senators from Wisconsin have been fighting about is whether or not the free enterprise system is going to be circumvented by a cartel, a deal that has been, in effect, condoned, underlined, and set forth by the Federal Government. It should not be. So I direct everyone’s attention to this. I appreciate very much the cooperation of the Senators from Wisconsin and especially the Senator from Minnesota, Mr. Wellstone. He has fought long and hard, and he has been on this floor for the last several days.
To my friends from Minnesota and Wisconsin, I appreciate their recognizing that they have rights. They have done everything they could to protect their rights under the Constitution.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I am going to defer to Senator Kohl, and I will follow him and Senator Feingold. I have literally 30 seconds.

I yield to Senator Kohl.

Mr. KOHL. Mr. President, I sincerely thank all of my colleagues who have spoken this afternoon. It has been remarkable to hear Senators from both sides of the aisle express themselves in such a heartwarming way, and I think in such a fair and clear way with respect to this country of ours and how our economy works and how it is intended.

It is remarkable to me that all these leaders have made clear that while we are passing dairy legislation this afternoon, it is of necessity, and not because they and we believe in the specifics of that legislation. It is heartwarming for me to know that when we come back next year, we apparently have common agreement on both sides of the aisle that we are going to work together to come up with dairy legislation that more clearly and fairly represents the interests not only of the different parts of our country in terms of our States and regions but more clearly represents the real intentions of our Constitution with respect to how this economy is supposed to work and how the free enterprise system is supposed to work.

It has been a long, hard fight for myself, Senator Feingold, Senator Wellstone, Senator Grams, and others. Certainly, what happened here this afternoon in my opinion, justifies that fight and leaves me feeling very good about my colleagues on both sides of the aisle and feeling very optimistic about the things we can look forward to next year.

I yield the floor.

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

Mr. FEINGOLD. Mr. President, I thank all the people who have participated in the colloquy for their kind words about our effort and for coming to the floor to say it. My primary purpose in rising at this point is to praise my senior colleague, Senator Kohl.

The words that have been said about many in this effort are true. But I want everyone to know that this was not an effort that he initiated a week ago, or 2 weeks ago, or 2 years ago. Every single day since I have been in the Senate I have found working with Senator Kohl and with all of the patrons to be the best opportunities to work with another Senator together for our State. This has been certainly the most dramatic example. But it is an example also of the tenaciously that Senator Kohl has on behalf of our dairy farmers.

Both he and I spent our entire youth in Wisconsin. He and I both know that in 1950 there were 150,000 dairy farms in this Wisconsin. Now there are less than 23,000. Over that time you begin to realize that some of the old dairy policies may once worked but now, frankly, are absurd. The notion of having this difference between the class I milk across the country based on issues that refrigeration and transportation that stopped existing decades ago makes no sense. The idea of a dairy cartel in one part of the country and a system that is supposed to be based on national economy and free enterprise is also ridiculous.

We know this Congress asked that the Department of Agriculture take a look at these issues, and said: What do you think we ought to do? They came back with a conclusion to narrow those differentials and get rid of the compact. Over 90 percent of the producers and the people in the Midwest said it was a right idea. That is why Senator Kohl and I fought so hard, because it wasn't just our idea. It wasn't just Wisconsin. It was a national consensus.

Unfortunately, I think this Congress has very inappropriately overturned that. And Senator Kohl and I will not give up until we have had the opportunity to reverse this unfortunate decision.

But I want to join with my senior colleague in thanking everyone for their courtesies on this. We obviously could have taken this to an even greater extent, and we realize the issues that are involved in this. This is a very important issue to not only Wisconsin, but to Minnesota, and to other States. We certainly will be back early next year to continue the battle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, first of all, I also would like to thank all of my colleagues. I appreciate their comments.

I think the only thing I say that might be a little different is I remain pretty skeptical, to be honest. I am glad to hear what my colleagues have said. I think that is real progress. We are talking about working together. I think we are very committed—I say this to Senator Kohl, to Senator Feingold, and to Senator Grams—to making sure that working together leads to a product. We have to change what we have right now because the compact blocking the milk marketing order reform has a disastrous impact on our dairy farms.

I come from a State where we lose about three dairy farms a day. I appreciate the comments that have been made. I know the Senators who have made them have made them in good faith. That gives me confidence. On the other hand, given what has happened, permit me to be skeptical until we see the product. The proof is in the pudding.

Finally, since my colleague from Texas mentioned the Freedom to Farm bill—what some of us call the “freedom to fail” bill—I think dairy is part, just part of it. We have to write a new farm bill. We have a failed farm policy. We have to change this. We are going to press hard to do so.

Thank you very much. I yield the floor.

Mr. JEFFORDS. Mr. President, I must set the record straight with regard to the Northeast Interstate Dairy Compact. Rarely in all my years in Congress have I witnessed such ill-considered comment and media hysteria as has happened in the dairy Compact in these last few days.

I recognize that my Senate colleagues from the Midwest are, very understandably, raising the dairy issue to a new level of concern and I welcome the opportunity to respond to their call for productive changes in our dairy policy. As for my media friends, I appreciate the heightened scrutiny of our dairy policy, because we in the northeast share a common concern with our Midwestern Senate colleagues over the current state of our nation’s dairy policy.

To my Senate colleagues from the Midwest: I have worked on the dairy issue for all of my twenty-four years in the Congress. More than most, I appreciate the complexity and difficulty of this issue. There is nothing I would like more than to join with you in common cause to improve our nation’s dairy policy.

But let us be frank with each other. The key issue that has divided us in all my time here, and which continues to divide us, is your insistence that the Midwest should somehow be seen as the source of our nation’s supply of fluid, or beverage, milk.

This insistence has been and still remains simply contrary to the overwhelming will of this Congress. And this is not just an issue that divides the northeast and the Midwest; this is an issue that divides the Midwest from the rest of the country.

The universal constituencies of every member of Congress, from every region including your own, demand a local supply of fluid milk. This is not a free market issue, not merely an issue of the best interests of dairy farmers.

The real issue is the very nature of our basic food supply and so extends way beyond the mere interest of a single constituent group. Regionally and on behalf of the nation as a whole, the Congress simply will not yield the destruction of our local supplies of fresh, wholesome drinking milk, and the inevitable result of the consumption of reconstituted milk.
For now and for the foreseeable future, our nation’s dairy policy will be based milk for the rest of the country. You must recognize that we cannot compromise on this issue.

This fact must and will define our national policy. The Midwest will never be called upon to provide the supply of fluid milk for the rest of the country. And so I call upon my Senate colleagues from the Midwest to look elsewhere than to reformation of the fluid marketplace for a solution to the problems your dairy industry faces. I make this call in the spirit of cooperation and with a positive spirit.

To my media friends: I welcome this opportunity to respond to the specifics of the various misstatements and misinformation contained in the most recent of the many editorials about the Dairy Compact. Before doing so, I would like first to highlight for you a simple and incontrovertible fact about the Dairy Compact:

Twenty-five of our fifty states have now passed dairy compact legislation patterned after the original compact language first adopted by the Vermont legislature in 1987. This means that twenty-five legislatures and twenty-five governors (more, if you count the number of governors who have supported the Compact over the years) have committed their active support to this unique legislation.

With this important fact in the background, I would like to respond to the charges and assertions that have recently been raised against the Dairy Compact.

For purposes of this discussion, I will address directly the substance of the editorial that appeared yesterday in the Wall Street Journal. To summarize the editorial, the Dairy Compact is a “price-fixing cartel” which benefits “inefficient” Vermont dairy farmers unfairly at the expense of their more efficient Upper Midwest counterparts.

To compound this misery, the Compact unfairly burdens milk consumers in the northeast, particularly the most vulnerable “poor children”, to the tune of 20 cents a gallon. No more than ten cents. Not twenty cents, as we have heard over and over and over. As they have now tilted so far away in their zeal to embrace the so-called free market that they recognize no role for the government in regulating the marketplace. Or, I guess, they simply no longer trust the government.

Even so, is their distrust of government so great that they cannot give even simple recognition to the simple distinction between businesses price-fixing for private gain and states regulating for the public good?

Such regulation in the public interest, which provides the basis for the Compact, is central to our system of government. Even the most ardent free-marketeers recognize the need for the government to play at least some role in the policing of the marketplace in the public interest.

The basic function of the Compact is this: To determine whether the price received by dairy farmers must be adjusted in the public interest. Not solely in the interest of farmers, but in the public interest of all those who participate in the fluid milk marketplace— processors, wholesalers, retailers and consumers, including low-income consumers.

Adjustment may mean an increase in price, or simply stability in price. Presently, the Compact provides for both some increase in price as well as price stability.

I will address the various concerns raised by the increase in price in a minute, but first I would like to address the issue of price stability, because it brings home the fact that the Compact serves the larger public interest, of which farmers comprise only one part.

Various stories have alluded to the problem of erratic wholesale prices and their adverse impact on consumers. Indeed, nobody really benefits, other than retailers, from an increasingly market-driven farm price for milk.

This is an issue addressed by the Compact. The Compact, in the public interest, provides for price stability, to the benefit of all market participants.

Now about the increase in price resulting from operation of the Compact in New England. Here are some simple numbers. Over the last two years, the Compact has raised the price of farm milk by no more than ten cents per gallon. No more than ten cents. Not twenty cents, as we have heard over and over and over. As they say, you could look it up, so let me repeat: Ten cents. Period.
And that is just the impact on the farm price. What of the impact on consumer prices. You can look this up, as well. You will find that prices in New England are actually lower than in the corresponding New York City market, where the Compact is not in place.

And what of the impact on the so-called ‘poor children’? Under current operation of the Compact, the WIC program and the School Lunch Program are both exempt. There is no impact on participants in these programs. Let me repeat: No impact on participants in the WIC and School Lunch programs. Period.

In conclusion, let me again speak directly to my troubled colleagues from the Upper Midwest.

As we look to the new millennium and our future, I ask my Midwestern colleagues again to understand that I will strive to work with them in common purpose. Our farmers from the northeast and Midwest are so similar. They are among the yeoman farmers who built this country so proud. We must be responsive to their common plight. Surely we should be able to reason together based on those issues we share in common rather than continue to dispute over issues which divide us.

In all the recent discussion about the Dairy Compact, one key fact seems to have gotten overlooked. Twenty-five of our fifty states have now passed dairy compact legislation. One-half of the states have embraced the Compact idea.

This means that twenty-five state legislatures and twenty-five governors (more, if you count the number of governors who have supported the bill over the years) have adopted the Compact approach as the new way to solve the dairy issue we will find so vexing.

I call upon my colleagues, especially those Members on my side of the aisle, to give due deference to the rights of the states to assist the Congress in defining policy. The states have spoken and are telling us that the free market-place does not work with dairy pricing. We should listen to their wise counsel.

These Interstate Compacts are not all about dairy policy, but about the rights of states to work together under the compact clause of the constitution. It’s a states right issue that deserves to be heard and understood. I hope my colleagues will take the time to understand the law and the purpose of this important state initiative.

I fully believe that those Members who have today spoken against them may see Dairy Compacts in a new light if they will view them from the perspective of the states which have adopted them. Instead of seeing cartels, they will see a regulatory framework that operates in the public interest. Instead of seeing a system of price supports that works only for dairy farmers, they will see a regulatory mechanism that benefits all the citizens of the states—consumers, processors, and farmers, alike.

This is the way our federalist system is supposed to work—the states talk and we listen. As an issue of states rights, I urge the Judiciary Committee to take this issue up when next we consider it.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999—CONFERENCE REPORT—Continued

Mr. ROTH. Mr. President, I am pleased with the progress we have made in two very important areas on issues that will affect the lives of Americans everywhere. This legislation—the Ticket to Work and Work Incentives Improvement Act of 1999—will go a long way toward improving the quality of life for millions of Americans with disabilities. At the same time, important provisions within this legislation—provisions that extend important tax and trade relief provisions—will bring meaningful relief and increased opportunities to individuals and families. The Ticket to Work and Work Incentives Improvement Act will help Americans with disabilities live richer, more productive lives. Its core purpose is to assist disabled individuals in returning to work. It removes the real risk many people with disabilities face of losing their health insurance, and it provides new ways of helping them find and keep meaningful employment.

Is there any question how important this is? Millions of Americans with disabilities are waiting for the vote. They are waiting to be freed from a disability system that stifles initiative and thwarts productivity rather than rewarding them—a system that tells individuals with disabilities that if they leave their homes and try to find productive employment they will lose their access to health insurance. The current system isn’t right, Mr. President. It isn’t productive. And it certainly is not enabling.

Under current law, if a person with a disability wants to return to work—even taking a job with modest earnings—he or she will jeopardize access to insurance through the Medicaid and Medicare programs. And as many individuals with disabilities have difficulties securing private sector insurance coverage, losing access to Medicaid or Medicare is not an option. In fact, it’s the consequence for many people with medical conditions that demand ongoing treatment. As a result, the only recourse these individuals have is to forego the opportunity to work—to build and grow professionally and personally—and to stay at home.

No one, Mr. President, should be forced to choose between health care and employment. Robbing an individual of the opportunity to work be-0100als a double tragedy: the life of someone who is disabled with dis- ability. It’s been said that work is the process by which dreams become realities. It is the process by which idle visions become dynamic achievements. Work spells the difference in the life of a man or woman. It stretches minds, utilizes skills and lifts us from mediocrity.

No one should have to choose between health care and work, and passage of the Work Incentives Improvement Act will make that choice unnecessary. By acting on this legislation today, the Senate will offer new promise to millions of Americans with disabilities. This legislation will help promote their independence and personal dignity. It will help them find and meaning in their lives—and greater security in the lives of their families.

But this legislation is not about big government. We do not tell the states what they must do. There are no mandates. And we do not tell individuals with disabilities what they must do. We create options. We create choices. And choice is the essence of independence, isn’t it?

The unemployment rate among working-age adults with severe disabili- ties is nearly 75 percent. What a tragic consequence of errant public policy that discourages those who can and want to work from retaining their de- sires. It’s my firm belief that this number will come down—it will come down dramatically as we pass this law allowing them to return to the workplace. My belief is based in part on the fact that over 300 groups of disability advocates, health care providers, and insurers endorse this change and are anxiously waiting for us to act.

These groups and individuals are not the only Americans watching what we do here today. Along with them, are countless other who are looking to this legislation to extend important tax and trade relief provisions that are included in the work incentives bill.

These provisions are “must do” business. Like appropriations, extenders are provisions that we have an obligation to address before we conclude this session. They are necessary, they are not included in our Tax Code, and will go a long way toward helping families and creating greater economic opportunity in our communities.

Among the important provisions contained in these extenders is one that excludes nonrefundable tax credits from the alternative minimum tax (“AMT”). This change alone will insure that middle-income families receive the benefits of the $300 per child tax credit, the HOPE Scholarship credit, the Lifetime Learning credit, the adoption credit, and the dependent care tax credit. In this legislation, such relief is extended through December 31, 2002.
Another important provision in this legislation extends and expands the tax credit for production of energy from wind and other renewable sources. The important alternative energy provision expired on June 30, 1999. In this legislation, the tax credit is expanded to cover poultry litter-based biomass, and it is extended through December 31, 2001. For my home State of Delaware and many other poultry producing regions, this provision provides an important option for the disposition of poultry litter in a way that will be beneficial and productive.

Other important expiring tax provisions included in this legislation are a 5-year extension and enhancement of the research and development tax credit and the tax-free treatment of employer-provided educational assistance. I can't say enough about the employment R&D credit as it is to the high-tech community and many other important leading American economic sectors. The extension offered in this legislation will give businesses the certainty they need and will result in more and better paid jobs for American workers. And as far as employer-provided educational assistance, I've made it clear that my goal is to make this provision permanent and expand it to graduate education. I know this is an important goal for Senator MOYNIHAN as well. Over one million workers will benefit from this extension, and under this legislation, the provision is extended through the end of 2001 for undergraduate education.

But, Mr. President, important extenders do not stop here. This legislation will also extend incentives designed to help Americans move from welfare to work through the end of 2001. These incentives include the work opportunity tax credit and the welfare-to-work tax credit.

Other extenders include the active financial incentive to Subpart F—a provision that puts our banks, insurance, and securities firms on equal footing with their foreign competitors in overseas markets—and five other important tax provisions that are scheduled to expire. These provisions, which are extended through the end of 2001, include the "brownfields" expanding treatment of environmental cleanup costs, the attainment and renovation costs of some school districts are met by an extension of the qualified zone academy bond program.

But the provisions included in this legislation are not limited to tax relief. We also include some important trade issues. For example, we extend the Generalized System of Preferences, as well as Trade Adjustment Assistance programs. Both of these trade provisions are extended through the end of 2001. I would also like to note that some important revenue raising provisions that we've included. Most of these, I am pleased to report, close loopholes in the Tax Code raising some $3 billion in return.

When all is said and done with this legislation, Mr. President, I am pleased that the tax relief in this bill amounts to a tax cut of $3 billion over 5 years and $18.4 billion over 10.

There's no question that what have before us is a dynamic piece of legislation. From providing hope and opportunity to Americans with disabilities to extending and expanding important tax provisions for individuals and families, this is a comprehensive package. It has been carefully constructed, debated, and addressed in conference. It include that efforts of many of our colleagues and countless hours of staff work.

I want to thank several Senators who have worked closely with me over the past year to bring the work incentives bill to the floor—Senators MOYNIHAN, JEANSON, and PASSAGE of the Work Incentives Improvement Act has been one of my top health care priorities during this Congress. It would have been impossible without close, productive, bipartisan cooperation. Likewise, in conference we've made to address the important tax and trade extenders. Without the work and cooperation of my distinguished friend and the Finance Committee's Ranking Democratic Member, Senator MOYNIHAN, we wouldn't be here today with a conference agreement.

In closing, let me also mention that there are two provisions in this bill outside the Finance Committee's jurisdiction, one dealing with the organ donor and the other dealing with a NOAA procurement matter. I ask my colleagues to join us in seeing that all of these important provisions are passed into law.

The PRESIDING OFFICER. The distinguished Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I do wish there were more Members present that we might rise in a general applause to the Senator from Delaware, chairman of the Finance Committee, I refer to him as our revered colleague. This legislation could not be here, most of it would not have been conceived, without him. It is a triumph against what has become our procedures that it is here today and will shortly be advanced, and passed into law.

Millions of Americans who will not know that he has done this will benefit from what he has done, and that, for him, will be sufficient knowledge and reward. I want to say that.

I don't want to speak at length because other Senators wish to join in this matter. I simply make two points. One is how very much I appreciate the chairmain's mention of the importance of providing employer education assistance. I am pleased to do any major metropolis in this country, any area where there is a college, and find night schools where young America and not so young come to acquire further skills and greater economic capacity.

Nothing could be more clearly in our nation's interests. It will go on whether we have a tax Credit or not, but on the margins, it is important, first, recognizing the need for new skills, recognizing the need for developing new areas. Send our own employees to graduate school. Let them get this further degree while they are on the job, come back, be promoted, earn more, and be more valuable.

I spoke with our friend, the House majority leader, Mr. ARNOLD. Of course he is a distinguished economist. He noted the last 5 years he was teaching, he was teaching at night school and teaching people who wanted to be there. They didn't have to be there to play soccer—put it that way.

I would secondly like to note, and I know the chairman would agree, absent from our measure today are two matters reported from the Committee on Finance: The Africa Growth and Opportunity Act of 1999 and the Caribbean Basin Initiative. They came out of the Finance Committee as near unanimous as can be—under our chairman, things come out of our committee unanimous. We did not succeed given the complexities of these negotiations this time. We will be back. I hope these matters will be addressed. I know on our side of the aisle, if you will, in the House, Representative Rangel, the ranking member in Ways and Means, my counterpart, very much hopes this will happen, and so do I.

Mr. President, I would briefly note, for the RECORD, some important provisions in this legislation.

With regard to tax extenders, this bill extends the research and experimentation credit for five years and it extends all other provisions through December 31, 2001. Extending these provisions as long as possible was simply the right thing to do and securing certainty to employers and workers.

Might I add that some of these provisions are vitally important to working families. If we do not, for instance, pass the alternative minimum tax provision, approximately 1.1 million Americans will lose part or all of the $500 child credit, the HOPE scholarship credit, or other non-refundable credits. We also, rightfully so, extend the Welfare-to-work and the Work opportunity credits.

I would also like to clarify two matters with respect to a provision based on S. 213, which I introduced on January 19, 1999—and which is known as the rum cover-over provision. I am very pleased that we were able to increase from $10.50 to $13.25 the amount of excise taxes on rum that is transferred to Puerto Rico and the Virgin Islands. Unfortunately, procedural obstacles required a delay in most of the transfer from fiscal year 2000 to fiscal year 2001.
Instead, up to $20 million will be transferred 15 days after enactment. The remainder of the amount will not, however, be transferred until after September 30, 2000. However, our distinguished Finance Committee Chairman, Senator ROTH, and Chairman ARCHER from the House Ways and Means Committee have made a commitment that, to the extent possible, the delayed payments will be accelerated, or interest on the delayed amounts will be provided for in the Africa and CBI legislation next year.

With respect to the second matter, the run over--over-provision, as passed by this body on October 29, 1999, included an additional transfer of 50 cents from the government of Puerto Rico to the National Historic Conservation Trust of Puerto Rico—the purpose of which is the protection and enhancement of the natural resources of Puerto Rico. Unfortunately, the 50 cent transfer is not included in the legislation before us today. However, it is my understanding that the Governor of Puerto Rico, the Honorable Pedro Rossello, has made the commitment to transfer one-sixth (45 cents), of the increase provided by this legislation, to the Trust. I applaud the Governor for his commitment.

I am also very pleased that this legislation would remedy some of the barriers and disincentives that individuals enrolled in Federal disability programs face in returning to work. Many disabled Americans do not return to work because they must lose their health care coverage and because they have inadequate access to employment and rehabilitation services.

In 1986, we took our first step to remove obstacles facing disabled Americans who want to work. Our distinguished Finance Committee Chairman and Majority Leader—Senator DOLE—introduced the Employment Opportunities for Disabled Americans Act to make permanent a demonstration project that enabled Supplemental Security Income— or “SSI” recipients to maintain Medicaid benefits during a transition to work. I was an original co-sponsor of the bill which was enacted on November 11, 1986. Building on that first step and other subsequent initiatives, Senators Jeffords, Kennedy, Roth, and I introduced this work incentives bill in the Senate on January 28th of this year. The legislation has enjoyed overwhelming bipartisan support, passing the Senate 99-0 on June 16th and the House 412-9 on October 19.

The bill addresses an issue of paramount concern: how to encourage disabled individuals to return to work. Currently, less than one-half of one percent of individuals receiving disability leave the system and return to work. A survey by the National Organization on Disability found that only 29 percent of all disabled adults are employed full-time or part-time, compared to 79 percent of the non-disabled adult population. The disabled find it difficult to work because their income above a certain level, they lose their disability benefits and their health care coverage. In fact, witnesses testifying before the Finance Committee cited the potential loss of health care coverage as the primary obstacle between the disabled and their ability to work.

This legislation tries to remove this barrier by guaranteeing that working individuals with disabilities can maintain their Medicare and Medicaid coverage for a longer period of time. Under current law, Social Security disability beneficiaries, who go back to work and earn a modest income, may only continue their Medicare coverage for four years. This legislation would permit disability recipients to retain their Medicare coverage for an additional four and a half years.

Two important Medicaid provisions are included in this bill. The first would permit more lower-income disabled individuals to pay premiums and buy into the Medicaid program. The second establishes a demonstration project that would provide Medicaid coverage to persons likely to become disabled without medical treatment.

This is good common-sense policy: providing preventive health coverage to working individuals with serious medical conditions before such conditions worsen to a disabling level.

This legislation does more than just extend greater health care coverage to the disabled. Through a program called “Ticket to Work,” it would make it easier for disabled workers to access coordinated vocational rehabilitation and employment assistance services. It provides grants to States to develop and to perform the outreach necessary to help disabled individuals to work. The legislation would also ensure that a mere return to work does not automatically trigger eligibility reviews that could result in being removed from the disability rolls. In addition, it would streamline the process for individuals to be reinstated for disability benefits, if they are unable to continue working. Lastly, the bill funds Social Security disability demonstration projects on how best to encourage disabled individuals to return to work. For example, one innovative project will determine whether a sliding-scale reduction of disability benefits by $1 for every $2 earned would make it easier to go back to work. Such a result seems far more reasonable than the current situation where workers who earn income above a statutory limit lose their disability benefits entirely.

The overwhelming support for his legislation is not surprising given its simple and universal goal: providing disabled Americans the opportunity they deserve to work and contribute to the fullest of their ability. For Americans with disabilities, enacting this legislation would make it easier to go back to work and remove the many barriers they face in returning to work.

Before I conclude, Mr. President, I did want to mention that regrettably, this bill includes an extraneous provision delaying implementation of a new regulation to improve the Nation’s system of allocating human organs for transplant.

Mr. President, I thank the Chairman for his commitment to this tax extenders and work incentive legislation. I would also like to thank the staffs of the Joint Committee on Taxation, the Senate Finance Committee and the House Ways and Means and Commerce Committees. Now, let’s go home.

Mr. ROTH. I yield 5 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. May the Chair ascertain how many minutes?

Mr. ROTH. I yield 5 minutes.

The PRESIDING OFFICER. The distinguished Senator from Vermont is recognized for 5 minutes.

Mr. JEFFORDS. Mr. President, first I ask unanimous consent Lu Zeph and Tom Valuck, fellows on my staff, be granted the privilege of the floor during consideration of the conference report.

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

Mr. JEFFORDS. Mr. President, I see the Senator from Iowa, with whom I have worked all these years, was here just a moment ago. I would like to wish him a happy 60th birthday. I am sure all of us would like to join in that, and I will move on now and get to the purpose of being here today.

Mr. President, I am told that the Senate will soon send to the President the Work Incentives Improvement Act of 1999. This landmark legislation will open doors to jobs across the country for disabled Americans. As we all know, the Federal Government often sets policies with the best of intentions, and the least of common sense. There are lots of examples, but today’s policy for disability benefits takes the prize.

If you are disabled and don’t work, you have access to federally funded health care. If you are disabled and you do work, you lose access to federally funded health care. Does it make any sense to you? No, it does not to me, either.

Access to health care is important to everyone, of course, but to severely disabled people it is absolutely vital for the everyday needs of life. And the price tag for this care can be astronomical.

Three years ago, this paradox was brought to my attention, and I began the process of trying to figure out how we could solve it. I realized that, unless and until we gave individuals with disabilities access to health care, they would not,
could not work to their full potential. That is why I am so proud that we are on the verge of changing the law that will, at last, give 9.5 million individuals with disabilities who have been waiting, pleading that we take this step.

These millions of Americans want and will use the job training and job placement assistance that this legislation authorizes. They will benefit from the advice and guidance that will be available on the complicated work incentives options in Federal law. They will go to work, work longer hours, work more hours, and seek advance- ment knowing that their health care will be there when they need it.

For those who look beyond what this legislation means in human terms, to its monetary applications, I say, you will see a change when disability expands. Use of Federal and State public assistance programs will decrease. Data on the health care needs and costs of working individuals with severe disabilities will be collected. Private employers and their insurers will have data from which they may calculate risks and craft health care insurance options for employees with disabilities.

This conference report represents sound federal policy. Last night our colleagues in the House, on a vote of 418 to 2, endorsed this policy. We must do the same. Let us celebrate and confirm the consensus we have achieved. Individuals with disabilities are waiting to show us how they are ready, willing, and able to join the workforce, support their families, and contribute to their communities and our national economy.

The action we are taking is the next logical step in our efforts to ensure that disabled Americans can fully participate in our society. In 1975 we guaranteed each child with a disability a free appropriate education through the precursor to the Individuals with Disabilities Education Act. In 1978, we prohibited discrimination based on disability in all services, programs, and employment offered by or through the federal government. In 1988, for the first time, we recognized and addressed the need to provide assistive technology to individuals with disabilities. And in 1990, we enacted the most comprehensive civil rights law for individuals with disabilities, the Americans with Disabilities Act.

Each of these actions was a building block toward true independence for individuals with disabilities. But the promise of employment rights under the ADA was an empty one for millions of Americans who couldn’t afford to take advantage of their new rights. We are making good on that promise.

I want to again commend the principal cosponsors of this legislation, Senators Kennedy, Roth, and Moynihan for their incredible contributions. Five months ago, the four of us joined President Clinton in a room just off the Senate floor to call for enactment of this legislation.

I was confident then that the day would soon come, and I am elated that it finally has. It is the end of the session, we are all tired, and some temperamentally frustrated. But Mr. President, as we conclude our work for the year and return to our states, this is one accomplishment of which we can all be proud.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I have the pleasure to yield up to 15 minutes to my good and old friend, the senior Senator from Massachusetts, who has been so instrumental in this matter.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts is recognized for up to 15 minutes.

Mr. KENNEDY. Mr. President, I join with Senator Moynihan and Senator Roth in commending our colleagues on the Finance Committee for their strong work in helping bring us to where we are today. I thank them for their leadership.

I would especially like to acknowledge Senator Jeffords, who has been instrumental in the development of the legislation. And I, all of us on this side and throughout the Senate and across the country always recognize the real leader on all of the disability issues, our friend from Iowa, Senator Harkin, who has had a lifetime of commitment on the issues of promoting the interests of disabled Americans. The Senate will welcome his comments this afternoon.

Today, Congress will complete action on the Ticket to Work and the Work Incentives Improvement Act, and this important legislation will go at long last to the White House. When President Clinton signs this bill into law, he will truly be signing a modern Declaration of Independence for millions of men and women with disabilities in communities across the country who will have a priceless new opportunity to fulfill their hopes and dreams of living independent and productive lives.

We know how far we have come in the ongoing battle over many decades to ensure that people with disabilities have the independence they need to be participating members of their communities.

Mr. President, 67 years ago this month we elected a disabled American to the highest office in the land. He became one of the greatest Presidents, but Franklin Roosevelt was compelled by the selfish attitudes of his time to conceal his disability as much as possible. The World War II Generation began to change all that. The 1950s showed the Nation a new class of people—people with disabilities—as veterans returned from the war to an inaccessible society. Each decade since then has brought significant progress.

In the 1960s, Congress responded with new architectural standards so we could build a society of which everyone could be a part.

The 1970s convinced us that full participation in society was needed, not only for disabled veterans but for disabled children and family members and for those injured in everyday accidents.

Congress responded with a range of federally funded programs which improved the lives of people with mental retardation, supported the rights of children with disabilities to go to school, ensured the right of people with disabilities to vote, and gave people with disabilities greater access to health care.

The 1980s brought a new realization that when we are talking about assisting people with disabilities, we must not look only to Federal programs, but to the private sector as well. Congress again responded by guaranteeing fair housing opportunities for people with disabilities, by ensuring access to air travel, and making telecommunication advances available for people who are hard of hearing or deaf.

The 1990s brought us the Americans with Disabilities Act, which promised every disabled citizen a new and better life, in which disability would no longer put an end to the American dream.

But too often, for too many Americans, the promise of the ADA has been unfulfilled. Now, with this legislation, we will finally link civil rights clearly with health care. It isn’t civil and it isn’t right to send a person to work without the health care they need and deserve.

As Bob Dole stated in his eloquent testimony to the Finance Committee earlier this year, people going to work—"it is about dignity and opportunity and all the things we talk about, when we talk about being an American."

Millions of disabled men and women in this country want to work and are able to work. But they have been denied the opportunity to work because they lack access to needed health care. As result, the Nation has been denied their talents and their contributions to our communities.

Current laws are an anachronism. Modern medicine and modern technology make it easier than ever before for disabled persons to have productive lives. Caregivers are often a greater obstacle to that goal than their disability itself. It’s ridiculous that we punish disabled persons who dare to take a job by penalizing them financially, by taking away their health insurance lifeline, and by placing other unfair obstacles in their path.

Currently, there are approximately 9 million working-age adults who receive
disability benefits, many of whom could take jobs if they could keep their
governmentally financed health benefits. A survey conducted by the Department of Health and Human Services showed that, while 76 percent of people with disabilities wanted to work, nearly 75 percent are unemployed. Of those receiving benefits, only \( \frac{2}{5} \) of 1% leave the disability roles to return to or take jobs as a result of this legislation.

The estimated cost of this new program would be recouped if only 70,000 people leave the disability benefit roles. If 210,000 of them take jobs, the government would actually save $1 billion annually in disability payments. That 210,000 constitutes only 10% of the disabled and will help us reach the disability community believe will avail themselves of this program. If their estimates are even close to accurate, the savings to the Federal Government could eventually approach $10 billion per year. Far more important that the savings is the impact on people’s lives. It is about dignity. It is about opportunity that is by far the most important change.

Today is a new beginning for persons with disabilities in their pursuit of the American dream. This bill corrects the injustice they have unfairly suffered. The Work Incentives Improvement Act removes these unfair barriers to work that face so many Americans with disabilities:

In makes health insurance available and affordable when a disabled person goes to work, or develops a significant disability while working. It gives people with disabilities greater access to the services they need to become successfully employed.

It phases out the loss of cash benefits as income rises, instead of the unfair sudden cut-off that workers with disabilities face today.

It places work incentive planners in communities, rather than in bureaucracies, to help workers with disabilities learn how to obtain the employment services and support they need.

Many leaders in communities throughout the country have worked long and hard to help us reach this milestone. They are consumers, family members, citizens, and advocates. They showed us how current job programs for people with disabilities are failing them and forcing them into poverty.

In all the time I have been in the Senate, I doubt if there has really been a single piece of legislation that has so coherently reflected the common concerns of a constituency and all of that constituency worked so effectively on recommendations to the Congress of the United States.

We have worked together for many months to develop effective ways to right these wrongs. And to all of them I say, thank you for helping us to achieve this needed legislation. It truly represents a victory for people, by the people and for the people. It is all of you who have been the fearless, tireless warriors for justice.

When we think of citizens with disabilities, we tend to think of men and women and children who are disabled from birth. But fewer than 15% of all people with disabilities are born with their disabilities. A bicycle accident or a serious fall or a serious illness can suddenly disable the healthiest and most physically able person.

In the long run, this legislation may be more important than any other action we have taken in this Congress. I say that very sincerely. In the long run, this legislation may be the most important legislation we have passed in this Congress. Its offers a new and better life to large numbers of our fellow citizens. Disability need no longer end the American dream. That was the promise of the Americans with Disabilities Act a decade ago, and this legislation dramatically strengthens our fulfillment of that promise.

This bill has a human face. It is for Alice in Oklahoma, who was disabled because of multiple sclerosis and receives SSDI benefits. She will now be able to get personal assistance to work and live in here community. No longer will she have to use all of her savings and half of her wages to pay for personal assistance and prescription drugs. No longer will she be left in poverty.

This bill is for Tammy in Indiana, who has cerebral palsy and uses a wheelchair and works part-time at Wal-Mart. No longer will she be forced to restrict her hours of work. Her goal of becoming a productive citizen will no longer be denied—because now she will have access to the health care she needs.

This bill is for Abby in Massachusetts, who is six years old and has mental retardation. Her parents are very concerned about her future. Already, she has been denied coverage by two health insurance firms because of the diagnosis is of mental retardation. Without Medicaid, her parents would have no alternative but to pay her medical bills. Now when Abby enters the workforce, she will not have to live in poverty or lose her Medicaid coverage. All that will change, and she will have a fair opportunity to work and prosper.

This bill is for many other citizens whose stories are told in this diary, called “A Day in the Life of a Person with a Disability.”

Disabled people are not unable. Our goal in this legislation is to banish the stereotypes to reform and improve existing disability programs, so that they genuinely encourage and support every disabled person’s dream to work and live independently, and be a productive and contributing member of their community. That goal should be the birthright of all Americans—and with this legislation we are taking a giant step toward that goal.

A story from the debate on the Americans with Disabilities Act illustrates the point. A postmaster in a town was told that he must make his post office accessible. The building had 20 steep steps leading up to a revolving door at the only entrance. The postmaster questioned the need to make such costly repairs. He said, “I’ve been here for thirty-five years, and in all that time, I’ve yet to see a single customer come in here in a wheelchair.” As the Americans with Disabilities Act has proved so well, if you build the ramp, they will come, and they will find their field of dreams. This bill builds new ramps, and the road of the disabled will now come—to work.

The road to economic prosperity and the right to a decent wage must be more accessible to all Americans—no matter how many steps stand in the way. That is our goal in this legislation. It is the right thing to do, and it is the cost effective thing to do. And now we are finally doing it.

Eliminating these barriers to work will help disabled Americans to achieve self-sufficiency. We are a better and stronger and fairer country when we open the door of opportunity to all Americans, and enable them to be equal partners in the American dream. For millions of Americans with disabilities, this bill is a declaration of independence that can make the American dream come true. Now, when we say “equal opportunity for all,” it will be clear that we mean all.

No one in America should lose their medicaid coverage—which can mean the difference between life and death—if they go to work. No one in this country should have to choose between buying a decent meal and buying the medication they need.

Nearer a year ago, President Clinton signed an executive order to increase employment and health care coverage for people with disabilities. Today, with strong bipartisan support, Congress is demonstrating its commitment to our fellow disabled citizens. But our work is far from done.

This bill is only the first step in the major reform of the Social Security disability programs that will enable individuals with disabilities to have the rights and privileges that all other Americans enjoy; 54 million Americans with disabilities are waiting for our action. We will not stop today, we will not stop tomorrow, we will not ever stop until America works for all Americans.

President, in these final moments, I especially commend President Clinton, Vice President Gore, and Secretary Shalala. President Clinton made this one of his top priorities over this
November 19, 1999

CONGRESSIONAL RECORD—SENATE

year and during these final negotiations. He understands the importance of this legislation, and this was a matter of central importance to him and his Presidency. I also thank John Podesta and Chris Jennings who saw this through to the very end.

I commend the many Senate staff members whose skilled assistance contributed so much to the achievement: Jennifer Baxendale, Alec Vachon, and Frank Polk of Senator ROTH's staff; Kristin Testa, John Resnick, Edwin Park, and David Podoff of Senator MOYNIHAN's staff; Pat Morrissey, Lu Zeph, Chris Crowley, Jim Downing, and Mark Powden of Senator JEFFORDS' staff; Connie Garner—a special thanks to Connie Garner—Jim Manley, Jonathan Press, Jeffrey Teitz, and Michael Myers who have worked that from the many other staff members of the Health Committee and the Finance Committee.

No longer will disabled Americans be left out and left behind. The Ticket to Work and Work Incentives Improvement Act of 1999 is an act of courage, an act of community, and, above all, an act of hope for the future. I urge its passage, and I reserve the remainder of the time of the Senator from New York.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. Gramm). The Senator from Delaware.

Mr. ROTH. Mr. President, I yield 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes.

Mr. DOMENICI. Thank you very much. I say to Senator ROTH.

I might say, on the bill that we are speaking to, the Ticket to Work and Work Incentives Improvement Act, I do not know how many Senators have ever had a disabled person who is holding a job and getting a paycheck. Come and see them. A disabled person who is holding a job and just got a paycheck and you get to visit with them—they are glowing. They are filled with pride that they are able to work. Actually, it is the best therapy in the world for a disabled person to have a job.

I have seen it from personal experience in my own family. But I have seen it in scores of faces of people who come and tell me as disabled people that they are working and they are getting a paycheck.

The U.S. Government, probably because it did not understand what it was doing, decided that we would help disabled people who were not working with health insurance, either under Medicare or Medicaid. Then what a cruel hoax, as soon as they started working and making sufficient money, as low as $700 a month, they started losing their health care coverage, and they began to wonder and their parents began to wonder, why did they ever take a job? For some, they did not even make any net profit out of getting a job. Because if they are cut off from health care, some of them have to pay their entire paycheck to take care of their health. That is just not right. Frankly, it was a hard issue in terms of drafting something that could work, and I compliment everybody that worked on this bill. I think it is a very important day today.

In fact, I am sorry it is getting passed along with a great deal of other legislation because the importance of it might very well get lost. Sometimes a long debate on a bill is meritorious, for the country finds out what we are doing. They are not necessarily going to find out about this bill because we did not even mention it. But I asked the distinguished chairman if I could use a few moments and he gave it to me. Now, if the Senate would bear with me, I just want to take the remaining time I have, and how much is that?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

THE BUDGET

Mr. DOMENICI. I am going to take a few moments to thank a few people and summarize the budget bill that we are going to pass this evening, hopefully.

I want to thank the White House for their cooperation in coming to an agreement with reference to the appropriations bill and all of those things that are in the so-called omnibus package.

In particular, I want to thank the director of the Office of Management and Budget, Mr. Lew, last evening when we were about to depart and part company and say we will go our own ways, they asked me if I would meet with Mr. Lew, and if we could see if we could work something out. We are here today with a bipartisan bill because we did work something out.

I thought it was the very best thing we could do. Frankly, I am proud of it. I wish it could have been done sooner. I am hoping that next year we will get the appropriations bills done perhaps 6 to 8 weeks sooner than we did this year. But I want to start by quoting from the New York Times, not necessarily a newspaper that thinks what Republicans do is necessarily good, as I do, but they said in their editorial, on their editorial page, the following thing about this budget bill that we are going to have before us:

There are modest spending increases in some of the President's priority areas like education but over all the Republican approach of spending restraint has shaped this budget.

I am very proud of that. I think that is true because what we have done is we have kept the faith with those who want a balanced budget. This budget proposal ensures a balanced budget without using Social Security trust fund money.

I ask parenthetically for those who still doubt that because they do not have a Congressional Budget Office letter that says it, if the President of the United States would be asking Democrats to vote for this measure if he and his OMB Director thought it was using Social Security trust fund money? I think the answer is no. They know it does not. I know it does not. And I can promise the Senate, come Feb 1st or March, when you reestimate everything, it will not be using the Social Security trust fund money.

I think that is the new discipline that has been imposed on our economy and our fiscal policy. It is a brand new event to say we are not going to spend Social Security money, and it is the best thing we can do for the American economy because, Senator MOYNIHAN, to the extent we do not spend it, we reduce the public debt. Who are wondering about the public debt, the public debt is reduced dollar for dollar when you leave Social Security surpluses alone year by year as they accumulate and do not spend them.

Now, let me tell you a dramatic statement about our current fiscal policy. Who would think a budget chairman could stand on the floor and say to the Senators who are listening, we will pay down the publicly-held debt by $130 billion? Think of that—$130 billion. If that does not mean that as soon as we saw surplus we did not run out and spend it, then I do not know what it means.

Frankly, I think my good friend, Senator Gramm from Texas, is correct; in about 30 or 40 years, when they look back on this period in time, they are going to say: Incredible. With the kind of surpluses that existed, not a single new entitlement program of any proportion was started, and not a single new American spending program was started because the accumulations went into the Social Security trust fund instead of being used to pay for more Government.

I am proud of that. I think it is the best medicine for growth and prosperity in the future.

It holds Government spending, as we calculate it overall, to about 3.3 percent this year over last year—that includes entitlements and appropriations—a very interesting number.

In the 1970's, it was 11 percent growth.

In the 1980's, it was 8 percent growth.

For those who in editorial comments across this land call this a bloated budget, let me suggest, the fiscal policy of the United States which has the Government growing less than the economy is growing is not bad fiscal policy. That is about where we are now under the culmination of this budget process for this year.
In the meantime, when we passed the budget resolution in April of this past year, we wanted to do some very important things.

First, we wanted to increase the flexibility in education programs. It does not matter how much the President or others claim that the President won the education battle. The truth of the matter is, Republicans put more money in education than the President asked for.

For the first time we have flexibility. Twenty percent of the money that was going to go to teachers directly, and targeted and for nothing else, can be flexibly used by school districts. And the philosophical battle of the future will be flexibility of education funds with accountability versus the targeting and direct aid in very numerous numbers of targeted mandates that Government says one size fits all. You all use it this way, or you cannot use it at all.

We suggested in our budget resolution that we should put more money into research on the dread diseases that affect our people and mankind. We increased NIH $2.5 billion, which is $2 billion more than the President asked for, for dread diseases like cancer, Alzheimer’s, and the whole list.

Mr. MOYNIHAN. Food allergies.

Mr. DOMENICI. Allergies—all kinds of things.

We believe the breakthroughs will come in the next the millennium from this kind of investment. We are proud of it. We increased national defense—if you take out emergencies—by $13.5 billion, and increased the pay for the military at a very significant rate, which was long overdue and much needed.

In addition, also in this bill, we have taken care of the shortcomings in Medicare that came from the Balanced Budget Act. And $16 billion goes into that in the next 5 years, including $2.1 billion to replenish skilled nursing home payments. Also, the therapy caps have changed. There are slower reductions in payments for teaching hospitals, and a long list of changes.

I ask unanimous consent that the list be printed in the RECORD.

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

MEDICARE AND MEDICAID PROVISIONS SUMMARY
(Nov. 18, 1999) CBO estimates, in billions of dollars

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TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999—CONFERENCE REPORT—Continued

PRIVILEGE OF THE FLOOR

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Kyle Kinne, a presidential management intern with the Finance Committee minority staff, be granted the privilege of the floor during the consideration of this conference report.

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

Mr. MOYNIHAN. I have the great pleasure to yield 5 minutes to my friend from Illinois, Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DURBIN. I salute Senator ROTH, Senator MOYNIHAN, Senator KENNEDY, Senator JEFFORDS, Senator HARKIN, and others who worked so hard on this Work Incentives Improvement Act.

A close friend of my family had a son who was mentally ill. This young man wanted more than anything to go to work. He knew if he did so, he would lose the protection of health insurance. So he was held back from that opportunity. I don’t believe America was better for that.

This bill addresses that challenge and says that the disabled go to work, they will still be able to use Medicaid and Medicare to protect themselves with health insurance even as they earn some income. That is only just. It opens up an opportunity that currently is not there. I am happy to be a supporter of this legislation. I look forward to voting for it when it comes to the floor.

There is some reservation in my mind about the bill that is before us, not because of the provision I just mentioned, nor because of the extension of certain tax credits and benefits, but, rather, because of the language in this bill relating to organ donation.

This is the challenge we face in America. If you are an American grievously ill, in need of an organ transplant, your chances of survival depend more than anything on your address and how much money you have. You could be the most seriously ill person in some State in this Union and be overlooked and bypassed in favor of another patient in another State who is not as seriously ill and might be able to wait. That needs to change. That is certainly not a fair or American way.

The rules we are trying to promulgate to make that change have been the source of great controversy on Capitol Hill. It’s sad when it comes to a point where Members of the House and Senate are deeply involved in a debate over the availability of organs for donation to those who need a transplant to live.

In my State of Illinois, over the last 3 years, 97 people have died waiting for organ transplants at the University of Chicago. I see my colleague from the State of Pennsylvania, Senator SANTORUM, where 187 people died waiting at the University of Pittsburgh. My colleagues, Senator MOYNIHAN and Senator SCHUMER, know that 99 people died waiting at Mount Sinai in New York. In the last week alone, two people have
Mr. ASHCROFT. Mr. President, today the United States Senate completes its business for calendar year 1999 by passing two important bills: H.R. 3194—the final spending bill, and H.R. 1180—the Work Incentives Act, which provides new opportunities for disabled individuals to enter the work force and includes $10 billion dollars in tax cuts. I am pleased to announce my support for both these bills.

The Chairman of the Senate Budget Committee has eloquently explained how this budget agreement keeps faith with the President and with Social Security trust fund monies be used to pay for other government programs.

Last year, for the first since 1960—during the Eisenhower Administration—we balanced the budget without counting the Social Security surplus. Mr. President, for the first time in 39 years the government did not divert money from the Social Security Trust Fund to pay for other programs.

As a result of the spending plan pursued by this Republican Congress, which called for protection of Social Security, increased spending on education and defense, and reduction of the national debt, we have begun to put our fiscal order.

When I was elected to this body in 1994, the incoming 104th Congress inherited a projected four-year budget deficit of $906 billion. Now, through the hard work and discipline of this Congress, the tables have turned. That actual four-year period produced a net budget surplus of $63 billion—a turnaround of $969 billion, just a shade under a trillion dollars. With the passage of the final FY 2000 appropriations bill, we will continue on that path, reducing our national debt by $140 billion dollars in the current fiscal year.

Unlike last year’s omnibus appropriations package that increased spending by almost $14 billion, this Congress successfully obtained offsets for all of the President’s new spending, including an across-the-board cut that will help eliminate government waste and excess. In addition, despite President Clinton’s promise, the offsets do not include a tax increase.

At the beginning of this year, I said that the Congress’ primary responsibility was to protect the Social Security surplus. With the passage of this budget, we have accomplished that goal. In addition, not only have we avoided a tax hike, but we have also given the American people an $18 billion tax cut through the provisions contained in H.R. 1180—the Work Incentives Act.

I am pleased that the final bill includes over $2 billion in additional education spending over last year and gives local school districts more flexibility in how they spend that federal assistance. The appropriations bill also contains an increase of $1.7 billion for veterans spending above President Clinton’s request, as well as an increase in funding for national defense that includes a boost in pay and benefits for our soldiers, sailors, and airmen.

But this bill does not just fund these important priorities, it also provides real cuts in government waste and abuse. The legislation includes a 0.38% across the board reduction that is essential to maintaining our fiscal discipline and protecting Social Security.

Included in this package are provisions to address some unintended consequences of the Balanced Budget Act of 1997 to protect Medicare recipients and providers. This bill includes $16 billion over 5 years to ensure that senior citizens can continue to receive quality health care.

These Medicare changes will help Medicare patients in hospitals—particularly rural, teaching, and cancer hospitals—skilled nursing facility residents, home health care recipients, and seniors who wish to receive their health care through the innovative Medicare+Choice program rather than through the conventional fee-for-service mechanism. I have traveled around Missouri and heard from countless doctors, patients, nurses, and other health care providers about the necessity of these changes. These provisions are good for the seniors in Missouri and across the Nation.

The package also provides for State Department Reauthorization, including language I authored that requires the State Department to publish a report documenting American victims of terrorist attacks in Israel, Gaza, and the West Bank.

In addition, the almost 400,000 Missouri households that are satellite television viewers will be pleased that this bill includes language that will allow them to continue receiving local programming. The Satellite Home Viewer Act will give real price competition and choice in video programming to all Missourians.

Finally, Mr. President, I am pleased that unlike last year, when we lumped all the bills together, allowing $14 billion in extra spending into one package, this year we finished our work on each of the bills, and negotiated each bill on its individual merits. While this bill is an omnibus package for procedural reasons, it was not negotiated as an omnibus package. Every provision was negotiated according to regular order, and as a result, we were able to succeed in our goal of protecting Social Security.

Mr. WELLSTONE. Mr. President, I rise to support this conference report and I say, Mr. President, that I am very happy to have been an original co-sponsor of the Work Incentives Improvement Act of 1999.

People all across Minnesota who have contacted my office know the importance of the Work Incentives Improvement Act and how it will further expand the possibilities opened up by the Taxpayer Relief Act, which was enacted in 1990. Thanks to the ADA, many people with disabilities in Minnesota and around the country are working, but others still cannot accept...
jobs because they would lose their health care coverage. This Act will allow them to fulfill their dreams for employment and to be productive citizens.

This legislation has enjoyed overwhelming bipartisan support—with 79 Senate cosponsors. It would make it easier for those receiving disability benefits through Social Security programs to go to work without losing their Medicare or Medicaid health benefits. The legislation also encourages the disabled to seek paid employment by gradually reducing their cash benefits as income increases, rather than cutting them off completely.

Let’s look at the current situation for disabled individuals who seek employment and require health insurance coverage. For some of these people, employment is very difficult, if not impossible, because they are self-employed or because their disabilities prevent them from working full-time. For others, coverage is unaffordable because of co-pays and co-insurance for repeated, ongoing care. For those with affordable employer insurance, these plans generally cover only primary and acute care, not the specialized medications, equipment, supplies and other long term care needs that individuals with disabilities unfortunately require.

Last year, in the Spring of 1998, the Minnesota Consortium for Citizens with Disabilities surveyed 1200 Minnesotans who have disabilities and found the vast majority were ready to go to work if their current health care benefits remained intact.

Here are two examples from Minnesota:

Let me tell my colleagues about Steve. Steve is a middle-aged adult with Charcot-Marie-Tooth Disease. He is married, has two grown children, and owns his own home in rural Minnesota. As the manifestations of his condition progressively worsen, Steve has struggled to remain self-sufficient as long as possible using all of his personal resources. Steve’s desire to remain an independent contributing member of society is evident in his efforts to develop the skills that enable him to work from home in a computer-based business. Steve is on Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) for his disabilities. Steve uses the Internet to enable him to work from home in a community with Minnesota employers. Steve is on 75,000—of the 7.5 million disabled individuals with disabilities; and establishes a fundamental inequity for individuals with disabilities. So Steve uses the Internet to enable him to work from home in a community with Minnesota employers. Steve is on Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) for his disabilities. Steve uses the Internet to enable him to work from home in a community with Minnesota employers.

When President Bush signed the Americans with Disability Act in 1990, he noted that when you add together all the state, federal, local and private funds, it costs almost $200 billion annually to support people with disabilities. In 1997, according the General Accounting Office, disabilities who currently receive federal disability benefits, such as SSDI and Supplemental Security Income (SSI), want to work; however, less than one-half of one percent of these beneficiaries successfully forego disability benefits and become self-sufficient. If disabled individuals try to work and increase their income, they lose their disability cash benefits and their health care coverage. The loss of these benefits is simply too powerful of a disincentive to return to work.

In addition, more than 7.5 million disabled Americans receive cash benefits through Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) and nearly $73 billion a year, making these disability programs the fourth largest entitlement expenditure in the federal government. If only one percent—or 75,000—of the 7.5 million disabled adults were to become employed, federal savings in disability benefits would total $3.5 billion over the lifetime of the beneficiaries. Removing barriers to work is not only a major benefit to disabled Americans in their pursuit of self-sufficiency, but it also contributes to preserving the Social Security Trust Fund.

This legislation is critical to the health and well-being of our disabled Americans. It will create new opportunities for individuals with disabilities to return to work while allowing them to maintain their health insurance coverage and disability benefits. In particular, this bill expands new options to states under the Medicaid program for long-term care services, to continue Medicare coverage for working individuals with disabilities; and establishes a ticket to work and self-sufficiency program.
I would like to thank Senator Jeffords for his leadership on this critical issue. I would also like to thank Senators Lott, Byrd, Moynihan, and Kennedy and their House colleagues for their dedication toward reaching consensus on this important legislation.

Mr. KOHL. Mr. President, I rise today in support of the Work Incentives Conference Report. As my colleagues know, this conference report contains a number of items that have been joined together in order to accommodate the end of session schedule, and I would like to offer brief comments on several of those items.

With regard to the tax portion of the conference report, I am in support of the compromise that was reached to extend the expired tax credits. Earlier this year, I supported an ambitious tax relief package that would have extended the credits and contained my child care tax credit and farmer income averaging relief provisions, as well as targeted tax measures to help Americans pay for education and health care and to expand the housing tax credit. It is my hope that when we return in the spring, we will rise above partisan concerns and achieve bipartisan progress towards comprehensive tax relief, as well as the challenge of reforming both Medicare and Social Security. And we must do so while continuing our vigilance in protecting the balanced budget gains of recent years.

But for today we will content ourselves with the limited extenders package before us. The research and development extenders promote innovation and enhance the competitiveness of American business. The work opportunity and welfare-to-work tax credits continue the partnership between the public and private sector to move those in need of a helping hand off of public assistance and into the workforce. I am also pleased that this tax package preserves eligibility to important tax benefits, such as the child tax credit, by protecting against the encroachment of the alternative minimum tax. While I am concerned that the conferes did not offset fully the costs of these provisions and would have preferred a final version along the lines of the bipartisan, and fully offset, Senate bill, this package is modest and urgently needed. It deserves our endorsement.

I am extremely pleased that we are finally taking the final step to enact the Work Incentives Improvement Act into law. I cosponsored this legislation because I believe strongly that it will have a tremendous impact on the lives of people with disabilities. Currently, over 9 million people receive disability benefits through the SSDI and SSI programs. Only 2½ of 1 percent of SSDI beneficiaries, and only 1 percent of SSI beneficiaries ever return to work. Yet, as many—in fact, the vast majority—of people with disabilities want to work. In study after study, people with disabilities report that the single biggest obstacle to returning to work is the loss of health care benefits that often comes along with their decision to work. Many do not have access to employer-based health insurance and find policies in the individual insurance market prohibitively expensive. Therefore, disabled beneficiaries who want to work are faced with the choice of returning to work while risking their health benefits or foregoing work to maintain health coverage.

This is simply unacceptable. People in this country have a tremendous opportunity to live healthy, productive lives, and we should encourage and support their efforts to work by ensuring that they continue to have access to the health care services they need. I am pleased that the Work Incentives Improvement Act accomplishes that goal. This bill will ensure that millions of people with disabilities have the opportunity to work if they are able—without the fear of losing the health insurance coverage they need in order to live healthier lives and to succeed in their work. I want to commend the bipartisan efforts of Chairman Roth, Senator Moynihan, Chairman Jeffords, and Senator Kennedy, in making this bill a reality.

Again, I regret that end-of-year pressure has forced us to combine so many unrelated provisions into a single bill. However, I support the conference report for the reasons I have just stated, and I urge my colleagues to vote for its adoption.

Mr. ALLARD. Mr. President, it is with great reluctance that I vote for the Work Incentives Act Conference Report.

A particular provision, Section 408, has been added to this important piece of legislation at a date too late to make further changes. Section 408 was introduced in the House, included in the Conference Report, but never debated in the Senate. I am a cosponsor of the Senate version of this bill. In an effort to finish the first session of the 106th Congress we have had no time to sound our concerns and make due changes. Section 408 extends the authority of state medicaid fraud units. Not only would this provision mandate more federal control over what has been historically governed by the states, it also calls for investigation and prosecution of resident abuse in non-Medicaid board and care facilities. It allows federal government, unprecedented control over the quality of care in private institutions. This is yet another example of government authority exceeding its boundaries. I have always been a supporter of state’s rights and less government control and I feel these regulations are not necessary.

It is my opinion that we must reduce the amount of federal government regulation and not further impede the rights of care providers and state officials to monitor private industry. I make an effort to examine all pieces of legislation to ensure that the end result is objective and does not further burden individuals with undue regulation.

Again it is with great reluctance that I vote for this act. The changes made in the Conference Report at this late date are onerous and threaten the sanctity of private health care providers.

Mr. LIEBERMAN. Mr. President, I rise to express my support for the tax extenders package included in the Work Incentives Act conference report. In the context of our current budget situation of a small projected on-budget surplus for FY 2000, I believe this tax package strikes an important balance between fiscal responsibility and tax relief.

Although I would have preferred a fully offset tax package, I am pleased that the bill is fully offset for FY2000 and partially offset for FY2001, the two years for which most of the tax provisions are extended by law. If two years from now when we reconsider most of these provisions a on-budget surplus does not exist, I will push for an extenders package that is fully offset to ensure that we do not go into deficit as a result of tax relief measures.

The package includes several important provisions that I strongly support. The Research and Experimentation Tax Credit is important for our future international competitiveness. This tax credit provides an important incentive for our companies to research and innovate. I hope that in the near future we will update this credit to reflect current business conditions and to make it a permanent part of the tax code.

The AMT modification, the Worker Opportunity Tax Credit, and the Welfare-to-Work Tax Credit are all important provisions to help low to moderate income workers continue to contribute to society and to improve their living standards. I am pleased that the Finance Committee decided to include renewal of the Generalized System of Preferences in this tax package. This is a critical program for promoting growth in developing economies and for increasing international trade integration.

I strongly support the provision to extend and modify the tax credit for
electricity produced by wind and biomass materials. In order to ensure energy security and address national environment, much equitable and mitigation of global climate change, it is essential that renewable energy options become more competitive. These tax provisions will ensure that renewable energy technologies will be able to compete more equitably with fossil sources such as coal and oil. However, while this package includes modest extensions and modifications, I am disappointed that the bill does not go further by extending the credit to include landfill methane and other cellulosic feedstocks.

I would like to thank Chairman Roth and Senator Moynihan for their hard work in getting this package together. It is a fiscally responsible and an appropriate package under our current fiscal situation. I urge my colleagues to support this bill.

Mr. JEFFORDS. Mr. President I am delighted to stand before you today, to speak about an extremely important piece of legislation. The bill we are sending to the President today, a bill I know he is eager to sign into law, will have a tremendous impact on people with disabilities. In fact, this legislation is the most important piece of legislation for the disability community since the Americans with Disabilities Act.

My reason for sponsoring this particular piece of legislation is quite simple. The Work Incentives Improvement Act of 1999 addresses a fundamental flaw in current law. Today, individuals with disabilities are forced to make a choice—an absurd choice. They must choose between working and receiving health care. Under current federal law, if people with disabilities work and earn over $700 per month, they will lose cash payments and health care coverage under Medicaid and Medicare. This is health care coverage that they need. This is health care coverage that they cannot get in the private sector. This is not right.

Once enacted, the Work Incentives Improvement Act of 1999 will allow individuals with disabilities, in states that elect to participate, continuing access to health care when they return to work or remain working. In addition, those individuals who seek it, will have access to job training and job placement assistance from a wider range of providers than is available at this time. Currently, there are 9.5 million individuals with disabilities across the country who receive cash payments and health care coverage from the federal government. Approximately 24,000 of these individuals live in my home state, Vermont. Once enacted, the Work Incentives Improvement Act will actually save the federal government money. For example, let’s assume that 200 Social Security disability beneficiaries in each state return to work and forgo cash payments. That would be 10,000 individuals out of the 9.5 million individuals with disabilities across the country. Annual savings to the Federal Treasury in cash payments for just these 10,000 people would be $133,550,000! Imagine the savings to the Federal Treasury if this number were higher. Clearly, the Work Incentives Improvement Act of 1999 is fiscally responsible legislation.

I began work on this bill 1996. Though it was a long and sometimes difficult task, many hands made light work. Senator Kennedy, Ranking member on the HELP Committee, joined me in March 1997. Senators Roth and Moynihan, Chairman and Ranking Member on the Finance Committee signed on as committed partners in December of 1998. Last January, 35 of our colleagues increasingly reflected the principle, joined us in introducing S. 331, the Senate version of this legislation. One week later, in a Finance Committee hearing, we heard compelling testimony from our friend, former Senator Tracoli, a strong supporter of this legislation. A month later, we marked this legislation out of the Finance Committee with an overwhelming majority in favor of the bill. Finally, on June 15th, with a total of 80 cosponsors, we passed this legislation on the floor of the United States Senate, with a unanimous vote of 99-0.

Four months later, over 35 of our colleagues in the House of Representatives, took to the floor of their chamber, and spoke eloquently for their version of this legislation. Later that day, the bill passed the floor of the House with a vote of 412-9. Since then, the Senate and House Conferences have been working diligently in effort to reach common ground. I am very pleased that the differences in policy in the two different bills have been resolved and consensus has been reached on a conference agreement. This agreement does not compromise the original intent of the legislation, retaining key provisions from S. 331.

From my perspective, the Work Incentives Improvement Act of 1999 represents a natural and important progression in federal policy for individuals with disabilities. That is, federal policy increasingly reflects the premise that individuals with disabilities are cherished by their families, valued and respected in their communities, and are an asset and resource to our national economy. Today, most federal policy promotes opportunities for these individuals, regardless of the severity of their disabilities, to contribute to their maximum potential—at home, in school, at work, and in the community. I have been committed to improving the quality of life for individuals with disabilities throughout my Congressional career. Providing a solid elementary and secondary education for children with disabilities, so that they will be equipped, along with their peers, to benefit from post-secondary and employment opportunities is crucial.

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self-worth. Having a job will allow them to contribute to our economy. Having a job will provide them with a living wage, which is not what one has through Social Security.

In addition to continuing health care coverage and providing job training opportunities for individuals with disabilities, this legislation offers many other substantial long-term benefits. The Work Incentives Improvement Act of 1999 will give us access to data regarding the numbers, the health care needs, and the characteristics of individuals with disabilities who work. Furthermore, this legislation will provide the federal government as well as private employers and insurers, the facts upon which to craft appropriate future health care options for working individuals with disabilities. It will allow employers to receive tax credits for factors individual in the effects of changing health care needs over time for this population. Hopefully, it will even improve the way in which employers operate return-to-work programs. Through increased tracking, we will learn the benefits of intervening with appropriate health care, when an individual initially acquires a disability. We will also learn the value of continuing health care to a working individual with a disability. If an individual, even with a severe disability, knows that he or she has access to uninterrupted, appropriate health care, the individual will be a healthier, happier and thus more productive worker.

I would like to take the time now to briefly outline the major provisions which have remained as part of this legislation. The conference agreement retains the two state options of establishing Medicaid buy-ins for individuals only with disabilities, who choose to work and exceed income limits in current law, as well as for those who show medical improvement, but still have an underlying disability. For working individuals with disabilities, the conference agreement extends access, beyond what is allowed in current law, to Medicare. In addition, the legislation before us today retains several key provisions from S. 331, including, the authority to fund Medicaid demonstration projects to provide access to health care for working individuals with a potentially severe disability; the State Infrastructure Grant program, to assist states in reaching and helping individuals with disabilities who work; work incentive planners and protection and advocacy provisions; and finally, most of the provisions in the Ticket to Work Program.

In order to control the cost of this legislation, compromises were made. Although the purpose of the State Infrastructure Grant Program and the Medicaid Demonstration Grant Program remain the same, the terms and conditions of these grants were altered in conference. As a result, states are not required to offer a Medicaid buy-in option to individuals with disabilities on Social Security, who work and exceed income limits in current law, prior to receiving an Infrastructure or a Medicaid Demonstration Grant.

Also in conference, the extended period of eligibility for Medicare for working individuals with disabilities has been changed from 24 to 78 months. During this extended period, the federal government is to cover the cost of the Part A premium of Medicare for a working individual with a disability, who is eligible for Medicare. S. 331 would have extended such coverage for an individual’s working life, if he or she became eligible during a 6-year time period.

I would like to note two changes to the Ticket to Work program made during conference. The new legislation shifts the appointment authority for the members of the Work Incentives Advisory Panel from the Commissioner of Social Security to the President and Congress. In addition, language regarding the reimbursement for state employment networks and state vocational rehabilitation agencies was deleted in conference. The new legislation gives the Commissioner of Social Security the authority to address these matters through regulation.

Although several changes have been made from the original Work Incentives bill, I am still very pleased with what we are adopting today. This is legislation that makes sense, and it will contribute to the well-being of millions of Americans, including those with disabilities and their friends, their families, and their co-workers. Today’s vote provides us the opportunity to bring responsible change to federal policy. We can make a misguided result of the current system—if you don’t work, you get health care; if you do work, you don’t get health care. The Work Incentives Improvement Act of 1999 makes living the American dream a reality for millions of individuals with disabilities, who will no longer be forced to choose between the health care coverage they so strongly need and the economic independence they so dearly desire.

In closing, I would like to thank the many people who contributed to reaching this day. I especially thank the conferees, Majority Leader LOTT, Senators ROTH and MOYNIHAN, and in the House, Majority Leader ARMLEY, and Congressmen ARCHER, BLILEY, RANGEL, and DINGELL. I also thank their staff who worked so closely in effort to reach this day. From my staff, I thank Pat Morrissey, Lu Zeph, Leah Menzies, Chris Crowley, and Kim Monk. I want to recognize and extend my appreciation to the staff members of my three fellow sponsors of this bill: Connie Garner in Senator KENNEDY’s office, Jennifer Baxendell and Alexander Vachon with Senator ROTH, and Kristen Testa, John Resnick, and Edwin Park from Senator MOYNIHAN’s staff. Finally, I wish to thank Ruth Ernst with the National Legislative Council for her drafting skill and substantive expertise, her willingness to meet time tables, and most of all, her patience. In addition to staff, we received countless hours of assistance and advice from the Work Incentives Task Force of the Consortium for Citizens with Disabilities. These individuals worked tirelessly to educate Members of Congress about the need for and the effects of this legislation.

Finally, I would like to urge my colleagues in both chambers to set aside any concerns about peripheral matters and to focus on the central provisions of this legislation. Let’s focus on what today’s vote will mean to the 9.5 million individuals with disabilities across the nation. At last, these individuals will be able to work, to preserve their health, to support their families, to become independent, and most importantly, to contribute to their communities, the economy, and the nation. We are making a statement, a noble statement and we must do the right thing. Let’s send this bill to the President.

Mr. REED. Mr. President, I rise today in strong support of the Ticket to Work and Work Incentives Improvement Act.

I want to pay tribute to my colleagues Senators KENNEDY and JEFFORDS, who began working on this legislation in the last Congress—effectively building support for this bill from a handful of senators to 79 co-sponsors.

I also want to commend Senators MOYNIHAN and ROTH, who have dedicated their time and effort to this important cause. They have kept the debate on this bill focused on the substance, and have prevented it from degenerating into grandstanding or partisan bickering.

But the lion’s share of credit should go to the members of the disability community, who have been tireless advocates for work incentives legislation. Without their hard work, we would not be here today. This bill is the product of their grassroots activism—making a common sense idea into a national policy.

As my colleagues know, the major provisions of the Ticket to Work and Work Incentives Improvement Act are infinitely sensible. They would remove the most significant barrier that individuals with disabilities face when they try to return to work—continued access to adequate health care.

Currently, individuals with disabilities face the dilemma of choosing between the Medicare and Medicaid benefits they need and the job they desire. Mr. President, this is not a choice at all, and it is regrettable.

According to surveys, about three quarters of individuals with disabilities
who are receiving Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) benefits want to be eligible for Medicare and Medicaid and provide a helping hand to individuals with disabilities who aspire to work.

Mr. President, this legislation also takes a step to help workers who are stricken with progressive, degenerative diseases, such as Multiple Sclerosis, HIV/AIDS, and Parkinson's Disease, which can be slowed with proper treatment. With the health coverage buy-in offered under this bill, these workers can continue to work and return again instead of leaving the workforce in hopes of meeting the need requirements for Medicaid coverage.

These citizens can continue to make substantial contributions to the workplace, while benefiting intellectually and emotionally.

With the Americans with Disabilities Act, Congress adopted legislation to combat discrimination and remove physical barriers from the workplace. Now, we have the chance to lift yet another barrier to work, the loss of health care coverage.

In my home state of Rhode Island, more than 40,000 individuals with disabilities could benefit from the work incentives bill. Across the country, more than 9.5 million people could be positively affected by this legislation.

Our booming economy has created millions of new jobs, and has brought thousands of Americans into the workforce for the first time. By passing this legislation, we can take another step to help a significant group of Americans participate in our national economic prosperity.

Mr. President, before I yield, I would like to briefly mention my concern about some offsets attached to this measure. As colleagues who have followed this bill know, it seemed as if there was a revolving door when it came to the consideration of offsets during the Conference. Provisions came and went, and returned again. I was pleased that a controversial offset regarding the refund of FHA upfront mortgage insurance premiums was withdrawn. This offset was essentially a $1,200 tax on approximately 900,000 low- and middle-income families and first-time home-buyers, and the conferees were right to omit it from this bill.

Regrettably, the bill retains two other controversial offsets, which I oppose. One offset is an assessment of attorneys representing clients with Social Security disability benefits claims. Although the Administration supports this offset, I believe that it will discourage qualified attorneys from taking on these complicated, labor-intensive claims cases—which already offer little compensation. Ultimately, this assessment will hurt those individuals trying to secure their rightful benefits, not the attorneys. I commend the conferees for taking steps to blunt the impact of this provision by capping the fee at 6.3% and requiring GAO to study the cost and efficiency of this and alternative assessment structures. Nonetheless, I still believe that this is an inappropriate offset.

The other offset changes the index for student loan interest rates from the 91-day Treasury bill to the three-month rate for commercial paper. This provision saves a modest amount of money in the short-term. Unfortunately, those savings will not be transferred to students, and the offset will actually put taxpayers on the hook if the markets turn sour. Let me add that this provision flies in the face of an agreement reached in last year's Higher Education Act Amendments. Under that legislation, we were to study the impact of this type of conversion. We are still awaiting the findings of that study, and in the absence of an authoritative conclusion, I believe it is premature to entertain this change in policy. Mr. President, setting these important concerns aside, I believe that the Ticket to Work and Work Incentives Improvement Act is a major victory for all Americans, and we should all support it. I want to again commend the leading Senate sponsors, Senators Kennedy, Jeffords, Moynihan, and Roth for their tremendous work in bringing this legislation to this point, and I urge all of my colleagues to vote for it.

The PRESIDING OFFICER. Who will pass the bill?

Mr. ROTH. Mr. President, I yield 8 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 8 minutes.

Mr. SANTORUM. Mr. President, I want to pick up where the Senator from Illinois left off. I think he hit the nail on the head with respect to our concern with a provision in this bill which creates an additional moratorium for the organ allocation regulations to go into effect.

There will be a 90-day moratorium. Senator DURBIN, Senator SCHUMER, Senator MOYNIHAN, Senator SPECTER, and I, and many others have some grave concerns about its impact on thousands of people who are on transplant lists across this country and their ability to get organs in what may be the last few days of their lives. That is the reason we are fighting so hard. We are going to delay a system being put into place which would put a priority on the health status of the person on the transplant list as opposed to the residency status of where that person happens to be in the hospital.

Mr. Chairman, this is an economic battle in many respects. And certainly, from some perspectives, I have transplant centers in my State that support these regulations; I have transplant centers in my State that oppose them. I look at it from the unbiased position of, what is in the best interest of the patient? For me, as Senator DURBIN just said, when 3 of the 11 people who will die today because organs are not available, when 3 of them needlessly die because we are transplanting organs that would otherwise go to them into people who are healthier and would not die but for the transplant, then we have something seriously wrong in this country. We have something seriously wrong with our system of priorities. It is incredible to me that those will die unnecessarily—4,000 will die and 1,000 will die unnecessarily—because of our regulations.

We have gone through a moratorium on these regs. I know this is a very controversial issue. It is a controversial issue because of economics. There is no controversy anymore as to what is in the best interest of patients. Last year, when Bob Livingston was able to get a vote in the Appropriations Committee, we said, well, the medical evidence will sustain their position that geography is the best way to do this. So we asked for a study—the study of the Institute of Medicine—to determine the findings of a nonpartisan, nonbiased organization. Let me tell you what they came back with: On the basis of the analysis of this report, it seems apparent that patients on liver transplant—

That is what they specifically looked at. Waiting lists will be better served by an allocation system that facilitates broader sharing within broader populations.

Congressional Record—Senate November 19, 1999
Mr. President, with that, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 4 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 4 minutes.

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

Mr. MOYNIHAN. Mr. President, I have the great honor and pleasure to yield 5 minutes to the Senator from Iowa, who is so active in the Ticket to Work legislation.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. HARKIN. Mr. President, I thank the ranking member on the committee. I rise in strong support of the Work Incentives Improvement Act. I really believe we need to do this and do it well.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I have the great honor and pleasure to yield 5 minutes to the Senator from Iowa, who is so active in the Ticket to Work legislation.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. ROTH. Mr. President, I thank the President pro tempore. Senator Sessions and I introduced the Medicaid Community Attendant Services and Supports Act earlier this week. Its shorthand name is MCASSA. This bill will build on what we are doing today with the Work Incentives Improvement Act. Ten years after the passage of the Americans With Disabilities Act, next year, we are going to look back at the Americans With Disabilities Act and decide whether we have honored the spirit of the Americans With Disabilities Act, and it’s not this limb that’s missing. It’s a system that says if I can work at all, then I’m underserving of any assistance. I’m underserving of the basic medical care that I need to stay alive.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 4 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 4 minutes.

Mr. SESSIONS. Mr. President, I thank the Senator from Delaware, and of the 7.5 million people with disabilities, such as Phoebe, who are now on benefits, Federal savings would total $3.5 billion over the work life of these beneficiaries. That not only makes economic sense, it contributes to preserving the Social Security trust fund. The disability community and Members from both sides of the aisle have wholeheartedly endorsed this bill. Rarely do we see such broad bipartisan support. But that is because on this particular issue it is easy to agree—people with disabilities should continue to move toward greater and greater independence.

In that spirit, Senator SPECTER and I introduced the Medicaid Community Attendant Services and Supports Act earlier this week. Its shorthand name is MCASSA. This bill will build on what we are doing today with the Work Incentives Improvement Act. Ten years after the passage of the Americans With Disabilities Act, next year, we are going to look back at the Americans With Disabilities Act and decide whether we have honored the spirit of the Americans With Disabilities Act.
I thank him particularly for his interest on this issue and so many other issues that I have been fortunate to deal with over the years. Senator LOTT, as a member of that subcommittee of the committee, is someone who has been very interested and helpful, as has Senator WELSTONE, as a member of the committee, in having all of the major transplant centers in our country in the last number of years. He has been a key player in that. The issue before us today involves many different aspects. I believe very strongly that the organ transplant issue is critical for our nation. We have made such magnificent progress in enhancing the availability of organs, helping people who receive those organs, and increasing the success rate of organ transplants. It has been a continual series of advancements—whether it is medication to avoid rejection, or the skill of a surgeon, and so forth. The key to that has been the magnificent services rendered by organ transplant centers in the world.

The plan that has been directed and proposed by Secretary Shalala of HHS, which gives her, in fact, the total ability to void and dictate the regulations, that plan has been opposed and is not supported by overwhelming number of organ transplant centers in this country. They do not believe it will save lives. They do not believe it will help the system to have Washington decide who gets organ transplants.

We have a system that is working and getting better on a daily basis, which is something of which we can be extraordinarily proud. In Alabama, the University of Alabama at Birmingham is No. 1 in the world in kidney transplants. They are exceptionally skilled at that procedure, and is one of the great organ transplant centers in the world. Others are similar around the country. They are very uneasy about and object to this consolidation of power in the Secretary’s office—a person who is not elected by the people, and yet is about to impose regulations on the dispersion of organs in America. This is a matter that ought to be and by law and right should be done in the U.S. Congress. The House passed a bill quite different from the Secretary’s proposal. The committee met in the appropriations, and several Senators who had a view on this came up with a bill giving a 42-day window to change any rule she might pass. We will hardly be in session. We will not be in session in 42 days. Ninety days is the minimum time we can have so that this Congress can fulfill its responsibility to the health and safety of this country by having hearings and passing legitimate legislation on organ transplantation.

I would point out that the chairman of that subcommittee of the committee of which I am a member, Senator Frist, Dr. Frist, is one of the great organ transplant surgeons in America. He did the first organ-lung transplant in the history of the State of Tennessee. He will chair that committee. He is going to be fair on this issue.

But there is a congressional responsibility, and the minimum time we can accept is the 90 days that has been proposed.

I thank the Chair. I hope and I am confident that will be part of this legislation.

Mr. MOYNIHAN. Mr. President, I am happy to yield 3 minutes to my colleague and friend from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. SCHUMER. Mr. President, I thank the Senator for yielding time. I rise, along with my colleagues from Pennsylvania and Illinois, very much against my colleague from Alabama on this important issue.

When somebody donates a liver or lungs or a kidney or a heart, they do not need it; the need is, they need it in a particular area. They do not donate it and say: I want the person who lives in the State of Alabama or the State of New Jersey to have it. They donate it to do the most good.

Finally, we have come up with a solution with provisions that are such that it says it doesn’t matter where you live but rather what your need is in terms of getting an organ.

All of a sudden, to my disappointment, in the dark of night a ruling of that position was put into the legislation.

I think this is wrong. When somebody needs a liver in New York, and they need it, and their life depends on the liver, that liver should not go to someone in another State who has at least 3 years to live on their existing organs.

It is so wrong to create geographic divisions. We have learned that. The Secretary of HHS has promulgated regulations where if I had no need, would not be promulgated immediately. My friend and colleague, who I know is very sincere in this, the Senator from Alabama, and others, put in a provision to delay this for 90 days. I thank the Senator from Pennsylvania, Senator LOTT, and the Secretary of HHS for trying to compromise this issue so it can be fair to all.

We must and we will continue to fight. Those of us who believe that organ donations should go to those who live the most, and not those who live in a certain geographical area be given those organs.

The system has been supported by the National Academy of Sciences Institute of Medicine. It was developed by medical people and scientists. That is the way it ought to be.

We ought not hold organs hostage to political, geographic, and other divisive considerations.

Again, when somebody donates an organ, a beautiful and selfless act, it ought not be marred by politics. It ought to go to the person of greatest need, no matter where that person lives.

Mr. President, I yield the remainder of my time.

Mr. MOYNIHAN. Mr. President, I am happy to yield 3 minutes to my friend, Senator WELSTONE.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELSTONE. Mr. President, I want to actually start out on a positive note by raising one question.

This Work Incentives Improvement Act is a very important piece of legislation for all the reasons my colleagues have explained. I will go through that in a moment.

I don’t understand why there is in this piece of legislation a $1.7 billion subsidy for higher education lenders. I don’t understand what that is doing in this piece of legislation. We are talking about the needs of disabled and to be disabled and disabilities are going to be able to work and maintain their health care coverage. That is what is so important about this legislation. It is incredibly important to the disabilities community in my State and across the country.

I thank Senators KENNEDY, JEFFORDS, ROTH, and MOYNIHAN. But I have to raise this question just for the record.

What are we doing putting a $1.7 billion subsidy in here for higher education lenders? Students could use this money by way of expanding the Pell grant. Students could use the money by way of low interest loans. Students could use the money to make higher education more affordable. But why is this provision being linked to another piece of legislation?

I must say again that when we get back to how we conduct our business, I hope next time we will not put these provisions together. This is not the way to legislate.

I think it is a great piece of legislation. I am going to support it. But I certainly don’t think we should have this $1.7 billion subsidy for the lenders as a part of this bill.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that the voting schedule occur no later than 5 p.m. today, that the time be reversed so that the first vote will now occur on the adoption of the Work Incentives conference report, to be followed by the cloture vote, and finally adoption of the appropriations conference report.

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

Mr. MOYNIHAN. Mr. President, in the spirit of the hour, the Democratic side yields the remainder of its time to the distinguished and ebulliently happy majority leader.

Mr. LOTT. Thank you, Mr. President. It is always a great pleasure to work with the Senator from New York. It is
even more fun to hear him speak. I am not sure what he said, but it sounded beautiful. That is one of the high compliments I always give.

For the sake of a colloquy to clarify a section in the work incentives bill, I yield to Senator Santorum. We will have a colloquy with Senator Santorum, Senator Schumer, and myself.

Mr. Santorum. Mr. President, there is an issue over the language contained in section 413 of H.R. 1180 and the intent thereof that I ask the majority leader to clarify.

Mr. Lott. Mr. President, I thank the Senator from Pennsylvania, and the Senator from New York, Mr. Schumer, for working with me on this and for their devotion to this important public health issue.

It is one which is important to our country and to the people that need the organ transplants. We have to try to find the best and the fairest way to deal with this issue. I am happy to clarify this issue contained in the legislative measure.

Mr. Santorum. I wish to clarify the language in section 413 of H.R. 1180 pertaining to the implementation of the Secretary of Health and Human Services’s final rule on organ procurement and the transplantation printed in the Federal Register on October 20, 1999, specifically to ensure that this language allows, but does not require, the Secretary of HHS to revise this rule after the 90-day period beginning on the date of enactment of this act.

Mr. Lott. Mr. President, the language will delay the rule for 90 days. That is what is required and that was my intent, from the date of enactment of H.R. 1180, in order to facilitate additional public review. It is not the intent of the legislation to cause any unreasonable delay in the formulation of necessary improvements in national organ transplant policies, but rather to permit constructive review of the information that will be available and for the Congress to rewrite it.

Furthermore, I make clear section 413 provides that the rule is not effective until the expiration of the 90-day rule beginning on the date of enactment of this act. During that 90-day period, the Secretary shall publish a notice eliciting public comments on the rule and shall conduct a full review of the comments. At the end of the period, section 413 allows, but does not require, the Secretary to make any revisions in the rule that she deems appropriate.

Mr. Santorum. I thank the majority leader for the clarification.

The PRESIDING OFFICER. The Senator from New York.

Mr. Schumer. Mr. President, will the Senator from Pennsylvania yield for a brief statement?

Mr. Lott. I believe I have the time and I will yield.

Mr. Schumer. Mr. Leader and Senator Santorum, I have spoken with the Secretary of HHS and she has assured me that the clarification has the support of the administration and it is something she, and it, intend to stand by.

Mr. Lott. I thank the Senator.

Does the Senator from Alabama wish to speak?

Mr. Sessions. Mr. President, is it your expectation following the 90-day period during which the Secretary reviews the public comments that as of today we have not had a formal comment period, as I understand it; that the Secretary should inform the Congress of her reasons behind any final decision she would make?

Mr. Lott. Yes, absolutely. I expect that and I believe she will do that.

Mr. Sessions. I wish to say that I know a lot of people have gone into this very contentious issue. Some said this has happened in the dead of night. What happened in the dead of night—I serve on the health committee that should be dealing with this—this 42-day rule was we all voted on that or had hearings on it.

This at least gives our committee a narrow window of opportunity to try to deal with it. It won’t be a full 90 days because we will be out half of that. It will be a narrow opportunity with Senator Bill Frist chairing it and maybe we can work out some things that make sense. Right now I am very troubled. The overwhelming majority of the transplant centers are not happy with these rules as they are being developed. I think the Congress must speak.

I yield the floor.

Mr. Lott. Mr. President, if I have time remaining, I yield the floor. I believe we are probably going to a series of votes unless the chairman or ranking member would desire to wrap up.

The PRESIDING OFFICER. All time has expired.

Mr. Roth. Mr. President, I would also like to thank several staff members who have been working long and hard to make this bill possible.

Let me thank several members of Senator Moynihan’s staff—as always, they are skilled professionals who have been our partners working on this bill every step of the way.

In particular, let me thank Jon Resnick, Edwin Park, and David Podoff. And I would like to thank a former member of the Moynihan staff, Kristen Testa, who was there at the very beginning of this bill’s legislative life and without whom there would not have been a Work Incentives Improvement Act.

I would also like to thank Pat Morrissey, Leah Menzies, and Lu Zeph of Senator Jeffords’ office, and Connie Garner on Senator Kennedy’s staff. They have been tireless in their efforts on behalf of this legislation.

Jennifer Baxendell and Alec Vachon from my staff worked tirelessly on this legislation and deserve special commendation.

Since this bill’s inception, our staffs have worked together closely and well. I would like to thank you all for your dedication and hard work throughout all the many ups and downs this bill has faced.

Mr. President, I would also like to thank the dedicated professionals who worked so diligently to complete this year’s tax legislation. First of all, I would like to thank my Finance team—Frank Polk, Joan Woodward, Mark Prater, Brigit Pari, Tom Roesser, Bill Sweetnam, Jeff Kupfer, Ed McClelan, Ginny Flynn, Tara Bradshaw, Connie Foster and Myrtle Agent. I would also like to thank John Duncan and our committee staff who have helped make this a bipartisan effort—David Podoff, Russ Sullivan, Stan Fendley, Anita Horn, and Mitchell Kent.

It is also important to recognize the professionals of the Joint Committee on Taxation. In particular, I would like to thank Linda Paull, Bernini Schmitt, Rick Grafmeyer, Carolyn Smyth, Cecily Rock, Mary Schmitt, Greg Bailey, Tom Barthold, Ben Hartley, David Herling, Harold Hirsch, Laurie Matthews, Sam Olchyk, Oren Penn, Todd Simmons, Paul Schmidt, Mel Schwarz, and Barry Wold.

I would also like to thank Jim Fransen and Mark Mathiesen of the Senate’s Legislative Counsel office who have the thankless job of turning tax provisions into statute.

Finally, I would like to thank the Treasury’s Office of Tax Policy. In particular, Linda Robertson, Jon Talisman and Joe Mikrut deserve special recognition for their help in this important legislation.

On this occasion I would also like to thank the staff who worked so hard on the Medicare, Medicaid, and SCHIP reform provisions included in the Omnibus Appropriations Act. They have worked long hours and I think we all agree that they have the dedication, to develop the strong, consensus product before the Senate today. In particular, let me thank Kathy Means, Teresa Houser, Mike O’Grady, Jennifer Baxendell, and Alec Phillips on the Majority staff.

I would also like to thank Senator Moynihan’s staff for their cooperation and input. Let me thank Chuck Konigsberg, Liz Fowler, Edwin Park, Jon Resnick, Faye Drummond, Kyle Kurtz, Dustin May, Julianne Fisher, Jewel Harper, and Doug Steiger.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?
Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair. The **PRESIDING OFFICER (Mr. SANTORUM).** The majority leader.

**ORDER OF PROCEDURE**

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

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

### SEASONS GREETINGS

Mr. LOTT. Mr. President, once again, I thank Senators on both sides for their cooperation and for their good work this year and wish you all a Happy Thanksgiving and a Merry Christmas. I yield the floor.

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### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000—CONFERENCE REPORT—Resumed

#### CLOTURE MOTION

The **PRESIDING OFFICER.** Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative assistant read as follows:

**CLOTURE MOTION**

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany the District of Columbia appropriations bill.

The motion is seconded by Senator Santorum.

The yeas and nays are required under the previous order, pursuant to rule XXII of the Standing Rules of the Senate, do hereby agree with the provisions of rule XXII of the Standing Rules of the Senate.

The legislative assistant called the roll.

The yeas and nays resulted—yeas 87, nays 9, as follows:

- **YEAS—87**
  - Abraham Edwards Lincoln
  - Akaka Inouye Washington
  - Allard Frist Montana
  - Ashcroft Gramm Texas
  - Baucus Moorhead North Dakota
  - Bayh Bayh Indiana
  - Bennett Kasich Ohio
  - Biden Graham Delaware
  - Bingaman Harkin West Virginia
  - Bond Hagel Nebraska
  - Boxer LaHood Illinois
  - Brownback Breaux Louisiana
  - Burns Hollings South Carolina
  - Byrd Hollings South Carolina
  - Campbell Hutchinson Arkansas
  - Chafee, L. Inhofe Oklahoma
  - Cleland Inhofe Indiana
  - Cochran Jeffords Kentucky
  - Collins Johnson Maine
  - Conrad Kennedy Maryland
  - Coverdell Kerrey Nebraska
  - Craig Kerrey Minnesota
  - Craig Kohl Wisconsin
  - Daschle Kyi Oklahoma
  - DeWine Lautenberg Ohio
  - Dodd Lautenberg Ohio
  - Domenici Leahy New Mexico
  - Durbin Lieberman New York
  - Dorgan Lieberman New York
  - Durbin Lieberman New York

- **NOT VOTING—4**
  - Gorton Murray Connecticut
  - McCain Smith (OR)

The **PRESIDING OFFICER.** On this vote, the ayes are 87, the nays are 9. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

### FISHERIES RESEARCH VESSEL

Mr. LOTT. Mr. President, the NOAA budget includes $51.56 million in funds to procure the first of four state-of-the-art fishery research vessels to conduct critical research on our nation’s fishery resources. This is an important step in providing for sustainable fisheries for our fishermen, U.S. trade, and U.S. consumers. It is my understanding that these ships will be some of the most technically complex research vessels in the world. It is critical that the procurement of these ships reflect this complexity, and that all U.S. shipbuilders with technical expertise in oceanographic research ships will have the opportunity to offer their expertise to the Government. Is it the Senator’s understanding that this solicitation will be open to all U.S. shipbuilders, without set-asides that limit competition?

Mr. STEVENS. The Majority Leader is correct. In providing for the first of these ships to be built, we understood that the public will benefit from free and unrestricted competition on this vessel. The demands placed on our fishery management system dictate that we procure the most technically sophisticated ship possible from our U.S. shipbuilding industry. The only way to guarantee this result is to conduct a free and open competition among all...
U.S. shipbuilders and meet with Dr. Baker, the Director of NOAA, who has agreed to homeport this vessel in Kodiak. By mid May we will have access to the Gulf of Alaska and the Bering Sea, and the resulting destruction of existing jobs and investments.

Mr. MURKOWSKI. I thank the chairman for his hard work. I want to confirm my understanding of one absolutely critical thing with respect to the language in Section 337 protecting plans of operations submitted prior to November 7, 1997. It is my understanding that the language covers revisions, modifications, and amendments to such plans that are made before such plans are fully approved by the BLM or Forest Service. If an as yet unapproved plan of operations was submitted prior to November 7, 1997 and revised earlier this year, for instance, then the proposed operation, as revised, would be protected. It is the operation, not a specific property position—that is protected. This is very important to my State and I ask the chairman to specifically confirm my understanding.

Mr. STEVENS. I can say unequivocally that your understanding is correct. We all know that plans and operations are often revised by the applicant before being finally approved. Indeed, some revisions are required by the BLM or Forest Service during the plan review process. It is the clear intent of the language to protect revisions made prior to the plan’s final approval. It is the operation, not a specific property position (whether mining claims or mill sites) that is protected. This is very important to my State and I ask the chairman to specifically confirm my understanding.

Mr. MURKOWSKI. I thank my friends from Alaska and Nevada for their hard work. I want to confirm my understanding of one absolutely critical thing with respect to the language in Section 337 protecting plans of operations submitted prior to November 7, 1997 and revised earlier this year, for instance, then the proposed operation, as revised, would be protected. It is the operation, not a specific property position—that is protected. This is very important to my State and I ask the chairman to specifically confirm my understanding.

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and the Columbia, serves many States and a multitude of interests, including navigation. The Missouri is also important to both non-tribal and tribal parties on the Missouri Basin.  It is the principal source of water for the State of North Dakota and for several other States, including the State of Missouri. It is a major factor in the management of the Upper Missouri Basin. It is the principal source of water for the State of North Dakota, and for many other States as well. It is an important source of water for the State of Missouri, and for many other States as well. It is the principal source of water for the State of North Dakota, and for many other States as well.

The best way to accomplish that is to bring all the parties together to allow them to review their concerns and work out whatever arrangement will best address their needs. Our Committee did just that several years ago as part of the legislation to settle the water claims of the Colorado Ute Tribes. Once we had revised the agreement in a manner that was acceptable to the Tribes, the State of Colorado, and the other affected water users, we then had several weeks in intense discussions with the other Colorado River Basin States. I want to point to that process, because it did result in the passage of legislation that was supported by all the parties and provided for the completion of the Dolores and Animas projects.

I rise today to speak and offer reassurance to the North Dakota delegation and the Missouri delegation that the Senate Committee is committed to assisting these two delegations in working out their difficulties regarding S. 623, the North Dakota Water and Power, who held the hearings earlier this year on the legislation that has indicated that he is also willing to assist in this process.

Mr. DORGAN. I appreciate the Chairman's cooperation and assistance on this bill and his willingness to work with me in the Energy Committee to bring this legislation to the floor. His commitment to convene a workshop to resolve outstanding issues provides the basis for moving forward with this legislation, which would meet the outstanding Federal commitment to our state.

As the Senator from Alaska knows, North Dakota has significant water quality and water quantity needs that are not present in many parts of the United States. I know my state, well water in rural communities resembles weak coffee or strong tea; it is unfit for drinking and other domestic uses. Several parts of my state, including the Red River Valley, do not have access to reliable sources of water. This bill is designed to address those needs and help provide clean, reliable water to families and businesses across North Dakota. When the Senate attempted to consider this legislation in recent days, objections were registered by other Senators who had concerns about the bill. In response, Senator CONRAD and I have worked with those Senators to address their concerns.

I am certain that with the Chairman's assistance and that of Senator SMITH we will be able to resolve these concerns expeditiously.

Mr. BOND. I too, extend my thanks to the Chairman of the Energy Committee for his help on this very complex and difficult issue. Missouri, and other States in the Missouri River Basin are dependent on the flow of the Missouri River. Any legislation that affects this flow must be thoroughly vetted by the people in this state who have the knowledge and the expertise. Since this legislation came up at the end of the session with no time for debate on the Senate floor, we appreciate the opportunity the Chairman is providing us to bring together our colleagues and work on this issue well. A forum with the free exchange of ideas is an excellent way to air very serious concerns as well as explore possible solutions that can make this a win-win situation for everyone. Representatives of the Missouri Basin States are currently in deep negotiations to discuss water flow. This forum should be held in the context of those negotiations.

Mr. ASHCROFT. I would like to associate myself with the remarks of my colleague from Missouri. We in Missouri are just as protective of our water as any other State in the Missouri River Basin, or for that matter, the rest of the United States. Before either of us can agree to any legislation that has the potential to affect our water resources, our delegation must have the opportunity for our state experts to go over this legislation with a fine-tooth comb. I welcome the chance that the Senator from Alaska has offered and I know our state water experts will be happy to participate. As I have repeatedly stated, I am willing to work with my colleagues to try to resolve any concerns in a manner that will fully protect the interests of Missouri.

Mr. CONRAD. I also appreciate the Senator's continued willingness to work with us. We will continue to work in good faith to develop a bill that can be passed by the Congress. I want to be absolutely clear that it is not our intent or that of anyone in this delegation to prevent the legislation for our State to pass the Senate.

Mr. HATCH. Yes, the Senator from Alaska is correct; that was the intent of the conference. And, I appreciate
Mr. SPECTER. The distinguished Chairman of the Committee on Finance has asked the distinguished Chairman of the Senate Labor, Health and Human Services, and Education Committee to address one question regarding a tax provision which Congress adopted this summer as part of the vetoed Taxpayer Refund and Relief Act of 1999.

Mr. Chairman, section 1005 of that Act would have provided that the principles of section 482 should be used to determine whether transactions between tax-exempt organizations and related non-exempt entities give rise to unrelated business income tax. This provision was needed to insure that legitimate regulation deferring to State law on this issue. HCFA's rule of 1997 by a proposed HCFA rule deferring to State law on this issue. HCFA's rule was followed by a number of studies. Nevertheless, HCFA's proposal has been extensively researched and that HCFA should move forward expeditiously.

Mr. GORTON. I join with my distinguished colleagues to agree that HCFA should move forward expeditiously to resolve this issue.

Mr. SPECTER. Absolutely. HCFA should do what it has initially proposed several years ago and defer to State law on this issue.

Mr. GORTON. I thank the Senators. I look forward to working with them both to resolve this matter.

Mr. HOLLINGS. As you know, I initially objected to the movement of this legislation because of my concerns about the manner in which it proceeds. As introduced, this bill would have nullified any ability of state legislatures to adopt the Uniform Electronic Transactions Act (UETA), in a manner that varied from the provisions of the bill, or in a manner that was not consistent with the UETA in conformance with their consumer protection laws. When the bill was reported by the Commerce Committee, provisions were included to provide states flexibility. Since the reporting of the bill, the preemption provisions, either pursuant to the definitions in the bill or in a manner and extent as other market participants, as intended is the legislation intended to allow insurance companies to evade state insurance regulations.

Mr. BURNS. As the sponsor of the low power television provisions contained in the Intellectual Property and Communications Omnibus Reform Act of 1999, I would like to take this opportunity to clarify one of the provisions. Specifically, I want to ensure that a qualified low power television (LPTV) station in New York City serving the Korean-American community on Channel 17 (WEBR(LP), formerly W17BM) is not prohibited from obtaining Class A licensing as a result of Sec. 5008(f)(7)(C)(ii) of the Act.

As drafted, Section 5008(7)(C)(ii) requires a qualified LPTV station to demonstrate that it will not interfere with land mobile radio services operating on Channel 16 in New York City in granting that waiver specifically stated that the low power television station on Channel 17 would not have any responsibility to protect land mobile television services operating on adjacent Channel 16. Do you agree with my understanding of Sec. 5008(f)(C)(ii), namely that this section is not intended to prevent that low power station's qualification for the Class A license?

Mr. HOLLINGS. I would like to address another change to the bill since its reporting by this Committee. As you know, the legislation has been amended to incorporate language providing that the bill applies to the business of insurance. This language has the effect of permitting the validation of insurance contracts pursuant to electronic commerce. As you know, state insurance commissioners have expressed reservations about this provision. There is concern that the provision could potentially adversely affect the ability of states to maintain their full regulatory authority over these transactions. Do you agree that insurance companies that enter into agreements with electronic commerce are still required to meet all other state insurance regulatory requirements?

Mr. ABRAHAM. I agree wholeheartedly. The purpose of the section is to permit insurance companies to use electronic signatures in the same manner and extent as other marketplace participants. Under no circumstances is the legislation intended to allow insurance companies to evade state insurance regulations.

Mr. MOYNIHAN. Yes, it is. Other- wise, the Channel 17 LPTV station in
New York City will be permanently deprived of a Class A license, notwithstanding the fact that it exemplifies exactly the type of low power station that should have the opportunity to achieve Class A status. WEBR(LP) has a demonstrated strong commitment to the local Korean community in New York, providing locally originated programming 24 hours a day, 7 days a week. This station’s worthwhile service to the community has been a benefit to the public good, and this legislation should not thwart such service from continuing.

The Scope of Compulsory Licenses for Television Broadcast Signals

Mr. HATCH. Mr. President, the measure before us contains some technical amendments to various provisions of the Copyright Act, including sections 111 and 118, which deal with the cable and satellite compulsory licenses respectively. It is important to emphasize that these technical amendments make no change whatsoever in the key definitional provisions of these two compulsory licenses. Section 111(f) defines “cable systems,” and section 119(d)(6) defines “satellite carrier.” Neither of these definitions is changed by the measure before us.

Mr. LEAHY. Will the Senator from Utah yield for a question?

Mr. HATCH. I am glad to yield to my friend from Vermont.

Mr. LEAHY. I thank the Senator with whom I worked on this important legislation. Does he agree that these definitions should be interpreted in exactly the same way after enactment of this legislation as they were interpreted before its enactment?

Mr. HATCH. The Senator is correct. In other words, if a facility qualified as a “cable system” under section 111 prior to the enactment of this measure, it should also qualify after enactment. Conversely, if a facility did not meet the definition of “cable system” before this measure was enacted, it still would not meet that definition after enactment, and therefore the operations of that facility could not rely upon the cable compulsory licenses established by section 111. And an entity which was not entitled to claim the section 119 compulsory license because it did not meet the definition of a “satellite carrier” prior to enactment of the measure before us would be in exactly the same position after enactment, that is, it could not claim the compulsory license under section 119.

Mr. LEAHY. I appreciate that response.

Mr. HATCH. I would point out that none of this is affected by the fact that in any earlier version of this legislation, there were technical amendments that would have affected these definitions. Those particular amendments do not appear in this legislation, and neither their inclusion in the earlier version nor their omission here has any legal significance. Would the Senate from Vermont agree with that statement?

Mr. LEAHY. I would, and I would hope that both the Copyright Office and the courts would take the same approach. In that regard, I would ask my friend from Utah, the chairman of the Judiciary Committee, for his understanding of the current state of the law concerning the availability of these compulsory licenses to digital online communications services?

Mr. HATCH. In reply to that question, I would say that certainly under current law, Internet and similar digital online communications services are not, and have never been, eligible to claim the cable or satellite compulsory licenses created by sections 111 or 118 of the Copyright Act. To my knowledge, no court, administrative agency, or authoritative commentator has ever held or even intimated to the contrary.

Mr. LEAHY. Is the distinguished chairman aware of the views of the Copyright Office on this question?

After all, since the Copyright Office administers these compulsory licenses, their views are of particular importance.

Mr. HATCH. The Copyright Office studied this issue exhaustively in 1997 and came to the same conclusion which I have just stated. In fact, in undertaking the study, the Copyright Office asked the fundamental question whether a statutory license should be created for the Internet. The underlying assumption of the question was that there was not, and never was, a statutory license applicable to the Internet. In response, there was little or no comment challenging that assumption. And with virtually no support, a statutory authority to interpret the provisions of these compulsory licensing schemes are binding on the courts.

Mr. LEAHY. I recall the Copyright Office’s 1997 study, entitled “A Review of the Copyright Licensing Regimes Covering Retransmission of Broadcast Signals,” which concluded that no existing statutory license authorizes retransmission of television broadcast signals via the Internet or any online service. We held a hearing on that report. I recently received a letter from the Register of Copyrights reaffirming this interpretation. Indeed, in that letter, dated November 10, 1999, the Register stated that “the compulsory license for secondary transmissions of television broadcast signals by cable systems does not apply to digital on-line communication services.” It is my understanding that some services that wish to retransmit television programming over the Internet have asserted that they are entitled to do so pursuant to the compulsory license of section 111 of Title 17. If I find this assertion to be without merit. The section 111 license, created 23 years ago in the Copyright Act of 1976, was tailored to a heavily-regulated industry subject to requirements such as must-carry, program and signal quota rules—issues that have also arisen in the context of the satellite compulsory license. Congress has properly concluded that the Internet should be largely free of regulation, but the lack of such regulation makes the Internet a poor candidate for a compulsory license that depends so heavily on such restrictions. I believe that the section 111 license does not and should not apply to Internet transmissions.

I also question the desirability of permitting any existing or future compulsory license for Internet retransmission of primary
television broadcast signals. In my comprehensive 1997 report to Congress, A Review of the Copyright Licensing Regimes Covering Retransmission of broadcast Signals, Internet transmissions were addressed in Chapter VIII, entitled "Should the Cable Compulsory License be Extended to the Internet?" The report concluded that it was inappropriate to "bestow[w] the benefits of compulsory licensing on an industry so vastly different from the other retransmission industries now eligible for compulsory licensing under the Copyright Act."

The most important copyright owners, broadcasters, and cable interests alike strongly oppose . . . arguments for the Internet transmitters' eligibility for any compulsory license. These commenters uniformly decry that the instantaneous worldwide dissemination of broadcast signals via the Internet poses major issues regarding the United States and international licensing of the signals, and that it would be premature for Congress to legislate a copyright compulsory license to benefit Internet retransmitters at this time. The Copyright Office believes that there would be serious international implications if the United States were to permit statutory licensing of Internet transmission of broadcast signals.

Therefore I urge that no action be taken to remove or alter section 1011(c) of the Conference Report. At this point, to do so could be construed as a statement that the actual online communication services are eligible for the section 111 license. Such a conclusion would be reinforced in light of section 1011a(17), which defines the term "cable system" in section 111 of Title 17 with the term "terrestrial system." In the absence of section 1011(c), section 1011a(1) might incorrectly be construed as implying a broadening of the section 111 license to include Internet transmissions.

The Internet is unlike any other medium of communication the world has ever known. The application of copyright law to that medium is of utmost importance, and I know that you have personally invested a great deal of energy in recent years to ensure that a balance of interests is reached. Permitting Internet retransmission of television broadcasts pursuant to the section 111 license could pose a serious threat to that balance.

Please feel free to contact me if I can be of any assistance in this matter. Thank you.

Sincerely,

Marybeth Peters
Register of Copyrights

Harvard Law School, Cambridge, MA, November 15, 1999

Hon. Orrin G. Hatch, Chairman, Judiciary Committee, U.S. Senate, Washington, DC.

Hon. Henry J. Hyde, Chairman, Judiciary Committee, House of Representatives, Washington, DC.

Dear Chairman Hatch and Hyde: I am writing to you to express my views on a proposal to amend the cable and satellite compulsory licenses in Sections 111 and 119 of the Copyright Act. I write from the Copyright Office at Harvard Law School, as well as Michigan and Minnesota, for over thirty-five years and have written extensively and lectured throughout this area of the law. In addition, I was very active in the legislative process that led to the Copyright Act of 1976 and was appointed by President Ford and appointed by President Carter to the U.S. Copyright Commission for New Technological Uses of Copyright Works (CONTU).
would be inconsistent with the basic premise of the definition of an "unserved household," which defines the term in relation to an individual's TV service, rather than to all network affiliates in a market—and speaks to whether a household "cannot" receive a Grade B intensity signal from a particular station. I would like to receive assurances from Chairman Hatch that we will keep a close eye on how well this new reexamination system works. In particular, I would like to request that the Committee obtain an independent analysis from the Patent and Trademark Office under the authority specified in section 606 of S. 1798 not later than 18 months after this bill becomes effective. I would also invite Chairman Hatch to hold a hearing to consider this information, and to obtain views from people who both support and oppose this compromise system.

Mr. Hatch. I thank the Senator from California for her remarks and appreciate her support for this important legislation. I agree that Congress must closely monitor the effectiveness and fairness of the new reexamination procedure. I also believe it would be very useful to obtain the interim report she mentioned in a timely fashion and look forward to continuing to work with her on this issue.

CPB LIST SHARING PROVISION

Mr. McConnell. Mr. Chairman, I would like to engage with you in a colloquy concerning the Corporation for Public Broadcasting (CPB) list-sharing prohibition in the Intellectual Property and Communications Reform Act.

Mr. Hatch. I would be happy to.

Mr. McConnell. The bill amends Section 306(h) of the Communications Act to prevent public broadcasting entities that receive federal funds from maintaining or exchanging lists with political candidates, parties or committees. Mr. Chairman, am I correct in reading this language as providing that the list-sharing restriction only applies to the CPB and not any other organizations?

Mr. Hatch. That is correct.

Mr. McConnell. Mr. Chairman, in my view, CPB is a unique entity and its unique nature may be used by supporters of this provision to justify the restrictions on list sharing. CPB is unique because it is created, controlled and funded by the government with a legal obligation to be balanced and objective.

Many non-profit organizations rely upon exchanges of lists with political organizations as a way to attract new members to their organizations to support their charitable works. A number of mainstream non-profit organizations, such as the Disabled Veterans of America, have expressed concern that this CPB provision may set a precedent for future restrictions on list sharing by other non-profit organizations. It is my understanding, however, that this list sharing restriction is not a precedent for similar restrictions on other non-profits that are not: (1) created by the federal government; (2) controlled by the federal government; (3) funded by the federal government; and (4) legally required to be balanced and objective. Thus, I do not think this provision relating to CPB is a precedent for imposing such restrictions on other non-profits. Does the Chairman agree with my assessment?

Mr. Hatch. Yes, the Senator's assessment is correct. The conference included the CPB list-sharing language in the bill because of concerns related to CPB's unique status. This provision should in no way be interpreted as precedent for restrictions on list sharing by other non-profit organizations that may receive federal funds.

Mr. Murkowski. Mr. President, I would like to ask a question of the senior Senator from Alaska, Mr. Stevens, in his capacity as chair of the full Committee on Appropriations, and the senior senator from Washington, Mr. Gorton, on the Interior and Related Agencies Subcommittee, regarding clarification of a vital issue facing the State of Alaska.

The Year 2000 will be the 20th anniversary of the passage of the Alaska National Interest Lands Conservation Act of 1980. ANILCA is the most far-reaching piece of legislation ever passed—in the history of the United States—in terms of creating massive set-asides for conservation purposes.

Last year, in the appropriations conference report, Congress passed a specific language requiring that the federal managers chosen from among the United States to oversee the implementation of ANILCA's Conservation Units receive adequate, in-depth training on its many complex ramifications. The language read as follows:

The Committees agree that the Secretary of the Interior and the Secretary of Agriculture should provide comprehensive training to land managers on the history and provisions of statutes affecting land and natural resource management in Alaska, including but not limited to Revised Statute 2477, the Year 2000, the Alaska Native Claims Settlement Act of 1980, the White Act, the Alaska National Interest Lands Conservation Act, the Alaska Native Claims Settlement Act, and the Magnuson-Stevens Fishery Conservation and Management Act.

When this language passed it was our hope that this training would also be provided to those employees who manage lands in Alaska for federal agencies whose jobs entail knowledge of one or more of the laws described above.

I want to further clarify that it is our hope that the Secretary of the Interior and the Secretary of Agriculture would enter into an agreement with, and provide funding to, Pacific University, in conjunction with University of Washington School of Law and Northwestern School of Law, Lewis and Clark College, to develop and conduct training. I feel training in these laws very specific to Alaska is badly needed, as most federal employees arriving in the state know little about Arctic and sub-Arctic environments. Many people coming to Alaska imagine incorrectly that the statute governing Alaska's federal Parks and Refuges is identical to those they have worked with in the South 49. This, of course, is far from the truth.

Because of the dimensions of ANILCA's reclassification of Alaska's lands it encompasses more than 104 million acres, an area larger that the State of California, the Congress rightfully tailored the law with a series of Alaska-specific provisions, unfamiliar
to other states. The purpose of these provisions was clearly intended to ensure that these land designations protect the resources of Alaska, one of the most beautiful regions but neither destroy the way of life of Alaska’s Native people nor violate the promises made to all Alaskans in the Compact made between our people and the U.S. Government in the Alaska Statehood Bill. During the August recess, I held hearings in Alaska to discover how the federal managers of the federal Conservation Units in Alaska are doing in carrying out and living by the provisions required in the law. Sadly, I must report a long litany of abuses being suffered by Alaskans as individuals, as outdoor sports participants, as business owners, and as a community due to ignorance by federal managers. Much of this ignorance is through honest misunderstanding of the Statute. I, therefore, ask my honorable colleagues to respond to my query about the status of the language passed last year that would fill this void. I direct your attention to the fact that the University of Alaska Pacific University’s Institute of the North has followed up on that language, and is inaugurating a semester course this coming semester addressing all of these issues on the 20th anniversary of ANILCA. All stakeholders—from conservationists to Native peoples to resource harvesters—will be part of the discussions and learning process. The University is working with Lewis and Clark’s Northwestern School of Law to develop the needed legal research in this area. And while the University was invited to participate at its own expense in the one-day ANILCA training held here in Washington this spring, I believe the Interior Department and the Department of the Interior need to do better than that to fulfill Congressional intent.

I believe a good curriculum can be developed at a cost of some $300,000, a small investment for an issue this important. The existing course can be re-formatted in a thorough but intensive week-long seminar and delivered specifically for the federal employees who constantly are rotated into Alaska to serve on the front line of this pioneering expression of conservation and sustainable development.

Mr. STEVENS. Mr. President, I agree with my colleague, the Chairman of the Committee on Energy and Natural Resources. The Senator from Alaska and the Senator from Washington will remember that I asked that the language in the conference report be inserted last year. I, too, am concerned that no action has taken place. It is my intent, as chairman of this committee, that the training called for in last year’s conference report take place, and that the program led by Alaska Pacific University, in conjunction with two of the closest law schools in Washington and Oregon, take place. There are sufficient funds in the training budgets of the several Interior agencies to make this happen, and I believe it should happen in conjunction with the outside resources who are developing this curriculum. While I participated in the program held in Washington, DC, on this issue, I would hope that a greater effort is put forth in the future.

Mr. GORTON. Mr. President, I concur with the Alaska Senator’s intent, and believe that the training called for is necessary. Each of these Alaska laws referred to in the report language last year is important, and needs the appropriate training for our managers to ensure that Congressional intent is followed.

Mr. MURKOWSKI. Thank you, Mr. President, and through the chair, thank you to my colleagues. We have considered making this a legal requirement in an amendment to law, but I believe this year—in the 20th anniversary of ANILCA—we should see that the training gets started. We will be following it closely in the year to come, and we appreciate the comments provided by the committee chairman and the manager of the bill.

BLM CLOSURE OF TWIN FALLS AIRANKER RELOAD BASE
Mr. CRAIG. Mr. President, I would like to discuss with the Chairman of the Interior Appropriations Subcommittee a problem that has come up in Twin Falls in my State of Idaho. In July 1998, the Bureau of Land Management’s state office closed the tanker resupply base at the Twin Falls airport, after an internal inspection indicated safety concerns. At the time of that closing, the BLM Shoshone and state BLM offices expressed their interest in re-opening the facility as soon as possible. Over the following months, discussions between BLM and local officials provided by the committee chairman and the manager of the bill.

DESLUFURIZATION (BDS) GRANT
Mr. STEVENS. The FY 2000 Interior Appropriations conference report provides a grant to a refinery in Alaska for a pilot project to demonstrate the effectiveness of diesel biocatalytic desulfurization technology, or BDS for short. This technology holds great promise for helping our petroleum refining industry reduce the sulfur content of diesel fuel in order to meet new EPA regulations. Would the Chairman of the Subcommittee clarify a couple of points about this grant?

Mr. GORTON. Certainly. Mr. President, I am not sure that the Chairman understands that the Chairman intends for this grant to be made available only to a refinery owned by a small business in Alaska. Is that correct?

Mr. GORTON. The Senator is correct. I understand that the BDS technology is ideally suited to small refineries. Therefore, I believe that the grant should be made available only to a refinery that meets the Small Business Administration’s definition of small; that is, less than 15,000 barrels per day capacity of petroleum-based inputs and less than 1,500 employees.

Mr. STEVENS. Why is the BDS technology better suited to small refineries?

Mr. GORTON. It has to do with the nature of the technology itself. As the Senator may know, diesel engine manufacturers currently are in the process of developing new technologies with the potential to radically reduce harmful emissions. The local economy requires fuel with very low sulfur content in order to work effectively. To reduce the environmental impact of diesel emissions, the EPA is considering new

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regulations which would require significant reductions in the sulfur content of diesel fuel. Large-scale, fully-integrated refineries are capable of cost-effectively producing low-sulfur diesel fuel using the traditional technology for removing sulfur from gasoline and diesel fuel, called hydrodesulfurization, or HDS. However, small refineries do not have that capability. HDS is a highly complex, energy intensive, and expensive process. As a result, it is not well-suited to small refineries, which generally are much more simply configured and produce a smaller variety and quantity of refined products than large refineries, and therefore cannot justify the expense of building and operating HDS units.

BDS, on the other hand, is a simple, efficient, and low cost technology which uses much less energy than the traditional HDS technology. A BDS unit is likely to cost 50% less to construct and operate than a traditional HDS unit. For these reasons, BDS technology is particularly well-suited to small refineries and holds great promise as a cost-effective alternative for producing low-sulfur diesel fuel. Because small refineries will be the principal users of the BDS technology if it works like we hope it will, it makes sense to first try it out at a small refinery. Therefore, we believe that the grant for a demonstration project should be directed to a small refinery.

Mr. STEVENS. Thank you.

Mr. CRAIG. Senator GORTON, I have in my hand a copy of an August 27 order from Judge William Dwyer instructing the parties in a lawsuit over timber sales to begin with. That is why I would like to point out that the measure would also like to point out that the Administration must stop. We made a good faith effort to respond to the Administration's concerns over the President's American Heritage Rivers initiative that concerns the Interior and related agencies portion of the appropriations act. Senator GORTON, is it your understanding that there is nothing in this bill that authorizes the American Heritage Rivers initiative?

Mr. GORTON. Yes, I would like to clarify that matter. There is no language whatsoever in the Interior portion that provides an authorization for the American Heritage Rivers Initiative.

Mr. SMITH of New Hampshire. Thank you Mr. Chairman. In addition, is it true that there is no separate appropriation for the American Heritage Rivers initiative in the appropriations act. In fact, the bill includes in Title three a provision that clearly prohibits the transfer of any funds from this act to the Council on Environmental Quality (CEQ) for purposes related to the American Heritage Rivers initiative.

Mr. SMITH of New Hampshire. Thank you Mr. Chairman. In addition, can you comment on some guidance that you have given the Forest Service in your statement to the managers?

Mr. GORTON. Yes, certainly. The statement of the managers provides a limitation on spending for the Forest Service for purposes related to designated American Heritage Rivers. This is not an appropriation, but it provides a maximum that may be spent from funds appropriated for other purposes on any efforts that are consistent with existing authorized programs. I would also like to point out that the Interior subcommittee has questioned

...
this initiative previously. The Committee reports accompanying the FY 1999 bill clearly stated that efforts on this initiative in the agencies covered by the Interior bill must complete with, or be normal part of, the authorized program of work of the agency.

**INTELLECTUAL PROPERTY AND INVENTIONS**

Mr. SCHUMER. Mr. President, I rise today in support of the revised “Intellectual Property and Communications Omnibus Reform Act of 1999” (H.R. 1554). As a Member of the Judiciary Committee, I am particularly pleased that this legislation includes as Title IV, the “American Inventors Protection Act of 1999.” This important patent reform measure includes a series of initiatives intended to protect rights of inventors, enhance patent protections and reduce patent litigation.

Perhaps most importantly, subtitle C of title IV contains the so-called “First Inventor Defense.” This defense provides a first inventor (or “prior user”) with a defense in patent infringement lawsuits, whenever an inventor of a business method (i.e., a practice process or system) uses the invention but does not patent it. Currently, patent law does not provide original inventors with any protections when a subsequent user, who patents the method at a later date, files a lawsuit for infringement against the real creator of the invention.

The first inventor defense will provide the financial services industry with important, needed protections in the face of the uncertainty presented by the Federal Circuit’s decision in the State Street case. State Street Bank and Trust Company v. Signature Financial Group, Inc. 149 F.3d 1368 (Fed. Cir. 1998). In State Street, the Federal Circuit allowed the so-called “business methods” exception to statutory patentable subject matter. Consequently, this decision has raised questions about what types of business methods may now be eligible for patent protection. In the financial services sector, this has prompted serious legal and practical concerns. It has created doubt regarding whether or not particular business methods used by this industry—including processes, practices, and systems—might now suddenly become subject to new claims under the patent law. In terms of every day business practice, these types of activities were considered to be protected as trade secrets and were not viewed as patentable material.

Mr. President, the first inventor defense strikes a fair balance between patent law and trade secret law. Specifically, this provision creates a defense for inventors who (1) acting in good faith have reduced the subject matter to practice in the United States at least one year prior to the patent filing date (“effective filing date”) of another (typically later) inventor; and (2) commercially used the subject matter in the United States before the filing date of the patent. Commercial use does not require that the particular invention be made known to the public or be used in the public marketplace—it includes wholly internal commercial uses as well.

As used in this legislation, the term “method” is intended to be construed broadly. The term “method” is defined as meaning “a method of doing or conducting business.” Thus, “method” includes any internal method of doing business, a method used in the course of doing or conducting business, or a method for conducting business in the public marketplace. It includes a practice, process, activity, or system that is used in the design, formulation, testing, or manufacture of any product or service. The defense will be applicable against both claims as well as the claims involving machines or articles the manufacturer used to practice such methods (i.e., apparatus claims). New technologies are being developed every day, which include technology that emulates both methods of doing business and physical apparatus designed to carry out a method of doing business. The first inventor defense is intended to protect both method claims and apparatus claims.

When viewed specifically from the standpoint of the financial services industry, the term “method” includes financial instruments, financial products, financial transactions, the ordering of financial information, and any system or process that transmits or transforms information with respect to investments or other types of financial transactions. In this context, it is important to point out the beneficial effects that such methods have brought to our society. These include the expansion of ownership, the broadened availability of capital for small businesses, and the development of a variety of pension and investment opportunities for millions of Americans.

As the joint explanatory statement of the Conference Committee on H.R. 1554 notes, the provision “focuses on methods for doing and conducting business, including methods used in connection with internal commercial operations and in connection with the sale or transfer of useful end results—whether in the form of physical products, or in the form of services, or in the form of some other useful results; for example, results produced through the manipulation of data or other inputs to produce a useful result.” H. Rept. 106–146 p. 122.

The language of the provision states that the defense is not available if the person has actually abandoned the ideas (methods) they developed and are finding that the techniques and ideas, that were in wide use, are being patented by others.

The Prior Inventor Defense of H.R. 1554 is an important step toward protecting the financial services industry. By protecting enablers and developers of users of a business method, the defense allows U.S. companies to compete against unfair and unjustified patent infringement actions. But, at the same time, I believe that it is time for Congress to take a closer look at the potentially broad and, perhaps, adverse consequences of the State Street decision. I would hope that beginning early next year that the Judiciary Committee will hold hearings on the State Street issue, so that Senators can carefully evaluate its economic and competitive consequences.
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The dairy compromise that is included in the budget agreement will help bring stability to the price dairy farmers around the country receive for their product—as well as protect consumers and processors by helping to maintain a fresh local supply of milk.

The agreement extends the very successful Northeast Dairy Compact to continue as the pilot project for the concept of regional pricing.

While the debate continues, this reasonable compromise allows the Northeast Compact to continue as the pilot project for the concept of regional pricing.

The Northeast Dairy Compact has given farmers and consumers hope. The Compact, which was authorized by the 1996 farm bill as a three-year pilot program, has been extremely successful.

The Compact has been studied, audited, and sued but has always come through with a clean bill of health. Because of the success of the Compact it has served as a model for the entire country.

Mr. President, I am of course aware that some of my colleagues oppose our efforts to bring fairness to our states and farmers by continuation of the Dairy Compact pilot project.

Also, unfortunately, Congress has been bombarded with misinformation from an army of lobbyists representing the national milk processors, led by the International Dairy Foods Association (IDFA) and the Milk Industry Foundation. These two groups, backed by the likes of Philip Morris, have funded several front groups to lobby against this compromise.

Their handy work has been seen recently in misinformed newspaper editorials, deceiving advertisements and uninform television ads. Yesterday Senator LEAHY and I came to the floor to correct the misinformation contained in the Wall Street Journal Editorial.

Mr. President, I would like to take this opportunity to set the record straight about the operation of the Northeast Compact. It is crucial that Congress understand the issues presented by dairy compacts on the merits, rather than based on misinformation.

When properly armed with the facts, I believe you will conclude that the Northeast Dairy Compact has already proven to be a successful experiment and that the other states which have now adopted dairy compacts should in the future be given the opportunity to determine whether dairy compacts will in fact work for them as well.

Contrary to the claims of the opposition, regional compact regulation remain open to the interstate commerce of all producer milk and processor milk products, from whatever source. Compacts establish neither “cartels”, “tarriffs”, nor “barriers to trade” and are not “economic protectionism.”

According to the opponents characterizations, dairy compacts somehow establish a “wall” around the regions subject to compact regulation, and therefore prohibit competition from milk producers processed from outside the regions.

These are entirely misleading characterizations.

It is really quite simple and straightforward: All fluid, or beverage milk sold in a compact region is subject to uniform regulation regardless of its source within or outside the compact region.

This means that all farmers, including farmers from the Upper Midwest, providing milk for beverage sale in the region, receive the same pay prices without discrimination. It can thus be seen that there is no economic protectionism or the erection of barriers to trade.

Except for uniform regulation, the market remains open to all, and the benefits of the regulations are provided without discrimination to all participating in the market, including those who participate in the market from beyond the territorial boundaries of the region.

Next, I would like to address the actual and potential impact of dairy compacts on consumer prices. In short, opponents claims about the actual and possible impact of dairy compacts on consumers, including low income consumers, are unfounded and grossly distorted.

Over the years, while farm milk prices have fluctuated wildly, remaining constant overall during the last ten years, consumers prices have risen sharply.

The explanation for this is apparent: that variations in store prices do not mirror the wild fluctuations in farm prices.

In other words, when farm prices go up, the store prices go up, but when the farm prices recede, the store prices do not come back down as quickly or as far as at the same rate. Hence, and quite logically, if you take away the fluctuations in farm prices, you take away the catalyst for unwarranted increases in store prices.

When the 1996 Farm Bill granted consent to the Northeast Dairy Compact as a pilot program, Congress gave the six New England states the right under the compact clause of the Constitution to join together to help regulate the price paid to farmers for fluid milk in the New England region.

The six New England states realized that in order to maintain a viable agriculture infrastructure and an adequate supply of milk for the consumers they needed to work together.

When the compact passed as part of the 1996 Farm Bill, the opponents were so sure the compact would not operate as its supporters had promised, they directed the Office of Management and Budget to conduct a study on the economic effects of the Northeast Dairy Compact.

The opponents of the dairy compact intended for the OMB study to discredit the dairy compact. The study did just the opposite. Instead, the OMB study proved just what we had thought—that the dairy compact works and it works well.
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The OMB studied the economic effects of the Northeast Dairy Compact and especially its effects on the federal food and nutrition programs. The study also examined the impacts of milk prices at various levels on utilization and shipment of milk, and on farm income both within and outside the Compact region.

Here’s what the study concluded:

The New England retail milk prices were $.05 cents per gallon lower on average than retail milk prices nationally following the first six months of operation of the Northeast Dairy Compact.

The compact over-order payments made in New England through the Compact Commission have had little impact on the price consumers pay as a result of the compact. Consumers, who are well represented on the Compact Commission, are very pleased with how the Dairy Compact has operated.

The Northeast Dairy Compact has not added any costs to federal nutrition programs, such as the Women, Infants and Children (WIC) and the school lunch and breakfast program, due to compensation procedures implemented by the New England Compact Commission. A program that helps protect farmers and consumers with no cost to the federal government.

The OMB study found that the Dairy Compact was economically beneficial to dairy producers. It increased their income from the milk sales about six percent.

The study concluded that the retail prices in New England were lower than the national average and it increased the income of dairy producers. No wonder twenty-five states are interested in having compacts in their states. And it’s no wonder why governors, state legislatures, consumers and farmers alike support the continuation of the Northeast dairy compact.

Also, the OMB study concluded that there were no adverse affects for dairy farmers outside the Compact region and the study noted that some dairy producers outside the region actually received increased financial benefits through the sale of their milk into New England.

The OMB study helped Congress understand just how well the compact works. The opponents of the compact did not get what they had hoped for—instead we all have benefitted, both opponents and proponents of the compact, with the facts.

Despite what some of my colleagues have said, the Northeast Dairy Compact is working as it was intended to.

Instead of trying to destroy an initiative that works to help dairy farmers with no cost to the federal government, I urge my colleagues from the Upper Midwest to respect the states’ interest and initiative to help protect their farmers and encourage other regions of the country to explore the possibility of forming their own interstate dairy compact in the future.

Mr. President, the Northeast Dairy Compact has worked well. Just think if other commodities and other important resources around the country developed a program that had no cost to the federal government and benefitted both those who produce, sell, and purchase product.

Mr. FEINGOLD. Mr. President, I rise today in strong opposition to this legislation, which would revive an arcane and unjust federal dairy policy that has destroyed thousands of family dairy farms.

Once again, the Senate is faced with dairy riders that fly in the face of recommendations from the Secretary of Agriculture, our nation’s dairy farmers, and numerous taxpayer and consumer groups. It seems that political favors are more important to some in this Congress than policy decisions that help our nation’s dairy farmers.

During the last four years neither of these two harmful provisions—Option 1A or the Northeast dairy compact—has won Senate approval. I ask my colleagues on the other side of the aisle: why must Senate and House leaders continue to play political games at the expense of our nation’s dairy farmers?

Mr. President, these backdoor deals must stop. America’s dairy farmers deserve a national dairy policy that ensures that all dairy farmers receive a fair price for their milk.

Unfortunately, the House and Senate leadership went into a back room, and snuck in these two riders that step up the attack on our dairy industry.

These decisions were separate even from the eyes and ears of members, and most members of the Senate Agriculture Committee. With the proliferating of these backdoor deals, it is no wonder that the general public is frustrated with Congress.

The simple fact is that neither of these two dairy riders has been approved by both chambers of Congress, or the President.

I would like to make my colleagues aware of the history behind these two provisions. During the last four years, the only Senate vote explicitly on the Northeast dairy compact resulted in a resounding vote to reject.

This year, the Senate again voted on a package containing the Northeast dairy compact, and it again failed to gain enough support to invoke cloture.

Mr. President, the House has yet to take a single vote specifically on the Northeast dairy compact. Compared to the record of the House, these two votes make the Senate look like experts on the Northeast dairy compact.

Furthermore, Mr. President, the 1986 farm bill required that the Northeast dairy compact expire upon implementation of USDA’s reforms. Unfortunately these dairy riders seek to defy the will of Congress, and give the back of their hand to America’s dairy farmers.

After tens of thousands of comments, USDA came up with a modest plan to reform our 30-year-old milk marketing order structure.

More than 59,000 dairy farmers from all over the United States participated in a USDA national referendum, and 96% voted in favor of the United States Department of Agriculture’s final rule to consolidate the current 31 federal milk marketing orders into 11, and to reform the price of Class I milk.

USDA’s proposal garnered nearly uniform support in each of the 11 regions, including the Southeast, Midwest, and Northeast.

The second of these harmful dairy riders, would overturn these reforms.

Well, Mr. President, I take the floor today to deliver a simple message: Congress should not renew a milk marketing order system that devastates family farmers, and imposes higher costs on consumers and taxpayers.

There has been a great deal of confusion over the effects of these harmful dairy provisions. Some say that mandating Option 1A and a two year extension of the Northeast dairy compact simply preserves the status quo.

This legislation does much more than simply extend the 60-year milk marketing system.

A new forward contracting provision in this dairy rider enables processors to pay farmers much less than the federal blend price for their milk.

This forward contracting provision will also make the market less competitive for all other producers by reducing the space for small and medium-sized producers, who will become residual suppliers.

Mr. President, these dairy provisions shift the attack on our nation’s dairy farmers into overdrive. This harmful legislation will continue to push our nation’s dairy farmers out of business, and off their land.

For sixty years, dairy farmers across America have been steadily driven out of business, and disadvantaged by the very Federal dairy policy this legislation seeks to revive.

In 1950, Wisconsin had over 143 thousand dairy farms. After nearly 50 years of the current dairy policy, Wisconsin is left with only 23 thousand farms. Let me repeat: 23 thousand farms.

Would anyone seek to revive a dairy policy that has destroyed over 110 thousand dairy farms in a single state? That’s more than five out of six farms in the last half-century.

This devastation has not been limited to Wisconsin. Since 1950, America has lost over three million dairy farms. And this trend is accelerating, since 1985, America has lost over half of its dairy producers.
Day after day, season after season, we are losing small farmers at an alarming rate. While these operations disappear, we are witnessing the emergence of larger dairy farms.

The trend toward a few large dairy operations is mirrored in States throughout the nation. The economic losses associated with the reduction of small farms goes well beyond the impact on the individual farm families that have been forced off their land.

The loss of these farms has devastated rural communities where small family-owned dairy farms are the key to economic stability.

Option 1A also hurts these communities in other ways: through higher costs passed on to both consumers and taxpayers.

Option 1A would increase prices for milk taxes unfairly burden children and the elderly. These hidden penalties on programs is $93 million. These regressive taxes unfairly burden children and consumers.

These statistics underscore the importance of USDA’s reforms for dairy farmers across the nation.

As this chart makes clear, USDA’s reforms to the Northeast Dairy Compact region will increase milk prices and another $18 million a year due to increased cheese prices.

This legislation also soaks taxpayers with a nickel tax by imposing higher costs on every taxpayer because we all pay for nutrition programs such as food stamps and the national school lunch program.

According to USDA, Option 1A alone would increase the average beverage milk price by nearly five cents a gallon and the cost of milk used for cheese by about two cents a gallon.

If we add up these costs to all of the federal nutrition programs, the costs mount up quickly.

In fact, compacts often amount to a transfer of wealth to large farms by affording large farmers a per-farm subsidy that is actually 20 times greater than the meager subsidy given to small farmers.

We need to support USDA’s moderate reforms, reject these harmful dairy riders and let our dairy farmers get a fair price for their milk.

Mr. President, today we are considering the District of Columbia appropriations bill, which includes not only the District of Columbia, but also regular appropriations for seven cabinet-level departments—the Departments of Labor, Health and Human Services, Education, State, Justice, Commerce, and Interior.

The package also includes four major authorization bills covering Medicare, foreign operations, satellite television, dairy programs, and scrap-metal recycling.

Mr. President, under ordinary circumstances, legislation should not be packaged this way. If I were to base my vote merely upon the process that led us to combine these measures into one huge bill, I would vote no, as I have on the compact not only allows the six States to set artificially high prices for their producers, it permits them to block entry of lower-priced milk from producers in competing States. Further distorting the markets are subsidies given to processors in these six States to export their higher-priced milk to non-compact States.

The compact arbitrarily provides preferential price treatment for farms in the Northeast at the expense of farmers in other regions who work just as hard, who love their homes just as much and whose products are just as good or better.

It is outrageously subsidized its compact in 1997, small dairy farms in the Northeast, where this is supposed to help, have gone out of business at a rate of 41 percent higher than they had in the previous 2 years—41 percent higher.

In fact, compacts often amount to a transfer of wealth to large farms by affording large farmers a per-farm subsidy that is actually 20 times greater than the meager subsidy given to small farmers.

The compact not only allows these farmers to export their higher-priced milk to non-compact States.
the other omnibus bills that have come before the Senate during the last few years. However, I think there are some important distinctions between the package before us this year and what we have seen in the past.

Unlike last year, for example, when free-for-all negotiations resulted in an orgy of new spending and wholesale concessions to the White House, this year the individual parts of the bill were negotiated separately, in a largely orderly process. Unlike last year, any additional spending won by the White House was required to be offset so that net spending would not increase.

With the exception of the dairy provisions, which I oppose, I have concluded that I would vote for each of the measures individually if we had the opportunity to vote on them separately. For this reason and, because on balance, I believe the good in the rest of the package outweighs the bad, I will vote yes.

Mr. President, when we look back on this legislation five or 10 years from now, I think we will see one aspect of it as truly historic.

The legislation, despite its shortcoming, establishes a historic new precedent against ever again raiding the Social Security trust fund for other purposes—a precedent that future Presidents and Congresses will deviate from only at their own peril.

The package has been designed to avoid intentionally spending a dime of the Social Security surplus. And if our estimates turn out to be right, it will be the first time since 1960—the first time in nearly 40 years—that Congress did not tap the Social Security surplus to pay for other programs. It also means that we will be able to pay down publicly held debt by another $330 billion or so this year.

Mr. President, I think everyone needs to recognize that estimates of spending and revenues can be affected by even the slightest changes in the economy, and so we will need to be prepared to adjust spending levels early next year if it appears that that is necessary to take further action to safeguard the Social Security surplus. We should even consider putting an automatic mechanism in place, as proposed in legislation I cosponsored with Senator Ron Wyden, to make sure Social Security is never again tapped.

In any event, it is important to recognize just how far we have come since 1995. That was the year Bill Clinton sent Congress a budget that would have spent every penny of the Social Security surplus every year for the foreseeable future, and still run $200 billion annual deficits on top of that. The President’s FY96 budget submission would have resulted in actual deficits rising by $259 billion in 1995 to roughly $269 billion this year.

We did not follow the President’s recommendations. We charted an entirely different course. The result: We now have a budget that sets aside the entire Social Security surplus and even runs a surplus in the government’s operating budget. That is progress.

Because we do not raid Social Security, we had to do a better job of setting priorities so that we could take care of those things the American people care most about, and to a large degree, I think we succeeded. This bill provides a substantial increase in funds for medical research at the National Institutes of Health. We provide even more resources for education than the President asked for, and we take a modest first step in the direction of public school choice and providing local school districts with increased flexibility in how they will use federal funds to meet the needs of their students. We restore funding for hospitals and nursing homes that care for Medicare patients.

We also include additional resources for law enforcement, including funding for the President’s zerotolerance goals, and Congress has put the funds to combat the scourge of methamphetamine in our communities. We are able to provide more money than the President sought for the Violence Against Women Act. And we provide money to make sure federal agencies can be better stewards of our national parks, forests, and wildlife refuges.

We require that international family-planning money be used for just that—family planning, not abortion or lobbying to liberalize the abortion laws of other countries. Although the compromise provisions would allow the President to waive the limitations and provide about $15 million to groups that engage in such activity, about 96 percent of the dollars would still remain subject to such restrictions.

Of course, funding these various priorities means we had to limit spending in other areas in order to keep our promise not to raid Social Security. For example, the National Endowment for the Arts does not get the increase it sought. There will not be as much foreign aid as President Clinton wanted. We cut the President’s Advanced Technology Program. To make doubly sure we keep our pledge to stay out of Social Security, we include a small Domestic Technology Program. To make doubly sure that engage in such activity, about 96 percent of the dollars would still remain subject to such restrictions.

At the beginning of the 106th Congress, I argued repeatedly in this chamber that the key to reining in the federal budget process was to pursue comprehensive budget process reforms. I have introduced legislation to achieve these goals which includes legislation that would force us to pass a legally-binding federal budget, allow an automatic continuing resolution to kick-in to prevent government shutdown, set aside funds each year in the budget for true emergencies; strengthen the enforcement of budgetary controls; enhance accountability for Federal spending; mitigate the bias toward higher spending; modify Pay-As-You-Go (PAYGO) procedures to accommodate budget surpluses; and establish a look-back sequencing mechanism to ensure the Social Security surplus will be protected. We also need to pursue biennial budgeting and getting rid of the so-called “baseline budgeting.”

We were assured by Senate leaders that we were going to pursue real budget process reform early this year and that we would vote on the President’s FY2001 spending bill in the future.

Mr. President, I believe what we have before us today is a repeat of what was promised to never occur again. Once

Second, there is still far too much wasteful spending in the budget. And third, there is the President’s advocacy in the bill for FY2001 that it will be difficult for us to stay within our spending targets for next year.

On balance, it strikes me that the short-term cost of exceeding the caps and spending the relatively small non-Social Security surplus for this year is more than outweighed by the long-term discipline that will be imposed by the precedent we have set with regard to protecting Social Security.

Mr. President, with that in mind, I intend to vote for this bill.
more, with inadequate time to review. The House passed this omnibus bill with a knuckle-twisting vote, and we do not know what the real cost of it, or whether it stays within the 302(b) allocations.

But we do not know many accounting rules have been bent in putting this bill together to avoid the tighter spending caps. Let me explain: This bill relies heavily on the so-called “directed scoring” technique for it increased spending. Traditionally, Congress always uses the Congressional Budget Office estimates for scorekeeping. However, because the Office of Management and Budget (OMB) has more favorable estimates for some government programs than the CBO, the Congress simply directed CBO to use OMB numbers to keep score for this year’s spending bills.

One of these OMB estimates the CBO was directed to use is the $2.4 billion spectrum sales revenue expected to be appropriated. Of course, we knew that level of sales will not be reached. In fact, we criticized the President for using this overoptimistic number in his past budgets.

Just by using the OMB’s rosy estimates, without making any hard choices, Congress has increased this year’s 302(b) allocations by over $17.4 billion. But the real danger is, by the end of the year, the CBO will use its own estimates to score our budget surplus or deficit. If OMB’s numbers prove to be unrealistic and wrong, we end up spending the Social Security surplus we have vowed to protect and it will be too late to adjust the budget accordingly. This is the last thing we want to do. That is why I was disappointed my bill to provide an automatic sequester to fund regular government programs, as Senator Domenici recommends, to give us time to do this. Instead of streamlining federal spending, we have thrown in more money to please big spenders without the needed analysis to ensure the spending will help us solve problems. And like last year’s bill, this bill looks like a Christmas tree full of pork projects. Many are added in the last minute without the needed analysis to ensure the spending will help us solve problems.

Mr. President, abusive use of emergency spending is another gimmick applies in this omnibus spending bill, as well as in the other appropriation bills we’ve passed. Last year alone, Congress appropriated $24 billion for so-called emergencies. This year again, over $24 billion of emergency spending was appropriated. Since 1991, emergency spending has totaled over $145 billion. Most of these “emergencies” were used to fund regular government programs, not unanticipated true emergencies. Emergency spending is sought as a vehicle to add on even more spending priorities and thus to dodge fiscal discipline because emergency spending is not counted against the spending caps. This has gone too far. We need a better way to budget for emergencies. Most of this spending can be planned within our budget limits. Even natural disasters happen regularly—why not budget for them, as I proposed in my budget process legislation?

Mr. President, while I agree “advance appropriations,” “advance funding” and “forward funding” are not uncommon practice here, it does not mean they are the right thing to do, particularly when these budget techniques are used to dodge much-needed fiscal discipline.

In the past five years, “advance appropriations” have increased dramatically, jumping from $1.9 billion in FY 1996 to $11.6 billion in FY 2000, an increase of $9.7 billion over five years. This year, at least $19 billion was advanced into FY 2001 and outyears which will create even worse problems for us next year and in the future.

I understand the upward spending pressure for the Omnibus for this year and in the outyears. But I believe we should, and can, meet this challenge by prioritizing and streamlining government programs while maintaining fiscal discipline. We can reduce waste, eliminate unnecessary government programs, and give priority government programs to fund the necessary and responsible function of government. But we need a Biennial Budget, as Senator Domenici recommends, to give us time to do this.
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University of Southern Mississippi. It also includes an increase of $3.6 million for Washington State Hatchery Improvement 

As the result, we've ended up spending much more money than we should have. My biggest fear, Mr. President, is that this omnibus spending legislation may allow Congress and the President to spend some of the Social Security surplus by not imposing an adequate across-the-board spending reduction.

Even counting all the “directed scoring,” “advanced appropriations,” every penny of the $14 billion on-budget surplus and other budgetary gimmicks, it is estimated that Congress could still dip into the Social Security surplus by nearly $5 billion. To fill that gap we need to reduce government spending by 0.97 percent across-the-board. But the agreement gives Congress an increased amount of bargaining room between congressional leaders and the White House allows only a 0.38 percent reduction which would result in $1.3 billion savings. Clearly, this is done just for face-saving reason, and will not ensure that the Social Security surplus is protected.

The proponents of this omnibus bill may quickly point out that there are offsets to fund the new spending. But we all know most of the offsets are simply gimmicks. The best example is a $3.5 billion transfer from the Federal Reserve surplus to the Treasury.

As you know, there is nothing new about this proposal and it has been around for quite a while. In the past, Chairman Greenspan called this transfer of the Fed’s surplus to the Treasury “a gimmick that has no real economic impact on the deficit.” Because it is just an intra-governmental transfer that would not change the government’s true economic and financial position.

Other offsets such as a one-day delay in pay for our military and civilians will cause enormous financial hardship for millions of American families who depend on the regular paychecks to pay their mortgage, daycare for their kids, and other priorities. Many small businesses and contractors can be adversely affected by this offset as well. Again, this has proven that the victims of Washington’s spending spree are the American taxpayers.

Mr. President, there are many provisions in the omnibus appropriations bill I support, such as the BBA Medicare fix which includes reinstatement of Minnesota’s DSH allotment, the State Department Authorization which includes payment of the U.N. arrears and my embassy security proposal, Home Satellite TV access and others. In fact I have worked hard on many of these proposals. However, I believe the dairy provisions and the general lack of fiscal discipline in the bill have far overshadowed the good provisions. Overall, it is a bad deal for working Americans in general and it is a bad deal for my fellow Minnesotans in particular. I therefore cannot give this fiscal irresponsibly legitimate legislative support.

Mr. GRASSLEY. Mr. President, I rise to express my deep disappointment at the language affecting Federal dairy policy included in the Omnibus appropriations bill before us. As the Members know, the Omnibus measure includes an extension of the Northeast Dairy Compact and language on re-forming our Nation’s Federal dairy policy which has been in place since the Depression.

It may seem unusual to some Members that a Senator from Iowa would have an interest in this matter. While Iowa’s reputation as an agriculture powerhouse is well-established and well-deserved, I think when many people think of Iowa, they think of commodities such as soybeans or pork. However, the dairy industry is very important to Iowa as well. The total economic contribution of the dairy industry to the Iowa economy is over $11 billion. Nearly 10,000 Iowans are employed through dairy farming and processing. Furthermore, Iowa ranks 12th in the Nation in Dairy Production. So the State of Iowa has good reason to be concerned about Federal dairy policy.

I have long been concerned about the impact of the Northeast Dairy Compact, which was authorized by the 1996 farm bill and which was due to sunset in October of this year, has had, and how it will affect producers in the future. I voted in 1996 to strip the language from the farm bill which allowed for the formation of the Northeast Dairy Compact. The only reason the language was included in the farm bill was political trading at the last minute. The Congression of the Northwest Compact, it is clear that its consequences have not been good.

According to the International Dairy Foods Association, the Northeast Compact has cost New England milk consumers nearly $65 million in higher milk prices, at the same time costing child nutrition programs $9 million more. Consumers have paid a price that is too high for the Northeast Compact. We should not make more consumers pay for the same consequences. I also believe that compacts are an abuse of the Constitution. While the Constitution does allow for the formation of compacts, it is usually invoked for transportation or public works projects.

The Northeast Dairy Compact is the first time that compacts have been used for the purpose of price fixing for regional interests. For the most effective functioning of the U.S. economy, it must be unified. Preventing economic protectionism is at the heart of our Constitution. Renewing or expanding compacts flies in the face of that basic tenet. Furthermore, neither the Judiciary Committee or the Agri-


culture Committee, which have jurisdiction over such matters, has had the opportunity to review this measure. Such a committee examination is warranted and necessary.

One of the things that worries me about dairy compacts is their potential effect on other commodities. Higher prices mean more demand. The key to increasing dairy producers’ income is expanding demand for milk and dairy products. If we take steps to expand dairy compacts, we will be going in the opposite direction. It is also my view that compacts are contradictory to the philosophy of freedom to farm, which my friend, the senior Senator from Vermont, supported. The whole philosophy behind freedom to farm was moving away from the old “command and control”, government-run AG policies of the past. We need more free markets and free trade, not less, which brings me to my final point on compacts. As Chairman of the Finance Committee’s Subcommittee on Trade, maintaining a strong trade position for the United States is my top priority. One of the reasons why the United States is the only true superpower left in the world and why our Nation remains economically strong while others have faltered is because we function as one economically. Our economic prosperity is undeniable proof of the superiority of free and open markets. If we were to allow the perpetuation of dairy compacts, it would send a very damaging signal to the rest of the world.

It would send the message that we do not have the confidence that a free and open economy will ensure that producers who come to the market with a quality product will be able to support themselves. Not only is the compact language in this bill unacceptable for dairy producers in the Midwest, but the Omnibus bill also includes language on the Nation’s milk marketing orders that is detrimental to Iowa’s dairy producers. Members know that milk marketing orders are a system put in place over 60 years ago to regulate milk handlers in a particular order region to promote orderly marketing conditions.

The 1996 farm bill required USDA to cut the number of marketing orders by over half and implement an up-to-date market oriented system of milk distribution. After a great deal of study and comment, USDA came up with two proposals, Option 1-A, and Option 1-B. Option 1-A is close to the status quo and Option 1-B is geared toward the liquidation and market order system. While neither proposal was perfect, Option 1-B was definitely a better choice. However, given the concerns expressed by the public about both proposals, USDA issued a compromise initiative, which was still preferable to Option 1-A. Unfortunately, Option 1-A proponents have succeeded in getting Option 1-A language included in the Omnibus appropriations bill.
Those who favor 1–A sometimes make the argument that the compromise devised by the USDA would cost dairy farmers nationwide $200 million. However, according to the USDA, net farm income would be higher under the compromise that under the status quo which is what 1–A is in many ways. The Food and Agricultural Policy Research Institute, which is located in my State of Iowa, has concluded that 60 percent of the Nation’s dairy farmers would receive more income under the USDA compromise plan.

The unequal treatment of the old system, which is maintained by 1–A, artificially raises prices for milk in other parts of the country, encouraging excess production which spills into Midwestern markets. This simply lowers the price that Midwestern producers receive.

The Federal Milk Marketing Order System is out of date and out of touch with modern production and economics. It is true for reasons that I have already stated that this language in the Omnibus bill just puts that off. My producers and others in other Midwestern States have endured the inequities of the Milk Marketing Order System long enough. I am very disappointed that the unfairness of the old system would be perpetuated by the language in this bill. We could still correct the mistakes made by this bill which would have a tremendously detrimental effect on dairy producers within Iowa and the rest of Midwest.

I urge the leadership on both sides of the aisle to work with Midwestern Senators to help put an end to the unfair treatment of the Midwestern dairy farmers.

Ms. SNOWE. Mr. President, I reiterate my support for the two year extension of the very successful Northeast Interstate Dairy Compact. And after the recent testimony of a dairy producer, I have come to understand one should believe everything they read—I feel compelled to set the record straight on this issue one more time.

The Northeast Dairy Compact has addressed the needs of states in New England who compacted together within their region to determine fair prices for locally produced supplies of fresh milk. All six legislatures and all six governors in New England approved the Compact.

In fact, in 1988–1990, the Vermont House passed it unanimously and the Senate passed it 29 to 1. The Maine House passed it 114 to 1 and it was unanimously adopted by the Senate. The legislators in Connecticut, Massachusetts, New Hampshire and Rhode Island also adopted it overwhelmingly in 1993.

I would also note that despite the varying views, party affiliations and economic philosophies, this is one issue where the entire New England Congressional Delegation is united. And that, in and of itself, is quite a feat.

Let me tell you why New England is united behind the Dairy Compact. We want our family farmers. This way of life is threatened for a number of reasons including the encroachment of development which leads to the increased cost of land.

I think one Mainer summed it up quite nicely in a letter to the editor. In this letter she noted that it was okay to be against the Compact: ‘. . . if you think we will be better off having sub-divisions where our farms once stood, if you believe it’s to our advantage to say good-bye to the last family farms and hello to big business controlling the production, distribution and pricing system.”

In my own state of Maine we have lost 31 percent of our dairy farms in the last 10 years. We have 485 dairy farms left and they average 80 milking cows and provide 2100 related jobs. They are very dependent on a rural way of life that is fast disappearing not only in New England but throughout the country. And it is a way of life that we will not give up without a fight.

The men and women who own our daily farms are doing it because it is in their blood—their parents did it, their grandparents did it and in many cases their great-grandparents did it. You don’t go into dairy farming to make money—you go into it because it is in your blood. It is what you know and what you love. And the Compact is the only thing standing between many of these families and the loss of not only their farm but their way of life.

In Maine we have a saying that you are “from away” if you are not from Maine. Let me assure you that if you told a Maine dairy farmer that he was part of a price fixing cartel, as several newspapers have claimed, he would immediately know that you were from away . . . far, far away.

The beauty of the Compact is that it reflects the New England way of life—self-reliance—we don’t ask the federal government for one penny. Instead, New Englanders pay a few cents more for milk to support the Compact—a very small price to pay to protect our rural way of life.

Let me repeat that—we are not asking the federal taxpayer in Wisconsin or Texas or Minnesota to subsidize our farmers—although I might add that New England taxpayers have historically subsidized farmers in other parts of the country.

The Compact has proven to be an effective approach to address farm insecurity. The Compact has protected New England against the loss of their small family dairy farms and the consumers against a decrease in the fresh local supply of milk. The Compact has stabilized the dairy industry in this entire region and protected farmers and consumers alike against the ups and downs of the marketplace.

Over ninety-seven percent of the fluid milk market in New England is self-contained within the area, and fluid milk markets are local due to the demand for freshness and because of high transportation costs, so any complaints raised in other areas about unfair competition are quite disingenuous.

All we are asking, Mr. President, is the continuation of the Northeast Dairy Compact, the existence of which now threatens that New England’s family farmers make a good scapegoat—as 65 percent of the House of Representatives voted to pass the moratorium language.

The New England Compact adds about two cents a gallon to the consumer—not 20 cents as the Wall Street Journal would have you believe. They seem to be under the impression that the farmers set the price for the milk you buy at the store—the fact is that prices are set by the retailer. Under the Compact, New England retail milk prices have been among the lowest and the most stable in the country.

The USDA has tried to make the argument that interstate dairy compact increase milk prices. This is just not so as milk prices around the U.S. have shown time and again that prices elsewhere are much higher and experience much wider price shifts than in the Northeast Compact states. Just take a look at dairy prices around the country for a gallon of milk.

The price in Bangor and Augusta, Maine ranged from $2.89 to $2.99 per gallon from February to April of 1999 and has remained stable at $2.89 for the last several months.

In the Boston, Massachusetts market, the price stayed perfectly stable—at $2.89—from February to April of 1999.

In Seattle the price ranged from $3.39 to $3.56 over the same time period. Washington State is not in a compact, yet their milk was approximately 50 cents higher per gallon than in Maine. The range in Los Angeles was from $3.19 to $3.29. In San Diego, the range was from $3.10 to $3.62. California is not in a compact.
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Las Vegas prices were $2.99 all the way up to $3.62. Not much price stability there, but then, Nevada is not in a compact. In Philadelphia, the range was $2.78 to $3.01 per gallon—not as wide a shift as Nevada but a much wider price shift than the Northeast Compact states. It’s no wonder Pennsylvanians want to love and leave the Dairy Compact. How about Denver—Colorado is not in a compact. A gallon of milk in Denver has cost consumers anywhere from $3.45 to $3.59 over the past few months, over one half of a dollar more than in New England. The Northeast Dairy Compact has not resulted in higher milk prices in New England, but the milk prices are among the lowest in the country—and are among the most stable.

Only the consumers and the processors in the New England region pay a few cents extra for milk that already costs less than just about anywhere else in the country—to provide for a fairer return to the area’s family dairy farmers. This is a way that is important to the people of the Northeast.

Also, where is the consumer outrage from the Compact states for spending a few extra pennies for fresh fluid milk so as to ensure a safety net for dairy farmers so that they can continue an important way of life? I have not heard any swell of outrage of consumer complaints over the last three years. Why, because the consumers also realize this initial pilot project, whose costs are borne entirely by the New England consumers and processors, has been a huge success. So, I ask my colleagues to look at the facts, not the fables being spread by those who have simply chosen not to let the facts get in their way.

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my strong support for the Northeast Dairy Compact. As a direct result of the agreement effective in November 1997, the Compact has stabilized milk prices for both farmers and consumers in New England.

Farmers across the country are unable to make ends meet. The number of farmers in New England has declined significantly in recent years. In 1992, Massachusetts had 365 dairy farms. Today, that number has declined to 290 dairy farms. Farmers in New England are losing a priceless heritage, that their families have owned for generations—some since the 1600s. The Northeast Dairy Compact helps ensure that our nation’s investment in the search for medical breakthroughs. I am very pleased to say that the omnibus appropriations act contains a record $2.3 billion increase in support for medical research through the National Institutes of Health. We are now well on our way to doubling our nation’s investment in the search for medical breakthroughs.

This increase will directly benefit the health of the American people. It will speed up the day when we have a cure for cancer and other deadly diseases.

On top of that, the Senate has passed S. 1268, the Twenty-First Century Re- search Laboratories Act of 1999. This bill cosponsored by Senators PISTRIS, BALDWIN, CLARK, MACK, MIUKLIS, MURRAY, CLELAND, HELMS, WARNER, SARBAKES, SCHUMER, COCHRAN, DURBIN, MOYNIHAN, BOXER, ROBERTS, REID of Nevada, SPEC- TER, FEINSTEIN, COLLINS, INOUYE and HAGEL. I want to thank my colleagues for cosponsoring this legislation, and for their strong support for the Dairy Compact. This bill addresses a critical shortfall in our nation’s medical research enterprise. I was pleased to work with Senator SPECTER this year to achieve a $2.3 billion increase for the National Institutes of Health. The Conference Agreement of the Fiscal Year 2000 Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, provides $17.9 billion for the NIH. This puts us well on track to double funding for the NIH over the next five years, a target that was agreed to by the Senate, 98–0, in 1997.

However, as Congress embark on this important investment in improved health, we must strengthen the total strength of the biomedical research infrastructure. Despite the significant scientific advances produced by Federally-funded research, most of that research is currently being done in medical facilities built in the 1950’s and 1960’s, a time when the Federal government obligated from $30 million to $100 million a year for facility and equipment modernization. Since then, however, annual appropriations for modernization of our biomedical research infrastructure have dramatically declined, ranging from zero to $20 million annually over the past decade. It is only fair to report that this year we were able to increase that amount to $75 million in our appropriations bill. While this is an important improvement, much more is needed. As a result, many of our research facilities and laboratories are outdated and inadequate to meet the challenge of the next millennium.

In order to realize major medical breakthroughs in Alzheimer’s, diabetes, Parkinson’s, cancer and other major illnesses, our nation’s top research facilities must have top quality, state-of-the-art laboratories and equipment. Unfortunately, the status of our research infrastructure is woefully inadequate.

At recent study by the National Science Foundation finds that academic institutions have deferred, due to lack of funds nearly $11.4 billion in repair, renovation, and construction projects. Almost one quarter of all repair projects are completely to renovate or replacement and 70% of medical schools report having inadequate space in which to perform biomedical research.
A separate study by the National Science Foundation documents the laboratory equipment needs for researchers at universities and research institutions reported an increased need for laboratory instruments. At the same time, the report found that spending for such instruments at colleges and universities actually declined in the early 1990s.

Several other prominent organizations have documented the need for increased funding for research infrastructure. A March 1998 report by the Association of American Medical Colleges stated that "The government should reestablish and fund a National Institutes of Health construction authority.

. . ." A June 1998 report by the Federation of American Societies of Experimental Biology stated that "Laboratories must be built and equipped for the science of the 21st century . . . Infrastructure investments should include renovation of existing space as well as new construction, where appropriate.

As we work to double funding for medical research over the next few years, the already serious shortfall in the modernization of our nation's aging research facilities and labs will continue to worsen unless we take specific action. Future increases in NIH must be matched with increased funding for repair, renovation and construction of research facilities, as well as the purchase of modern laboratory equipment.

Mr. President, the bill that passed the Senate today expands federal funding for facilities construction and state-of-the-art laboratory equipment through the NIH by increasing the authorization for this account within the National Center for Research Resources to $50 million in FY 2000 and $500 million in FY 2001.

In addition, the bill authorizes a "Shared Instrumentation Grant Program" at NIH, to be administered by the Center. The program will provide grants for the purchase of shared-use state-of-the-art laboratory equipment costing over $100,000. All grants awarded under these two programs will be peer-reviewed, as is the practice with all NIH grants and projects.

We are seeing a level of great promise in the field of biomedical research. We are on the verge of major breakthroughs which could end the ravages of cancer, heart disease, Parkinson's and the scores of illnesses and conditions which take the lives and health of millions of Americans. To realize these breakthroughs, we must devote the necessary resources to our nation's research enterprise.

I want to thank the Association of American Universities, the Association of American Medical Colleges and the Federation of American Societies of Experimental Biology for their support for this legislation.

I thank my colleagues for their support of this important health care legislation, and I look forward to working with our colleagues in the House of Representatives next year to ensure this legislation is signed into law. Thank you.

Mr. FRIST. Mr. President, I am pleased that the Senate passed today, S. 1999, the Prostate Cancer Research and Prevention Act, which I introduced on June 18, 1999 to address the serious issue of prostate cancer.

This year 37,000 American men will die, and 179,300 will be diagnosed with prostate cancer, the second leading cause of cancer-related deaths in American men. Cancer of the prostate grows slowly, without symptoms, and thus is often undetected until in its most advanced and incurable stage. It is estimated that many men have not been aware of the risk of prostate cancer and take steps to ensure early detection.

While the average age of a man diagnosed with prostate cancer is 66, the chance of developing prostate cancer rises dramatically with age. A man with a family history of prostate cancer makes it important for men to be screened or consult their health care professional. The American Cancer Society and the American Urological Association recommend that men over 50 receive both an annual physical exam and a PSA (prostate-specific antigen) blood test. African-American men, who are at higher risk, and men with a family history of prostate cancer should begin yearly screening at age 40.

Even if the blood test is positive, however, it does not mean that a man definitely has prostate cancer. In fact, only 25 percent of men with positive PSAs actually have prostate cancer. Further testing is needed to determine if cancer is actually present. Once the cancer is diagnosed, treatment options vary according to the individual. In elderly men, for example, the cancer may be especially slow growing and may not spread to other parts of the body. In those cases, treatment of the prostate may not be necessary, and physicians often monitor the cancer with follow-up examinations.

Unfortunately, preventive risk factors for prostate cancer are currently unknown and the effective measures to prevent the disease have not been determined. In addition, scientific evidence is insufficient to determine if screening for prostate cancer reduces deaths or if treatment of disease at an early stage is more effective than no treatment in prolonging a person's life.

Currently, health practitioners cannot accurately determine which cancer will progress to become clinically significant and which will not. Thus, screening and testing for early detection of prostate cancer should be discussed between a man and his health care practitioners.

In an effort to help address the serious issues of prostate cancer screening, to increase awareness and surveillance of prostate cancer, and to unlock the current mysteries of prostate cancer and its causes, the House of Representatives last year passed the "Prostate, Lung, Colorectal, and Ovarian (PLCO) Cancer Research and Prevention Act." This legislation expands the authority of the Centers for Disease Control and Prevention (CDC) to carry out activities related to prostate cancer screening, overall awareness, and surveillance of the disease. In addition, the bill invests in medical research, the establishment of a public information and education program about the issues regarding prostate cancer, and the establishment of a separate study by the National Institutes of Health to conduct basic and clinical research in combating prostate cancer.

The bill directs the CDC to establish grants to States and local health departments in an effort to increase awareness, surveillance, information dissemination regarding prostate cancer, and to examine the scientific evidence regarding screening for prostate cancer. The bill will comprehensively evaluate the effectiveness of various screening strategies for prostate cancer and the establishment of a public information and education program about the issues regarding prostate cancer.

The bill also reauthorizes the authority of the CDC to conduct a prostate screening program upon consultation with the U.S. Preventive Services Task Force and professional organizations regarding the scientific issues regarding prostate cancer screening. The screening program, when implemented, will provide grants to States and local health departments to screen men for prostate cancer with priority given to low income men and African-American men. In addition, the program will provide referrals for medical treatment of those screened and ensure appropriate follow up services including case management.

Finally, to continue the investment in medical research, the bill extends the authority of the National Cancer Institute at the National Institutes of Health to conduct and support research to expand the understanding of the cause of, and find a cure for, prostate cancer. The bill authorizes the CDC to conduct and support research to increase awareness and surveillance of prostate cancer, and to unlock the current mysteries of prostate cancer and its causes, and to ensure that the established prostate cancer screening, overall awareness, and surveillance of the disease. In addition, the bill invests in medical research, the establishment of a public information and education program about the issues regarding prostate cancer, and the establishment of a separate study by the National Institutes of Health to conduct basic and clinical research in combating prostate cancer.

Mr. President, on the very day I introduced this bill last June, I participated in an event sponsored by the American Cancer Society and Endocare to award our former colleague Senator Dole for his leadership in raising public awareness for prostate cancer. In 1991, Senator Dole was diagnosed with prostate cancer, and since that diagnosis and successful treatment he has turned this potential tragedy into a triumph.

Thank you.
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as he has helped untold others by rais- ing public awareness of this dev- astating disease. I want to take this opportunity to thank Senator Dole and organizations that have worked tire- lessly to help promote this and other men’s health issues, including The American Cancer Society, The Men’s Health Network, and the American Urological Association. I also want to thank these organizations for their support and help in drafting this legis- lation. I am pleased that the Senate has acted to pass this important bill, which will help to further injuries, awareness, surveillance and research of this deadly disease, and look forward to its ultimate enactment into law.

Mr. CLELAND. Mr. President, I would like to add some additional com- ments to my statement that appeared in the CONGRESSIONAL RECORD on Tues- day, November 16, 1999.

Just a few days ago, on Tuesday, No- vember 16, several constituents of mine were involved in a disastrous truck-re- lated crash on I-285, a major commuter route around Atlanta. The crash took place during the morning rush hour. Four tractor-trailer trucks were in- volved in the crash, two of which were tankers hauling flammable materials. Four passenger cars were also involved in the crash, and tragically, one woman was killed when her vehicle was crushed between two tractor-trailer trucks. Four others were rushed to the hospital to be treated for injuries. Thankfully, no further fatalities have been reported and no evacuation was required due to the sensitive material two of the trucks were hauling. This crash underscores the need to guar- antee that truck safety is a priority in this country, and hopefully, reduce the occurrence of accidents such as this.

H.R. 3419 is a step in the right direc- tion. It creates a new motor carrier safety administration. In a hearing before the Senate Commerce Committee, of which I am a member, the Depart- ment of Transportation (DOT) Inspector General (IG) testified that the cur- rent oversight system for the trucking industry within the Federal Highway Administration (FHWA) is not ade- quate. In fact, one of the main sup- porters of this legislation is Transpor- tation Secretary Slater, who saw the importance of California, highway trucks carry 57 billion tons per mile, second only to Texas. In Southern California, the growing goods movement from ports and airports will push the current regional truck volume up by 40 percent over the next 20 years. One section of Interstate 15 is likely to see almost 13,000 truck trips a day. That is why we must do all we can to strengthen our commitment to safety on our highways.

I am encouraged by certain key fea- tures of H.R. 3419. By establishing a separate Motor Carrier Safety Administra- tion, at long last we are making safety a priority. The bill directs the Secretary of Transportation to develop a long term strategy for improving commercial motor vehicle, operator and carrier safety. It also directs the Secretary to implement safety im- provement recommendations from the Inspector General, and it calls for the development of staffing standards for motor carrier safety inspectors at our international border areas, an impor- tant element for California.

In addition, strengthening the Com- mercial Driver License regulations by explicitly directing the disqualification of any commercial driver found to have caused a death because of negligent or criminal operation of a truck or bus and establishing stern penalties for for- eign carriers who operate illegally be- yond the current southern border com- merce, are key improvements. Disqualifying these carriers on the spot will send a strong deterrent measure to any foreign trucking or bus companies who think that they can violate cur- rent motor carrier laws and regula- tions with impunity.

However, I am concerned that H.R. 3419 is not stronger in terms of potential effectiveness of the administration. According to testimony before the Surface Transportation Subcommittee, in 1996, the Office of Motor Carriers (OMC) awarded more than $5 million to the trucking industry and its consultants to perform research on various issues, including driver fatigue and graduated licensing. I understand that such re- search can form the basis for future rulemakings governing the trucking industry.

The new Motor Carrier Safety Ad- ministration must maintain a high de- gree of integrity and independence. I supported a provision that specifically forbids any research for rulemaking and other programs that is conducted by any entity with a vested economic interest in its outcome, and to forbid any individual who had a prior position within the new motor carrier agency from maintaining any affili- ation with the trucking industry. H.R. 3419 includes a provision that directs the new motor carrier administrator to comply with the current Federal regu- lations regarding conflict of interest, and it also directs the administrator to conduct a study to determine whether compliance with these regulations is sufficient to avoid conflicts of interest. I look forward to the results of that study as well as any swift action by Congress to correct this problem if the study finds additional protection for conflicts of interest is warranted.

H.R. 3419 would establish a separate administration for Motor Carrier Safety. I would prefer to transfer the OMC from the Federal Highway Administra- tion to the National Highway Traffic Safety Administration (NHTSA) and avoid the creation of a separate modal administration. NHTSA already issues regulations for newly manufactured trucks, and in truck-car crashes 98 per- cent of the deaths are suffered by the passenger vehicle occupants.

Nevertheless, today we have taken an important step toward building greater confidence in highway safety. The cre- ation of a new administration dedi- cated to safety is a new direction that I hope will lead to improved safety for the traveling public.

Mr. KERREY. Mr. President, I would like to rectify some information en- tered into the RECORD during the de- bate on the Bankruptcy Reform Bill on November 5, 1999.

A comprehensive bankruptcy study was cited during the course of debate. This study was conducted by Profes- sors Marianne Culhane and Michaela White from Creighton University, an impressive institution of higher learn- ing in my home State of Nebraska.
When discussing this study, my colleague from Iowa referred to a GAO Report but did not review the four different bankruptcy studies included in the GAO Report. The highlights are written by Professors Culhane and White. It is my understanding some comments were made indicating that GAO challenged the methodology the Creighton professors used in conducting this study. After reviewing the GAO Report, that was not my understanding. In fact, the GAO Report specifically says, “In our review, we found that the Creighton/ABI researchers prepared and analyzed their data in a careful, thorough manner.”

In order to clarify the record and any misperceptions about the GAO’s findings, I ask unanimous consent the following “Scope and Methodology” section of GAO Report, number 99–103 “Personal Bankruptcy: Analysis of Four Studies: Chapter 7 Debtors’ Ability to Pay”, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

GAO REPORT #99–103; PAGES 5 AND 6 SCOPE AND METHODOLOGY

To evaluate and compare the four reports’ research methodologies, we assessed the strengths and limitations, if any, of each report’s assumptions and methodology for determining debtors’ ability to pay and the amount of debt that debtors could potentially repay. The comments and observations in this section are based on our review of the March 1998 and March 1999 Ernst & Young reports, the March 1999 Creighton/ABI report, and the January 1999 EOUST report; some additional information we requested from each report’s authors; independent analyses using the Creighton/ABI report’s database; and our experience in research design and evaluation. We specifically looked at each report’s methodology, including the proposed legislation on which the report was based, how the bankruptcy cases used in the analysis were selected, what types of assumptions were made about debtors’ and their debt repayment ability, how debtors’ income and allowable living expenses were determined, and whether appropriate data analysis techniques were used. We also assessed the similarities and differences in the methodologies used in the four reports.

In addition to reviewing the reports, we had numerous contacts with the reports’ authors. On March 16, 1999, we met with one of the authors of the Creighton/ABI report, and on March 22, 1999, we met with the authors of the two Ernst & Young reports to discuss our questions and observations about each report’s methodology and assumptions. Following these discussions, we created a detailed description of each report’s methodology (see app.I), which we sent to the authors of each report for review and comment. On the basis of the comments received, we amended our methodological descriptions as appropriate. The authors of the Creighton/ABI report responded to written questions we submitted on April 30, 1999. Creighton/ABI, and EOUST provided additional details on their methodologies and assumptions that were not fully described in their reports. We did not verify the accuracy of the data used in any of these reports back to the original documents filed with the bankruptcy courts.

However, the Creighton/ABI authors provided a copy of the database used in their analysis. Ernst & Young declined to provide a copy of their database, citing VISA’s proprietary interest in the data. (VISA had also sponsored the Ernst & Young reports.) We received the EOUST report in early April and, because of time constraints, did not request the database for the report. We reviewed the Creighton/ABI data and performed some analyses of our own to verify the authors’ categorization of data used in their analyses. In our review, we found that the Creighton/ABI researchers prepared and analyzed their data in a careful, thorough manner.

The team that reviewed the reports included specialists in program evaluation, statistical sampling, and statistical analysis from our General Government Division’s Design, Methodology, and Technical Assistance group. We did our work between February and May 1999 in Washington, D.C. In accordance with generally accepted government auditing standards, we provided a draft of our report to Ernst & Young, the authors of the Creighton/ABI report, and EOUST for comment. Each provided written comments on our question. On May 28, 1999, we met with representatives from Ernst & Young to discuss their comments on the draft report. Ernst & Young and Creighton/ABI also provided technical comments on the report, which we have incorporated as appropriate. The Ernst & Young comments are summarized at the end of this letter and contained in appendixes III through V.

Mr. McCAIN. Mr. President, just like the rest of our delivery system, our nation’s military health care delivery system cries out for reform. While both systems are plagued with rising costs and barriers to full access, the military health care delivery system is facing some very unique challenges. I intend to submit the “Contract With Our Service Members—Past and Present” first thing next session. A principal objective of this Contract will be military health care reform. The goal of the plan is how best to reconfigure the military health care delivery system so that it might continue to meet its military readiness and peace-time obligations at a time of continuous change for our base and force structure.

This is a challenge with which I have been grappling for some time. In the process of deciding how to proceed, I have been meeting with, and hearing from, many military family members, veterans, and military retirees from around the country. I was inundated with suggestions for reform. In every meeting and every letter, I encountered retired service men and women who have problems with every aspect of the military medical care system—long waiting periods, with access to the right kind of care, with access to needed pharmaceutical drugs, and with the broken promise of lifetime health care to our military personnel and their spouses. I heard these concerns expressed as I have traveled across the United States over the past several months.

One of the areas of greatest concern among military retirees and their families to the broken promise of lifetime medical care, especially for those over 65. I believe grappling with these issues presents a great challenge and demands our very best effort. Not lost on me is the urgent need to address the ware-house 65 issue since there are reportedly 1,000 World War II and Korean veterans dying every day. It is imperative that as changes are made to our nation’s military force and continue to be made in the future, we focus on base structure, that Congress not only stay fixated on bringing health care costs under control, but that steps be taken to retain the health care coverage so critical to our nation’s active duty personnel, their families, and survivors. While the world situation necessitates a modified force and base structure transformed for the new millennium, it should not carry with it an abandonment of the responsibility that Congress has to assist those who have served our country to obtain access to the health care services they need.

Make no mistake, retiree health care is a readiness issue, as well. Today’s service members are serving aware of their retirees’ disenfranchisement from military health coverage, and exit surveys cite this issue with increasing frequency as one of the factors in members’ decisions to leave service. In fact, a recent GAO study found that “access to medical and dental care in retirement” was the number five career dissatisfier among active duty officers in retention-critical specialties.

Failure to keep health care commitments is hurting service recruiting efforts as well. Traditionally, retirees have been the service’s most effective recruiters, and their children and those of family friends have had a high priority in recruiting opportunities. In keeping with this, the increasing numbers of retirees who have seen the government renege on its “lifetime health care” promises have become reluctant to recommend service careers to their family members and friends. Restoring their confidence in their health care coverage will go a long way toward restoring this invaluable recruiting resource.

One of the reasons that Congress has not implemented meaningful reform in the past is because of the cost of providing quality health care. Although Congress has increased the President’s defense budget requests to attempt to meet our future needs, it has squandered billions each year on projects the nation did not need. This year alone, Congress appropriated over $6 billion for wasteful, unnecessary, and low-priority projects that have absolutely no positive effect on preparing our military for future challenges.

Congress also continues to refuse to close military bases that are not essential to our security, permitting politics
Moreover, valuable lessons can be learned from comparing the current state of the military health care delivery system with those available in the private sector that may have appli-
cability to the military system, to lay the groundwork for a more comprehensive reform effort.

The rush to implement military health care reform and the evaluation of current health care delivery pilot programs must be balanced with the need to provide critical health care to the over-65 military retirees and their families. Their angst towards losing any minimal health care they had from the time they retired to turning age-65 is multiplied on their 65th birthday. If this is to be the year of military health care, a key part of this effort must entail reassuring these older retirees that the Department of Defense will no longer deny or ignore their legitimate health care needs. By doing so, Congress also will be taking an essential step to reassure today's servicemembers and the nation that we are serious in our commitment to supporting the Department of Defense and all our military personnel who are forced to subsist on food stamps.

In October 1998, the Chairman of the Joint Chiefs of Staff and the rest of the Joint Chiefs testified before the Senate Armed Services Committee on the state of the military and universally declared the year 2000 to be the year of military health care reform. Although this was a critical step for the senior uniformed military leadership to acknowledge and embrace, it was a step that was necessary to ensure that we do not simply let these programs fade away. By focusing on health care reform, Congress also will be taking an essential step to reassure today's servicemembers and the nation that we are serious in our commitment to supporting the Department of Defense and all our military personnel.

Thank you and I yield the floor.

Mr. REED. Mr. President, I would like to offer a few comments about H.R. 1693, a bill to amend the Fair Labor Standards Act of 1938 (FLSA) and clarify the overtime exemption for employees engaged in fire protection activities.

This bipartisan bill was passed on the House Suspension Calendar without objection on November 4, 1999, and just passed the Senate under a unanimous consent agreement.

Generally, under the Fair Labor Standards Act, workers are entitled to overtime compensation for hours worked in excess of 40 in a given week. The FLSA contains an exemption for firefighters, under Section 7(k), for employees engaged in fire protection activities. This exemption allows employees engaged in fire protection activities some flexibility in scheduling their work hours. It also recognizes the extended periods of time that firefighters are often on overtime.
duty by allowing firefighters to work up to 212 hours within a period of 28 consecutive days before triggering the overtime pay requirement. The Fire Act clarifies the exemption to apply to firefighters who are also dual role firefighters, and work in a fire department and have the responsibility to perform both fire fighting and emergency medical services, be treated as firefighters for the purpose of Section 7(k) of the Fair Labor Standards Act. H.R. 1693 does not create a new exemption from the FLSA, it merely clarifies the definition of firefighter.

Supported by the International Association of Fire Fighters and the International Association of Fire Chiefs, H.R. 1693 ensures that unreasonable burdens to the fire academy will not occur if employees covered by the exemption when accounting for hours worked. In effect, it elucidates the original intent of Section 7(k) provision of the FLSA, the provisions that apply to firefighters who perform normal firefighting duties, and require the Senate’s passage of the clarification to address the concerns of the interested parties.

Mr. KENNEDY. Mr. President, this legislation, H.R. 1693, amending the Fair Labor Standards Act, is necessary to resolve the confusion in current law over whether firefighters who are also trained as paramedics are covered by the exemption in section 7(k) of the Fair Labor Standards Act.

This bill defines “employee engaged in fire protection activities” to make clear that fire fighters who perform fire fighting duties are covered by the exemption, regardless of the number of hours they spend in responding to Emergency Medical Services calls. This legislation restores the original intent of the 1986 law that created the section exemption.

Significantly, the legislation also states that in order to qualify for the exemption, an employee must have the “legal authority and responsibility to engage in fire suppression.” This phrase was added for the express purpose of assuring that single-role emergency medical personnel are not covered by the exemption. Simply sending paramedics to fire scenes does not automatically bring them under the exemption. Fire suppression must be an integral part of the responsibilities for all employees covered by the exemption.

Mr. COCHRAN. Mr. President, I am pleased to be a cosponsor and to support the passage of the Deceptive Mail Prevention and Enforcement Act. S. 335.

I congratulate the distinguished Senator from Maine, Ms. Collins, for her successful efforts to get this legislation adopted to curb deceptive mailings. She has provided strong leadership and sound guidance on this important issue. As Chair of the Permanent Subcommittee on Investigations, Senator Collins has worked effectively to establish standards for all sweepstakes and promotional mailings and develop this legislation to strengthen our laws. I applaud her work in drafting this bill and her continuing efforts to protect consumers.

The Deceptive Mail Prevention and Enforcement Act includes new safeguards to protect consumers against misleading and dishonest sweepstakes and other promotional mailings, including government look-alike mailings. The bill grants additional investigative and enforcement authority to the United States Postal Service to stop unscrupulous mailings and establishes standards for all sweepstakes mailings by requiring certain disclosures on mailings.

This bill is an important step toward the prevention of deception in sweepstakes and other promotional mailings. I compliment Senator Collins on her efforts, and I am pleased to support the passage of the Deceptive Mail Prevention and Enforcement Act.

Mr. FITZGERALD. Mr. President, I am pleased that the Senate is prepared to pass the Abraham Lincoln Bicentennial Commission Act of 1999. The year 2009 is the 200th anniversary of President Lincoln’s birth, and this measure would establish a commission to study and recommend to the Congress activities that are appropriate to celebrate that anniversary.

It is most fitting that we make these arrangements to honor Abraham Lincoln, one of our nation’s wisest and most courageous former Presidents, on the bicentennial of his birth. The son of a Kentucky frontiersman, Abraham was born February 12, 1809, in a log cabin. From these humble beginnings, he went on to become the sixteenth President of the United States. Today, he is perhaps best remembered for leading the Union through a turbulent Civil War and for issuing the Emancipation Proclamation, which freed the nation’s slaves.

Few people have a greater appreciation for President Lincoln than the residents of my home state of Illinois. President Lincoln spent about eight years in the Illinois State Legislature, and he also represented Illinois in the U.S. House of Representatives for a term. The only home that Abraham Lincoln owned was located in Springfield, Illinois. Today, people from all parts of the United States travel to Springfield to see Abraham Lincoln’s family home, tour the Old State Capitol where Mr. Lincoln said “a house divided cannot stand,” and visit his final resting place in Springfield’s Oak Ridge Cemetery.

The Abraham Lincoln Bicentennial Commission Act, which originated in the House of Representatives, provides for the establishment of a national commission to recommend “fitting and proper” activities to celebrate the bicentennial of Lincoln’s birth. The commission would be composed of fifteen members, including at least one person appointed by the President on the recommendation of the Governor of Illinois.

Congress created a similar commission in anticipation of the centennial of Lincoln’s birth in 1909. That year, this country celebrated President Lincoln’s birthday in a big way: Lincoln’s image appeared on a postage stamp, his birthday became a national holiday, Congress passed legislation which led to the Lincoln Memorial’s construction, and the White House approved the minting of a Lincoln penny. It is appropriate that we again prepare for the anniversary of his birth by passing this Abraham Lincoln Bicentennial Commission Act.

I close by noting that the Abraham Lincoln Bicentennial Commission Act of 1999 has tremendous support in both chambers of Congress. The bill passed the House of Representatives by a vote of 411 to 2 last month. The Senate version is the product of cooperation among Senators HATCH, LEAHY, DURBIN and me. I also commend Judiciary Chairman HATCH, ranking member LEAHY, and their staffs for their efforts to help pass this important bill.

Mr. DODD. Mr. President, there are obviously many issues that one might discuss in the context of the omnibus spending bill that is currently pending before the Senate. I would like to take a few moments to mention two very important issues that have been included in the pending legislation, the IMF debt initiative and payment of U.N. arrears.

I am extremely pleased that the House and Senate leadership were able to reach agreement earlier this week with Secretary of Treasury Larry Summers and other administration officials on legislative language that will permit the IMF’s historic debt relief initiative to move forward. Just a few short days ago, it seemed unthinkable that the Congress and the Executive would reach a compromise to permit the United States to support the IMF debt initiative for highly indebted poor nations around the world. Before the end of this session of Congress.

The provisions contained in the pending legislation authorize U.S. support for IMF participation in the international debt reduction initiative by permitting the United States to vote for the immediate non-market sale of the amount of gold necessary to generate profits of $3.1 billion; permit the use of 64% of the interest earned on the invested profits to be used for debt relief; authorize the U.S. to create a special reserve account at the IMF to also be used for debt relief purposes, and appropriate $123 million for FY 2000 bilateral U.S. debt reduction programs
will be undertaken in conjunction with the international debt initiative.

With the enactment of this bill into law, the United States will be able to make a major step forward toward achieving the commitments made by President Clinton and other so called G-7 heads of state at this year’s Co- logne summit. Among other things, this will enable the IMF, for the first time, to utilize its own resources to participate in international efforts to reduce the mounting debt burden that has been a yoke around the necks of the most impoverished nations of the world—countries which are home to nearly half a billion people. With this debt relief and the economic reforms that will be an integral part of the IMF’s multilateral initiative, the poorest countries in Africa and Latin America planning programs, the next millennium with prospects for a brighter future. I am extremely pleased that bipartisanism ultimately won the day during negotiations of this important issue.

Another important issue with major international implications has also finally been successfully resolved, namely the authorization and appropriation of $926 million in long overdue U.S. payments to the United Nations. While I would have preferred to see this issue treated on its own merits, rather than linked to restrictions on bilateral funding for family planning programs of foreign private and international population organizations, at least this issue has been finally resolved, and the United States will not lose its vote at the United Nations.

I believe that extremist elements in the Congress jeopardized United States national security and foreign policy interests by holding up our payments to the UN for more than three years. This held this money hostage to the unrelated issue of international population programs. I am not happy with the compromise that had to be agreed to in order to resolve this issue. It is un-American in my view to legislatively seek to limit the free speech of foreign non-governmental organizations with respect to local family planning laws as a condition for receiving United States funding for their important family planning programs. Were I to have had the opportunity to vote on this language as a free standing amendment I would have certainly voted against it, as would a majority of the Senate. Unfortunately, because it has been included in the omnibus conference report we do not have that option. We must balance our distaste for this provision against the many positive programs that will be funded, including UN arrears, once this bill becomes law. Having done so, I will vote in favor of the pending legislation.

Mr. President, the IMF, the United Nations and its related specialized organizations—UNICEF, the International Labor Organization, the World Health Organization, the Commission for Human Rights el al.—have a daily impact on the lives of half of the world’s people—and it is an impact for the better. Without doubt, these international organizations further United States national security and foreign policy interests through their programs and initiatives. Representatives of the United Nations are on the ground in the far corners of the world—in East Timor, Kosovo, Haiti, and Iraq to mention but a few ongoing missions of the United Nations. The United States is able to maximize its interests and advance its foreign policy agenda at much lower cost thanks to our participation in this important international organization.

There are clearly many reasons for voting to support this spending bill, de- monstrated by Chairman Thomas’sapproach to debt relief Initiative and payment of UN arrears are two of the more compelling ones in my opinion. I urge my colleagues to support this bill when it comes to a vote later today.

Mr. President. Today, the United States Senate unanimously passed much needed legislation to protect some of America’s most threatened historic sites, the Vicksburg Campaign Trail and the Corinth battlefield.

S. 710, the Vicksburg Campaign Trail Battlefield Preservation Act of 1999, is a bipartisan measure that authorizes a feasibility study on the preservation of Civil War battlefields and related sites in the four states along the Vicksburg Campaign Trail.

As my colleagues know, Vicksburg served as a gateway to the Mississippi River during the Civil War. The eighteen month campaign for the “Gibraltar of the Confederacy” included over 100,000 soldiers and involved a number of major battles, including those at Misisipi, Arkansas, Louisiana, and Tennessee.

The Mississippi Heritage Trust and the National Trust for Historic Pres- ervation named the Vicksburg Campaign Trail as being among the most threatened sites in the state and the nation.

S. 710 would begin the process of preserving the important landmarks in the four state region that warrant further protection. I appreciate the co- sponsorship of Chairman Thomas, Senators Landrieu, Breaux, Cochran, Hutchi- nson, and Craig on this measure.

Mr. President, the Senate also approved S. 1117, the Corinth Battlefield Preservation Act of 1999, a measure that establishes the Corinth Unit of the Shiloh National Military Park.

The battle of Shiloh was actually part of the Union Army’s overall effort to seize Corinth. This small town was important not only to both the Confederacy and the Union. Corinth’s railway was vitally important to both sides as it served as a gateway for moving troops and supplies north and south, east and west. The overall campaign led to some of the bloodiest battles in the Western Theater. In an effort to protect the city, Scourby, concluded that many of the earthworks and fortifications, many of which remain, at least for now, in pristine condition. Unfortunately, the National Park Service in its Profiles of America’s Most Threatened Civil War Battlefields, concluded that many of the sites associated with the siege of Corinth are threatened.

S. 1117 would give Corinth its proper place in American history by formally linking the city’s battlefield sites with the Shiloh National Military Park.

Mr. President, I want to thank Senators Robb, Cochran, and Jeffords for cosponsoring this measure.

I would also like to express my appreciation to Chairman Thomas for his continued stewardship over the Senate Energy and Natural Resources Committee.

Mr. President, I also want to recognize Ken P’Pool, Deputy State Historic Preservation Officer for Mississippi; Rosemary Williams, Chairman of the Siege and Battle of Corinth Commission; John Sullivan, President of the Friends of the Vicksburg Campaign and Historic Trail; and Terry Winschel and Woody Harrel of the United States Park Service for their support and guidance on these important preservation measures.

Lastly, I would like to recognize several staff members including Randy Turner, Jim O’Toole, and Andrew Thorsen from the Senate Energy and Natural Resources Committee; Darce Tomasso from Senate Legislative Counsel, and Stan Harris, Angel Campbell, Steven Wall, Jim Sartucci, and Steven Apicella from my office, for their efforts to preserve Mississippi’s and America’s historical resources.

Mr. President, as a result of the Senate’s action today, our children will be better able to understand and appreciate the full historic, social, cultural, and economic impact of the Vicksburg Campaign Trail and the Siege and Battle of Corinth.

Mr. SESSIONS. Mr. President, I rise to ask my colleagues to join Senator Jeffords and me in supporting the enactment of the pending bill which clarifies the status of church welfare plans under state insurance laws. These plans provide health and other benefits to ministers and lay workers at churches and church-controlled institutions. It is estimated that more than 1 million individuals rely on these programs for their health benefits.

Today, the status of these programs under state insurance laws is uncertain. This legislation merely provides...
that church welfare plans are not engaged in the business of insurance for purposes of state insurance laws that relate to licensing, solvency, or insolvency.

In addition, this legislation clarifies that a church plan is single employer plan for purposes of applying state insurance laws. The language in the bill is intended to eliminate concerns by network providers and insurance companies about the legal status of a church plan under state insurance law. By enacting this legislation, networks and insurance companies otherwise doing business in a state will be able to offer to church plans the same services they offer to corporate benefit programs.

Mr. President, I first became aware of the need for this legislation when I heard from Bishop Morris from my own state of Alabama. He explained that too frequently church plans are denied access to network providers that offer discounted rates. He also explained that from time-to-time questions arise about the legal status of church plans to provide coverage under state insurance law. He asked me to look into what I could do help clarify the legal status of health plans maintained by churches and synagogues. It seemed like a reasonable request since Congress has authorized churches to maintain denominational benefit programs. However, this is also a technical area of the law that involves constitutional issues of separation of church and state. It also involves technical issues regarding insurance and benefit laws.

This legislation has been carefully crafted with the help of the church benefits community represented by the Church Alliance, a coalition of more than 2,000 local church benevolent programs. While they may differ on questions of theology, it is obvious that they are united in their efforts to serve those who serve their respective churches and synagogues. I also want to commend the National Association of State Insurance Commissioners for their assistance in helping to work out the language of this bill. It is obvious that State Insurance Commissioners respect the right of churches to maintain benefit programs that serve clergy and lay workers.

Mr. President, churches should be commended for the commitment they have demonstrated, in some cases for more than a hundred years, to offer comprehensive benefit programs to their employees. These programs have many unique design and structural features reflecting the fact that they are maintained by denominations. As we consider health care legislation in Congress, I believe that it is important for all of us to understand these unique features and to be mindful of the important role these church-maintained programs perform within their respective churches.

In order to give my colleagues and the public a better understanding of this legislation, I ask unanimous consent that a copy of the bill appear immediately after my remarks.

Mr. President, on behalf of ministers, rabbis, and church lay workers across this country who receive benefit coverage from church plans, I urge passage of this legislation.

**CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW**

Section 1 provides a statement of purpose. This section provides that the only purpose of this Act is to clarify the status of church welfare plans under certain specified state insurance law requirements and the status of a church welfare plan as a plan sponsored by a single employer. This Act clarified the status of church plans under state law. It also addresses the problem of health insurance issues with church plans, provides church plans because of concern that church plans could be classified as unlicensed entities.

Subsection 2(a) provides that a church welfare plan is a plan sponsored by a single employer that does not engage in the business of insurance for the purposes of state insurance laws described in subsection (a) (1) of Section 1(b). This subsection clarifies that church plans and does not include HMOs, health insurers and other entities doing business in a state will be able to offer to church plans the same services they offer to corporate benefit programs.

Subsection 2(c)(1) defines the term “church welfare plan.” This subsection defines the term “reimbursement costs from general church assets.” The affect of this definition is to provide that church welfare plans are not engaging in the business of insurance for certain state insurance laws provision otherwise described in this subsection. Similarly the plan is deemed to satisfy the licensing requirements of state insurance laws.

Subsection 2(c)(2) defines the term “reimbursement plan.” This subsection clarifies that the term “welfare plan” only includes church plans and does not include HMOs, health insurance issuers and other entities doing business in a state with church organizations sponsoring or maintaining the plan.

Subsection 2(d) provides that while the Act exempts church welfare plans from state licensing requirements, states preserve authority to enforce state insurance law provisions that remain applicable to church plans. This subsection deems welfare plans to be licensed for state insurance laws not specifically excluded in subsection 2(b). This subsection is necessary because under some state insurance laws, only entities that are actually licensed can be subject to enforcement action under any provision of such law.

Subsection 2(e) provides that while subsections (a) and (b) deem that a church plan reimburses costs or provides insurance from general church assets for the purpose of determining its status under certain state insurance laws, the rights of plan participants and beneficiaries, including those who actually make plan contributions, are not otherwise affected by the application of section 2.

Mr. Graham. Mr. President, I ask unanimous consent that the following article appear immediately following my statement on H.R. 1180, Work Incentives/Tax Extenders Conference Report.

(From the New York Times, Nov. 12, 1999)

**A BUDGET TOO FLUSH TO FIGHT ABOUT**

By Alice M. Rivlin

WASHINGTON—The United States political system, arguably the most effective in the world, has an uncanny penchant for making its successes look like failures. The waning now going on in Washington over the federal budget is an ugly, confusing spectacle—long on finger-pointing and gotcha moves, short on conciliation and statesmanlike cooperation. But the wings of “raiding Social Security” fly up and down Pennsylvania Avenue, it is hard to remember that the battle is over marginal adjustments in an increasingly responsible fiscal policy.

The federal budget is already in substantial surplus—revenues exceeded expenditures by about $35 billion in fiscal year 1999, which would have seemed like a miracle only a few years ago—and the public, polls indicate, is pushing politicians to raise the bar. The new goal, hardly large enough in the appro priate, is an even bigger surplus, sufficient to reduce the deficit and help the economy prepare for the rapid aging of the population.

Acrimony over small changes in a successfully balanced budget is a welcome change from the 1980’s, when there was so much more to be acrimonious about. The huge deficits of that decade were clear evidence of policy failure.

The stunning success of this decade began when President George Bush and the leaders of Congress hammered out an agreement in 1990 that raised some taxes and set explicit caps on future discretionary spending. The effect was not immediately apparent because of the recession the next year cut revenues, but the ground-work for a falling deficit had been laid.

The goal of President Clinton’s budget plan in 1993, extended the caps and raised some taxes, was to cut the deficit in half in four years. The deficit for the fiscal year 1995 was $290 billion—a $50 billion surplus in Social Security, offset by a $340 billion deficit in the rest of the budget. No one thought that getting to overall balance was a goal realistic enough to talk about, let alone reach ing balance without counting the Social Security surplus.

As the federal budget has been balanced for two years, it’s time to follow the public’s leaning and adopt the more ambitious objective of balancing the budget without counting the Social Security surplus.

Paradoxically, although this raising of the bar is highly desirable, the reasons have little to do with Social Security. Two or three decades from now, we will have a much higher ratio of retirees to workers, and the standard of living of both groups will depend on making the economy grow faster, so more goods and services are available to be consumed by everyone. Running a larger government surplus would help the economic growth. It would reduce the national debt, put downward pressure on interest rates and encourage new investment.
It doesn't matter much whether the surplus is a temporary fund or the rest of the budget; it is the debt reduction that helps the economy grow. Explaining the raising of the bar as “not spending the Social Security surplus” is convenient; it suggests a connection between the aging of the population and the need for growth. But the current budget debate does not affect the status of the Social Security fund or the rights of beneficiaries in any way. That's a debate for another (post-election) day.

If political discourse were more civil, Congress and the president would have settled their differences over the fiscal year 2000 budget long before now, probably by enacting modest increases in the spending caps and celebrating the fact that the surplus is larger than anyone expected. Then they would have gone on to explain why an even bigger surplus would be a good thing for future growth. A growing surplus can only be achieved by restraining spending growth and avoiding a major tax cut. A tax cut would hurt prospects for economic growth by encouraging more consumer spending and forcing the Federal Reserve to raise interest rates to avoid inflation.

With any luck, the new budget will be wrapped up in a few days and Congress will go on to other business. The public will breathe a small sigh of relief but will not realize that it ought to be celebrating.

The good news is that the budget surplus is growing; no significant tax cut is being considered, and politicians are beginning to notice that the public wants them to act responsibly for the long term and reduce the federal deficit.

That's a lot of good news. It's a shame the process is so ugly.

NOAA VESSEL "RAINIER"

Mr. STEVENS. Mr. President, during the last month of negotiations on the FY2000 Commerce, Justice, State Appropriations conference report, there has been much discussion between the Alaska delegation and Commerce Department officials regarding where to homeport the Rainier. The Rainier is one of four hydrographic survey vessels currently homeported in Seattle. However, the Rainier spends nearly all of its time performing hydrographic surveys in Southeast Alaska, where the need for hydrographic surveys is great. Substantial amounts of time and money are wasted every time the Rainier transits the 650 miles between Seattle and Southeast Alaska.

Alaska has more than half of the United States' coastline, and no State is more dependent on marine transportation. Nonetheless, most of southeast Alaska lacks adequate hydrographic surveys. In fact, more than half of NOAA's critical backlog of survey areas is in Alaska. Much of that backlog is in Southeast Alaska, where three cruise ships ran aground this summer. These ships ran aground in critical backlog areas and other areas that are literally not on the map. New coastline opens up every time a receding glacier creates a new inlet, giving vessels access to newly opened waterways.

Chairman Young of the House Resources Committee met personally with Commerce Secretary Daley on this issue recently. The Secretary agreed that Alaska was an appropriate home for the Rainier. The city of Ketchikan has offered to make space available for the Rainier and to provide $300,000 cash to offset the one-time cost of the move. Moving this vessel to Ketchikan makes good fiscal sense and good policy sense. I urge the Secretary to relocate the Rainier to Ketchikan at once.

PACIFIC SALMON TREATY

Mr. STEVENS. Mr. President, as Chairman of the Senate Appropriations Committee, I would like to explain the provisions relating to Pacific salmon and the Pacific Salmon Treaty included in the conference report for the fiscal year 2000 Commerce, State, Justice Appropriations bill. The conference report provides funding to implement the Alaska Region of the National Marine Fisheries Service. Likewise, the Pacific Salmon Treaty Agreement between the United States and Canada and for Pacific coastal salmon recovery efforts in Alaska, Washington, Oregon, and California.

Section 623 of the conference report requests that the Secretary of Commerce provide funding to implement the Pacific Salmon Treaty. The Pacific Salmon Treaty 1999 Agreement requires the United States to capitalize these two funds at $75,000,000 and $65,000,000, respectively, over the next 4 years. Interest earned from these funds will be spent each year to develop better information to support resource management, to rehabilitate and restore marine and freshwater habitat, and to enhance wild stock productivity. The 1999 Agreement will continue the mandate of the 1980 Understanding of United States Negotiators, signed June 22, 1999, by eight United States negotiators, describes the stipulations to be filed, extended, or otherwise addressed for the duration of the 1999 Agreement. Similarly, the transmittal letter which accompanied the 1999 Agreement, signed June 23, 1999, by the Chief Negotiators for the United States and Canada, states that the 1999 agreement is conditioned on the conduct of Alaska's fisheries under the Treaty violates the Endangered Species Act. It is important to note that Congress has every reason to believe Alaska's fisheries do not cause jeopardy to listed salmon stocks. Alaska's fisheries operated under a "no jeopardy" finding before the fishermen caught 23% of the Chinook catch in order to get a deal on the 1999 Agreement. To address process concerns, this subsection requires the parties to request that the court enter the stipulations before the end of the year, and that the court enter the stipulations by March 1, 2000.

Sections 623(b)(3) and 623(b)(4) specify conditions under which the Secretary of Commerce may "initiate or reinitiate" consultation on Alaska fisheries under the Endangered Species Act. Subsections (b)(3) and (b)(4) address any consultation on Alaska fisheries which is commenced after the initial consultation required in subsection (b)(1). By using the words "initiate or reinitiate," Congress has addressed both those species which are currently listed under the Endangered Species Act as well as any species listed under ESA in the future. Therefore, before the Secretary of Commerce may initiate consultation on any listed species, including any species listed after this Act has passed, and before the Secretary may reinitiate a previously conducted consultation, the conditions in
necessary, the weak stock provisions of the Treaty are intended to provide sufficient time for the weak stock provisions to work as well. A reasonable opportunity will encompass several life cycles of the salmon under consideration.

Subsection (b)(4) purposefully adopts the recovery standard contained in the Pacific Salmon Treaty. This standard requires that the weak stock provisions of the Treaty be implemented in a timely manner so as to maximize sustainable yield or other biologically-based escapement objectives agreed to by the Pacific Salmon Commission. This subsection recognizes that conservation is the foremost tenet of the Pacific Salmon Treaty. The Treaty also recognizes the importance of the salmon fisheries to the social, cultural, and economic well-being of the West Coast. Therefore, the Treaty seeks to satisfy its conservation objective with minimum disruption to the commercial, tribal, and sport fisheries. Recognizing these objectives, the determination of whether escapement objectives have been met as expeditiously as possible must be made over a reasonable period of time, likely encompassing several life cycles of the salmon species under consideration.

The most important feature of this law is that it requires the Secretary to delay the implementation of the Endangered Species Act until the time the Commission is implementing the Treaty and the weak stock provisions. This is an important because the Commission is better able to recover weak stocks using the Treaty than is the Secretary using the Endangered Species Act. The Commission cannot require harvest restrictions in Canada, where up to half of the coastwide Chinook harvest is caught. Unlike the Pacific Salmon Treaty, the Endangered Species Act does not apply in Canada.

Section 623(c) makes needed changes to the voting structure of the Pacific Salmon Commission. The Pacific Salmon Treaty of 1986 requires the three voting United States Commissioners to reach an agreement before making a decision on behalf of the United States. This requirement was put in place without knowing how disruptive it would prove to subsequent negotiations. In practice, it has allowed Canadian negotiators to leverage northern and southern U.S. interest against each other. Subsection (c) prevents this unintended consequence by providing that the southern U.S. interests represent the United States on southern fisheries and Alaska represents the United States on northern fisheries. In fact, the 1999 Agreement itself did not take shape until Alaska and Canada were able to negotiate northern fisheries issues without interference from southern interests. Chi-nook salmon, which can migrate through northern and southern jurisdictions, are exempt from this provision.

Section 623(d) authorizes $20,000,000 total to capitalize the Northern Fund and the Southern Fund. To meet a condition of the 1999 Agreement, these amounts will not be released until stipulations have been signed and court orders requested in certain litigation involving the application of tribal fishing rights. Subsection (d) also authorizes $38,000,000 for salmon recovery efforts in Alaska, Washington, Oregon, and California. Amounts appropriated to the four States are subject to a 25 percent non-federal match requirement. States may meet this requirement with cash or other in-kind contributions supported by existing state funding.

I understand Washington State and Oregon will use their shares of this funding to address the significant habitat degradation that has occurred over the years. I expect that in addition to habitat restoration, Alaska will participate in other programs consistent with Treaty implementation, such as marketing initiatives. Alaska also has the authority to participate in salmon initiatives in other States and on tribal, lands. Many of the tribes will likely use their funding to participate in demonstration projects on supplemental implementation including the use of Mitchell Act hatcheries to increase production of wild stocks. A close analysis of NMFS's artificial propagation policy may lead to different policies which help meet the recovery goals outlined in the Pacific Salmon Treaty. I look forward to the results of the States and tribal efforts.

Mr. DORGAN. Mr. President, one of the bills that will pass today as part of the Energy and Natural Resources Committee package is S. 769, which provides a final settlement on certain debts owed by the city of Dickinson, North Dakota to the Bureau of Reclamation. The legislation, which was introduced by Senator KENT CONRAD and myself, is virtually identical to that introduced during the last Congress.

The Dickinson Dam Bascule Gates Settlement Act (S. 769) will afford long overdue relief to the citizens of Dickinson. Let me briefly explain why the debt liquidation is needed and appropriate. For one thing, the Bureau of Reclamation built a faulty project. The debt was incurred by the city of Dickinson for construction of a dam with water structures which never worked properly. In addition, the need for the bascule gates as regulating structures to help provide a reliable local water supply was eclipsed by the construction of the Southwest Pipeline. The pipeline is part of the Garrison Diversion Project which is managed by the same Bureau of Reclamation.

Consequently, it makes no sense for the city of Dickinson to have two water supply systems when it needs only one—especially when the first system was a faulty one. The city has already repaid more than $1.2 million for the bascule gates, even though they now provide virtually no benefit to the city.

The legislation itself is actually quite simple. It would permit the Secretary of the Interior to accept one final payment of $300,000 from the city of Dickinson in place of a series of payment due totaling almost $1.7 million, required by city's current repayment contract. The final payment may be adjusted for payments made after June 2, 1998.

The bill also clarifies that the city of Dickinson will be responsible for up to $15,000 in annual operation and maintenance (O&M) costs. This amount represents the average costs for O&M on
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the gate structures over the past 15 years. The bill as introduced was not explicit on bill sponsors. Senator CONRAD and I have worked with the Energy Committee on an amendment that is part of the reported bill.

I want to thank Chairman FRANK MUSKOWSKI, Ranking Member JEFF BINGMAN, and the staffs of the Senate Foreign Relations Committee and the House International Relations Committee for their cooperation and assistance. I also want to underscore the leadership of Senator CONRAD in developing this legislation and the excellent work of his Deputy Legislative Director Kirk Johnson. May I also commend Dickinson Mayor Fred Gengler and City Administrator Greg Sund for their help and persistence in seeking a fair resolution to this matter.

TECHNICAL EDIT TO H.R. 486

Mr. BURNS. Mr. President, as the prime sponsor of S. 1547, the Senate companion bill to H.R. 486, I would like to make remarks on a technical edit to H.R. 486. I believe Sec. 3(1)(G) of 5008 needs some clarification. Subsection (1)(D) states very clearly that the “Commission shall act to preserve the contours of low-power television licenses pending the final resolution of a class A application.” The Commission’s function to preserve the protected contours is very clear. But creating separate subsections for the certification and application processes may have created some uncertainty regarding the timing of when the Commission should begin to provide this protection. I want to assure my colleagues that I agree with the prime sponsors of H.R. 486 that the front-end certification process is an integral first step in the process. It is clearly our intent that as soon as the Commission is in receipt of an acceptable certification notice, it should protect the contours of this station until final resolution of that application. Of course, it does not prevent the licensee from obtaining a license from other provision of this act.

Thank you, Mr. President.

Mr. HELMS. Mr. President, for those who may wonder why H.R. 3427, which was deemed enacted as a separate law in H.R. 3194, the D.C. Appropriations bill is called the “Admiral William W. Nance and Meg Donovan Foreign Relations Authorization Act for 2000 and 2001.” It is because of our love, affection, and respect for Admiral Bud Nance and Meg Donovan.

Bud Nance was Chief of Staff of the Foreign Relations Committee until he passed away in May 4.

Bud served his country his entire adult life—as an ensign aboard the USS North Carolina in the Pacific Theater during World War II and later as a test pilot and fighter pilot. Among his many honors, he earned two Distinguished Service Medals and capped off his distinguished 38-year navy career as skipper of the aircraft carrier USS Forrestal.

Bud went on to serve as President Ronald Reagan’s Deputy National Security Advisor. And at my request in 1987, Bud became the Director for the Foreign Relations Committee. From January 1995 until his passing in May, he served as Chief of Staff for the majority. Bud refused to take the job until I agreed that he would not take a paycheck. Bud said that his country had been good to him and this was how he could give something back to his country.

Bud was my lifelong friend. We were born two months apart, two blocks apart in the little town of Monroe, North Carolina. I miss my friend; it was a blessing to know him.

I am pleased that the House and the Senate agreed to recognize Bud and his influence on this bill, which was the result of his hard work and opportunity to work. In addition, Meg Donovan has been added to the bill’s name. I know Bud would have been honored to share this bill with Meg for whom he had a deep affection.

Like Bud, Meg Donovan, who died at age 47 of cancer last October, had spent much of her life in government service and international affairs. She served as the Deputy Assistant Secretary for Legislative Affairs at the State Department at the time of her death, and before that was a long-time House International Relations Committee staff member.

Meg worked closely with the Senate on the confirmation of key foreign affairs nominations, including those of Secretary of State Warren Christopher, and later, Madeleine K. Albright. In the Congress, she worked primarily on issues dealing with political and religious dissidents, minorities and other persecuted groups, including Tibetans, Soviet Jews, and Chechens.

Both Bud and Meg are missed by the staffs of the Senate Foreign Relations Committee and the House International Relations Committee, and by me and countless others, all of whom are pleased that this legislation bears the names of these two fine Americans.

Mr. CHAFFEE. Mr. President, I rise today to express my support for the extension of the Northeast Dairy Compact. I also wish to commend my colleagues from New England for all of their hard work on this issue. Senators Jeffords, Specter, Leahy, and others all have worked diligently to protect the dairy farmers in our region. I thank them for their efforts.

As my colleagues know, the Northeast Dairy Compact was approved by Congress in 1996 as a part of the Freedom to Farm bill. It was implemented after the Secretary of Agriculture found that there was a “compelling public interest” for its creation.

A state-generated response to the decline in the New England dairy industry over the last decade, the Dairy Compact has preserved local milk supplies for the Northeast. In 1978, there were 6,139 dairy farms in New England.

By 1992, the number of dairy farms fell to 3,974. During this time, the number of dairy farms in my home state fell from 93 to 41—a 60 percent decrease. As I stand here today, there are only 30 dairy farms remaining. 93 to 30. This certainly is an alarming number. Why is this alarming? Dairy farms are the essence of New England—indeed, and hard-working—the very symbol of our region. They are not in far away rural areas such as those in other parts of the country. Most are close to fast growing areas which are ripe for development. It would be very easy for any one of our local dairy farmers to sell their land to area developers and settle for an easier lifestyle.

In New England, we value the contributions dairy farmers make to our regions. The dairy farmers in our region. I have worked diligently to protect areas feel the pressure of population growth, and the resulting stress on the environment, it becomes more and more important to support dairy farming and the benefits we all reap from the dairy industry. To see them disapper. To have them extinguishef from the New England countryside would be the equivalent of the Liberty Bell being removed from Philadelphia, the Statue of Liberty being removed from New York, and Mount Rushmore being torn down for townhomes in South Dakota.

The Northeast Dairy Compact works.

It is only fitting that we are here today to extend its existence. To do otherwise would jeopardize the progress that has been made to preserve our lands and the farming economy in New England.

Again, I thank my colleagues for their attention, and I yield the floor.

Mr. ROBB. Mr. President, I'd like to commend the efforts of my colleagues who joined in the effort to make an important change to the Satellite Home Viewer Improvement Act of 1999. As initially drafted, the conference report on H.R. 1554 caused many of us great concern because it included two provisions which could have discriminated against Internet and broadband service providers by expressly and permanently excluding any “online digital communication service” from retransmitting a television signal without the consent of the copyright holder. We do not want to set a precedent for compulsory or statutory licensing. Like many of my colleagues, I was deeply concerned that in the race to adjourn, Congress would neglect to fix these potentially damaging provisions.

Under the agreement which has been reached on this bill, these provisions have been deleted. This was the right thing to do: these two provisions had been added to the conference report late in the process, after agreement had been reached on the fundamental parameters of the bill, and without any public debate. Now that the provisions have been removed, the committees of
jurisdiction will have an opportunity to consider the proper application of the compulsory and statutory licensing provisions of the Copyright Act to Internet and broadband service providers.

Given the enormous importance of the Internet for enhancing consumer access to programming, it is essential that Congress give full attention to this issue early next year. I look forward to working with my colleagues to ensure that we take steps to further enhance the range of choices consumers have in the marketplace.

I also wanted to take a moment to commend Senator Baucus and others for their efforts in securing an agreement to address the problems that small-market and rural areas now face in obtaining satellite broadcasts of their local television stations. By my estimates, the only market in Virginia that will get local-into-local service with the current bill is the metropolitan D.C. area, serving over 94% of satellite households in my state without this crucial service. All Virginians, however, and, indeed, all Americans, deserve quality local satellite service, and I intend to make this issue a top priority when Congress returns next year.

Mr. LOTT. Mr. President, today the Senate passed the Intellectual Property and Communications Omnibus Reform Act of 1999. This bill makes many needed and timely reforms to the Satellite Home Viewer Act which originally passed almost 12 years ago. I have said for many months I believed this was a measure that Congress should enact before adjourning this year, and I am pleased that we have been able to move forward on this important piece of legislation.

For a number of years, great strides have been made by providers of direct broadcast satellite service to compete with cable, the traditional provider of multichannel video services. Congress recognized this marketplace development and the necessity to update the rules of the road to advance such competition.

Satellite television providers have a unique product to offer, and more and more consumers are opting for television via satellite, including my own son Chet. During a visit in his home, I learned firsthand just what this debate is all about. So I disagree with those who say this is just a broadcaster bill or this is just a satellite bill. Clearly, both sides had to compromise, and the end result is one that is fair to the various industry segments.

As always, when dealing with such contentious issues in the legislative process as were confronted in this measure, the competing interests of several parties had to be balanced. A number of compromises were reached, and the bill considered by the full Senate today will be good for consumers and good for competition.

This bill allows, for the first time ever, satellite providers to offer local signals in local markets. Consumers don't want to see their local news, their local weather, their local sports. Promoting localism was a goal of the conferees, while at the same time giving the satellite industry the tools it needed to grow its business. This provision will go a long way toward freeing satellite providers to compete head-on with cable for customers who want their local signals, or to provide service in many areas where cable is not even an available option.

This measure will not only boost competition in the multichannel video marketplace, but will also ensure that consumers are not stranded in a catch-22, without service. I know many of my colleagues, myself included, heard from literally thousands of constituents across the country. Constituents who had, in good faith, subscribed to satellite television. Constituents who were about to lose, or had already lost, their distant network programming channels through failure of their own. S. 1948 includes a reasonable, balanced approach to restore eligibility for many of these subscribers, while preventing further pending shut-offs.

Other consumer-friendly provisions were adopted. An improved model to more accurately predict eligibility to receive distant network signals from a satellite provider. Increased certainty in the waiver process when dealing with their local broadcasters.

I feel very strongly that consumers should not be put in a bind again by being sold a service, only to have it taken away.

The revised rules of the road will help level the playing field for the direct broadcast satellite industry as well. Copyright rates are slashed. Existing satellite copyright compulsory licenses are extended for 5 years. A 90-day waiting period to begin serving current cable customers who want to switch to satellite is eliminated. And the FCC will be required to review the distant signal eligibility standard and recommend improvements to Congress. The compromise also allows for a phase-in period for obtaining permission to bring local signals into markets, so that consumers and local stations benefit from local-into-local as soon as possible.

Mr. President, the offering of local-into-local is an expensive undertaking. Many of my colleagues in Congress, particularly those who represent rural states, recognize that economics will drive local-into-local into larger, urban markets first. They wonder whether rural and small markets will receive the same level of effort and service that is being given to these markets.

While debating the merits of the overall bill, this legitimate concern was raised. A concern that I share as well. I want my constituents to be able to choose a satellite provider for television without having to sacrifice watching their local broadcast stations. The largest designated market area in my home state of Mississippi is Jackson, which ranks number 89 out of more than 200 designated market areas. Satellite providers have clearly indicated they are likely to offer this new service in the top 60 to 70 markets. This translates into a lack of comparable choices for my constituents, and for millions of other Americans across the country. So this is an important issue that deserves the attention of Congress.

From the beginning, Senator Burns has been the champion of the idea of a loan guarantee program to foster the development of systems to deliver local-into-local in rural and small markets. Alarmed at the number of Senators have stood up to talk about how important this program is for their respective states, it has been Senator Burns who has stood firm and fought for this program.

It is Senator Burns who is responsible for establishing the process for the full Senate to consider the loan guarantee proposal early next year. I also want to thank Senator Gramm, the distinguished Chairman of the Senate’s Banking Committee, for his cooperation in moving this legislation forward.

Based on my conversations with him and other Members, I was pleased that a unanimous consent agreement was reached. This agreement requires that a loan guarantee bill be reported to the Senate by March 30, 2000. It is my intention to get this provision enacted into law soon thereafter.

Mr. President, I want to be clear. This unanimous consent agreement does not delay the implementation of the loan guarantee program. In fact, Senator Burns’ proposal, if passed today, would still be subject to Fiscal Year 2001 appropriations anyway. So the earliest this program could take effect under any scenario is in Fiscal Year 2001. The agreed upon schedule for consideration of the loan guarantee authorization is consistent with the appropriations timetable.

So, I believe the right incentives are in place to get this program off the ground when the Senate reconvenes next year. And I hope we can all work together, from both sides of the aisle. Without this kind of incentive, millions of Americans could be left behind.

The participation of Members was integral in bringing this bill to fruition. I want to commend Senator Hatch, Chairman of the Senate Judiciary Committee, for his leadership and determination to complete this important and overdue legislation.

Senator Hatch, Senator...
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Mr. MCCAIN. Chairman of the Senate Commerce, Science, and Transportation Committee, Congressman BLILLY, Chairman of the House Commerce Committee, and Congressman HYDE, Chairman of the House Judiciary Committee, along with all of the other Members of the conference, contributed greatly to the process, and I am grateful to them for their service.

This bill would not have been completed without the dedicated efforts and countless long hours of negotiation among staff. Their hard work is very much appreciated, and I want to take a moment to recognize who they are: Monica Azare, Ed Barron, Pete Belvin, Renee Bennett, Shawn Bentley, Benjamin Cline, Tony Roe, Manus Cooney, Colin Crowell, Troy Dow, Jon Dudas, Julian Epstein, Paula Ford, Doug Parry, Bob Foster, Mitch Glazier, Jim Hippe, Tim Kharit, Jon Lebowitz, Peter Levitas, Andy Levin, Justin Lilley, Garry Malphrus, Maureen McLaughlin, Mark Monson, Ann Morton, Al Mottur, Mitch Rose, Jim Sartucci, Jonathan Schwantes, and Alison Vinson.

Mr. President, this bill is an improvement over the current state of play in today’s multichannel video marketplace. It is not perfect, but it is a positive step forward in advancing competition among industries and choice for consumers.

Mr. GORTON. Mr. President, I would like briefly to address Section 2002 of the Intellectual Property and Communications Omnibus Reform Act of 1999, which is an amendment to the Omnibus package, to clarify its meaning with my colleagues who drafted the provision.

There are a number of United States companies that have applied to the FCC for licenses to operate non-geostationary satellite systems in the so-called “Ku-band.” These firms are designing and licensing systems to provide a host of telecommunication services, to benefit the public. The satellite systems that have applied for licenses in the Ku-band are designed to operate globally on a primary basis, and already are treated as primary users of the Ku-band in the International Table of Frequency Allocations.

Mr. President, I bring this up because section 2002(a) directs the FCC to consider issuing licenses, possibly in the same bands, for new terrestrial communications services that provide local television to rural areas. Section 2002(b)(2) provides that the FCC must ensure that any new licenses for local television in rural areas do not cause harmful interference to primary users of the spectrum, presumably the Ku-band primary users.

I want to clarify that Section 2002(b)(2) requires the FCC to prevent harmful interference not only with those who have been designated as primary users on the date of enactment of this Act, but also with prospective primary users. If the FCC were to misinterpret this section, it is, if the FCC prevented only harmful interference with those who are primary users on the date of enactment, the public could be denied the substantial benefits of emerging satellite technologies.

Mr. MCCAIN. I agree with my colleague that the authors of this bill did not mean to interfere with the expert technical and regulatory judgment of the FCC with respect to licensing applicants in the Ku-band. The term “primary user” in Section 2002 is intended to include primary users, regardless of whether these users are primary on the date of enactment or are later designated by the FCC protect primary users, whether these users are primary on the date of enactment or are later designated.

Mr. CLELAND. Mr. President, on November 9, 1999, the House of Representatives overwhelmingly passed (411–8) the conference report on H.R. 1554, the Intellectual Property and Communications Omnibus Reform Act of 1999. Arriving at a conference report compromise was a long process. For months, conferees have been negotiating over these provisions. The bill the Committee produced was a good framework for satellite companies to deliver local broadcast signals in rural areas.

However, the Senate will not act on this bill proper to adjourning for the year. Instead, Congress will recess without passing the complete Conference Committee version of H.R. 1554. In an attempt to achieve some of the gains from this bill, a modified version of the Satellite Home Viewers Act will be attached to the final omnibus appropriations bill and passed by Congress. However, it will be the responsibility of the Senate to ensure that this compromise provision is included in the final version received.

The conference report directs the FCC to clarify its meaning with my colleagues that rural Americans deserve the same access to their local broadcast stations that urban and suburban DBS customers will soon enjoy. I will work next year to ensure that this loan guarantee program is acted upon swiftly.

Mr. HOLLINGS. Mr. President, this conference report represents a first step in promoting satellite as a competitor to cable. The conference report establishes a framework for satellite companies to deliver local network signals into local markets. This allows satellite consumers to receive their local network stations by satellite. The satellite companies have indicated that it is their goal that they are able to deliver local broadcast signals to satellite consumers if they are to compete with cable. I hope going forward, satellite companies embrace this provision and provide local signals to as many markets as possible, including those in rural areas.

In addition to these provisions, the conference report directs the FCC to...
establish a waiver process to allow satellite consumers who cannot receive their broadcast signals over an outdoor antenna to obtain satellite service. This provision establishes a uniform waiver process and ensures that a consumer’s request for a waiver will be addressed within 30 days. The conference report also requires the FCC to improve the accuracy of the methodology used to predict which consumers cannot receive their broadcast signals over the air, and therefore, can obtain distant network signals by satellite. Language also has been placed in the bill to improve the negotiating position of the satellite companies in their negotiations with broadcasters to obtain programming. Hopefully, this provision will help satellite providers to obtain programming from broadcasters on fair and reasonable terms, and ultimately, provide consumers with service at a competitive price.

As noted previously, compromises were made. As the bill advanced through committee, I opposed the grandfathering of satellite customers who had been illegally provided distant network signals. At that time, I stated that illegal activities should not be rewarded. Satellite companies should not benefit from a grandfather of illegally provided distant broadcast signals to consumers. Nonetheless, the conference decided to allow satellite consumers who can receive their local network signals of Grade B intensity over an antenna, to continue to receive distant network signals by satellite. It also allowed satellite consumers who receive distant broadcast signals through big (C-band) dishes to continue receiving such service regardless of whether their distant broadcast signals have been cut-off or have been scheduled to be cut-off. In this bill, we have taken a number of steps to provide a better framework for the provision of satellite service. Therefore, I hope satellite companies will comply with the law going forward.

I expect the passage of this conference report will result in the delivery of better satellite service to consumers, and ensure that satellite companies can provide consumers with a competitively priced option to cable service.

Mr. BOND. Mr. President, as many of my colleagues know, the so-called “patent reform” act was placed in the Satellite Home Viewer Act in the waning hours of the conference. Even though this bill did not clear the Senate floor in regular order and never had a vote on the floor of the Senate and was highly controversial for three years the proponents had to resort to these tactics to secure passage. The Satellite Act was very important and many Americans were relying on its passage so it provided the leverage. This is an unfortunate development in this legislative battle. Over the strenuous objections of several members, the bill stayed in the conference report. It got the Senate version of Senate defeated the Senate version of the bill. I think the entrepreneurs of America deserve far better than this sort of treatment.

Special recognition should be given to the staff of the Alliance for American Innovation for their hard work on behalf of American Inventors, particularly Steven Sheen and Beverly Selby. Also, Congresswoman Helen Bentley labored tirelessly on behalf of America’s inventors, they deserve a great deal of recognition for their fight. As does Jim Morrison of the National Association of the Self Employed. They won many victories in this battle and the proponents had to resort to these tactics. To that end, I am grateful. I hope my colleagues will join me in supporting the act.

Mr. DEWINE. Mr. President, for the past several months I have served as a member of the House-Senate conference on H.R. 1554, the Satellite Home Viewer Improvement Act of 1999, which has been reported as a part of H.R. 3194, the District of Columbia Appropriations Act. The Satellite Home Viewer Improvement Act is a complicated and technical bill, but at its heart lies a simple premise—to protect interests of consumers by allowing more choices in the market for television providers. The conference agreement does this by allowing satellite companies the same opportunity to provide local signals that cable providers currently enjoy—and this increased competition should lead to better prices and better services for consumers. I hope my colleagues will join me in supporting the act.

As is to be expected in any complex piece of legislation, there were a number of difficult issues, and many public policy goals to be considered. The most important of these public policy goals is to protect the interests of consumers, and we needed to consider two factors in that regard—enhancing consumer choice in television service, and protecting the local television stations that so many rely on for their news, traffic, weather and sports. Accordingly, the conference agreement features a number of compromises that aim to protect both of these consumer interests.

Perhaps the best example of this is the so-called “must carry” provision. This provision requires that if a multi-program provider (for example, cable, or satellite) is carrying any broadcast signals in a given market, that provider must carry all broadcast signals in a given market. This requirement protects local television stations by assuring that their signals will be carried, whether consumers are pur- chasing a multi-program provider’s service. At first this may limit the number of markets that satellite providers can reach, but as technology and satellite capacity increase we are confident that satellite service, and the benefits of local signal competition, will reach more and more markets. This provision does not go into effect until January 1, 2002, in order to give the satellite companies time to further develop their technology and improve their product for consumers.

In the meantime, this act offers a number of other benefits to consumers. It sets the copyright rate for local signals at zero, and cuts the copyright rate for the so-called “distant local signals” by as much as 45 percent. It provides a “grandfather” clause for a large group of customers already receiving satellite service, who might otherwise be cut off by a federal court ruling. And it makes it easier for consumers to determine what type of satellite service they are eligible for, a process which in the past has been somewhat difficult.

As many of my colleagues have noted, this act may not completely cure the competitive problems faced by consumers in the marketplace for video services. Certain provisions will require further action by the Federal Communications Commission and by Congress. But it is a good step in the right direction. I believe the Satellite Home Viewer Improvement Act of 1999 will increase competition in these markets, and it will increase consumer choice. In the short run, and in the long run, this act is good for competition, and good for consumers.
even though the committees of jurisdiction had never held hearings on them, had never received any record evidence to support their need, and had never considered them in open debate. The committees of jurisdiction in the House and the Senate will now have an opportunity to carefully consider the application of the Copyright Act to the Internet and broadband service providers.

As someone proud to represent most of the major Internet service providers in the world, I have little doubt about the importance of the Internet and other online communications technologies for enhancing consumer access to information and programming. Online technology has transformed the way consumers receive information, including audiovisual works. It undeniably will benefit, and will benefit only if Congress makes certain that it does not place unreasonable barriers in the way.

Because rapid technological changes are having an ever more significant impact on our economy, it is essential that the Congress give full attention to this issue early next year.

THE INTELLECTUAL PROPERTY AND COMMUNICATIONS ACT

Mr. KERRY. Mr. President, I am pleased that Sec. 2002 of S. 1948 directs the Federal Communications Commission to expedite its review of license applications to deliver local television signals into all local markets. It’s my understanding that the FCC has had applications pending before it since January, which, if approved, would clear the way for nationwide deployment of an innovative digital terrestrial wireless system for multi-channel video programming. This new technology will benefit all Americans by providing robust competition to incumbent cable systems in Massachusetts and across the entire nation. Equally important, it will provide rural Americans with the same access to local signals as their urban and suburban counterparts. Under Sec. 2002(b)(2), the FCC shall ensure that licensees will not cause harmful interference to existing primary users of the spectrum. Moreover, the FCC, consistent with its mission to manage the spectrum in the public interest, will address, any coordination related to new users of a particular band.

Mr. DeWINE. Mr. President, I rise today in support of the American Inventors Protection Act of 1999, which is incorporated into the Satellite Home Viewers Act Conference Committee Report. I am a Member of that Conference Committee. Ultimately, the Satellite Home Viewers Act Conference Committee Report will be included in this year’s omnibus appropriations bill, the District of Columbia Appropriations Act of 2000.

With regard to the American Inventors Protection Act, I am particularly pleased with the Act’s inclusion of the first inventor or “prior user” defense, created by Subtitle C. Unfortunately, the fact that this Act is being considered by the Senate in the closing days of the legislative session has limited the Judiciary Committee’s ability to include a complete legislative history on the Act. As a Member of the Judiciary Committee, my intent is that this statement supplement the Senate’s legislative history with regard to Subtitle C of the American Inventors Protection Act.

The prior user defense to patent infringement is of great importance to the financial services industry. For years, the financial services industry developed “back office” methods and processes that are fundamental to the delivery of many financial services. These also are subject to patent. The House Report refers to the breadth of the types of methods and processes used by the financial services industry: “These financial services may embody methods or processes incorporated into any apparatus or article of manufacture, and not limited to, trading, investment and liquidity management, securities custody and reporting, balance reporting, funds transfer, ACH, ATM processing, on-line banking, check processing and compliance and risk management. In each of these systems, multiple processing and method steps are acting upon a customer’s data without its knowledge.” Minor changes in the bill since it was reported by the House Judiciary Committee do not affect the scope of methods to be considered under this Title.

Virtually no one in the industry believed that these methods or processes were patentable. Instead, the only legal protections available were those granted under trade secret laws. Last year, in State Street Bank & Trust Company v. Signature Financial Group, Inc., the financial services industry was dealt a blow when the Court of Appeals for the Federal Circuit held that business methods can be patented. Early this year, the Supreme Court denied certiorari in that case, making it official. After State Street, methods and processes that were developed by the financial services industry years ago are now subject to patent. Some of these methods and processes are transparent to the end user of the services and can be “reverse engineered” and then easily copied. A later user of the method can now patent a method or process that another inventor had developed and put into use first. The actual inventor would then be prohibited from using his own invention, or be required to pay royalties to the subsequent inventor.

This situation is clearly unfair. Fortunately, Subtitle C of the American Inventors Protection Act partially corrects the unfortunate consequences of the State Street decision by adding a new section to the patent code establishing the “prior user” defense. Specifically, this provision deals with a claim of patent infringement where a person has commercially used or made serious preparations to commercially use a process that later becomes the subject matter of a patent issued to another. Under this subtitle, an “internal commercial use or arm’s length commercial transfer of a useful end result” includes a method or process, the subject matter of which may be directed to an information or data processing system providing a financial service, whether in the form of physical products, or in the form of services, or in the form of some useful results.

The term “method” should be interpreted broadly so that it includes any “method of doing or conducting business,” including a process. The method that is the subject matter of the defense may be an internal method of doing business, a method used in the course of doing or conducting business, or a method for conducting business in the public marketplace. It can be a method used in the design, formulation, preparation, application, testing, or manufacture of a product or service. A method is any systematic way of accomplishing a particular business goal. The defense should be applicable against patent infringement claims regarding methods, and to claims involving apparatus or manufacture used to practice such methods (if such apparatus claims are included in the asserted patent). In the context of the financial services industry, methods would include financial instruments (e.g., stocks, bonds, mutual funds), financial products (e.g., options, derivatives, asset-backed securities), financial transactions, the ordering of financial information, any system or process that transmits or transforms information with respect to eventual financial investments or financial transactions, and any method or process listed as examples by the House Judiciary Committee in its report.

Of course, the defense is not a general license; it extends only to the specific subject matter claimed in the patent. A person asserting the defense under this new section has the burden of establishing it by clear and convincing evidence. As used in this title “person” includes each, or any subsidiary, affiliate, division, or other entity related to the holder of the defense when they are accused of infringement of the relevant patent. If the defense is asserted by a person who is ultimately found to infringe, the defendant consequently fails to demonstrate a reasonable basis for asserting the defense, then the court must award attorneys fees under section 285 of Title 35.

The first inventors defense is not available if a person has abandoned commercial use of the subject matter. In the context of this Act, abandonment means cessation of use with no
Mr. President, subtitle C strikes a balance between the rights of the later inventor and the need to encourage innovation.

It should come as no surprise that this is the single most important thing that the Senate Bill does, to properly divine the real intent of Congress with its findings, rather than by requiring the FCC to report back to Congress even further.

The truth is that if there's a fairer standard out there, then we should apply it. Rest assured, the Commission will get to last bite at the apple by requiring the FCC to report back to Congress with its findings, rather than allowing the Commission to "self-execute" its new study.

Let me make one final point regarding one of the most difficult matters in Conference: retransmission consent. The original House language was predicated on the belief that there exists unequal bargaining positions between the broadcasters and the satellite companies. But it is equally important to remove the unconscionable 90 day waiting period that a consumer must endure before switching from cable to satellite service. We also grant a six month "grace period" for "local-into-local" retransmission consent agreements. I am not so sure that this is the "Holy Grail" for consumers that some believe it is; however, I doubt the sky is going to fall down for the networks either.

To ensure that all local stations are carried and to keep the playing field as level as possible, this legislation imposes full "must carry" obligations by 2002 upon satellite providers, just as current law does on cable. That is, if a satellite company carries one local station in a market, then it must carry all the local stations. Now, reasonable people can disagree about "must carry"—the Supreme Court upheld its constitutionality by a slim 5-4 vote—but it is only fair to apply it evenly to both cable and satellite companies.

This Conference Report also lays to rest many of the thorny disputes that have served only to hurt consumers. Both the Senate and the House have agreed to "grandfather" those consumers in the Grade B service area who currently receive cable signals. To be sure, some satellite companies have been bad actors in this debate and so have some subscribers. Nonetheless, short of deposing each and every consumer, it's best to put these problems behind us and start off on a clean slate. We expect that going forward the letter of the law will be adhered to and respected—heavy penalties await those who would do otherwise, and rightfully so.

The matter of "if and when" a consumer should receive a waiver from a local broadcaster currently resembles a Sherlock Holmes mystery. So we order the FCC to draft "consumer-friendly" regulations to govern the waiver process. The bill basically says that if they fail to act on waiver requests within 30 days, the request will be "deemed" approved. We trust the FCC will improve and simplify this process even further.

Just as importantly, we ask the FCC to take a hard look at whether the Grade B standard is sufficient to determine what a good picture is in today's world. The truth is that if there's a fairer standard out there, then we should apply it. Rest assured, the Congress will get to last bite at the apple by requiring the FCC to report back to Congress with its findings, rather than allowing the Commission to "self-execute" its new study.

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November 19, 1999

CONGRESSIONAL RECORD—SENATE

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Viewers Act. In addition to Satellite Home Viewers Improvement Act, this legislation contains two other major intellectual property bills, a major reform of the patent system and a bill to protect against the growing problem of "cybersquatting," whereby the valuable names of businesses and individuals are registered by others in bad faith to either trade on those names or damage their value. These three pieces of legislation are major reforms that help American consumers and American businesses. I will briefly discuss these reforms in turn.

As the Chairman of the Conference Committee and sponsor of the original Senate copyright legislation underlying the Satellite Home Viewer Improvements Act, I am delighted that the conferees have been able to put together a comprehensive package of consumer-friendly reforms for satellite viewers. The bill reflects an enormous effort on the part of members and their staffs on both sides of Congress from both parties, and represents a major advance in copyright and communications law.

The world of video communication has changed enormously since television began some 70 years ago in the small home workshop of inventor and Utah native Philo T. Farnsworth, who, together with his wife and colleagues, viewed the first television transmission: a single black line that rotated from vertical to horizontal. At the risk of offending those who may disagree, I think TV programming has greatly improved since the Farnsworths' rotating black line. Since that day in the Farnsworths' workshop, television viewers have benefitted from steady advances in technology that have increased access to an ever more diversified range of programming choices. The television industry has progressed from one or two over-the-air broadcast stations to a full range of broadcast networks delivering local and syndicated national programming, to cable television delivering both broadcast and made-for-cable programming. And in the past decade, satellite carriers, delivering to customers with both large and, increasingly, small dishes are emerging as new and potent competitors in the television delivery business.

The legislation before us today will— for the first time —allow satellite carriers to provide local subscribers with their local television signals. This means every television viewer in Utah can have access to Utah news, weather, sports, and other locally-relevant programming, as well as national network programming. Emerging technology now makes this possible, and our bill will make it legal. The bill also reduces the copyright fees that are passed along to subscribers. As a result, eligible viewers in parts of Utah unserved by over-the-air television will enjoy access to network stations at lower prices.

Let me illustrate some of the benefits of this legislation for Utah and for Utahns. Similar benefits can accrue across the country if this legislation is fully utilized. Many areas of Utah are unserved by over-the-air television or even cable service. Satellite service has been the only television option for many Utahns. Up until the passage of this conference report, these Utahns were able to get network stations, but usually from cities outside of Utah, such as New York or Los Angeles. And those Utahns who had satellite dishes but lived in areas which did receive local television over-the-air could not legally get any network television programming using their satellite dishes, as they had to rely on an over-the-air antenna or by cable. Under the provisions of this conference report, every Utahn will be able to get local network programming, which includes both national network shows like "ER" and "The X-Files" and local news, weather, sports, and public affairs programming. And those people who live in the so-called "white areas" that are unserved by local television can get local programming from Salt Lake City, as well as keep their distant signals if they wish to. Making Utah information and entertainment available to all Utahns is a great benefit to us as a state, and helps bind us together as a community. And in 2002, the satellite carriers will be required to carry all the local television stations, just like cable. This means that viewers will have the same range of local programming as they have come to expect from cable, and that the viewers, rather than satellite carriers, will be able to choose which local stations will be carried.

Making local television signals available to all Utahns, and citizens of similar communities across the country, is the most important reason for this legislation. But there are many other benefits to consumers: copyright rates for satellite signals are cut almost in half, and the local signals are free. The Federal Communications Commission will work to ensure that eligibility decisions for distant network signals are clearer and prompter. Some satellite subscribers have expressed frustration that they do not get prompt responses from local television stations to distant signal eligibility waiver requests, although the situation is better in Utah than in some other places. To remedy the problem, we included a provision that says if a subscriber asks a local station for a waiver to allow them to get distant network signals, this conference report requires a response in 30 days or the waiver is deemed approved. There was a provision in the previous law that required cable subscribers to wait 90 days after unhooking their cable before they could get satellite service. We removed that waiting period so that Utahns who wish to switch from cable can do so immediately.

We heard from the owners of recreational vehicles that they wanted to be able to put satellite dishes on their RVs when they go camping or traveling. In this bill, we allow RV owners who are approved for the distant network rules under the copyright act to use their satellite service. So Utahns do not need to leave their satellite service behind when they travel. The same rules would apply to long-haul truckers.

Recent lawsuits enforcing the distant signal eligibility rules under the copyright act have put many satellite subscribers in danger of losing their distant network signal service. Let me be clear that I do not condone or support what appears to have been large-scale black-marking by the satellite carriers. But I am concerned about subscribers being caught in the middle, especially those who are not clearly served by over-the-air television from their local broadcasters. So, in this legislation, we protect the eligibility for service received by current subscribers have who do not get a city-grade or Grade A signal. In this way, we can protect those subscribers who may have been misled about their eligibility and who may be in an area that is not clearly served, so that they will not be out their investment. With regard to the signal intensity rules that make up the eligibility standard for distant signals, we have asked the FCC to give us their best judgment about how we should reform the law, so that we can have their best input before we consider any further major reforms on this issue.

I have talked about the benefits that will accrue to satellite subscribers if the satellite industry is equipped to compete with cable head-on in the market. Satellite service consistently ranks high on consumer surveys for service satisfaction. It has a vast array of channels for viewers to choose from. As I mentioned earlier, the growth of the satellite television business has been phenomenal, even without the ability to deliver local television stations. Recent consumer surveys indicate that 85 percent of respondents said that the lack of local signals is the reason why consumers who considered buying satellite service decided not to. Imagine the growth in this industry now that they will be able to compete with cable with the offering of local programming. What does this all mean for cable subscribers? One of the reasons why many believe cable is rated low on customer satisfaction is that it usually does not have a real competitor. Many local cable systems know its customers have nowhere else
to go, so they do not exert themselves as much to please the customer as they might with a competitor. Armed with local competition, and all television viewers. That will lead to lower prices, increased choices, and happy customers for both satellite and cable, and all television viewers.

Today we are also considering a patent reform package which contains the most significant reforms to our nation’s patent code in half a century. This bill, which Senator LEAHY and I introduced as the “American Inventors Protection Act,” is one of the most important high-tech reform measures to come before this body. It is widely supported by an overwhelming majority of members of both parties in the Administration, and by a broad coalition of industry, small businesses, and American inventors. Its consideration here today is imminently appropriate on the eve of a new millennium in which intellectual property rights and the strength of our economy will depend on the strength of the patent system and the protections it affords.

Intellectual property, and patents in particular, are among our nation’s greatest assets. From semiconductor chip technology, to computer software, to biotechnology, to Internet and telecommunications technology, the United States remains the undisputed world leader in technological innovation. In fact, according to Newsweek magazine, the United States is home to seven of the world’s top ten technology centers, which includes my own state of Utah. Moreover, American creative industries now surpass all other export sectors. Intellectual property and innovative technologies increasingly drive the growth of our economy, the strength of our patent system and its ability to respond to the challenges of new technology and global competition will be more important than ever.

This bill will enable our patent system to meet these challenges and to protect American inventors and American competitiveness into the next century. As many of my colleagues know, this bill is on both sides of the aisle that reflects years of discussion and extensive efforts to reach agreement on all sides. Since first introducing this bill as an omnibus measure in the 104th Congress, we have literally engaged in countless hours of discussions and adopted over 100 amendments to this bill in order to forge a consensus on a package of responsible patent reforms. The Senate made significant progress toward consensus in the last Congress when the Judiciary Committee reached toward consensus in the last Congress on the Internet, electronic commerce, and new innovative technologies increasingly drive the growth of our economy, the strength of our patent system and its ability to respond to the challenges of new technology and global competition will be more important than ever.

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This broad support is reflected in the several votes that have already occurred on this measure this year. The House has passed this bill three times this year, including by a 376–43 vote on the bill as stand alone measure in August and by a 411–8 vote on the bill as part of the conference report on the “Intellectual Property and Communications Omnibus Reform Act.” The least 12 months earlier this year, the Senate also passed the bill by a 18–0 roll call vote earlier this month.

Having touched upon some of the compromises that have brought people together on this bill, let me take just a minute to highlight what this bill will do for American inventors.

1. The bill protects against fraudulent invention promoters who prey upon novice inventors.
2. It reduces patent fees for only the second time in history, saving American inventors an estimated $30 million each year. The bill will also ensure that patent fees are not used to subsidize trademark operations and will require the PTO to study alternative fee structures to encourage maximum participation by small inventors.
3. It protects American companies and their workers from patent infringement suits as a result of recent policy changes that have allowed patents to be obtained without internal business methods that were previously thought to be unpatentable and which have been used under trade secret protection.
4. It guarantees that every diligent inventor with a patentable invention will receive at least 17 years of patent protection (which is what they would have received pre-GATT); most will receive a great deal more.
5. It allows American inventors and innovators to see foreign technology at a glance today, while allowing American inventors to maintain protections of existing law that allow them to keep their inventions secret during patent pendency. It also gives American inventors new protections by given them provisional protections secret during patent pendency. It bears substantial risks of being confused and trade on the consumer confusion and trade on the future growth of electronic commerce. Those who do will be subject to a term used to refer to the deliberate and bad-faith registration of Internet domain names in violation of the rights of trademark owners. Cybersquatting is a very serious threat to consumers and the future growth of electronic commerce. For example, we heard testimony in the Judiciary Committee of consumer fraud being perpetrated by the registrant of the “attphonecard.com” and “attcallingcard.com” domain names, who set up Internet sites purporting to sell prepaid calling cards and personally identifying information, including credit card numbers. Sammy Sosa had his name cybersquatted and used for a website that implied his endorsement of the products being sold. There are countless other similar examples of so-called “dot-com” artists who prey on consumer confusion and trade on the goodwill of others.

The fact is that if consumers cannot rely on brand-names online as they do in the world of bricks and mortar Anticybersquatting Consumer Protection Act” and send that legislation to the President. In short, this is another key high-tech bill that will curtail the harmful practice of “cybersquatting” — a term used to refer to the deliberate and bad-faith registration of Internet domain names in violation of the rights of trademark owners. Cybersquatting is a very serious threat to consumers and the future growth of electronic commerce. For example, we heard testimony in the Judiciary Committee of consumer fraud being perpetrated by the registrant of the “attphonecard.com” and “attcallingcard.com” domain names, who set up Internet sites purporting to sell prepaid calling cards and personally identifying information, including credit card numbers. Sammy Sosa had his name cybersquatted and used for a website that implied his endorsement of the products being sold. There are countless other similar examples of so-called “dot-com” artists who prey on consumer confusion and trade on the goodwill of others.

This legislation will go a long way to ensure this sort of online brand-name protection for consumers. At the same time, the bill carefully balances these interests of consumers and trademark owners with the interests of Internet users and others who would make fair or otherwise lawful uses of trademarked names in cyberspace.
As with trademark cybersquatting, cybersquatting of personal names poses similarities to consumer and commercial confusion as to the source or sponsorship of goods or services, including confusion as to the sponsorship or affiliation of websites bearing individuals’ names. In addition, more and more people are being harmed by people who register other people’s names and hold them out for sale for huge sums or money or use them for various nefarious purposes. I am particularly troubled at the prospect of what someone might do with websites bearing the name of such people as Mother Teresa, which I understand are currently being offered for $7 million by a cybersquatter.

For this reason, I was pleased that the House amendments to the Senate bill policies embodied in the Senate that enjoy service mark status, such as celebrity actors and very likely Mother Teresa, are included. As I have said, however, this bill should not be just about protecting celebrities. I am thus pleased that the legislation in the Senate conference report goes further to protect those whose names don’t meet the relatively high threshold of a famous mark, but who are nonetheless targeted by cybersquatters. For example, ESPN has reported that a number of cybersquatters have targeted the names of high-school athletes in anticipation that they may some day become famous. Earlier versions of the House and Senate bills would not have protected these individuals, but this legislation will. Furthermore, this bill directs the Commerce Department to report to Congress on ways to better protect personal names against cybersquatting and to work in conjunction with the Internet Corporation for Assigned Names and Numbers to include personal name disputes in the ICANN dispute resolution policy.

This a key measure to promote electronic commerce and to protect consumers and individuals online. While I recognize the complex nature of the cybersquatting problem, I believe this legislation is an important start to a worldwide solution—as evidenced by the fact that the latest ICANN dispute resolution policy reflects a number of the points embodied in this Senate bill. I appreciate Senator Abraham’s effort to move this bill through Congress, and I am pleased we will pass it today.

These are important intellectual property reforms that are helpful to American consumers and American businesses. They are the product of the hard work of many people. Mr. President, I would like to thank many people who have worked hard to get this conference report completed and passed.

First, let me thank and personally congratulate each of my colleagues on the Conference Committee for their diligent work in achieving this goal, especially my distinguished Ranking Member and original co-sponsor Senator Leahy, as well as Chairman McCain, and Senators Stevens, DeWine, Hollings, and Kohl, all of whom made important contributions. On the House side, I extend my gratitude and congratulations to Chairman Goodlatte, Chairman Billey and to Representatives Coble, Tauzin, Goodlatte, Oxley, Dingell, Conyers, Markey, Berman, and Boucher. Of course, this successful result is also the product of tireless efforts by our capable staff, who have worked through many late nights and weekends, to make this successful resolution possible. Among the many Senate staff members who have made critical contributions are Manus Cooney, Shawn Bentley, and Troy Ed Barron, Beryl Howell of Senator Leahy’s staff; and from the other Senate conferees, Mitch Rose, Pete Belvin, Maureen McLaughlin, Paula Ford, Al Mottur, Gary Malphrus, Jim Hippe, Pete Levitas, Jon Leibowitz, John Roberts of the Copyright Office both sides of this Senate side. Let me congratulate each of them on their work. Tony Coe of Senate Legislative Counsel and Bill Roberts of the Copyright Office both put in many long hours to provide technical assistance. I know I speak for all of the Senate conferees in expressing my gratitude to all these first-rate staff members, as well as to the fine staff on the House side. The leadership staff from both houses, particularly Jim Sartucci and Renee Bennett from Senator LOTT’s staff and Doug Farry from Representative ARMLEY’s office were key liaisons in this process.

On patent reform, let me note my very sincere appreciation to the Ranking Member Senator Abraham, Committee, Senator Leahy, with whom I have worked for the better part of three Congresses to bring about these important reforms. His leadership on the Democratic side has been a key part to getting this bill done. I want to also recognize the extraordinary efforts of our House colleagues on this bill. Chairman Coble, who is the bill’s primary sponsor in the House, along with the Ranking Member on the Subcommittee on Courts and Intellectual Property, Congressman Berman, as well as Chairman HYDE and Ranking Member CONYERS, have all dedicated tremendous time and effort over the last four years to moving this legislation forward. Their able leadership is reflected in the support this bill received in the House. But I want to mention in particular Congressman ROHrabacher and Congressman Campbell who in years past had led the opposition in the House to this bill. It is because of their efforts to work cooperatively with the proponents of this legislation in the House to craft a package of truly responsible reforms on behalf of American inventors that we have a bill before us today. I want to recognize them for their leadership, and for their good faith back in the House and in the Senate this year.

Finally, with respect to cybersquatting legislation, I want to again commend the Senate from Michigan, Senator Abraham, for his sponsorship of this legislation, as well as Ranking Member Senator Leahy, with whom I have again worked hand in hand to bring this bill to final passage.

All of these people and others were instrumental in the success of this legislation, but let me express an especially warm thanks to Senator Leahy, with whom I have worked closely on these and so many other intellectual property matters, and to the Chairman of the Appropriations Committee, Senator Stevens. We worked particularly closely in the satellite reform conference, and he played a unique and crucial role in the ultimate passage of this package of important intellectual property legislation. I thank him for his leadership and his steadfast support. And let me single out the efforts of Mitch Rose of Senator Stevens’ staff who worked along with my staff and Steve Cortese of Senator Stevens’ Appropriations Committee staff, under Senator Stevens’ leadership, to ensure that these important intellectual property matters were ultimately enacted into law despite the difficulties encountered in the process.

Today, I was pleased to see my amendment become law, which I think is an important step toward making it easier for American companies to offer the products that they have worked so hard to develop around the world. But we must do more.

President LEAHY. Mr. President, the Judiciary Committee is about to achieve an
end-of-the-session high technology sweep that comes on the heels of landmark Internet and intellectual property reforms that our committee achieved in the 105th Congress.

Others are observing that this is the most productive and forward-looking two years of achievement in updating intellectual property laws of this or any previous era. I believe they are right.

We may never have another such set of opportunities where we are able to provide so many benefits to consumers, innovators and to the high technology innovators in the business community in such a short span of time.

In one fell swoop we are providing consumers with local-into-local television, protecting patent terms, spurring innovation and enhancing electronic commerce and protecting trademarks.

One of the challenges we face at this early stage of the Information Age is to bring the order of intellectual property law to the Wild West of the Internet and to other burgeoning information technologies. That challenge is at the heart of these three bills.

I want to make just a couple of comments about each of them. The patent bill is long overdue. It will put American innovations on a more equal footing with European and Japanese inventors. It also helps protect inventors against invention promotion scams and against needless PTO delay in approving patents.

The anti-cybersquatting bill protects merchants who want to be able to control where their names and brands are being displayed and protect them from abuse. More than 200 years ago Ben Franklin said that a person's honor and good name is like fine china—easily broken but impossible to mend. This is still the case today and the bill protects the rights of trademark holders against malicious abuse. It arms online merchants and consumers with new tools to derail these “squatters” who try to create bad waves for honest cybersurfers.

And then there is the satellite bill, which is a charter for a new era of television service competition that will benefit consumers in several tangible ways. It sets the stage for the first real head-to-head competition between cable and satellite TV that will be a brand new experience for hundreds of communities.

It will contribute a new unifying influence and greater sense of community in states like Vermont, where citizens in most of the state for the first time will have access to all Vermont stations. It will avert further waves of programming cutoffs to satellite TV customers, including what would have been the largest cutoff of all, in December.

The satellite bill will, over time, mean that some families will be able to get local network television for the first time ever. I believe that making local television signals available throughout much of the state will be a unifying force and enhance public participation in state and community issues. It will remove the artificial isolation caused by mountain ridges or distance from broadcast towers. It will also prevent these infuriating and seemingly mindless cutoffs and promote direct head-to-head competition with cable.

We have had some major bumps in the road in getting here with these three bills.

I want to mention the rural satellite TV provisions. I know that we had preliminary discussions about this six months ago and that Department of Agriculture officials and experts met with our staffs to go over the details months ago.

I proposed that USDA handle this loan guarantee program because they have 50 years of experience with financing rural telephone and rural electric cooperatives. Vast areas of this nation were able to get electric and telephone service solely because of these programs.

It is hard to believe in this day and age, but thousands of Americans still remember when these USDA loan programs gave them electricity for the first time.

I am disappointed that the final bill does not include this provision that we worked on—but I am pleased that the Senate leaders have worked out an arrangement with us so that this matter will be resolved early next year.

Without this loan guarantee program I am convinced that rural areas—75 percent of the U.S. landmass—might not receive local-into-local satellite TV until 10 or 20 years after urban areas.

Another major hurdle concerned a request by AOL and YAHOO for changes to the bill. This concerned whether or not they should receive a compulsory license to show regular TV programming over the Internet. Chairman HATCH and I resolved this by agreeing to have hearings on this important matter of convergence of technology and the protection of copyrighted material—converging TV, data, telephone, messages and other communications through broadband technologies while protecting ownership rights to copyrighted material.

A third bump in the road was over the GAO study Senator HATCH and I proposed regarding the patent protection for business methods resulting from the State Street case. In the end, we took out that language but agreed that we would ask the GAO to look into this issue. I believe that the limits of what is proper subject matter to be patented and what is not. I can easily see Senator HATCH and I having more than one hearing on this issue.

So here we are in the death throes of this session of Congress. It is satisfying to know that some of the farthest-reaching laws that this session are the products of the work of the Judiciary Committee, and of my partnership with Chairman HATCH.

I am delighted that as Conferences on the satellite bill that we have been able to put this complex and important legislation, which originated with the Hatch-Leahy Satellite Home Viewers Improvements Act in the Senate, into final form.

We worked closely with a number of Senators and members of the other body on this important legislation. Any time that you work with four Committees in a Conference there are a lot of members and staff who do very creative and important work late into the night, night after night.

I want to single out just a few staff even though I know I am leaving out many who deserve equal praise. Shawn Bentley with Chairman HATCH displayed enormous poise and breath of knowledge regarding satellite TV issues. He balanced, as did his Chairman, a variety of complex issues very carefully and very well. Troy Dow similarly was extremely helpful regarding patent and cybersquatting issues and deserves a great deal of credit.

I want to also thank Ed Barron of my staff regarding the satellite TV and patent bills and Beryl Howell on cybersquatting. They both worked very diligently on these and other issues and did a great job.

Subcommittee Chairman DEWINE and ranking Member KOHL were also Conferences, along with Senator THURMOND, and played a major role regarding satellite TV issues.

This bill will provide viewers with more choices and will greatly increase competition in the delivery of television programming, while ensuring minimal interference with the free market copyright system that serves our country so well.

For years I have raised concerns about the lack of competition with cable TV and escalating cable rates. This bill will allow satellite TV providers to compete directly with cable in off-the-air stations and will give consumers a wider range of choice. It also protects local TV affiliates while postponing certain cutoffs of satellite TV service.

Most promisingly, the bill will permit local TV signals, as opposed to distant out-of-state network signals, to be offered to viewers via satellite. Vermont is a state in which satellite dishes play a very important role, and I know that Vermont viewers eagerly await access to their local stations will be available by satellite.

It is absurd for home dish owners—whether they live in Vermont, Utah, or California—to have to watch network
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stations imported from distant states instead of local stations. They should have a choice. I expect the satellite industry to extend local-to-local coverage beyond the biggest cities and into important smaller markets such as those in Vermont, and the satellite industry should not expect further Congressional largesse if it fails to do so.

One satellite company called Capitol Broadcasting has already committed to serve Vermont once its spot beam technology satellites have been launched and other technological requirements have been put in place. I am counting on that happening over the next two or three years.

I was very pleased to have met with the moving force behind Capitol Broadcasting—Jim Goodmon. This company was formed by his great-grandfather, J. Fletcher, in 1937. Under Jim Goodmon’s management, Capitol Broadcasting has expanded into satellite communications, the Internet and high definition television. In April, Jim received the Digital Television Pioneer Award from Broadcasting and Cable magazine. One of their stations, CBC, was the first broadcaster to transmit a high definition television digital signal. I look forward to helping inaugurate their television digital signal. I look forward to helping their local-to-local service into Vermont.

I expect that others will compete in Vermont. I understand the EchoStar, under its CEO, Charlie Ergen, and DirecTV, are also looking at providing service to Vermont.

Providing local TV stations to Vermont dish owners will lead to head-to-head competition between cable and satellite TV providers which should lead to more services for Vermonters at lower prices. Also, the bill will allow households who want to subscribe to this new satellite TV service to receive all local Vermont TV stations over the satellite.

The goal is to offer Vermonters with more choices, more TV selections, but at lower rates. In areas of the country where there is this full competition with cable providers, rates to customers are considerably lower.

Over time this initiative will permit satellite TV providers to offer a full selection of all local TV channels to viewers throughout Vermont, as well as the typical complement of superstations, weather and sports channels, PBS, movies and a variety of other channels.

This means that local Vermont TV stations will be available over satellite to many areas of Vermont currently unserved by satellite or by cable. I have gotten lots of letters from Vermonters who complained about the current situation where local TV stations challenged their right to receive that signal.

Under current law, it is illegal for satellite TV providers to offer local TV channels over a satellite dish when you live in an area where you are likely to get a clear TV signal with a regular rooftop antenna at least half of the time.

This means that thousands of Vermonters living in or near Burlington cannot receive local signals over their satellite dishes. Under current law, those families must get their local TV signals over an antenna which often does not provide a clear picture. This bill will remove that legal limitation and allow satellite carriers to offer local TV signals to viewers no matter where they live in Vermont.

Presently, Vermonters receive satellite signals with programming from stations in other states—in other words they would get a CBS station from another state but not WCAX, the Burlington CBS affiliate.

By allowing satellite providers to offer a larger variety of programming, including local stations, the satellite industry would compete with cable, and the cable industry will be competing with satellite carriers. Cable will continue to be a very effective competitor with its ability to offer extremely high-speed Internet connections to homes and businesses.

As mentioned earlier, the second major improvement in this initiative is that satellite carriers that offer local Vermont channels in their mix of programming will be able to reach Vermonters throughout Vermont. The system will be based on regions called Designated Market Areas, or DMAs. Vermont has one large DMA covering most of the state and part of the Adirondacks in New York—the Burlington-Plattsburg DMA—and parts of two smaller ones in Bennington County (the Albany-Schenectady-Troy DMA) and in Windham county (the Boston DMA).

This new satellite system is not available yet, and may not be available in Vermont until two to three years from now. Companies such as Capitol Broadcasting are preparing to launch spot-beam satellites to take advantage of this bill. Using current technology, signals would be provided by spot-beam satellites using regional uplink sites throughout the nation to beam local signals up to one or two satellites. Those satellites could use 60 spot beams to send those local signals, received from the regional uplinks, back to satellite dish owners. High definition TV would be offered under this system at a later date.

Under this bill, Vermonters will have more choices. I want to point out that those who want to keep their current satellite service can do just that.

In addition, we have protected the C-Band dish owners who have invested a lot of money in this now out-dated, but still used, technology. I don’t think it was fair to pull the plug on them.

Those who want to stick with cable, or with regular broadcast TV, are welcome to continue to participate that way.

As technology advances so quickly, other systems could be developed before this bill is fully implemented that would provide similar service but using a different technology.

The bill will also extend the distant signal compulsory license in Section 119. In almost all respects, the distant signal license will apply in the same way in the future as it applies today.

The most important exception is that the bill will allow continued delivery of distant network stations to thousands of Vermonters and residents of other states who would otherwise have distant network satellite service terminated at the end of the year (or who have had such service terminated by court order since July 1998).

The purpose of temporary “grandfathering” is not to reward satellite carriers that have broken the law. Rather, the purpose of the grandfathering is to assist certain subscribers in Vermont and elsewhere who might have been misled by satellite companies into believing that they were eligible to receive distant network programming by satellite. The purpose is also to aid in achieving a smooth transition to local-into-local programming which avoids many of these issues.

The subscribers who will be grandfathered are those who are not predicted to receive a signal of Grade A intensity from any station affiliated with the relevant network, along with certain additional C-band subscribers.

I want to make clear that I do not condone lawbreaking by satellite companies or anyone else, and nothing that Congress is doing today should be read as a green light. Satellite companies representing the public interest have already lined up for every other remedy provided by the Copyright Act or other law for any infringements they have committed. Satellite carriers should not be heard to argue for any grandfathering beyond what Congress has expressly approved, or to contend that they should be relieved of any other available remedy because of Congress’ actions.

The second change to Section 119 is that there will no longer be a 90-day waiting period for cable subscribers that is currently part of the definition of “unserved household.” This change will help to make the satellite industry more competitive with cable, an objective I know every member of this body shares. Third, the bill will limit to two the number of distant signals that a satellite carrier may deliver to unserved households.

Except with respect to these specific changes in Section 119, nothing in the law we are passing today will take away any of the rights and remedies available to the parties to copyright infringement litigation against satellite carriers. Nor does anything in
It is crucial to our system that all players in the marketplace, including satellite carriers, be required to obey the law and hold accountable in the courts for the consequences of their own lawbreaking. Indeed, if a particular satellite carrier has engaged in a willful or repeated pattern or practice of infringements, it should be held to the statutory consequences of that misconduct.

The addition of the word “stationary” to the phrase “conventional outdoor rooftop receiving antenna” in Section 119(d)(10) of the Copyright Act merits a word of discussion. As the Ranking Member of the Senate Judiciary Committee, which has jurisdiction over copyright matters, and one of the original sponsors of this legislation, I want to emphasize that use of this word should not be misunderstood.

The new language says only that the antenna is to be “stationary”; it does not say that the antenna is to be improperly oriented, that is pointed in a way that does not obtain the strongest signal. The word “stationary” means, for example, that testing should be done using a stationary antenna, as the FCC has directed.

Satellite companies must not be encouraged to urge consumers to point antennas in the wrong direction to qualify for different treatment. As to antenna orientation, the relevant guidance is provided in Section 119(a)(2)(B)(ii) of the bill, which specifies that the FCC’s procedures (requiring correct orientation) be followed. Since satellite dishes must be properly oriented to receive a signal at all, it would make no sense to specify misorientation of over-the-air antennas.

Permitting misorientation would also be inconsistent with the entire structure of the definition of “unserved household,” which looks to whether a household is capable of receiving a signal of Grade B intensity from a particular type of affiliate, that is an ABC station or a Fox station, not whether it is capable of receiving all of the stations in the area.

As I mentioned before, the Copyright Act amendments direct courts to continue to use the accurate, consumer-friendly prediction and measurement tools developed by the FCC for determining whether particular households are served or unserved. If the Commission is able to refine its so-called “ILLR” predictive model to make it even more accurate—specifically, the ILLR model to make it still more accurate. The Act provides in new Section 119(a)(2)(B)(ii)(I) of the Copyright Act that if the FCC should later modify the ILLR model to make it still more accurate, courts should, under Section 119(a)(2)(B)(ii)(I), use the even more accurate version in the future for predictive purposes.

Whether a proposed modification to the ILLR model makes it more accurate is an empirical question that the Commission should address by comparing the predictions made by any proposed model against actual measurements of signal intensity. The Commission’s analysis should reflect our policy objective: to determine whether a household is—or is not—capable of receiving a signal of Grade B intensity from at least one affiliate, or whether a household is—or is not—capable of receiving a Grade B intensity signal from at least one affiliate of the network in question.

The conferences and many other members of this body have worked hard to achieve the carefully balanced bill now before the Senate. I urge my colleagues to give it their full support. Most of all, I thank and congratulate my distinguished colleague and good friend, Chairman Hatch, for this outstanding work over many months on this important bill, which will provide lasting benefits for my constituents in Vermont and for citizens in every other state.

I’m also pleased that the Conference Report directs the Federal Communications Commission to take expeditious action on getting new technologies deployed that can deliver local television signals to viewers in smaller television markets. We’ve known all along, if we pass legislation authorizing local-into-local, the DBS carriers would readily deliver local channels to those subscribers who are fortunate enough to live in the largest markets. There are 210 local television Designated Market Areas in our country, and most Vermonters live in the 91st-ranked DMA. That is why it is so important for the FCC to expedite reviewing new technologies, such as the digital terrestrial wireless system developed by Northpoint Technologies, which are capable of delivering local signals to all markets on a must carry basis.

I want to briefly mention the patent bill.

This patent bill is important to America’s future. I have heard from inventors, from businesses large and small, from high-tech to low-tech firms— this bill will give American inventors and businesses an improved competitive edge now enjoyed by many European countries.

We should be on a level playing field with them. This bill reduces patent fees for only the second time in history. The first time that was done was in a Hatch-Leahy bill passed by the Senate in the 106th Congress. All the concepts in this bill—such as patent term guarantees, domestic publication of patent applications filed abroad, first inventor defense—have been thoroughly examined. Indeed, they have been included in several bills that the Congress has carefully studied.

I wish to point out that the Senate Judiciary Committee last year also developed a strong bill—S. 507—which contained many of the same concepts and approaches found in H.R. 1907 and S. 1798.

American business needs this patent bill, American technology companies need this patent bill, American inventors and innovators need this patent bill.

The Administration says that we must have the reforms in this bill. It will: reduce legal fees that are paid by inventors and companies; eliminate duplication of research efforts and accelerate research into new areas; increase the value of patents to inventors and companies; and facilitate U.S. inventors and companies’ research, development, and commercialization of inventions.

In Vermont, we have a number of independent inventors and small companies. It is, therefore, especially important to me that this bill be one that helps them as well as the larger companies in Vermont like IBM.

Over the past several years, Congress has held eight Congressional hearings with over 80 witnesses testifying about the various proposals incorporated in the bill. Republican and Democratic Administrations alike, reaching back to the Johnson Administration, have supported these similar reforms.

I also want to thank Secretary Daley and the Administration for their unflagging support of effective patent reform.

The “American Inventors Protection Act” was designed to make targeted improvements to the patent code in order to enable the American patent system to meet the challenges of new technology and new markets as we approach the next millennium.

The bill builds upon compromises forged in the Senate Judiciary Committee in the 105th Congress, as well as additional compromises in the House of Representatives in the 106th Congress, to achieve these goals while protecting and promoting the interest of American inventors at home and abroad.
I also want to discuss the comments of Senators SCHUMER and TORRICElli regarding the patent bill and the Staten Island street naming, for working with both of those Senators on the issues they raise. I expect that the Committee will have hearings on this matter next year. Also, the Conference Report on the bill contains a detailed analysis of these important issues which was accepted by all Conference.

The FY 2000 Omnibus Appropriations bill also includes provisions that Senator HATCH and I and others have crafted to address cybersquatting on domain names. We have worked hard to craft this legislation in a balanced fashion to protect trademark owners and consumers doing business online, and Internet users who want to participate in what the Supreme Court has described as "a new and vast electronic medium of worldwide human communication." Reno v. ACLU, 521 U.S. 844. Trademarks are important tools of commerce. The exclusive right to the use of a unique mark helps companies compete in the marketplace by distinguishing their goods and services from those of their competitors, and helps consumers identify the source of a product by linking it with a particular company. The use of trademarks by companies, and reliance on trademarks by consumers, will only become more important as the global marketplace grows larger and more accessible with electronic commerce. The reason is simple: when a trademarked name is used as a company's address in cyberspace, customers know where to go online to conduct business with that company.

The growth of electronic commerce is having a positive effect on the economies of small rural states like mine. A Vermont Internet Commerce report I commissioned earlier this year found that Vermont gained more than 1,000 new jobs as a result of Internet commerce, with the potential that Vermont could add more than 24,000 jobs over the next two years. For a small state like ours, this is very good news.

Along with the good news, this report identified a number of obstacles that stand in the way of Vermont reaching the full potential of Internet commerce. One obstacle is that "merchants are anxious about not being able to control where their names and brands are being displayed." Another is the need to bolster consumers' confidence in online shopping.

Cybersquatters hurt electronic commerce. Both merchant and consumer confidence in conducting business online are undermined by so-called "cybersquatters" or "cyberpirates," who steal the rights of trademark holders by purposely and maliciously registering as a domain name the trademarked name of another company to divert and confuse customers or to deny the company the ability to establish an easy-to-find online location. A report by the World Intellectual Property Organization (WIPO) on the Internet domain name process has characterized cybersquatting as "predatory and parasitical practices by a minority of domain registrants acting in bad faith" to register famous or well-known marks of others—which can lead to consumer confusion or downward fraud.

Enforcing trademarks in cyberspace will promote global electronic commerce. Enforcing trademark law in cyberspace can help bring consumer confidence to this new frontier. That is why I have long been concerned with protecting registered trademarks online. Indeed, when the Congress passed the Federal Trademark Dilution Act of 1995, I noted that "every case is a matter of eventually selling the names of others to the highest bidder . . . ."

Although no one else has yet considered this application, it is my hope that this antidilution statute can help stem the use of deceptive Internet addresses taken by those who are unscrupulous and who are associated with the products and reputations of others.

The Federal Trademark Dilution Act of 1995 has been used as I predicted to help stop misleading uses of trademarks as domain names. One court has described this exercise by saying that "attempting to apply established trademark law in the fast-developing world of the Internet is somewhat like trying to board a moving bus . . . ."

Benusan Restaurant Corp. v. King, 126 F.3d 25. Nevertheless, the courts appear to be handling "cybersquatting" cases well. As University of Miami Law Professor Michael Froomkin noted in testimony submitted at the Judiciary Committee's hearing on this issue on July 22, 1999, "when involving a person who registered large numbers of domains for resale, the cybersquatter has lost."

For example, courts have had little trouble dealing with a notorious cybersquatter, Dennis Toepffen from Illinois, who registered more than 100 trademarks—including "yankeestadium.com," "deltaairlines.com," and "neiman-marcus.com"—as domain names for the purpose of eventually selling the names back to the companies owning the trademarks. The various courts reviewing his activities have unanimously determined that he violated the Federal Trademark Dilution Act.

Similarly, Wayne State University Law Professor Jessica Litman noted in testimony submitted at the Judiciary Committee's hearing that those businesses that "have registered domain names that are confusingly similar to trademarks or personal names in order to use them for pornographic web sites have, without exception lost suits brought against them."

Even as we consider this legislation, we must acknowledge that enforcing or even modifying our trademark laws will be only part of the solution to cybersquatting. Up to now, people have been able to register any number of domain names with no money down and no money due for 60 days. Network Solutions Inc., the dominant Internet registrar, recently announced that it was changing this policy, and requiring payment of the registration fee up front. In doing so, NSI admitted that it was making this change to curb cybersquatting.

In addition, we need to encourage the development of alternative dispute resolution procedures that can provide a forum for global users of the Internet to resolve domain name disputes. For this reason, I authored an amendment that was enacted last year as part of the Next Generation Internet Research Act, intended to make it illegal to register or use any "Internet domain name or identifier of an online location" that could be confused with the trademark of another person or cause dilution of a "famous trademark." Violations were punishable by both civil and criminal penalties.

I voiced concerns at a hearing before the Judiciary Committee that, in its original form, S. 1255 would have a number of unintended consequences, that would hurt rather than promoted electronic commerce, including the following specific problems:

The definition was overbroad. As introduced, S. 1255 covered the use or
registration of any "identifier," which could cover not just second level domain names, but also e-mail names, screen names used in chat rooms, and even files accessible and readable on the Internet. As one witness pointed out, "the definitions will make every fan a criminal." How? A file document about Batman, for example, that uses the trademark name "Batman," in its description, which also identifies its online location, could land the writer in court under that bill. Cybersquatting is not about file names.

The original bill threatened hyper-text linking. The Web operates on hypertext linking, to facilitate jumping from one site to another. The original bill could have disrupted this practice by imposing liability on operators of sites with links to other sites with trademark names in the links. One could imagine a trademark owner not wanting to be associated with or linked with certain sites, and threatening suit under this proposal unless the link were eliminated or payments were made for allowing the linking.

The original bill would have criminalized dissent and protest sites. A number of Web sites collect complaints about trademarked products or services, and use the trademarked names to identify themselves. For example, there are protest sites named "boycott-cbs.com" and "www.PepsiBloodbath.com." While the speech contained on those sites is clearly constitutionally protected, as originally introduced, S. 1255 would have criminalized the use of the trademarked name to reach the site and made them difficult to search for and find online.

The original bill would have stifled legitimate uses of domain names. The bill, as introduced, would have changed current law and made liable persons who merely register domain names similar to other trademarked names, whether or not they actually set up a site and used the name. The courts have recognized that companies may have legitimate reasons for registering domain names without using them and have declined to find trademark violations for mere registration of a trademarked name. For example, a company planning to acquire another company might register a domain name containing the target company's name in anticipation of the deal. The original bill would have made that company liable for trademark infringement.

For these and other reasons, Professor Litman concluded that, "as introduced, S. 1255 would in many ways be bad for electronic commerce, by making it hazardous to do business on the Internet, and even more hazardous to do business in the real world, by imposing unnecessary burdens on trademark counsel." Faced with the risk of criminal penalties, she stated that "many start-up businesses may choose to abandon their goodwill and move to another Internet location, or even to fold, rather than risk liability.

Domain name cybersquatting is a real problem. For example, whitehouse.com has probably gotten more traffic from people trying to find copies of the President's speeches than those interested in adult material. While the problem is clear, narrowly defining the solution is trickier. The mere presence of a trademark is not enough. Legitimate conflicts may arise between companies offering different services or products under the same trademarked name, such as Juno Lighting Inc. and Juno online services over the juno.com domain name, or between companies and individuals who register a name or nickname as a domain name, such as the young boy domain name "pokey.org" was challenged by the toy manufacturer who owns the rights to the Gumby and Pokey toys. A site may also use a trademarked name to protest a group, company or issue, such as PepsiBloodbath.com, or even to defend one's reputation, such as www.civil-action.com, which belongs not to a motion picture studio, but to W.R. Grace to rebuff the unflattering portrait of the company as a polluter and child poisoner created by the movie.

There is a world of difference between these sorts of sites and those which use deceptive naming practices to draw attention to their site for example, whitehouse.com, or those who use domain names to misrepresent the goods or services they offer, for instance, dellmemory.com, which may be confused with the Dell computer company.

We must also recognize certain technological realities. For example, merely mentioning a trademark is not a problem. Posting a speech that mentions AOL on my web page and calling the page aol.html, confuses no one between my page and America Online's site. Likewise, we must recognize that while the Web is a key part of the Internet, it is not the only part. We simply do not want to pass legislation that may impose liability on Internet users with e-mail addresses, which may contain a trademarked name. Nor do we want to crack down on newsgroups that use trademarks descriptively, such as alt.comics.batman.

In short, it is important that we distinguish between the legitimate and illegitimate use of domain names, and the cybersquatting legislation that we pass today does just that.

Due to the significant flaws in S. 1255, the Senate Judiciary Committee reported and the Senate passed a compromise, the Hatch-Leahy substitute, on July 29, 1999. Senator HATCH and I, along with several other Senators, introduced S. 1461, the "Domain Name Piracy Prevention Act of 1999." This bill then provided the text of the Hatch-Leahy substitute amendment that the Senate Judiciary Committee reported unanimously to S. 1255 the same day. This substitute amendment, with three additional refinements contained in a Hatch-Leahy clarifying amendment, was passed by the Senate on August 5, 1999.

This Hatch-Leahy substitute provided a better solution than the original, S. 1255, in addressing the cybersquatting problem without jeopardizing other important online rights and interests.

Following Senate passage of the bill, the House passed a version of the legislation, H.R. 3208, the "Trademark Cyberprivacy Prevention Act", which has been modified for inclusion in the FY 2000 Omnibus Appropriations bill. This legislation, now called the "Anti-Cybersquatting Consumer Protection Act", would amend section 43 of the Trademark Act by adding a new section to make legal or statutory damages any domain name registrant, who with bad-faith intent to profit from the goodwill of another's trademark, without regard to the goods or services of the parties, registers traffic in or uses a domain name that is identical or confusingly similar to a distinctive trademark or dilutive of a famous trademark. The fact that the domain name registrant did not compete with the trademark owner would not be a bar to recovery. This legislation also makes clear that personal names that are protected as marks would also be covered by new section 1125.

Furthermore, this legislation should not in any way frustrate the global efforts already underway to develop inexpensive and expeditious procedures for resolving domain name disputes that avoid costly and time-consuming litigation in the court systems either here or abroad. In fact, the legislation expressly provides liability limitations for domain name registrars, registries or other domain name registration authorities when they take actions pursuant to a reasonable policy prohibiting the registration of domain names that are identical or confusingly similar to another's trademark or dilutive of a famous trademark. The ICANN and WIPO consideration of these issues will inform the development by domain name registrars and registries of such reasonable policies.

Uses of infringing domain names that support liability under the legislation are expressly limited to uses by the domain name registrant or the registrant's authorized licensee. This limitation makes clear that "uses" of domain names by persons other than the domain name registrant for purposes such as hypertext linking, directory publishing, or for file names, are not covered by the prohibition.

Other significant sections of this legislation are discussed below:
Domain names are narrowly defined to mean alphanumeric designations registered with or assigned by domain name registries, or entities that operate a domain name registration authority as part of an electronic address on the Internet. Since registrars only register second level domain names, this definition effectively excludes file names, screen names, and e-mail addresses and, under current registration practice, applies only to second level domain names.

The terms “domain name registrar, domain name registry, or other domain name authority that registered or assigned the domain name” in Section 3002(a) of the Act, amending 15 U.S.C. 1125(d)(2)(A), is intended to refer only to those entities that actually place the name in a registry, or that operate the registry, and do not extend to other entities, such as the ICANN or any of its constituent units, that have some oversight or contractual relationship with such registrars and registries. Only these entities that actually offer the challenged name, placed it in a registry, or operate the relevant registry are intended to be covered by these terms.

Liability for registering a trademark as a domain name requires “bad faith intent to profit from that mark”. The following non-exclusive list of nine factors are enumerated for courts to consider in determining whether such bad faith intent to profit is proven:

(i) the trademark or the intellectual property rights of the domain name registrant in the domain name;

(ii) whether the domain name is the legal name or the nickname of the registrant;

(iii) the prior use by the registrant of the domain name in connection with the bona fide offering of any goods or services;

(iv) the registrant’s legitimate non-commercial or fair use of the mark at the site accessible under the domain name;

(v) the registrant’s intent to divert consumers from the mark owner’s online location in a manner that could harm the mark’s goodwill, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion with the source, sponsorship, affiliation or endorsement of the site;

(vi) the registrant’s offer to sell the domain name for financial gain without having used, or having an intent to use, the domain name in the bona fide offering of goods or services or the registrant’s prior conduct indicating a pattern of such conduct;

(vii) the registrant’s intentional provision of material, false and misleading contact information when applying for the registration of the domain name, intentions, failure to maintain accurate information, or prior conduct indicating a pattern of such conduct;

(viii) the registrant’s registration of multiple domain names that are identical or similar to or dilutive of another’s mark;

(ix) the extent to which the mark is or is not distinctive.

Significantly, the legislation expressly states that bad faith shall not be found “in any case in which the court determines that the person believed and had reasonable grounds to believe that the case of the domain name was a false use or otherwise lawful.” In other words, good faith, innocent or negligent uses of a domain name that is identical or confusingly similar to another’s mark or dilutive of a famous mark are not covered by the legislation’s prohibition.

In short, registering a domain name while unaware that the name is another’s trademark would not be actionable. Nor would the use of a domain name that contains a trademark for purposes of protest, complaint, parody or commentary satisfy the requisite scienter requisite.

Bad-faith intent to profit is required for a violation to occur. This requirement of bad-faith intent to profit is critical since, as Professor Litman pointed out in her testimony, our trademark laws permit multiple businesses to register the same trademark for different classes of products. Thus, she explains:

Although courts have been quick to impose liability for bad faith registration, they have been far more cautious in disputes involving a domain name registrant who has a legitimate claim to use a domain name and registered it in good faith. In a number of cases, courts have refused to impose liability where there is no significant likelihood that anyone will be misled, even if there is a significant possibility of trademark dilution.

In short, registering a domain name while unaware that the name is another’s trademark would not be actionable. Nor would the use of a domain name that contains a trademark for purposes of protest, complaint, parody or commentary satisfy the requisite scienter requisite.

In Porsche Cars North American Inc. v. Porsche.com, 51 F. Supp. 2d 707, the court dismissed an in rem action against a domain name, even though Network Solutions Inc. had surrendered the underlying domain name registration documents to the court to give it control over the “res.” The court held that in rem actions against allegedly diluting marks are not constitutional permitted without regard to whether in personam jurisdiction may be exercised. The court explained:

Porsche correctly observes that some of the domain names at issue have registrants whose identities and addresses are unknown and against whom in personam proceedings might be fruitless. But most of the domain names in this case have registrants whose identities and addresses are known, and who rightly would object to having their interests adjudicated in absentia. The Due Process Clause requires at least some appreciation for the difference between these two groups. A Porsche owner who challenges a name in rem remedy that fails to differentiate between them at all is fatal to its Complaint.

This legislation does differentiate between those two different categories of domain name registrants and limits in rem actions to those circumstances where in personam jurisdiction cannot be obtained.

Liability Limitations. The bill would limit the liability for monetary damages and, in certain circumstances, for injunctive relief of domain name registrars, registries or other domain name registration authorities for any action they take to refuse to register, remove from registration, transfer, temporarily disable or permanently cancel a domain name, where the action is taken pursuant to a court order or in the implementation of reasonable policies prohibiting the registration of domain names that are identical or confusingly similar to another’s trademark, or dilutive of a famous trademark.

Prevention of Reverse Domain Name Hijacking. Reverse domain name hijacking is an effort by a trademark owner to take a domain name from a
In order to protect the rights of domain name registrants in their domain names, the legislation provides that registrants may recover damages, including costs and attorney’s fees, incurred as a result of a knowing and material misrepresentation by a person that a domain name is identical or similar to, or dilutive of, a trademark. Moreover, should the domain name registrant prevail in a cybersquatting case, the registrant as the prevailing party is authorized to award costs and attorneys’ fees.

In addition, a domain name registrant, whose domain name has been suspended or disabled or transferred, may sue upon notice to the mark owner, to establish that the registration or use of the domain name by the registrant is lawful. The court in such a suit is authorized to grant injunctive relief, including the reactivation of a domain name or the transfer or return of a domain name to the domain name registrant.

Personal Names. Commercial sites are not the only ones suffering at the hands of domain name pirates. This issue has struck home for many in this body. The Congress is not immune: while cspan.org provides detailed coverage of the Senate and House, cspan.net is a pornographic site. Moreover, Senators and presidential hopefuls are finding that domain names like bush2000.org and hatch2000.org are being snatched up by cyber poachers demanding the take-down of certain web sites set up by parents who have registered their children’s names in the .org domain, such as two-year-old Veronica Sam’s “Little Veronica” website and 12-year-old Chris “Pokey” Van Allen’s web page.

Underlying all of these technologies are the intellectual property rights that serve to promote creativity and innovation by safeguarding the investment, effort, and goodwill of those who venture into these fast-paced and volatile fields. Strong intellectual property protections are particularly critical in the global high-tech environment where electronic piracy is so easy, so cheap, and yet so potentially dev-astating to intellectual property owners—many of which are small entrepreneurial enterprises. In Utah, 65 percent of these companies have fewer than 25 employees, and a majority have average annual revenues of less than $1 million. Intellectual property is the lifeblood of these companies, and even a single instance of piracy could drive them out of business. What’s more, without adequate international protection, these companies would simply be unable to compete in the global marketplace.

That is why we enacted a number of measures last year to provide enhanced protection for intellectual property in the new global, high-tech environment. For example, the Digital Millennium Copyright Act (DMCA) implemented new World Intellectual Property Organization Treaties setting new global standards for copyright protection in the digital environment. We also paved the way for new growth in online commerce by providing a copyright framework in which the Internet and other new technologies can flourish.

The “Digital Theft Deterrence and Copyright Damages Improvement Act” builds upon those protections by raising the Copyright Act’s limit on statutory damages to make it more costly to engage in cyber-piracy and copyright theft. Section 504(c) of the Copyright Act provides for the award of statutory damages in a copyright infringement on the election in order to provide greater security for owners, who often find it difficult to prove actual damages in infringement cases—particularly in the electronic environment—and to provide greater deterrence for would-be infringers. The current provision caps statutory damages at $20,000 ($100,000 in cases of willful infringement), which reflects figures set in statute in 1988 when the United States joined the Berne Convention. The combination of more than a decade of inflation and revolutionary changes in technology have rendered those figures largely inadequate to achieve their aims. The bill before us updates these statutory damage provisions to account for both these factors.

Under the bill, the cap on statutory damages is increased by 50 percent, from $20,000 to $30,000, and the minimum is similarly increased from $500 to $750. For cases of willful infringement, the cap is raised to $150,000. This will not mean that a court must impose the full amount of damages in any given case, or even that it will be more likely to do so. The courts attempt to do justice by fixing the statutory damages at a level that approximates actual damages and defendant’s profits. What this bill does is give courts wider discretion to award damages that are commensurate with the harm caused and the gravity of the offense. At the same time, the bill preserves provisions of the current law allowing the court to reduce the award of
statutory damages to as little as $200 in cases of innocent infringement and requiring the court to remit damages in certain cases to educational institutions, libraries, archives, or public broadcasting entities.

The House of Representatives amend the bill to include an amendment to the "No Electronic Theft (NET) Act." The NET Act—enacted to curb digital piracy by expanding criminal copyright infringement to include certain electronic infringements done without an intent to profit—directed the U.S. Sentencing Commission to revise the sentencing guidelines for crimes against intellectual property to ensure that the applicable guideline range is sufficiently stringent to deter such crimes and to provide for consideration of the retail value and quantity of the infringing items, as well as to require the Commission to act within a set time. While the proposed revision is consistent with Congress' intent to strengthen the sentencing guidelines applicable to intellectual property-related crimes and to better reflect the economic harm in cases of digital piracy, there was some concern that the amended guidelines would overstate economic harm inflicted on copyright owners and results in penalties that are so disproportionate to the crime itself that such cases are simply unwilling to prosecute such cases. Despite Congress' directive, the old guidelines remain in place unamended. The result is that today, nearly two years later, there has been only one case brought under the NET Act, and electronic piracy continues as a significant and growing concern.

The House amendment to S. 1257 would revise the outstanding NET Act directive to require the Sentencing Commission to amend the sentencing guidelines applicable to intellectual property-related crimes and to better reflect the economic harm in cases of electronic piracy, there was some concern that the amended guidelines would overstate economic harm inflicted on copyright owners and results in penalties that are so disproportionate to the crime itself that such cases are simply unwilling to prosecute such cases. Despite Congress' directive, the old guidelines remain in place unamended. The result is that today, nearly two years later, there has been only one case brought under the NET Act, and electronic piracy continues as a significant and growing concern.

Mr. BAYH. Mr. President. For years the American people have become increasingly cynical about our federal government. It makes the prospect of political participation. There are many reasons for this unfortunate state of affairs. This year's budget exemplifies several.

One reason is our inability to do what every family and business must do, balance our budget. After years of large, chronic deficits, last year we finally, if barely, balanced the federal budget. If great care is not taken, the budget will not be balanced for long.

Another reason is Washington's unwillingness to be honest with the American people. This budget is only the latest example. Proponents claim it is balanced. It is not. They say it does not raid social security, but it does. It purports to meet certain "emergencies", when no reasonable person could possibly consider them such. It's time we ended this "business as usual" in Washington and began to regain the trust of the American people.

I oppose this bill because it spends too much and uses gimmicks that will make future budgets even more difficult. It ignores the greatest financial challenge facing our nation, entitlement reform, and makes matters even worse by taking money from the Social Security Trust Fund to pay for spending today. It foreshadows a return of chronic deficits. If we must resort to such foolishness when times are good, what will happen when times are tough? It makes the prospect of meaningful tax cuts much more remote because it spends the surplus and then some.

There are circumstances that could justify my support for this budget and some of the items that I object to. But none exist now. If meaningful entitlement reform had been included. If the economy were weak and the gimmicks were only temporary expedients, not the permanent fixtures they promise to be. If we had a few more years, not just one, of balanced budgets under our belt. There are several good things in this budget, things I strongly support: funding for 100,000 additional teachers in our classrooms, putting 50,000 additional police officers on our streets, relief for hospitals and other providers of health care, and enhanced Land and Water Conservation funds, expanded biomedical research through NIH, expanded Head Start and increased After School Care.

All of these have merit. All should be done but with restraint and integrity to pay for them, or the restraint to wait until we can, and not just perpetuate the cynicism created by annual budget charades.

I look forward to voting for a future budget. That one that preserves and strengthens the foundation of financial security so important to our nation's well-being. Even more, I look forward to that day when this Congress enjoys the respect and admiration of our fellow citizens. This budget will not hsten that day.

Mr. LINCOLN. Mr. President, today is a historic day in the United States Senate. With the inclusion of the Superfund Recycling Equity Act in the 1999 Omnibus Appropriations Bill, we have rightly a right to the recycling industry of this Nation. We have removed the Superfund bias against recycled materials and set this country back on a path to promoting reuse of all recyclable materials. The Superfund Recycling Equity Act of 1999 will finally place traditional recyclable materials which are used as feedstocks in the manufacturing process on an equal footing with their virgin, or primary feedstock, counterparts. Traditional recyclables are made from paper, glass, plastic, metals, batteries, textiles, and rubber.

Mr. President, we have been working to right this wrong for over six years. During the 103rd Congress, I first introduced a bill to relieve legitimate recyclers of scrap metal from unintended Superfund liability. The bill was developed in conjunction with the recycling industry, the environmental community, and the Administration. We worked closely together and consistently agreed that liability relief for recyclers is necessary and right. The language in this bill is the culmination of a process that we have been working on since 1993.

As I'm sure you can see, Mr. President, the push to relieve these legitimate recyclers of this unintended liability has received broad, bipartisan support. This bill has received 67 cosponsors in the Senate this year and thanks to the strong leadership of Senators LOTT, DASCHEL, CHAFFEE, and WARNER, we have successfully brought this important piece of legislation to the floor.

Mr. President, as the sponsoring member of this legislation when I was a member of the House of Representatives, I would like to make a couple of important points. First, this Superfund
Recycling Equity Act is both retroactive and prospective. Slightly different standards must be met and recyclers to be relieved of Superfund liability for recycling transactions that occurred prior to the date of enactment than for those that occur after the date of enactment. But in either scenario, legitimate recyclers of paper, glass, plastic, metals, and rubber will no longer be treated as if they were “arranging for the disposal” of materials containing hazardous substances each time they sell their materials as manufacturing feedstocks. Rather, they will be treated as if they were selling a product, which is the same standard to which suppliers of virgin materials are held. Virgin materials are in direct competition with recycling materials and this legislation will help to increase recycling in our nation.

Recognizing that this issue has been the focus of much litigation, the Congress intended that the recycling situation be clarified through the Superfund Recycling Equity Act. That is why we have written this legislation in such a fashion that virtually all lawsuits that deal with recycling transactions of paper, glass, plastic, metals, textiles, and rubber are extinguished by this legislation. Only those lawsuits brought prior to enactment of this legislation directly by the United States government against a person will remain viable. All other lawsuits brought by private parties, or against third party defendants in lawsuits originally brought by the U.S. Government will no longer proceed under this legislation. This will resolve the inequities suffered by recyclers in a quick, fair, and equitable manner.

It should also be reiterated that this bill addresses the product of recyclers, that is the recyclables they sell which are utilized to make new products. This does not affect liability for contamination that is created at a facility owned or operated by a recycler. Neither does it affect liability related to any process wastes sent by a recycler for treatment or disposal. In order to assure that only bonafide recycling facilities benefit from this bill, a number of tests have been established within the bill by which liability relief will be denied to sham recyclers.

With the passage of this important legislation, we have taken a bold step in the right direction for America. We have taken a step to promote legitimate recycling and to put recycled materials on an equal footing with new materials.

Thank you, Mr. President.

Mr. DEWINE. Mr. President, as original co-sponsors of the Safe Senior Assurance Act of 1999 (S. 818), Senator Ridge and I wish to express, for the record, our gratification for the language contained in the conference report on H.R. 3194 concerning physician supervision of anesthesia services under Medicare’s Conditions of Participation.

We read the report as calling upon the Secretary of Health and Human Services to base her determination as to appropriate supervision standards on sound scientific outcome data—a principle which is at the core of S. 818, which was to assure that Medicare beneficiaries will continue to receive the highest quality medical care—one which I am sure is shared by every member of this body—and the Senator from Nevada and I think adoption of the report will help us attain this objective.

Preliminary data from recent outcome research has suggested that supervision of anesthesia care by physicians trained in that discipline results in a smaller impact on the anesthesia safety, and we want to be certain that the Secretary takes the final results of this research into account. Medicare beneficiaries have resoundingly said, in response to recent national surveys, that they are in favor of retention of the current supervision rule, and in our view, any change in that rule must be supported by scientific data showing that anesthesia safety for our nation’s seniors would not be impaired. We congratulate the committees with jurisdiction over Medicare in the House and Senate for their clear commitment to this view.

Mrs. MURRAY. Mr. President, as the Senate finally concludes its work for the legislative year, I want to outline my position on a few of the final issues. Unfortunately, I needed to travel back to Washington state to attend the funeral of my good friend and mentor, Pat McMullen, and missed three votes. It is regrettable to note the “motion to proceed” to the omnibus appropriations bill, which also included fixes to the Balanced Budget Act of 1997 and the tax extenders package. With that vote, I registered my support for this important funding and corrections bill. I also would have voted in favor of the Work Incentives Act.

First, I would like to address just some important provisions in the omnibus appropriations bill. There are many things that we do here that have little to do with the lives of real people and real families. However, this legislation is one of those times when we act to provide real help and real hope to working families, children and our senior citizens.

The package that we are about to enact, provides an additional $2 billion investment in the National Institutes of Health (NIH). There are few people in this country who are not touched in some way by the research supported by NIH. This bill steps us on track to doubling our investment in medical research. Research that saves lives and prevents human suffering. Our investment has already brought us closer to finding a cure for devastating diseases like Parkinson’s, leukemia, heart disease, and breast cancer. We know that the initiative taken as this investment is about saving dollars and lives. The impact on Washington state is also significant. I am proud of the fact that Washington state is one of the top recipients of NIH grants. The outstanding research being conducted at research institutions like the University of Washington and the Fred Hutchinson Cancer Research Center are known throughout the world. We are truly a world leader in medical research.

This appropriations package will also provide additional resources to improve access to quality health care for the uninsured and the most vulnerable. The additional funding for the Centers for Disease Control for in addition $100 million provided for Community Health and Migrant Health Care Centers provide a critical health care safety net for those working families who simply cannot afford insurance. There are more than 900,000 Washington state providing quality, affordable health care services who will be able to expand and meet the growing needs of the uninsured populations.

I am pleased we have been successful in providing, for the first time, a direct appropriation to support poison control efforts and education and training for Children’s Hospitals. I have been a long time proponent of these efforts and recognize the importance of this investment in our children.

Overall, this appropriations package includes a $34.5 billion investment in health care programs. This investment will strengthen the public health infrastructure, provide essential preventive services and early detection of disease, address mental illness and ensure that our senior citizens are not forgotten. The additional $45 million provided to support Older Americans Act programs ensures that we can honor our commitment to our nation’s elderly by providing important services like nutritional assistance, employment training, respite care, in-home care, and abuse prevention.

In addition, as part of this appropriations bill, we have succeeded in saving quality health care for millions of Medicare beneficiaries. The corrections to the Balanced Budget Act address the unintended consequences of the reductions called for in 1997. Then, we anticipated a total of $100 billion over five years to ensure Medicare’s solvency. Unfortunately, our estimates have proven incorrect and we were facing well over $200 billion in reductions which are impacting quality care for millions of seniors and the disabled. We are confident that these provisions provide additional resources for home health care, skilled nursing facilities, nursing homes, hospitals, cancer treatment centers, teaching hospitals like the
University of Washington, community health care centers, rehabilitation services, and public health organizations. This common-sense correction will prevent the closing of facilities or home health care agencies and does not jeopardize our goal of solvency for the Medicare Trust Fund. I know from my own health care providers and my own hospitals what this fix means. I also know that without it, rural health care was in real jeopardy. I told my constituents that I would not leave for the year until we acted to address the looming crisis. This has been accomplished in a bipartisan and comprehensive manner.

I would also like to address the tax extenders package included in this bill. I generally support the tax extenders package. It includes the expansion of some credits to help businesses and the poor, the Work Incentives Act. The WIA bill rewards those disabled individuals who want to go back to work but face the prospect of falling off the so-called "health care cliff." We have been successful in treating many illnesses and injuries that once permanently disabled workers. They may not be cured but can be productive. Unfortunately, if they do try and return to work they lose their link to life, their health insurance. This legislation, of which I am proud to have been an original cosponsor, will allow workers to return to work and continue to receive Medicare. It will also allow many to buy-in to Medicare. This is important just about giving people the chance to return to some kind of productive life. It is about saving precious dollars as well.

Workers who give up their Social Security disability payments to go back to work will be paying taxes and contributing to the Social Security and Medicare Trust Fund. This is a win-win for all of us. It is also the kind of policy that simply makes sense. People should not be penalized for trying to go back to work.

Mr. President, I have voted in support of the motion to proceed to this omnibus appropriations, B.B.A. of '97, and tax extenders package. I am particularly pleased we have been able to secure yet another year of commitment to our children by helping reduce class sizes in the early grades. I will be working hard to ensure this important program is authorized in the Elementary and Secondary Education Act next year. I must also note extreme disappointment to see the United Nations dues against women's reproductive health care. I remain committed to family planning throughout the world and will be working with the administration to ensure the United States continues to lead the way in protecting women's health, including our reproductive health.

Mr. ABRAHAM. Mr. President, I rise today to voice my strong support for this final Appropriations package. This is a good package that protects the Social Security surplus from being raided to pay for non-Social Security spending, that provides sufficient funds for important national programs, and which addresses critical issues specifically for Michigan. I trust that the President will be able to sign this quickly and get these Fiscal Year 2000 funds to the programs that will disburse them to Michiganders as soon as possible.

Mr. President, I am confident that this package will not raid the Social Security surplus as has been the norm for almost 30 years. The Congressional Leadership and the Administration have crafted a package of appropriations and offsets that will not touch the Social Security surplus. This precise bookkeeping agreed to by the Administration and Congress used in this bill will help regulate how these funds are actually spent by the government, so that we don't spend the Social Security surplus. These tools are but finely crafted tools necessary for the Office of Management and Budget to ensure that bureaucrats don't spend their funds faster than Congress intended, so as to protect the Social Security surplus.

However, for those that are concerned that such tools could potentially be insufficient to control the rate of spending, and may in fact lead to the government dipping into the Social Security surplus, I will carefully track the revenue and outlay totals for the Federal Government over the next few months. And if it appears that we are failing behind in maintaining a sufficient buffer to protect the Social Security surplus, then I will immediately introduce and push for as large of a rescission package as necessary to prevent that from occurring. But that, in my opinion, will not be necessary. Already for the first month of Fiscal Year 2000, the Congressional Budget Office is reporting that we are running $6.4 billion ahead of last year, or almost $77 billion more in net revenue than last year. Considering the CBO estimated that net revenues would actually drop by $1 billion between Fiscal Years 1999 and 2000, I believe we will have more than enough of a non-Social Security surplus buffer to accommodate even the worst case assumptions that CBO may put forward.

As a specific note, Mr. President, one of the tools used to control spending in this package is an across-the-board 0.38 percent cut in discretionary spending. Although I would rather see specific cuts to achieve the $1.3 billion in fiscal discipline provided by this cut, such as cutting in half the funding for the Space Station, this is a modest enough cut to be palatable, especially considering the significant latitude given the executive agencies in finding these cuts. However, because of the vagaries of the budget process, the pay of Congressional Members has been exempted from this cut. I cannot support such unequal treatment, and do not think that I will return an equal proportion of my Senatorial pay to the Department of Treasury. Nothing else would be fair.

But this package is not just about the budget process. The process of appropriating funds to programs does a great deal of good as well. It increases funding for Head Start by over 10%, while providing over $35 billion for education in general, including funds for 100,000 new teachers while also significantly expanding the discretion local school districts will have to use that money for teacher testing and quality training. It will put 50,000 more police on...
Park and Keweenaw National Historic Landmarks, which received almost $2.5 million in funding to protect national treasures.

And maybe most significantly, the unintended effects upon Medicare and Medicaid of the Balanced Budget Act of 1997, as well as the erroneous additional regulations levied by the Health Care Financing Agency in implementing that Act, will be softened through the provision of over $27 billion in additional health care funds over the next 10 years. This will provide specific relief for Michigan’s hospitals by easing the reductions in the reimbursements they receiving for treating our Medicare beneficiaries in Michigan, and thereby expanding the access for quality medical care. It will also increase the reimbursement rates set for Skilled Nursing Facility care, while also ensuring that the arbitrary $1,500 per patient cap on physical and rehabilitative therapy set by the Administration is not allowed to deny our seniors the help they need to recover from such debilitating conditions as strokes and severe heart conditions. It improves the ability of women to receive pap smear tests, provides greater access to renal dialysis treatment, while also making immunosuppressive drugs more readily available. And it provides very much needed protection for Rural Health Clinics and Federally Qualified Health Centers from capricious reductions in their reimbursements, thereby allowing them to protect the uninsured and Medicare dependent population that they overwhelmingly serve.

But, Mr. President, this package is good for Michigan as well as our nation. A number of issues that significantly affect my constituents are addressed in this package. Our unique Great Lakes environment is protected through the continued funding of the Great Lakes Environmental Research Laboratory, increased funding for the Great Lakes Fishery Commission, Sea Lamprey control, and Sea Grant Research funds, as well as funding for a new simulator at the Great Lakes Maritime Academy in Traverse City to ensure our commercial shipping maintains its peerless safety record. This appropriations package funds worthy projects such as Detroit’s Focus:HOPE information technology training program for the city’s poorest residents, Central Michigan’s charter school and education performance institute, Northern Michigan’s Olympics Training Facility, and almost $2.5 million in funding to protect and preserve Isle Royale National Park and Keweenaw National Historical Park. This bill brings new Tribal funding for a new band of the Pottawatomi Indians and $15 million in Land and Water Conservation Funds for the Pottawatomi Indians and $15 million in Land and Water Conservation Funds for the Wisconsin-Michigan border area. The Pottawatomi tribe will use this funding to develop a new cultural center and cultural park.

The money provided in this appropriations bill can be used to ensure that school districts have necessary resources available to implement the corrective action provisions of Title I, by providing immediate, intensive interventions to turn around low-performing schools. The types of intervention that the school district could provide using these funds include:

1. Purchasing necessary materials such as up-to-date textbooks, curriculum, technology;
2. Providing intensive, ongoing teacher training;
3. Providing access to distance learning;
4. Extending learning time for students—after school, Saturday or summer school—to help students catch up;
5. Providing rewards to low-performing schools that show significant progress; and
6. Intensive technical assistance from teams of experts outside the school to help develop and implement school improvement plans in failing schools. The terms would determine the causes of low-performance—for example, low expectations and an outdated curriculum, poorly trained teachers, unsafe conditions—and assist in implementing research-based models for improvement.

The portion of the bill relating to these additional funds also requires that school districts give students in Title I schools the option of transferring to another public school if the school district in which they are located is identified as in need of improvement. This requirement applies only to districts that receive a portion of this additional money, and not to districts that do not accept these additional funds. While I have a bill that is supportive of right to transfer at the corrective action stage of the Title I accountability system, it is my understanding that the language in this appropriation bill applies only to schools accepting funding from this new funding source of $134 million.

Mr. BAUCUS. Mr. President, it is very unfortunate that the Senate finds itself in virtually the same position as we did last year with appropriations matters. As my colleagues will recall, we voted on a giant omnibus appropriations bill which contained eight appropriations bills, plus numerous other authorizing legislation. It ran on for nearly 4,000 pages and weighed in at some 40 pounds. It was called a “gargantuan monstrosity” by the distinguished Senator from West Virginia, Senator BYRD.

But it was a monstrosity not just because of its length. It was also in the
size of its insult to the democratic process, to individual Senators, and to the people they represent.

It would be enough that no Senator was able to read the bill before they were required to vote on it. Worse still was the fact the bill was presented to the Senate in a “take it or leave it” form. No amendments were permitted. Every Senator was effectively muzzled. I voted against that bill. Not because it didn’t contain good provisions, good for the country, and good for my State of Montana. It did. I opposed that bill because writing such an important piece of legislation should not be done behind closed doors among a small group of people with no recourse for the others. I said at the time that the process dangerously disenfranchised most Senators, House Members, and the American people.

Many of my colleagues agreed with my sentiments then. And there were statements that this would not happen again. But it has.

True, this bill is somewhat shorter. It covers bills of appropriations, not eight. It has fewer authorizing bills attached to it.

However, it still was written largely by a relatively few people, members of the majority, representatives from the Administration, a few members of the minority. And all behind closed doors, again.

But the bigger danger this year is that we are passing major bills by reference. The text of four appropriations bills and four authorizing bills appears nowhere in this bill. Instead, this bill provides for their enactment by referring to them by number and date of introduction, which just so happens to be less than 48 hours ago.

Many of my colleagues do not have this language before them. Even if we could offer amendments, how would we do it? How can you amend a bill that is included only by reference? Even more fundamentally, will bills that are enacted into law “by reference” withstand Constitutional challenge that they violate the presentment clause?

The courts will have to decide the Constitutional issues. But it is one more reason why I believe this is a very dangerous process. It further erodes the rights of the minority, indeed the rights of all Senators. Coming, as I do, from a state with a small population, we depend greatly on the Senate to protect our states’ interest, something that cannot always be done in the House of Representatives, where population determines voting power.

Mr. President, we already face a population that is increasingly cynical of government and those who serve it. People believe more and more that government does not look after their interests, but only after special interests. And the more we operate behind closed doors, without an open, public process, the more we feed that cynicism. And the more we encourage mistrust.

That is not healthy for our democracy or our people. One of the best things Montanans did when we rewrote our State constitution in 1972 was to require open government, at all levels. It has helped keep government officials honest and helped the people have faith in that government. I wish this process were as open.

Someday, I hope that the Congress will return to the open process on appropriations bills and authorizing bills we had not so long ago. We could debate issues, offer amendments, make compromises, win, lose. But all in front of the people.

But this bill goes too far in the other direction and therefore, I cannot support it.

Mr. ROBB. Mr. President, as we near the end of this session of Congress, there are some accomplishments we should celebrate and some disappointments we should work to remedy in the next session of the 106th Congress. While a few items in the appropriations and tax bills that benefit our nation, there are a few I’d like to highlight. This year’s final budget package will continue to provide more crime reduction and school safety funding so our children are safer in their neighborhoods and in their schools. It will continue our efforts to reduce class size so our children get more individualized attention from a top-quality teacher. And it will provide what I hope will be the first installment of school modernization funding so that our children’s schools are safe and equipped for the future.

With the passage of the appropriations and tax measures this session, Congress will have to continue reducing crime on our streets and in our schools. We’ve come a long way from the original Senate committee bill that would have killed the COPS initiative, which has placed 100,000 new police officers in our communities since 1994. This year’s appropriations bill provides enough funding to hire another 50,000 officers over the next few years, and it sets aside $225 million in Department of Justice funding for school safety initiatives. The first obligation of government is to provide for the safety of every man, woman, and child, and I believe our funding levels for COPS and school safety programs live up to that obligation.

We will also be living up to the commitment we made last year to hire 100,000 new teachers so our children’s class sizes are smaller and their individual time with their teachers is greater. We made a down payment last year and hired 29,000 teachers. This year, we will provide $1.3 billion to states so we can keep those teachers in the classroom and hire even more. But as we all know, school systems can’t hire new teachers if they don’t have the extra classrooms. So, I’m especially pleased that we have finally recognized the school infrastructure crisis in America.

The tax package we will pass today will provide an additional $800 million in zero interest bonds under the Qualified Zone Academy Bond Initiative. These bonds will help our neediest schools renovate buildings that are relics of the past and turn them into schools of the future. It will help them purchase new equipment—from classroom computers to new, safe school buses. It will help them train teachers and develop challenging curricula to raise expectations and achievement scores of our nation’s students.

The continuation of this school renovation initiative is just one component of the school modernization bill I introduced with many others in July, and I am grateful to so many education, labor, and professional organizations for their unwaivering support. I thank my colleagues who co-sponsored the legislation. Rep. Bill Pascrell for his work on similar legislation, and the administration’s commitment to ensuring that our schools are safe and modern havens for learning. We’re sending the right message to our nation’s school boards, teachers, parents, and students: that we see the leaky roofs, that we see the cracked walls, that we see all the trailers—and that we’re willing to help.

But there remains much unfinished business. Over 14 million children attend schools in need of extensive repair or complete replacement. Twelve million children attend schools with leaky roofs, and 7 million children attend schools with safety code violations. Our schools are on average over forty years old. They’re overcrowded, they’re under-equipped with technology, and many are unsafe. In Virginia alone, there are over 3,000 trailers being used to hold classes. In short, our national renovation needs total $122 billion and our new construction needs total $73 billion. Given these tremendous needs, I view the $800 million in the this year’s tax package as the first installment of the nationwide renovation and modernization of our children’s schools.

Mr. President, the other major disappointment of this session concerns one of our nation’s most important transportation arteries. I am quite dismayed that this Congress has not lived up to its responsibility to fund the replacement of the Woodrow Wilson Bridge. This is the only federally owned bridge in the entire country. It is a major gateway in the Washington metropolitan area, and a critical route for commerce along the entire east coast. We have an obligation to support its replacement.

I worked closely with the administration to advance this project, and I was
gratified by the fact that funding was among the administration's top priorities during the budget negotiations. Unfortunately, however, Congress declined to provide funding, so we will revisit the issue next year, when construction is scheduled to begin. We have become all too familiar with the devastating effects of traffic jams in this area—on our economy, on our environment, and most importantly, on our quality of life. The unresolved matter of funding for the Woodrow Wilson Memorial Bridge project continues to threaten the region, and I intend to continue the fight next session to be fiscally responsible and responsive to our region's biggest transportation need.

Mrs. BOXER. Mr. President, the two bills we passed today—the tax extenders bill and the Omnibus Appropriations Act—like this entire session of Congress, can be summarized by four words: the good, the bad, the missing, and the undone.

Let me begin with the good, because we have achieved victories on several important Democratic priorities. Funding for after-school programs was more than doubled. As a result, there will be spaces for 675,000 young people.

In another priority of mine, the days of the sweet deal for the big oil companies will be over next March 15. At that time, the Interior Department will finally be allowed to issue a regulation to ensure that oil companies pay their fair share of oil royalties to the federal government when they drill on federal land, ending the $66 million annual loss to the taxpayers.

I was also pleased to see a 42 percent increase in funding for the lands program, known as the Lands Legacy Initiative, to acquire lands and historical sites so that they can be preserved for future generations.

There are other good things as part of the budget agreement: funding to reduce elementary school class sizes; putting 6600 cops on the streets and in the schools; paying the arrears the United States owes to the United Nations; debt relief for developing countries; full funding for the Middle East Peace Agreement; a $2.35 billion increase in funding for the National Institutes of Health; correcting problems with Medicare funding that were part of the Balanced Budget Act of 1997, so that we ensure seniors continue to have access to health care, particularly home health care and nursing home care; a $108 million increase in funding for nutrition assistance for pregnant women and infants; extension of some important tax credits, including the Research and Experimentation Tax Credit, errata—provided educational assistance, and trade adjustment assistance; and most of the anti-environmental riders were stripped out of the bill or were significantly weakened.

But, Mr. President, despite these good things, I am voting against the bill because of the bad things as well as the things that are missing.

First, let me comment on the process. If the Republican controlled Congress had done its work and passed the appropriations bills by October 1, which is what is supposed to happen, we would not have needed these protracted and secretive negotiations that gave undue power to just a handful of people. As my colleague from Nebraska said, this whole process turned government “of the people, by the people, and for the people” into “government of and by four people”.

I want to mention three specific provisions of this bill that I oppose. First, the funding for international family planning is inadequate. We have had to learn, talking about the lack of health benefits.

This cut will affect funding for education and health care and medical research and veterans. It is a silly way to find in this bill a provision that would allow pharmacists to deny women in federal health plans prescriptions for contraceptive drugs, if they claim a sort of “conscientious objector” status. This is an outrageous assault on the right of women to receive the full range of health benefits.

Also, this bill contains an absolutely unnecessary—and potentially dangerous—spending cut. This cut will affect funding for education and health care and medical research and veterans. It is a silly way to do business, and it is unnecessary. Congress should have done its job and made the decisions about what is important and what is not.

There are also a lot of holes in this legislation, a lot of things missing. These are things that were in there at one point or on the table for discussion, but for some reason were taken out. I am talking about the lack of hate crimes legislation, which passed the Senate. I am talking about my amendment, which also passed the Senate, unanimously, to ban the sale of guns to people who are intoxicated. There is once again no long-term, large-scale commitment to repair America’s schools. There is no prescription drug benefit under Medicare, so that millions of senior citizens will not have to make a choice between filling their prescriptions or putting gas in their cars. There is not enough money for after-school programs. And the rural loan guarantee program for satellite TV—something that is crucial to rural communities around the country—was taken out of the bill at the request of one senator.

In the category of the undone, this Congress will go home for the year without having acted on several issues of enormous importance to all Americans—things that the people have said over and over again they want us to do. This includes: a real patient bill of rights, common sense gun control, campaign finance reform, and an increase in the minimum wage.

Some will say that we could not do these things because we did not have the votes. Let me point out that if this Republican-controlled Congress had not insisted on increasing the defense budget by about $8 billion more than the President said we needed, then we would have had plenty of money to pay for both the well-deserved pay raise for our servicemen and women and the priorities I have just talked about.

So, Mr. President, I regret that this bill was not all it could have been and that this Congress did not accomplish all that it should have. But, I look forward to the next session in the hope that we finally address the priorities of the American people.

Mr. GRAHAM. Mr. President, to quote Yogi Berra, it’s deja vu all over again. A little less than a year ago Congress passed an Omnibus Appropriations bill for fiscal year 1999. That legislation combined eight separate appropriations bills into one $175 billion omnibus spending bill to prevent the government from shutting down and to fund the government for an entire year. Under the provisions of this bill, the President could waive this restriction, but if he does, the funding would be cut $12.5 billion, which could deny contraception to over 40,000 women for an entire year.

I was also extremely dismayed to find in this bill a provision that would allow pharmacists to deny women in federal health plans prescriptions for contraceptive drugs, if they claim a sort of “conscientious objector” status. This is an outrageous assault on the right of women to receive the full range of health benefits.

Also, this bill contains an absolutely unnecessary—and potentially dangerous—spending cut. This cut will affect funding for education and health care and medical research and veterans. It is a silly way to do business, and it is unnecessary. Congress should have done its job and made the decisions about what is important and what is not.

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So, Mr. President, I regret that this bill was not all it could have been and that this Congress did not accomplish all that it should have. But, I look forward to the next session in the hope that we finally address the priorities of the American people.
I fully understand, Mr. President, that we work with budget projections that are subject to revision as economic factors change. We must base our decisions, however, using reasonable assumptions of what will occur, not rosy expectancies of what the future might bring. The beginning of this congressional session was filled with opportunity—opportunity brought about by 5 years of fiscal discipline. That discipline helped to fuel a strong economy and produce the first budget surplus in more than a generation. Indeed, budget surpluses are projected far into the future.

Instead of seizing this opportunity to use those resources in improving our long-term fiscal future, Congress seems content to fritter them away on short-term political giveaways. A strong economy and the on-budget surplus that it spawn give Congress a wonderful opportunity to make important investments for our future. What are some of those investments?

Earlier in 1999, Democrats and Republicans stated that saving Social Security and strengthening Medicare were the first items of business on this year's legislative agenda. The President made this statement during his State of the Union Address earlier this year: "Now, last year we wisely reserved all of the surplus until we knew what it would take to save Social Security. Again, I say, we shouldn't spend any of it—not any of it—until after Social Security is truly saved. First things first."

My colleagues may remember that we followed the President's statement with a considerable amount of applause. Both commitments—extending the Social Security Trust Fund and strengthening Medicare—have been ignored. Both American political parties are identified co-conspirators in this unsavory result. There will be no structural changes to extend the solvency of the Social Security program. In fact, the most positive Social Security achievement we can cite underscores our failure to solve this important problem.

The only meaningful step Congress has taken to improve Social Security is an agreement not to spend the Social Security surplus—an agreement, I might add, that we have violated to the tune of $17 billion. The culmination of these negotiations will result in a budget that reduces the federal debt by $130 billion. That debt reduction, however, would have been $168 billion had we remained true to our commitment to save Social Security first. We could have reduced the Federal debt by an additional $38 billion had we not spent the full $22 billion on-budget surplus and $17 billion of the Social Security surplus. Even had we kept this promise, it would have done nothing to extend the program's insolvency date of 2034. Accomplishing that goal will require additional resources—resources that could come from the on-budget surpluses as long as they can be preserved.

Mr. President, we must hold true to our commitment to ensure Social Security's solvency until 2075. Our actions on Medicare are even more deplorable. We started this year with the goal of extending the solvency of the Medicare Trust fund and possibly expanding the benefits for beneficiaries, such as providing a prescription drug benefit. Instead, however, we've gone backwards. The Medicare benefit package has not been modernized. Efforts to rationalize the program have been rejected.

Finally, and perhaps most disappointingly, the solvency of the Hospital Insurance Trust Fund has been reduced by 1 year. Estimates at the beginning of this year placed the date of insolvency for the Hospital Insurance Trust Fund in Fiscal Year 2015. As a result of the unfunded additional Medicare spending included in this bill, the insolvency date has moved forward to Fiscal Year 2014.

Not only were we unfaithful to the commitments we made regarding Social Security and Medicare, we missed other opportunities to make constructive use of the on-budget surplus.

Mr. President, we could have further strengthened the economy by pursuing tax reform. We could have made critical investments to protect our national treasures such as the National Park system. Or we could have reduced the disgraceful number of Americans, particularly children, who don't have access to health care. These proposals have one thing in common—a bold, courageous investment in our future. This fiscal appropriations bill and its bizzaro offshoot of special interest handouts reflects no such vision. It contains no bold initiatives worthy of the 21st century. Instead it fritters away a substantial portion of the surplus—squandering resources that could instead be used to build a better future.

Mr. President, how did we get here? At the beginning of the year, CBO projected the FY 2000 on-budget surplus to be $21 billion. In May Congress passed a supplemental appropriations bill providing $35 billion for reconstruction aid for Central America and the Caribbean, assistance to Jordan pursuant to the Wye River accords, farm loan assistance, and funding for our operations in Kosovo. Much of the May supplemental bill was designated as an emergency or national security spending and thus was not offset with corresponding spending reductions or revenue increases.

The consequence of that legislation was a $15 billion reduction in the non-Social Security surplus—$7 billion of which reduced the FY 2000 on-budget surplus. Passage of the May Supplemental transformed a $21 billion surplus into a $14 billion surplus. In August, Congress passed the fiscal year 2000 Agriculture appropriations bill that will not be offset by any of the “emergency” spending. Like the Supplemental before it, these “emergency” funds were not offset with corresponding spending reductions or revenue increases.

Therefore, this spending directly reduced the FY 2000 surplus. A $14 billion on-budget surplus quickly shrunk to $6 billion. In October, Congress considered the appropriations bill covering the Defense Department. Incidentally, that legislation designated funding for routine operations and maintenance as an emergency. That designation, as with those proceeding it, means that the no offsets were required. No offsets, however, does not mean that the spending does not have a real economic effect. The emergency spending included in the Defense Appropriations bill further reduced the Fiscal Year 2000 on-budget surplus by $5 billion below the $6 billion of the FY 2000 Social Security surplus.

Mr. President, no amount of budget trickery or accounting sleight of hand can hide these facts. Those attempting to obscure this reality will be exposed. At the end of the year the Congressional Budget Office will total up the cost of our actions and tell us how they affected the national debt. The debt will no doubt be reduced in Fiscal Year 2000. Because of these budgetary tricks and shenanigans, however, we will miss the opportunity to make an even more substantial reduction in the national debt and the burden it imposes on our Nation. Worse yet, we have already staked claims against the on-budget surpluses projected beyond next year.

For example, at the beginning of the fiscal year the discretionary spending limit was $572 billion. With this bill, the actual spending will be closer to $610 billion. If we assume that Congress maintains this level of spending—$610 billion—for each of the next ten years, CBO's projected on-budget surplus of $900 billion over the next 10 years will shrink by $30 billion. These are the on-budget surpluses CBO projected in July assuming we would adhere to the discretionary spending caps.

The orange bars show the surpluses we can expect if we hold freeze spending at the levels established for Fiscal Year 2000 for each of the next four years.

I urge you to agree that we use that part of our surplus that Passages of the May Supplemental transformed a $21 billion surplus into a $14 billion surplus.
As my colleagues can see, it is increasingly unlikely that the large on-budget surpluses over which we salvaged throughout the summer will materialize. In addition, this budget agreement contains other items—Medicare spending and tax breaks—which are not offset by other spending reductions or additional revenues.

The Omnibus appropriations bill includes changes to the Medicare reimbursement rules which increase Medicare spending by $1 billion in Fiscal Year 2000 and $27 billion over the next ten years.

That increased spending will come directly out of the Social Security surplus in Fiscal Year 2000 and from the on-budget surplus in later years.

This afternoon we will consider a bill to extend certain expired provisions of the Internal Revenue Code.

Earlier this month, the Senate passed legislation that extended these provisions on a fiscally responsible basis.

That bill was fully offset, and as such, would not have jeopardized the on-budget surplus.

I regret that the product coming out of the Omnibus bill is not as responsible.

The ‘‘extenders’’ bill before us today will reduce the on-budget surplus over the next ten years by $18 billion.

These spending commitments—a higher discretionary spending baseline as a result of the Fiscal Year 2000 appropriations bills, the extenders bill and the BBA addbacks—will spend almost 20 percent of the $996 billion on-budget surplus projected for the next ten years.

In fact, Mr. President, the additional spending as a result of the BBA addbacks and the lost revenue from the extenders bill are likely to completely wipe out the Fiscal Year 2001 surplus.

CBO projects that Medicare spending will increase by $6 billion in Fiscal Year 2001 as a result of this bill.

The Joint Committee on Taxation estimates that the ‘‘extenders’’ legislation will reduce revenues in Fiscal Year 2001 by $3 billion.

That $9 billion cost is greater than the $3 billion on-budget surplus that will remain in Fiscal Year 2001 assuming spending for that year is frozen at this year’s levels.

Mr. President, what did we buy with this torrent of spending?

Certainly some positive things are included in this legislation.

I am deeply concerned, however, with many of the provisions in this gantuitous bill and their implications for our future.

Let me give you two examples.

**YELLOWSTONE**

Many of the decisions reflected in this agreement were made in isolation and will have unexpected negative consequences.

The individual operating budgets for the national parks have not been adjusted to accommodate the full 4.8 percent federal employee pay raise.

Total Medicare spending reflects only a pay raise of 4.4 percent.

The additional 0.4 percent must be absorbed through reductions in the remainder of their budgets—principally operations and maintenance.

The parks must absorb an additional 0.4% reduction as a result of the across-the-board cut included in this bill.

Yellowstone National Park’s budget is $24 million—90 percent of which goes to pay salaries.

The combination of the pay raise shortfall and the across-the-board cut will force a reduction of $200,000 from the operations and maintenance accounts.

Why is this important?

Yellowstone National Park was included as one of this year’s ten most endangered parks by the National Parks and Conservation Association.

It has been referred to as ‘‘the poster child for the neglect that has marred our national parks.’’

The policies established in this bill, combined with the previously adopted pay raise, raise serious concerns that the quality of our national parks will continue to decline.

I do not allege that anyone started out with this goal, but the consequences of this budget agreement may have that effect.

I suspect this example of Yellowstone National Park will be repeated throughout the federal government.

**BBA ADDBACKS**

This bill also represents a triumph of special interests.

Having previously beaten back the Patient’s Bill of Rights legislation, the managed care industry uses this bill to further advance its financial position.

$8.7 billion of the $27 billion of additional spending in this bill will go to the HMO industry.

Mr. President, what this means is nearly one-third of the Medicare money in this bill will go to the managed-care industry even though they only cover one-sixth of the beneficiaries.

This comes at a time when the General Accounting Office and Medpac say that HMOs are being overpaid, not underpaid, by Medicare.

I find it strange. Mr. President, that lobbyists for the managed care industry came to Capitol Hill crying for help when they tell their shareholders a very different story.

Let me read excerpts from a few HMOs’ recent press releases.

For example, Pacificare said this in its press release announcing its third quarter earnings: ‘‘We posted strong revenue growth . . . due to membership growth and favorable premium pricing. Our confidence in and outlook on the future is very positive.’’ (Oct. 27, 1999)

Aetna had this to say: ‘‘This is the seventh consecutive quarter of growth in operating earnings per share for Aetna . . . Aetna U.S. Healthcare continued to post solid commercial HMO membership increases.’’ (Oct. 28, 1999)

United Health Group made the following bold proclamation: ‘‘Our strong results continue to be driven by a balanced combination of growth, operating margin expansion, and capital structure enhancement. We look forward to ongoing progression in these key areas as we move into and through the year 2000.’’ (Nov. 3, 1999)

These are surprisingly upbeat statements coming from an industry that came to Congress crying the blues.

The Medicare section of this bill has other deficiencies.

An opportunity for reform through competitive-bidding of the HMO industry was cut off at the knees in a midnight assault.

This bill includes language prohibiting the Secretary of HHS to negotiate with durable medical equipment providers to secure better prices for the Medicare program and Medicare beneficiaries.

By putting off the implementation of these provisions, possibly for years, we are taking millions of potential savings out of the pockets of Medicare beneficiaries.

The question members of Congress must ponder over the coming holidays is how to avoid a repeat of this awful process next year.

I hope that the FY 2001 budget will be one that I can support.

In order for that to occur, next year’s budget must start with a bipartisan process.

This first 10 months of this year were spent with the President and Congress ignoring each other’s existence.

This was followed by the nearly two months—fully 40 days after the fiscal year end—did the two sides begin negotiating a conclusion to this year’s budget clash.

We must break the cycle of end-of-the-year budget showdowns that produce nothing but partisan rancor.

We must also press for budget reforms that will ensure the bad habits of the past two years do not become institutionalized.

While there are many targets for reform, at the top of the list is the need to change the manner in which we designate certain spending as an ‘‘emergency’’.

Two-thirds of the reduction of this year’s surplus—more than $25 billion—happened because Congress overrode fiscal discipline by using ‘‘emergency’’ designations.

Senator SNOWE of Maine and I have introduced legislation that would establish permanent safeguards to protect the surplus from questionable ‘‘emergency’’ uses.

Specifically, that legislation would do the following:

1. Create a 60-vote point of order that prevents non-emergency items from
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CONGRESSIONAL RECORD—SENATE

I hope that we can use that opportunity to seize the future rather than repeating the past.

This session began with great opportunities. We had a budget surplus. We had a strong economy. We had an opportunity to make decisions that have long-ranging positive effects on our economy. We have largely frittered away all of those opportunities.

The President and the congressional leadership began the year by joint commitment that our first priority was going to be to save Social Security and to strengthen Medicare. What happened after we finished the applause at the State of the Union? What has happened is we have ignored both of those commitments.

Social Security: No structural change. We have not extended by a second the duration of the Social Security program. Yes, as the Senator from New Mexico said, we have reduced the national debt by $130 billion as a result of funds from the Social Security trust fund. That is the good news. The bad news is we have reduced it by $168 billion, which is what we would have done had we preserved all of the surplus for strengthening Social Security and Medicare. His statement admits the fact that $17 billion of Social Security surplus has, in fact, been spent for purposes other than reducing the national debt and saving Social Security.

Medicare: We have made no structural changes in Medicare. Medicare, in fact, has 1 year less solvency as a result of what we are doing than it did when we started this process in January.

How did we get here? We got here because we have frittered away $168 billion of Social Security surplus by a series of, first, emergency spending, and then an avalanche of budget gimmickry at the end of the session, much of which is in the bill we are about to vote on which has chewed up all of the non-Social Security surplus and $17 billion of the Social Security surplus.

What is the long-term consequence? The long-term consequence is we have already spent $190 billion of our 10-year non-Social Security surplus of $996 billion. One out of every $5 that we had in January for the non-Social Security surplus we have either spent or committed in the fiscal year. In fiscal year 2001, we have already spent all but $3 billion of the over $40 billion of the non-Social Security surplus. And with the actions we are about to take, we are going to be into Social Security for the next fiscal year by over $6 billion. That is what we have done with all the opportunities that were available.

I hope we will have learned from these lessons. We will apply some basic principles for next year, that we will try to be more bipartisan, that we will try to adopt some processes that will constrain us against the kinds of actions that have led to this sorry state of affairs this year, that we will commit our resources to real fiscal discipline, that we will give the American people, based on who they elect as President in November of next year, will have an opportunity to make some fundamental decision.

Do they want our surplus to be used for Social Security? Do they want it to be used for Medicare? Do they want it to be used for tax cuts? Do they want it to be used to reduce the number of Americans who do not have health care coverage? What are their priorities? We are spending the money like drunken sailors and the American people are being denied the opportunity to state their opinions as to what we should be doing with their money.

It is with regret, as we have repeated this morning, that this legislative year should end with an almost imperceptible across-the-board spending cut that will not be across the board. It is hard to think of a single aspect of the budget that has not been seriously misrepresented in the past nine months of debate. There is always a certain amount of straying from the truth in regard to budgets. This year it has reached Orwellian proportions.

The final agreement on which the House was to vote last night and the Senate thereafter was touted yesterday by both sides as a major achievement. The major achievement consisted of no more than passage six weeks into the fiscal year of the last five of the 13 regular appropriations bills. The major achievement of the government depends. Those 13 ordinary bills are the only fiscal accomplishment of a Congress that began with lofty promises and ends with the leadership of both parties of solving long-range fiscal problems. They solved none. The only consolation is that, by virtue of incompetence, they managed not to make any seriously worse, either.

The Republicans crow that they came through the year without using the Social Security surplus to help finance the rest of government. But (a) that’s a non- accomplishment, in the sense that the same IOUs are put in the trust fund whether the surplus is used to finance other programs or pay down debt. And (b) it didn’t happen. They achieved the result on paper only, by use of gimmicks. In some cases, they simply denied that spending for which they voted—and which they busily called to the voters’ attention as evidence of why they should be re-elected—would actually occur. They disappeared. It is pretty clear that they simply kicked it over into next year. It will hugely compound their problems then. There has been much talk that a new fiscal standard has been obligingly adopted by the rest of government, meaning all but Social Security, will hereafter have to live within its own means. That would be fine with us, but what this year’s record suggests is not a new standard to be adhered to so much as a new one to be systematically lied about.

EXHIBIT 1

From the Washington Post, Nov. 19, 1999

-- AND BROUGHT FORTH A MOUSE

...AND BROUGHT FORTH A MOUSE...
Meanwhile, they did what they always do in session bills. The situation it full of goodies, using public funds or power to curry favor with the folks back home. There is fine print in the legislation meant to benefit Sally Mae, the giant and decid edly non-needy Student Loan Marketing Association; dairy farmers; the recycling industry; transplant surgeons; and who knows who else. Most of these are provisions that, for good reason, could not pass on their own. The president called the agreement a "hard-won victory for the American people." In fact, it is a sad story end to perhaps the least productive, nastiest and most duplicitous session of Congress in modern memory. They should hang their heads as they scurry home.

Mr. FEINGOLD Mr. President, I don't know if many of my colleagues have actually taken the time to read the bill before us. If they have, they would have found some interesting provisions.

For example, Section 1001, titled "PAYGO Adjustments." It appears at the very end of the printed text of H.R. 3194.

There are three subsections to this provision, and from what I can tell, this is what they do.

The first subsection declares that the mandatory spending that was folded into this bill—I believe mostly the provisions that restore Medicare funding—are not to be scored against the discretionary spending caps.

The second subsection then declares that the Medicare funding shall not be scored on the PAYGO ledger.

In other words, Mr. President, the roughly $16 billion in mandatory spending provided in the Medicare portions of this bill over the next 5 years will be completely excluded from the statutory budget rules that require such spending to be cut.

The last subsection, Mr. President, then zeroes out the PAYGO ledger entirely.

This means that no spending in this bill and none of the net cost of the tax expenditures in the tax extenders bill—one of it—will be counted on the PAYGO ledger.

It won't have to be offset this year, next year, or ever.

Mr. President, what is going on here? Why is this language needed?

It is needed, Mr. President, if you don't want to pay for the mandatory spending done in this bill or the net revenue losses in the tax extenders bill—none of it—will be counted on the PAYGO ledger.

It won't have to be offset this year, next year, or ever.

Mr. President, what is going on here? Why is this language needed?

It is needed, Mr. President, if you don't want to pay for the mandatory spending done in this bill or the net revenue losses in the tax extenders bill.

The proponents of this language may wish to argue that they are using the budget surplus to pay for all of this.

Mr. President, let me ask them: "What surplus is that?"

We did not have a surplus this past fiscal year.

And given the track record of this Congress, when September 30, 2000 rolls around, there is an excellent chance we won't have a surplus then, either—at least not without counting the Social Security Trust Fund revenues.

Mr. President, yesterday I was pleased to add my name to a measure the senior Senator from Texas was circulating honoring among others the Nobel Prize winning economist Milton Friedman.

As many know, Professor Friedman made famous the phrase: "There is no free lunch."

Well, Mr. President, I must tell my colleagues that passing a law declaring a free lunch will not make it true.

Congress can declare that the Medicare provisions of this bill will not cost anything, but that doesn't make it true.

Congress can declare that the tax extenders bill will not result in any lost revenue, but again, that will not make it true.

Mr. President, the PAYGO Adjustments section isn't the only one that tries to declare a free lunch. We see it in the indefensible use of the so-called emergency designation. I'll take just one example, the decennial census.

Mr. President, we have known for many years that there would be a census taken next year.

In fact, it's provided for in our Constitution.

In a very real sense, we have known for over 200 years that there would be a census next year.

It comes as no surprise.

But you wouldn't know that if you read this bill, Mr. President.

This measure provides that nearly $4.5 billion in funding for the census is to be declared an emergency.

An emergency, Mr. President. Who are we kidding?

Next year's census is an emergency? This is nothing more than a budget gimmick to avoid having to make tough choices.

Mr. President, I have no doubt there are other examples of the misuse of the emergency designation in this bill.

Over the next few weeks we will probably see news stories about just what Congress views as an emergency.

Mr. President, as must be painfully obvious to my colleagues by now, the dairy provisions alone in this bill make it completely unacceptable to me, and I will be voting against the bill for that reason.

However, even if those provisions were not included in the legislation, I would still oppose it, and I would oppose it in part for the budget gimmicks that are strewn throughout it.

Mr. President, I yield the floor.

Mr. MCCAIN. Mr. President, I cannot support this budget deal because it spends the budget surplus, breaks our pledge to reduce the size and intrusive ness of the government, fails to deliver the tax relief American families deserve, and further imperils the Social Security system upon which so many Americans depend for their retirement security.

The "budget crisis" has become an annual, end-of-the-year ritual in which closed-door deals produce even more fodder for public cynicism about their government. This budget deal short changes American taxpayers and benefits special interests, illustrating once again that the President and a majority of the Congress would rather spend the budget surplus on big government, special interest giveaways, and pork-barrel spending.

This deal makes a mockery of our obligation to responsibly exercise the "power of the purse" conferred on the Congress by the Constitution.

It busts the budget caps set just two years ago by more than $20 billion.

It obscures the true cost of the deal by using $36 billion in budget gimmickry.

It contains nearly $14 billion in everyday, garden-variety pork-barrel spending.

It spends every dime of the non-Social Security surplus, instead of setting that money aside to provide tax relief to American families, and shore up Social Security and Medicare.

It resorts to an across-the-board budget cut to avoid dipping into the Social Security surplus, rather than making the hard choices among spending priorities.

Some people have said this year's deal is not as bad as last year's deal. Looking at some statistics, that could be true to a certain extent:

Last year, the omnibus appropriations bill was 4,000 pages long and weighed over 40 pounds; this year's stack of bills is only about 1,500 pages long but it's almost a foot high.

Last year's deal was done 21 days late and covered 8 of the regular appropriations bills that funded 10 federal agencies; this year's deal covers only 5 of those agencies, but it's 50 days overdue more than twice as late last year.

Last year, the negotiators added more than $20 billion in extra spending; this year, they only added a little more than $6 billion.

And last year, the whole deal was wrapped up in a single bill that included the text of 7 spending bills and a host of other legislation; this year, we are casting one vote, but it will count as a vote on each of 10 separate bills.

I guess one could legitimately claim, based on those statistics, that this year's deal is not as bad as last year's deal. But like last year, this year's budget-busting behemoth is not amendable by any Member of Congress not involved in the negotiations over the past several weeks. Like last year, the process was deliberately designed to prevent any Member of Congress from changing any aspect of this back-room deal. What a farce.

Mr. President, like last year, this non-amendable budget deal is loaded down with pork, its true cost is obscured by budget gimmickry, and it is
weighed down by policy “riders” that have no place in budget bills.

Before this deal was cut, the Senate had already approved 264 pages of pork-barrel spending bills containing over $13 billion in wasteful, unnecessary, and low-priority spending that was added without benefit of consideration in the normal, merit-based review process. That’s more than the $11 billion added by Congress for Fiscal Year 1999, and almost twice the $7 billion wasted in Fiscal Year 1998. On my website, I have published 264 pages of pork-barrel spending projects in the appropriations bills that passed the Senate earlier this year.

The bill before the Senate today contains even more everyday, garden-variety pork-barrel spending—almost half a billion dollars more than in the original bills. Some items which agencies were “encouraged” or “urged” to fund in earlier versions of these appropriations bills have now been earmarked for funding. Other projects that were earmarked in report language are now included in the bill language. Presumably, these further clarifications of Congressional intent were included to improve upon the already near certainty that these pork-barrel projects will be funded ahead of other projects of possibly higher priority or more deserving of the taxpayers’ support.

Just a few examples of new earmarks and special interest items in this bill include:

- $2 million for the University of Mississippi for a phytomedicine program.
- $1 million for the Noble Army Hospital of Alabama bio-terrorism program.
- $300,000 for the Vasona Center Youth Science Institute.
- $5 million for the International Law Enforcement Center for the Western Hemisphere in Roswell, New Mexico.
- $160,000 for a Mason City, Iowa, bus facility.
- $250,000 for the New York Hall of Science in Queens, New York.
- $100,000 for the Philadelphia Orchestra’s Philly Pops to run a jazz-in-the-schools program in Philadelphia.
- $2.5 million for the Dante-Fascell North-South Center.
- $1,840,000 for Kansas buses and bus facilities (in addition to the $1.5 million already provided).

Mr. President, as my colleagues know, over $7.4 billion of the pork-barrel spending in this year’s budget is in the defense budget, including almost $1 billion in low-priority military construction projects. This waste is disgraceful at a time when the Army’s most recent assessments of its forces show none of the Army’s divisions is rated at the highest state of readiness, or C-1. Not one of our Army divisions has the resources and training to undertake the wartime missions for which they are ordered to be ready. Shortfalls in personnel, parts, and funding, combined with extended deployments on peacekeeping and other contingency operations, have contributed to a serious decline that puts our soldiers at greater risk if a conflict were to erupt, and threatens the ability of our forces to prevail. This is a disgrace and an abomination that the American people will not tolerate.

Mr. President, who would wonder how these projects are paid for, let’s look at the clever budget gimmicks that are included in this deal.

First, there is the “emergency” spending designation, which most reasons why people assume should be used only for disasters, emergencies, and other unforeseeable happenings. Well, in this deal, the Congress has expanded somewhat the definition of “emergency” to include: the 2000 census, which we’ve known about since the Constitution was written, routine military training and base operations, and even the Head Start program.

So-called emergencies in this year’s spending bills were $24 billion. Some of the uses of these funds are truly emergencies, such as alleviating severe economic hardship on small farmers or assisting those devastated by hurricanes. But over half of the emergency funds are designated as such in a blatant effort to avoid the discipline of the budget caps. The reality, however, is that “emergency” spending must still be paid for by tax revenues. And the tax revenues that will pay for most of these emergencies are those generated by Social Security taxes, that are supposed to be reserved to pay benefits for retirees.

Another gimmick is the use of “forward-funding”, whereby money is appropriated for programs, but it cannot be spent until the first day of the next fiscal year. This money is not counted against this year’s budget caps, but again, it is real spending that must be paid for next year, within even more stringent budget caps.

Using the “forward-funding” gimmick, a staggering $10 billion for job training, medical research, and education grants is pushed into next year, potentially impairing the management and effectiveness of these programs. In addition, the Department of Defense is directed to delay timely payments on its contracts to save $2 billion. This gimmick will result in higher costs for the Pentagon because of late payment fees and disruption in programs under contract.

Mr. President, most disgraceful, however, is a new gimmick that will delay paychecks for all military personnel affected by federal contracts for 30 days between September 29 and October 2, 2000. For the sake of a few billion dollars worth of pork, the Congress is withholding hard-earned pay from those who volunteer to serve their nation in the military or as a civil servant.

The potential impact on these men and women and their families is immeasurable. Many may have to pay late fees on rent or other bills and penalties and higher interest on credit cards. Some families, especially those who already are forced to subsist on food stamps, will have to struggle doubly hard to put food on the table while they wait for the Congress to pay them for their service.

Mr. President, I find it absolutely outrageous that the Congress would attempt to balance this pork-laden budget deal on the backs of our men and women in uniform. Is this the way we show our respect and appreciation for those who are willing to put their lives at risk for all of our freedoms? Is this the way we repay the families of our service men and women who spend many months and years separated from their loved ones during wars and overseas assignments? This is clearly wrong, and I am ashamed that the Congress would take this action against those whose duty and sacrifice we should honor, not abuse.

Mr. President, I think it is important that the American public know that this paycheck slip gimmick—a gimmick that denies our proud men and women in the military, and hard-working people who work for the government the pay they have worked for and deserve—this gimmick does not affect the Congress. No one who works on Capitol Hill will get their paychecks even a day late. No one who was involved in negotiating this abominable deal—not Senators or Congressmen or their staffs—will get their paychecks late. Clearly, this demonstrates to the American people the Congress’ opinion of its own importance.

Several other gimmicks abound in this deal—transferring surplus funds from the Federal Reserve into general revenue, an improved collection of student loans, and more rescissions of funding from various programs, totaling several billion dollars in claimed savings.

And finally, in order to get closer to balancing the books on this budget deal, the negotiators picked and chose among the cost estimates provided by the competing budget scorekeepers for the Congress and the Administration, taking the lowest estimate they could find. Even with this, they could squeeze more pork into the deal. The negotiators claim that their deal costs about $17 billion less the Congressional Budget Office estimates. What this means is that, despite vehement claims to the contrary, $17 billion of the Social Security surplus will be used to pay for the waste and largesse in this budget deal. Taking another $17 billion from an already financially unstable Social Security system will only exacerbate the fears of many Americans about their retirement security.

Ironically, Mr. President, none of these specific gimmicks yielded enough “savings” to bring the budget deal
back under control and keep our hands out of the Social Security cookie jar. And since no one was willing to volunteer cuts in any of their special interest programs, the negotiators took the easy way out. Rather than setting budget priorities, like any American family must do to make ends meet, the negotiators resorted to an across-the-board cut of about $2 billion.

At first glance, one would think that the President, who so stridently objected to this indiscriminate cut when he vetoed an earlier bill, would have objected to its inclusion in this deal. But it seems that the negotiators decided to give the President a whole lot of flexibility in choosing the programs that will be cut. For example:

If the President doesn’t want to cut the White House travel budget by four-tenths of a percent, he can instead cut funding for the National Security Council staff.

If he doesn’t want to cut the staff budget of the Attorney General, he can instead cut the funding for the Waco investigation or take a million dollars out of programs to prevent violence against women.

If he doesn’t want to cut the administrative accounts of the Secretary of Education, he can cut Head Start by another couple million dollars.

If he doesn’t want to cut the drug czar’s office expense account, he can cut $200,000 or more of the funding for the anti-heroine strategy.

If the President doesn’t want to cut four-tenths of a percent of the funding for any one program, he can instead cut up to 15 percent of any line item approved by the Congress in any appropriations bill this year to get the savings.

Even though I clearly don’t think Congress has done a very good job of allocating resources among our nation’s priorities, why in the world would the Congress cede to the President the ability to decide where to take almost $2 billion from programs that have been approved by Congress through the appropriations process? Frankly, I recommend that the President take that money out of the $13 billion in pork that the Congress added to the budget.

Finally, Mr. President, let me take a moment to talk about the policy “riders” that have found their way into the appropriations process this year. As my colleagues know, the Senate has a rule—Rule 16—that is supposed to prevent the inclusion of legislative or authorizing provisions in spending bills. In fact, the Senate voted earlier this year to reinstate that rule. Unfortunately, when a process moves behind closed doors, these “riders” seem to proliferate at will.

There were over 65 legislative riders on the appropriations bills that passed the Senate earlier this year, but it seems that every time I turn around, I hear about another issue that will be rolled into this non-amendable budget package.

Perhaps that is a result of the fact that these end-of-the-year budget deals are usually negotiated by Members of the Appropriations Committee, rather than the authors. Or it may be driven by the need to garner support for the deal from Members who may have a special interest in an issue. Whatever the reason, the inclusion of legislative matters thwarts the very process that is needed to ensure that our laws address the concerns and interests of all Americans, not just a few who seek special protection or advantage.

Some of these riders are not necessarily objectionable to me, but the circumvention of the authorization process is not tolerable. For example, if one of the last-minute riders in this legislation would grant a new lease on life to the milk cartel known as the Northeast Dairy Compact, which milks consumers in New England by providing an above-market price to the region’s dairy farmers. The compact is set to expire under a bill this Congress passed in 1996, but the pending legislation would reverse this “Freedom to Farm” reform. The legislation before us would also overturn major nutrition reform passed by Congress in 1996, supported by our Department of Agriculture, and ratified by the nation’s dairy farmers in a referendum last summer. These reforms were developed by USDA over a three-year period and reflect a consensus-based approach worked out with America’s dairy farmers and producers. Consumer groups estimate that blocking milk pricing reform in favor of the current system, as this legislation does, will cost consumers across America between $350 million and $1 billion a year—a sharp blow to low-income individuals, who spend more on dairy products as a percentage of household income. I cannot in good conscience support the repeal of market-oriented reforms which certain provisions may be having on current beneficiaries and providers in the Medicare system.

Regarding the inclusion in this deal of the restoration of certain Medicare benefits, in 1997, Congress made some difficult, but necessary changes in the financial structure of the Medicare system as a part of the Balanced Budget Act. These changes were needed to strengthen the system and delay its impending bankruptcy from 2001 until 2015. These reforms allowed us to preserve and protect the Medicare program while increasing choice and expanding benefits for beneficiaries.

However, at the end of last year, many of us began hearing from health care providers and seniors about the unintended negative consequences of which certain provisions may be having on current beneficiaries and providers in the Medicare system.

While I support the overall intentions of these provisions, I am concerned about provisions which have been slipped in to help select areas or specific companies, rather than addressing the national problem of access to safe, quality and affordable health care for Medicare recipients. For example, hospitals in Iredell County, North Carolina; Orange County, New York; Lake County, Indiana; Lee County, Illinois; Hamilton-Middletown, Ohio; Brazoria County, Texas; and Chittenden County, Vermont are given special consideration for reimbursement under the Medicare program as well as Lehigh Valley Hospital as well as Lehigh Valley Hospital are given special consideration for reimbursement under this bill. Meanwhile, the District of Columbia, Minnesota, Wyoming and New Mexico are provided increases for their hospitals. Sadly, Congress has once again taken a well intentioned piece of legislation and inserted provisions directly benefitting only a select few at the expense of all taxpayers.

While I, Mr. President, nothing would please me more than being able to endorse all the satellite television provisions included in this appropriations bill. Some of them are good news bill as well as a broader Superfund reform effort, this rider affords special treatment to a small group of affected industries and will likely add-on that is another of a targeted special interest deal. Superfund reform is important to our nation, yet such piece-meal measures can thwart the intentions and progress of those who have made good-faith efforts to work through a legislative process.
for satellite TV consumers, who would gain the ability to receive local TV signals as part of their satellite TV service provided they were able to acquire a distant network TV station signal service restored, and be relieved of unfair limitations on their ability to subscribe to distant network signals when their local network stations are unwatchable off-air. Cable TV subscribers would also be indirect beneficiaries, because anything that makes satellite TV a more attractive alternative to cable TV increases the cable operators’ incentive to keep monthly rates in check. Considering the fact that cable TV rates have increased more than 20 percent since the passage of the 1996 Telecom Act, cable subscribers more than deserve this kind of break.

Despite all this, and despite the fact that I have been saying for more than a half to bring procompetitive relief to satellite TV and cable TV subscribers, I find myself having to speak out against some of the other satellite TV provisions that also appear in this bill.

Why? Because the other provisions substantially undercut the bill’s promised consumer benefits. Why, then, were they included? To protect special interests—in this case, the TV broadcasters, the TV program producers, and the professional sports leagues.

The primary special interest benefitted by these new provisions is the TV broadcasters. Under the law they’re considered to be “public trustees,” and as such they have enjoyed considerable protection against competition, thanks to the Congress (which fears the power of the local network stations) and to the FCC (which fears the Congress).

Nevertheless, neither Congress nor the FCC can hold back technology, and local network stations have increasingly found themselves subjected to competition from new multichannel video technologies—first cable TV, and now, satellite TV. So the last thing the broadcast TV industry is receptive to is the prospect that satellite TV might be able to increase its competitive power and thereby lure more of the local broadcast audience—and revenue base—away.

That was one of the reasons why local broadcasters finally sued satellite TV companies that were offering distant network TV stations to subscribers who technically weren’t entitled to receive them—even though many of these subscribers had, in fact, been receiving them for years without causing any apparent harm to local stations. The lawsuit was successful, and as a result many existing satellite TV subscribers found their distant network stations suddenly dropped, even when they couldn’t get satisfactory off-air reception. Many satellite TV companies, in fact, had agreements. If, on the other hand, a satellite TV company begins offering local signals before obtaining the necessary agreements, it entails the risk of unfair treatment as a defense, and imposes huge penalties on the party with the weaker bargaining position if it fails to enter into an agreement before the six-month deadline expires.

In practical terms, this presents any underdog satellite TV companies that don’t already have retransmission consent agreements with a set of Hobson’s Choices when it comes to offering local stations. They can, of course, simply not begin carrying local signals unless and until they have the required retransmission consent agreements. The safest thing to do. But if they don’t start carrying local signals right away, they certainly won’t be offering their customers the “local stations by Christmas” promised by those who back this legislation. In addition, they’ll only be perpetuating the competitive disadvantage they already face when it comes to competing with cable TV; they’ll be incurring a completely new competitive disadvantage when it comes to competing with other satellite TV companies that already have agreements. If, on the other hand, a satellite TV company begins offering local signals before obtaining the necessary agreements, it entails the risk that if the six month negotiation period runs out without mutually-acceptable terms having been reached, the satellite TV company will have to either drop the local signals or agree to whatever terms the network wants.

Pretty clearly, the effect of this new provision is to pro-broadcaster, not pro-consumer or pro-competitive. But it’s not the only new provision that protects special interests at the expense of the public’s interest.
To begin this process I will send a letter to FCC Chairman William Kennard, requesting that the Commission establish, as quickly as possible, a process for bargaining in “good faith” for retransmission consent agreements, and submit recommendations to Congress, as quickly as possible, on further legislation that will redefine what constitutes a “viewable” local TV signal. This will remove the problem that keeps satellite TV subscribers from getting as many distant TV stations from their satellite TV companies as they otherwise could.

All these measures will enable us to cure the problems these particular special-interest provisions will cause. In the meantime, it’s helpful to recall that in the final analysis they won’t affect our everyday lives as profoundly as we fear, or even when they do affect us, we will be in a far better shape because of the way our seniors will be protected. But in spite of that, they will serve to remind us—when we watch satellite TV or open our monthly cable TV bills—that, when it comes to legislation pending before Congress, no corporate issue is too small, and no consumer issue is too big, to avoid the pervasive grasp of entrenched special interests.

Mr. President, I cannot support this budget deal. I wonder, Mr. President, when will we begin to listen to the American people? When will we take heed of the absolute conviction about the ways of Washington? When will we reform the way we do business so that we might reclaim the faith and confidence of the people we are sworn to serve?

Mr. President, we have all year to complete our business in a responsible manner like growsups. But every day, at great expense to the taxpayers, we whirl about in our self-importance, never to be diverted from playing at our pathetic partisan political games.

After all the hearings, paper-shuffling, and political games, the taxpayers’ hard-earned money is spent according to the whims of a massive, hastily compiled budget deal that contains lots of goodies for Members of Congress and special interests, but very little for the American people—a annual monument to our arrogance that is chock full of pork-barrel spending, special-interest riders, and clever budget gimmicks, but not one morsel of family tax relief.

Mr. President, just a few short weeks, we will usher in a new century and a new millennium. This is a time of renewal and reform. Just as individual Americans take stock of themselves and resolve to do and be better, perhaps we elected officials might resolve to set a better example in the way we conduct our legislative business. Perhaps in the year 2000, we might address ourselves not to partisan gridlock and political games, but to restoring the people’s faith in their elected leaders. Perhaps next year we can spare the American people the grim faces and high drama of the last-minute budget summit, and simply do our work responsibly, in the open, and on time.

Maybe then we can restore the confidence in our public institutions that is so badly flagging, but is so essential to making the new century worthy of the highest dreams and aspirations of the people we are privileged to serve.
swiftness with which it was thrown together makes certain that Senators will only after the fact learn full details about many provisions which have been added.

Democrats have won critical victories in this bill providing funds for new teachers to reduce class size in our schools, a first installment toward 50,000 new police officers by 2005, the necessary funding to implement the Wye River peace agreement and more than $514 million for the Lands Legacy Initiative to preserve and safeguard our most precious public lands, as well as funds for after-school programs to benefit 675,000 students. Other needed legislation is included to reverse some of the unintended consequences of the 1997 Balanced Budget Act on hospitals, nursing homes and other health care facilities. A $20 billion test benefit is given to dis-sumers by increasing competition between cable and satellite companies and permitting satellite companies to provide local network signals in local markets. However, like last year, even as I acknowledge some important budget victories, I do not support this process and, on balance, cannot vote for this bill.

Mr. FEINGOLD. Mr. President, as some of my colleagues know, I have been posted, here on the Senate floor, day after day this week because of my concerns about the dairy provisions that are included in the budget package, and I know other Senators support those provisions because of the States they represent. For now, I just want to comment more broadly on the budget package and how we got here.

Mr. President, we have before us a measure that we are told will direct something like $150 billion in spending in such areas as the Justice Department, Interior Department, and all the 13 other appropriation bills. Including funding for local school districts, increased security for our foreign embassies, the Interior Department including our national parks system, Health and Human Services including critical funding for aging programs like the congregate and home delivered meals programs, and much more.

But, Mr. President, you would not know that by reading this bill. That roughly $150 billion is distributed in a few pages of text. With the exception of District of Columbia funding, it's all on one page—the last page.

I have not been here as long as some of my colleagues, but I cannot recall ever seeing anything like this. Last year's omnibus appropriations bill was bad enough. It, too, lumped several appropriations bills together into one giant omnibus appropriations measure. It, too, contained hundreds of interest provisions that were slipped in, never having been debated, and unlikely to pass on their own. But at least, Mr. President, the spending done in that bill was explicitly a part of the document formally placed before the Senate. If you took the time to read the omnibus appropriations bill, you would have found those items last year.

Mr. President, the bill before us is another matter entirely. It legislates by reference. Other than the DC Appropriations bill, there are no details provided in this document that indicate how those hundreds of billions of dollars are to be spent, only references to other bills.

Mr. President, when this bill goes to the President for his approval, what will he be signing into law? Essentially, he will be signing into law little more than a glorified table of contents.

Mr. President, this is a horrible precedent. This kind of gimmick may have won a few backroom deals on anything so momentous as an omnibus appropriations bill. And it is perhaps fitting that this piece of legislation should be structured the way it is.

This bill is the "poster child" of the 106th Congress. Before the budget deadline, we are once again presented with an omnibus appropriations bill, laden with the kind of special interest provisions that undermine our budget as well as the confidence of the public. And unwilling to bring any but a handful of authorizing bills to the floor for open debate, the leadership has now crammed this perverse bill full of legislation that has no business in an appropriations measure.

Mr. President, earlier this year this body voted to restore some order to the appropriations process by re-establishing the point of order against legislating on appropriations. This bill renders that exercise utterly meaningless. Worse, it means that while the Senate got its way on a few backroom authorizing language after thorough debate on the floor, a few people in a backroom are free to add anything they wish, with no debate and out of public view.

Mr. President, the 106th Congress is not yet half over but it has already earned itself a sorry reputation. This is the Congress of Convenience. The 106th Congress found it inconvenient to finish the simple job of passing appropriations bills before the end of the fiscal year. It should be about making a strong commitment to our aging parents and grandparents—who made this country what it is today, as well as to our children—who will determine its future.

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In the play A Man for All Seasons, Sir Thomas More and his son-in-law, Roper, have put into the Labor, Health and Human Services, Education Appropriations bill in the face of enormous budgetary challenges. I also appreciate all they have done to accommodate my priorities during this process.

However, as we celebrate our nation's prosperity, we must make sure we don't leave any of our most vulnerable citizens behind. In my opinion, that's what this bill, which funds vital health and education programs in the year 2000, should be about: making a strong commitment to our aging parents and grandparents—who made this country what it is today, as well as to our children—who will determine its future.

In the play A Man for All Seasons, Sir Thomas More and his son-in-law, Roper, have put into the Labor, Health and Human Services, Education Appropriations bill in the face of enormous budgetary challenges. I also appreciate all they have done to accommodate my priorities during this process.

The 20th Century is coming to a close during a time of unprecedented economic growth and budget surpluses. However, as we celebrate our nation's prosperity, we must make sure we don't leave any of our most vulnerable citizens behind. In my opinion, that's what this bill, which funds vital health and education programs in the year 2000, should be about: making a strong commitment to our aging parents and grandparents—who made this country what it is today, as well as to our children—who will determine its future.
Second, I am glad to see that this bill includes a nearly $30 million increase for State and local nursing home inspections. This year, we need to inspect nursing homes and ensure they are safe. As a member of the Senate Aging Committee, I have had the unfortunate opportunity to hear firsthand about cases of abuse and neglect in many of our nation’s nursing homes. These cases, and disabled and elderly residents, demand that we do our best to prevent neglect and abuse. This funding will help make sure they get it. In addition, the bill includes a $1 million increase for the Long-term Care Ombudsman program. Ombudsmen serve as advocates for long-term care residents and help them to resolve complaints of neglect and abuse. They are a critical component of ensuring the safety of our seniors in nursing homes and other long-term care settings.

I am also extremely pleased that the bill includes another $100 million increase for Community Health Centers. The number of uninsured in our country continues to grow. Health centers provide care to a large number of uninsured and should be commended for the incredible work they do. This increase will help them meet the increased demand for care, and ensure that families get the quality health care services they need.

This bill also fully funds the LIHEAP program. This program is vital to low-income families in Wisconsin who need assistance with heating costs during the cold winter months. I am pleased that this bill continues to make this program a top priority.

I am also pleased that in addition to the $2 billion increase for the National Institutes of Health, report language was included in the bill that targets many of the diseases that are devastating families across our nation. The bill includes report language I requested to increase research into epilepsy, particularly intractable epilepsy, which usually starts in childhood and affects nearly 75,000 of the 3 million individuals with epilepsy.

In addition, at my urging, the bill also includes $90 million for the National Institute of Nursing Research within NIH. Nursing research is different from biomedical research but just as necessary. This research focuses on reducing the burden and suffering of illness, improving the quality of life by preventing and delaying the onset of disease, and by looking for better ways to promote health and prevent disease. I am pleased that the bill also includes report language that strongly urges new research into Alzheimer’s Disease. This devastating disease affects nearly 4 million people in the United States, including 100,000 in Wisconsin. The total annual cost of Alzheimer care is over $100 billion. Searching for new treatments and ultimately a cure—must be one of our top priorities in biomedical research, to alleviate both the suffering and the costs associated with this awful disease.

I also want to thank Senators SPEICHER and HARKIN for their willingness to work with me on some of my other priorities. I was also included in the Senate report to start a demonstration program within HRSA to increase the number of mental health professionals in underserved areas—particularly those suffering from recent farm crises. I am hopeful in the coming year that HRSA will allocate at least $1 million toward this initiative.

Funds have also been provided to CDC to expand their efforts to prevent birth defects through the promotion of folic acid among women of childbearing age. I have sponsored, along with Senators ABRAHAM and BOND, a bill that would authorize $20 million to CDC for this purpose, and I am pleased that this appropriations bill gets this initiative off the ground. I am also pleased that the Ryan White Comprehensive Care program received an increase of $86 million to expand services for people living with HIV and AIDS.

I’d now like to talk a bit about funding for education. While I am concerned about the use of advance funding for many of our education programs, I am pleased that this bill provides necessary increases for education. Title I—which provides assistance to disadvantaged youth, received a $209 million increase, although we must do much better than that in the future in order to serve all Title I-eligible children. I am also pleased that Special Education received a large increase in funding, although we still have a great deal of work to do to live up to our commitment to fund 40% of the costs of the program. We still need to do more in both these areas, but this is a good start.

In addition, I strongly support the $253 million increase for 21st Century Community Learning Centers, for a total of $453 million for FY 2000. I have visited several of these afterschool programs in my State and I have seen firsthand how successful and critically important they are. These programs give kids a safe place to go after school, keep them off the streets, and out of trouble. It is supported on a bipartisan basis, by parents, teachers, and police chiefs. Last year, thousands of applications were submitted for only 184 grants. However, I believe it serves an even stronger investment than this bill provides, which is why I voted for an amendment during consideration of the Senate version to provide $600 million for this worthy program. Although that amendment failed, I will continue to fight for more funding for after-school programs next year.

This bill also makes greater strides to give students the tools they need to go to college. First, the bill increases the maximum Pell Grant award to $3,300, and I am hopeful we can further increase this amount next year. It also increases the Federal Work-Study program by $64 million. TRIO programs also received a $209 million increase, and I am pleased that more students will be able to take advantage of TRIO programs that give lower-income students a better chance to go to college. I also strongly support the $80 million increase for the GEAR-UP program. This program gives many middle school students their first real opportunity to strive toward going to college. I am hopeful that we will further increase funding for this program in future years.

Finally, I am pleased that the conference report maintains and increases our commitment to hiring 100,000 teachers and reducing class sizes in the early grades. Class size reduction efforts are critical to the success of working families. Unfortunately, this amendment was dropped during negotiations of the conference report. This is a serious mistake, and one that has serious repercussions for working families. Programs funded by the CCDBG ensure that parents have a safe, educational place to send their children during the workday. Businesses experience less absenteeism and greater productivity when their employees know their children are well taken care of. When families who need quality, affordable child care are able to find it, everybody wins. It’s that simple. I strongly believe that we must renew our commitment to expanding access to child care, and I will continue to make child care funding a top priority and fight hard for future increases.

Second, and even more importantly, I have serious concerns about the bill’s substantial use of advance funding for education. I am not convinced that this practice is completely benign, and I believe we must watch carefully how the delayed release of education funds impacts the local budget. However, I have an even deeper concern about the use of advance funding. The hard truth is this: we would not be forced to use advance funding, nor any
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budget gimmicks at all, if this bill received the priority it deserved. This bill, which funds the most basic needs—health care and education—was left for dead last. It was raided repeatedly to fund other programs, leaving it at one point with a more than $15 billion shortfall. We would not be in the budgetary box we find ourselves in today if this bill had been the top priority it should be. I hope that in the future my colleagues on the other side of the aisle will have the will to pass this bill early and send a strong message that education and health care are our top priorities, not our last.

Besides education, there are several other areas of the bill that I believe must be improved in future budgets. First, while I am pleased that the bill sets aside $19.1 million in the Child Care & Development Block Grant for Resource and Referral programs, I am concerned this just isn’t enough. R&R programs serve as a resource to help parents locate quality, affordable child care in their communities. When parents need child care, they call R&R agencies, who have the tools to direct parents to appropriate child care providers in that area that meet each family’s unique needs. With growing numbers of parents entering the workforce, the need for R&R is greater than ever. I would like to continue to work with Senators SPECTER and HARKIN, as well as colleagues on in- increasing this set-aside to $50 million to meet the increasing demand for refer- ral services.

I am also very concerned about the cut in the Social Services Block Grant. The State of Wisconsin and our coun- ties rely on SSBG to fund a variety of social service programs. These include supportive home care and community living services for the elderly and disabled, drug and alcohol abuse treatment, elderberries for homebound families, and child abuse prevention and intervention services. States and counties rely on these funds, and it is wrong to renge on our commitment to SSBG funding.

I am also very concerned about programs for senior citizens under the Older Americans Act. I am pleased to see that the bill includes a $35 million increase for home-delivered meals to seniors. However, we must also find a way to make a stronger investment in the Supportive Services and Senior Centers program. This program provides funds to Area Agencies on Aging, which in turn provide a wide range of assistance daily. In addition, we must also provide assistance to the growing number of Americans who are taking care of elderly and disabled rel- atives. I am a cosponsor of the Family Caregiver Support Act, which provides $125 million in assistance and resale for caregivers. Unfortunately, this bill does not fund this necessary program, but I hope we can enact it into law quickly next year.

The National Senior Service Corps is a program we should all be proud of and support increased funding. These programs utilize the skills and experi- ence of older Americans in our commun- ities. Foster Grandparents, Senior Companions, and RSVP give seniors a chance to work with children, families and other seniors, and we are all the richer for their contributions. I am pleased that the bill includes increases for these programs, and I believe we must provide more in the future lest we waste this priceless resource we have in our seniors.

In addition to the Labor, HHS com- ponent, this Omnibus Appropriations bill includes some desperately needed relief for our nation’s health care pro- vendors. The Balanced Budget Act of 1997 included many provisions that reduced Medicare payments. Congress intended. Providers have been forced to reduce benefits or worse— many providers in my State and across the nation have closed altogether. I have strongly supported efforts to al- leviate those concerns; I have worked with many of my colleagues over the past year to find a solution. I am pleased that the Conference Report in- cludes provisions to assist hospitals, home health agencies, skilled nursing facilities and other providers. In the end, Medicare beneficiaries are the ones who truly benefit, and this bill will help ensure that seniors in Wis- consin and throughout the nation con- tinue to receive the health care serv- ice they need and deserve.

Overall, I believe this is a good bill, and I commend the Chairmen and Ranking Members of the Appropriations Committee and the Labor, HHS Subcommittees, as well as the Finance Committee, for their hard work. Unfor- tunately, because of unrelated dairy pro- visions that I strongly oppose were in- cluded in this conference report, I re- luctantly must vote against it. How- ever, I want to make clear that I strongly support the vast majority of the increases in this bill—increases that will go a long way toward ensur- ing that our children and our elderly receive the important services they need. I want to thank the Chairman and Ranking Member of the Sub- committees for doing such a great job this year under such difficult budg- etary circumstances, and for their will- ingness to work with me on items of concern to me and my State. I look for- ward to working with them again next year on this vitally important bill.

Mr. ROTH. Mr. President, I intend to support the consolidated appropria- tions package. This large legislative package—the result of hard work by many on both sides of the aisle—pro- vides funding for a number of programs which are important and affect people in a direct way. This bill includes fund- ing for programs under the D.C. Appropriations bill, the Interior Appropriations bill, the Foreign Operations Ap- propriations Bill, the Commerce-Jus- tice-State Appropriations bill, and the Labor-HHS-Education Appropriations bill.

In addition, incorporated in the legis- lation are other important measures, including the Satellite Competition and Consumer Protection Act, provi- sions important for dairy farmers in my State, the State Department Au- thorization bill, and our Medicare refi- nement plan. As with any product this large and with as many compromises which were necessary to move the process forward, there will be pro- visions with which one will disagree.

While this is certainly a substantial legis- lative undertaking, I would point out that nearly all of the matters con- tained in this package have previously been the subject of the Senate and the House on the trade package, which in turn provide a wide range of assistance daily. In addition, incorporated in the legis- lation for which I have advocated. This legislation will continue the Trade Adjustment Assistance Program.

Earlier this month, my distinguished colleague on the Finance Committee, Senator MOYNIHAN, and I, stressed the importance of this program for our American workers during the debate on the Africa Trade bill. The Africa Trade bill passed by the Senate extended the authority for the TAA program which lapsed in June of this year. As time did not permit us to resolve our differences with the House on the trade package, we needed to insure that the benefits to workers displaced from their jobs as a result of trade activity be continued. I am very pleased that this provision is included in this package.

The package also includes the Satel- lite Copyright, Competition, and Consumer Protection Act. My State has over 30,000 households which de- pend on satellite dishes for their tele- vision programming and I have long advocated a modernization of the laws affecting satellite television program- ming. I am also pleased that an agree- ment was reached to have the Senate consider legislation which will facilit- ate satellite local to local service in small and rural markets, as this will be important to bring local programming to homes in all areas of the state.

I have joined with my colleague from Delaware, Joe BIDEN, in sponsoring leg- islation to continue the important pro- grams he has championed—the COPS program and the Violence Against Women Act. This measure provides funding for these programs. Also con- tained in the package is funding for the State Side program under the Land and Water Conservation Fund. I had joined with our late colleague, Senator Chafee, in sponsoring legislation to provide these funds for the first time in several years to promote open space and recreation opportunities at the dis- cretion of our State governments.
The package maintains the commitment we made with the passage of the Balanced Budget Act in 1997 to prioritize education. Since the passage of the 1997 bill, we have followed through with substantial increases in funding for our important education programs and have done so in a manner which respects ability.

Finally, Mr. President, I would like to discuss the Finance Committee's Medicare, Medicaid, & SCHIP Refinement Act of 1999, H.R. 3426.

A little more than two years ago Congress passed and the President signed into law the historic Balanced Budget Act of 1997. This important legislation has been instrumental in making possible the budget surpluses we are beginning to see materialize. However, not all of the consequences of the Balanced Budget Act have been positive, and many of them were unintended. Two years of implementation allowed us to identify some areas, particularly related to Medicare provider reimbursement, that needed to be revisited.

The Finance Committee carefully monitored the impact of the Balanced Budget Act on various categories of health care providers. In fact, this year the Committee held a number of hearings on Medicare and Medicaid matters. Throughout the course of these hearings, providers presented us with compelling testimony about significant fiscal and patient care-related problems that have resulted, unintentionally, from decisions the Congress made in the Balanced Budget Act of 1997.

Mr. President, let me be clear that we should be proud of the program improvements and the corresponding savings achieved through the Balanced Budget Act. We had no intention of fundamentally undoing that work. However, there were problems that needed to be addressed to make sure we pay providers appropriately to meet the real health care needs of Medicare beneficiaries. At passage, the 1997 BBA reduced Medicare and Medicaid spending by nearly $120 billion. This package restores $27 billion over 10 years to address unintended consequences of the original law.

New provisions in this bill restore some $7 billion in funding over 10 years. Accordingly, in October, the Committee marked up and overwhelmingly passed a package of payment adjustments to fine tune the policies enacted through the Balanced Budget Act. This package was developed in a bipartisan manner with the close cooperation of Senator Moynihan and his staff.

For the past several days, we have been working to reconcile this Finance Committee package with a similar bill passed by the House of Representatives last Friday.

The bill before us today represents an excellent compromise between the House and Senate bills, with input from the Administration. The payment adjustments included in the compromise package will benefit Medicare beneficiaries by improving payment to all sectors of the health care market place—including hospitals, physicians' offices, nursing facilities, community health centers, and home health care agencies, among many others. In addition, the package includes other technical adjustments to Medicaid and the State Children's Health Insurance Program.

The provisions included in the package are consistent with a few basic goals I have tried to work toward from the beginning of this process. First, I felt that the overriding purpose of this package should be to address the most significant problems resulting from BBA policies.

In my view, larger Medicare reform continues to be an important objective. However, even the White House ultimately agreed this was neither the moment nor the legislative vehicle by which to pursue it.

The Senate Finance Committee will continue in its efforts to develop a bipartisan consensus on broader Medicare reform when we resume our work in January. That will be the time and place to consider lasting and far-reaching Medicare reforms.

Second, we sought to keep payment adjustments focused on areas in which we face demonstrated problems resulting from the Balanced Budget Act. Furthermore, we tried to make short-term adjustments in payment practices without revisiting the underlying policies set forth in the BBA.

Finally, it was particularly important to me not to let this become a partisan issue and I have tried to resist any effort to make them so. I am hopeful that this compromise can be supported by all Senators.

The provisions included in the package reflect the priorities of Senators on and off the Finance Committee. In addition, all of you I have consulted extensively with my own constituents in Delaware, as well as with national health care and beneficiary organizations. They are strongly supportive.

Mr. President, the provisions included in this conference agreement make some significant contributions to protecting the care provided to seniors in nursing homes. We provide increased funding for medically complex patients and for rehabilitation services in nursing homes, and we help these facilities' transition to the new payment systems required under the Balanced Budget Act. The Agreement also includes something I consider to be of vital importance to Medicare beneficiaries; we put a moratorium on the arbitrary annual dollar cap on the amount of rehabilitation therapy services a beneficiary could access. In addition, we mitigate the impact of scheduled reductions for home health agencies.

The Conference Agreement also includes important protections for hospitals as the new outpatient prospective payment system goes into effect next year. I am especially pleased at the steps we have taken to stabilize the Medicare+Choice program, so that beneficiaries can count on Medicare health plan choices in the future.

Mr. President, today we have an opportunity to solve the problems that have been interfering with the ability of the provider community to make sure our constituents receive the high quality health care they deserve, with the important policy reforms enacted in the Balanced Budget Act. I ask all of you to join me in supporting this important legislation.

Mr. GRAHAM. Mr. President, today, the Senate is considering a multi-billion package focused on adjusting certain Medicare provisions in the Balanced Budget Act of 1997.

That historic legislation made changes in payment structures for programs and providers within Medicare and Medicaid.

Many in the Medicare provider community are concerned that these changes have negatively affected their ability to provide adequate access and quality care to their patients.

Mr. President, I commend the Administration and my colleagues for completing the difficult task of designing a bill that addresses many of these concerns.

I have heard from hospitals, physicians, community health centers and a variety of other Medicare providers, all of whom are very concerned that the quality of care provided to Medicare beneficiaries may decline significantly if cuts to provider payments are softened.

There are many provisions in this bill that I would like to see enacted. These include a moratorium on the $1500 therapy cap, support for the skilled nursing facilities, cancer centers, and diagnostic, short-term hospitals, and enhancements to Medicaid and the Children's Health Insurance Program.

But while there is some clear evidence that Congress may have erred in designing some of the Medicare provisions in the Balanced Budget Act, that fact does not relieve us of our fiduciary responsibilities to the American public.

Our commitment to revisiting Medicare provider adjustments must be accompanied by a commitment to pay for these actions.

By refusing to pay for this bill, we are funding changes to a balanced
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budget agreement in a way that steals from future generations. This is an inability and cannot afford. Mr. President, allow me to explain. To date, we have spent all of our anticipated revenue for Fiscal Year 2000. Any further government spending comes straight from the Social Security surplus. It is easy to spend money when it is not your own. Didn’t we prove that during the last thirty years of “borrow and spend” budgeting—a period in which our national debt rose from $306 million in 1969 to $5.6 billion today? Let’s not start down that slope again. Mr. President, I clearly remember the day we passed the Balanced Budget Act in 1997. We all congratulated each other on a job well done. We rode the back of the horse that took full and deserved credit for balancing the budget for the first time in a generation. Now we are facing up to some of the realities of that great achievement. Just as we took responsibility for our accomplishments in 1997, we must now take responsibility for fixing some of our mistakes.

If Congress believes that provider relief is necessary, then it must exercise fiscal responsibility and pay for it with true offsets—not surplus funds. Congress has clearly stated that ensuring retirement security for the American public is its top priority. Democrats and Republicans have made clear that saving Social Security and Medicare must be the first items of business on any legislative agenda. But future generations are depending on the deeds—not our words. Mr. President, we must hold true to our commitments to ensure Social Security’s solvency until 2075 and to strengthen and modernize Medicare before we look to the surplus for any other purpose.

During his State of the Union Address, President Clinton made a commitment to bolster Social Security and Medicare. Congress has joined him in that commitment. A test of our commitment to protecting Social Security surplus is being played out on the Senate floor today. Since the beginning of this debate I have offered proposals to restore payments to providers without stealing from Social Security and Medicare. When the Finance Committee marked up its bill, I offered an amendment that would have fully offset the cost of this package through a series of modest, non-Medicare-related revenue increases. It was my hope that the Committee would have shown the same enthusiasm for fiscal responsibility as it did two years ago.

However, it thwarted our commitment to save Social Security and Medicare by a vote of 14 to 6. I also offered an amendment that would have put a down payment on true Medicare reform, while saving almost Medicare system over 10 years—nearly one third of the overall cost of the bill. This focused on five proven and tested proposals, including a competitive bidding for part B services provision that was passed unanimously by the Finance Committee in 1997. By fulfilling our obligation to help the Medicare system provide quality care while promoting cost efficiency, this amendment embraced the same principles that helped us achieve a balanced budget in 1997. But our dedication to these principles now appears to have vanished. The audacity of paying for this bill with the Social Security surplus is excessive. It includes provisions that actually do away with cost saving programs enacted in the Balanced Budget Act of 1997. Allow me to direct your attention to two of the less heralded provisions in this package. First, the postponement of the enactment of the “inherent reasonableness” provision in the Balanced Budget Act of 1997 until final regulations are published. This provision prevents beneficiaries from realizing millions of dollars in savings by blocking the government’s ability to negotiate rates with home oxygen and durable medical equipment suppliers. By reimbursing providers on a market basis, the competitive bidding process will save the system money by setting a true price for medical goods and services, while ensuring that beneficiaries continue to receive comprehensive coverage.

By putting off the implementation of this provision, potentially for years, we are essentially taking $500 million of potential savings out of the pockets of Medicare beneficiaries. Second, is the inclusion of the following language in the conference report concerning the risk adjuster for Medicare+Choice plans: “The parties to the agreement note that in 1997, when Congress required the Secretary to develop a risk adjuster for Medicare+Choice plans, it was concerned that those plans that treated the most severely ill enrollees were not adequately paid. The Congress envisioned a risk adjuster that would be more clinically based than the old method of adjusting payments. The Congress did not instruct HCFA to implement the provision in a manner that would reduce aggregate Medicare+Choice payments. In addition, the congressional budget office did not estimate that the provision would reduce billion aggregate Medicare+Choice payments. Consequently, the parties to the agreement urge the Secretary to revise the regulations implementing the risk adjuster so as to provide for more accurate payments, without reducing overall Medicare+Choice payments.”

Mr. President, the Health Financing Administration (HCFA) currently estimates that risk adjustment will decrease plan payments by approximately $10 billion over ten years. This estimate is based on the additional money that plans are paid relative to fee-for-service Medicare after adjusting for health status. Plans that serve a higher proportion of sicker beneficiaries would not see a decrease in payments. Plans that serve the healthiest patients from the Medicare population would see the biggest decrease in payments.

Since first learning that HCFA was planning to decrease plan payments under risk adjustment, lobbyists for the managed care industry have been claiming that congressional intent was for risk adjustment to be budget neutral, and they have been lobbying this issue on the Hill. They tried to get it into the Senate Finance Committee report but were unsuccessful. The language was included in the House Ways and Means committee report, however. The House-Senate agreement language comes straight from the House report. It is telling that the statute does not explicitly state that risk adjustment should be budget neutral. In addition, it’s telling that lobbyists for the managed care industry have not publicly stated that congressional intent was to make risk adjustment budget neutral.

In terms of what congressional intent actually was in BBA 97—I think the story is not entirely clear. It could be that no one thought much about the issue. But, regardless of whether you are sympathetic to managed care plans or not, it is disingenuous to claim definitively that congressional intent was not to reduce plan payments in BBA. This is an outrage Mr. President. I believe that we should correct mistakes that were made in the BBA and pay for those mistakes. Equally, it is my feeling that we should seize the opportunity to make fundamental reforms to the Medicare program in order to modernize and improve services for Medicare beneficiaries.

In passing this legislation, we are trading fiscal responsibility for fiscal recklessness. We are ignoring innovation in favor of the status quo. Mr. President, I am committed to working to find a solution to the difficult problem of bringing Medicare into the 21st Century and keeping it solvent. It was my hope that we would have the opportunity to vote today on a package that represented good public policy and included an offset that upheld our commitment to fiscal responsibility.

I regret that this is not the case. But most of all, I regret the overt lack of concern that this body has
shown for the future generations whose Medicare and Social Security benefits hang in the balance.

Thank you, Mr. President.

Mr. BIDEN. Mr. President, I am pleased that the Conference Report before the Senate contains the State Department authorization bill.

With enactment of this legislation, we will finally—after three years of effort—approve critical legislation to authorize the payment of nearly $1 billion in back dues to the United Nations. Enactment of this legislation will serve, I believe, three important purposes. It should finally end the long-testifying feud between the U.N. and Washington about our unpaid back dues; it should bring much-needed reforms to the world body so that it can more effectively perform its missions; and it should forge a bipartisan understanding of the utility of the U.N., and restore bipartisan support in Congress for the U.N. system.

The agreement before us will allow us to pay $926 million in arrears to the United Nations contingent upon the U.N. achieving specific reform conditions, or “benchmarks,” to borrow the Chairman's expression.

The first set of these conditions can be readily certified—thereby releasing $100 million immediately. The second and third set of conditions will be difficult to achieve. But I have great confidence in our ambassador to the United Nations, Richard Holbrooke. And I believe that with the money on the table—that is, with the assurance that the U.S. payment will be available—the reforms will be easier to obtain than they might otherwise be.

The State Department authorization bill contains several other important provisions which I would like to highlight briefly.

First, the bill authorizes $4.5 billion in funding over the next five years for construction of secure embassies overseas. The tragic embassy bombings in East Africa in August 1998 underscored the current vulnerability of our embassies to terrorist attack. Simply stated, the large majority of our embassies around the world do not meet current security standards. Thousands of U.S. government employees—both Americans and non-Americans at risk—and we must do all that we can to protect them. In addition to authorizing funding, this bill codifies many important security standards, including the requirement of that embassies be set back 100 feet from the street, and the requirement that all agencies be located in the embassy compound.

All this is important. But what is essential is that we provide the actual funding. So far, aside from last fall’s emergency appropriations bill, funding for embassy security has fallen far short of need. The President requested $3 billion in advance appropriations in his budget request, which was rejected by the Appropriations Committees. We must give our attention to funding this priority matter next year.

Second, the bill provides for the establishment of a Bureau of Verification and Compliance in the Department of State to monitor arms control and non-proliferation agreements. In his plan for the integration of the Arms Control and Disarmament Agency into the State Department, the President proposed that the functions of verification and compliance be handled by a “Special Adviser” to the Undersecretary of State for Arms Control and International Security.

We think the Administration’s proposal is ill-advised. Given the way the State Department operates—where key policy battles are waged among bureaucrats at the Assistant Secretary level—this proposal in its current form would be a weak but reauctor, and the function of assuring compliance with arms control treaties and non-proliferation regimes would thereby be unacceptably diminished. Therefore, the conference report includes a provision which requires that this important duty be handled by an Assistant Secretary of State for Verification and Compliance.

Third, the bill reauthorizes Radio Free Asia (RFA) for another ten years. RFA, which was established in 1994 pursuant to legislation I introduced, broadcasts news and information to the People’s Republic of China and other non-democratic states in East Asia. I am pleased that Congress has given its further stamp of approval to this important instrument of American foreign policy.

It is fitting that this bill is named for two devoted public servants who were deeply involved in the development of foreign policy legislation for the last two decades—James Nance and Meg Donovan.

Admiral James W. Nance, known to everyone as “Bud”, served as staff director of the Committee on Foreign Relations for most of the 1990s, working with his long-time friend, the Chairman of the Committee, Senator HELMS. Admiral Nance was a steady hand in guiding the Committee staff for so many years, and was integral to the initial development of the “Helms-Biden” legislation.

Meg Donovan was long-time staffer for our House counterpart committee, serving under Chairman Dante Fascell. After Chairman Fascell retired, Meg worked closely with the Foreign Relations Committee on behalf of Secretary Christopher, and then Secretary Albright, as a senior deputy in the Bureau of Legislative Affairs. Meg’s advice and counsel was important on dozens of occasions—not only to senior State Department officials but also to our committee.

Bud Nance and Meg Donovan were both deeply committed to a bipartisan foreign policy. They were both taken from us too soon. It is therefore in tribute to them that we have named this bill—which represents an important act of bipartisanship—in their honor.

THE NEED FOR SMALL BUSINESS SUPERFUND RELIEF

Mr. LOTTT. Mr. President, as we end this session of the 106th Congress, it is appropriate to reflect on what we have accomplished and what remains to be done. In particular, Mr. President, I would like to focus on our efforts to enact Superfund reform.

As my colleagues know, I have fought for many years in Congress for fair treatment of the small business community. I have long believed our nation’s recyclers from needless Superfund liability. I could not be more pleased to finally accomplish this goal by including the text of mine and Senator DASCHLE’s bill, S. 1526, in this year’s final appropriate measure. I know many of you, on both sides of the aisle, join me in celebrating this long-awaited reform of an unfair system.

However, our work is not done. Mr. President. Like the recyclers, thousands of small businesses are needlessly dragged into the Superfund web each year. Although Superfund is intended to clean up the nation’s hazardous waste sites, small businesses are being sued for simply throwing out their trash. Certainly we can all agree that potato peels and cardboard boxes are far from toxic waste.

Yet, another year has gone by without reform for small business. In that year, 165 small businesses in Quincy, Illinois were forced to pay over $3 million for legally sending trash to the local landfill. In that year, Administrator Browner again publicly stated her desire to get small businesses out ofSuperfund. In that year, reform efforts were again stymied by those who want to hold incremental reforms hostage to comprehensive fixes.

Mr. President, we had the opportunity this year to enact targeted Superfund reform for small businesses, but we did not do so. Senators and Congressmen on both sides of the aisle, as well as the EPA, agree that we should provide the relief so desperately needed by the small business community. For nearly a decade, inaction has left thousands of small business owners with no choice but to mortgage their businesses, their employees and their future to pay for damage they did not do. Small businesses struggle to survive under the threat of thousands of dollars in penalties and lawsuits—all for legally disposing of their garbage.

That’s why, Mr. President, I will continue to work to free innocent small businesses from Superfund liability. I hope my colleagues on both sides of the aisle will join me in the continued fight for fair treatment of the small businesses that keep our nation’s economy strong.

Mr. STEVENS, Mr. President. I have some comments on issues raised by the conference report to the Interior appropriations bill.
On the matter of contract support costs for Bureau of Indian Affairs and Indian Health Service programs operated by Indian organizations, I am pleased that we have been able to add $10 million to BIA funding and $25 million to IHS funding over fiscal year 1999 levels to support additional payments of contract support costs for these programs. This new funding will allow BIA and IHS to bring existing programs’ contract support cost payments closer to the full amount of negated support and will allow a limited number of new and expanded programs in both agencies to go forward.

However, I am concerned that the tribes have been operating, in the distribution of contract support costs, under the assumption that contract support costs are an entitlement under the law. The House and Senate committees on appropriations have taken exception to that interpretation and have tried to persuade the IHS to change its allocation methodology and to set reasonable limits on the number and size of new and expanded contracts it executes consonant with resources made available by Congress for the payment of contract support costs. The Federal circuit’s court of appeals in its October 27, 1999 decision in Babbitt v. Oglala Sioux Tribal Public Safety Department (1999 WL 974155 (Fed. Cir.)) has now affirmed that contract support costs are not an entitlement, but rather are subject to appropriations. Contract support cases raising similar legal issues are pending in the 10th circuit court of appeals and in various Federal district courts around the country. The Federal circuit’s decision was correct both in its holding and in its reasoning and should serve as precedent-going cases. I assume that Congress would create a system in which tribes receive the majority of their contract support costs through funds appropriated to the Indian Health Service or Bureau of Indian Affairs and which requires tribes to seek the balance in court through the claims and judgment fund turns logic on its ear. “Subject to appropriations” means what it says.

The Indian Health Service has made improvements to its distribution methodology in fiscal year 1999 but continues to distribute funds at varying rates for different contracts, compacts and annual funding agreements. More disturbing, the current IHS system pays contractors with high overhead costs (relative to program costs) at the same percentage rate as it pays contractors with low overhead rates, rewarding inefficient operators and creating an incentive to maximize overhead costs.

The bill allows the funding in FY 2000 of a limited number of new and expanded contracts through the Indian Self Determination (ISD) Fund of $10 million. It is expected that, once the contract support cost total (paid at an average rate not to fall above or below the average rate). For existing contracts, IHS contracting officers have been determined for that year. To the extent set aside funds are needed for employee transition costs associated with new and expanded contracts, with emphasis on the most underfunded contracts.

In the last fiscal year and the one we are funding now, we will have added a total of $60 million in new contract support cost funding to the IHS budget. We know that these funds are critical to the success of Indian-operated health programs and that shortfalls still remain. However, in the current environment of caps on discretionary spending, we must develop policies that support the self-determination principles embodied in P.L. 93-638 while taking into account the fiscal realities of limits on funding for these programs. This bill looks forward to receiving recommendations from the authorizing committees, the IHS and BIA, and tribal organizations which will address these issues in time for the committees’ consideration during the FY 2001 appropriations.
the damages caused by the oil spill. The trustee council subsequently solicited interest from land owners throughout the spill zone and ranked the habitat based on its restoration value for the species and services injured by the spill. The council, working through State and Federal land managing agencies, commissioned land appraisals and authorized negotiations with land owners.

Negotiated agreements with land owners, resulting in significant habitat acquisitions, exceeded the appraisals approved by Federal and State appraisers. The trustee council in its resolutions authorizing these acquisitions with settlement funds made several findings, I am advised that these findings included the following:

Biologists, scientists and other resource estimates of fair market value, best professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will likely have a beneficial effect on recovery of injured resources and lost or diminished services provided by these resources.

"There has been widespread public support for the acquisition of these lands, locally, within the spill zone and nationally.

"It is ordinarily the Federal Government's practice to pay fair market value for the lands it acquires. However, due to the unique circumstances of this proposed acquisition, including the land's exceptional habitat for purposes of promoting recovery of natural resources injured by EVOS and the need to acquire it promptly to prevent degradation of the habitat, the trustee council believes it is appropriate in this case to pay more than fair market value for the public purposes.

"This offer is a reasonable price given the significant natural resource and service values protected; the scope and pervasiveness of the EVOS environmental disaster and the need for protection of ecosystems..."

The trustee council-commissioned appraisals—which were performed in accordance with Federal regulations—for the three large parcels acquired within Kodiak National Wildlife Refuge were estimates of fair market value. However, they varied substantially from the landowners' appraisals and what they believed to be their fair market value. The landowners rejected the initial offers made by the U.S. Fish and Wildlife Service to purchase the lands based on the trustee council's commissioned appraisals.

The estimates of fair market value based on the Federal appraisals are below the prices actually paid for the various parcels acquired, and they did not consider the purchase price paid in these and other governmental acquisitions in Alaska. The trustee council, through its public process, difficult negotiations and subsequent findings determined that the price paid for the lands was a "reasonable price" for a variety of reasons including past Federal large scale acquisitions.

The acquisition in fee of these three large parcels within Kodiak NWR now requires the U.S. Fish and Wildlife Service to make payments in lieu of taxes to the Kodiak Island borough in accordance with the Revenue Sharing Act of 1935. The act directs the agency to make such payments based on the fair market value of acquired lands.

The service is currently using the federally approved appraisals estimating fair market value of these three large parcels as the basis for computing the revenue sharing payment to the borough. The borough has rightly challenged the service's determination of fair market value (based on the unique circumstances of these acquisitions and the findings made by the trustee council in approving funds for these acquisitions).

A plain reading of the Revenue Sharing Act (which authorizes the Secretary of the Interior to make refuge revenue sharing payments) requires that the determinations of fair market value be made in a manner that "the Secretary considers to be equitable and in the public interest." Clearly, the public interest associated with these unique acquisitions has been well documented in the findings of the trustee council.

The Revenue Sharing Act imposes no legal impediment for the Secretary to make a determination of fair market value that incorporates the unique circumstances of these acquisitions and the specific findings and actions taken by the trustee council. Thus, I urge the Secretary to review the Kodiak Island borough's appeal to the service's determinations for making revenue sharing payments and do what is fair and equitable as called for by the act.

These are unique circumstances that exist nowhere else in the United States and are limited in Alaska to lands acquired in the Exxon Valdez spill zone with settlement funds. Thus, there should be no consequences for how revenue sharing payments are computed for service acquired lands in other parts of Alaska or throughout the rest of the country.

At this opportunity, upon the passage of another year's funding for the Federal and Indian lands management agencies, I must call to the attention of my colleagues and to the attention of the President of the United States, an issue that troubles me deeply. Over the years, our Government has made commitments to native Americans which it has not kept. Many Americans thought that practice ended with the new, more enlightened self-determination approach to Indian policy. But as one of Alaska's representatives in the Senate, members of the President's staff made personal promises to me just last fall on behalf of the native people of the Chugach region which has not been kept.

In 1971 Congress passed the Alaska Native Claims Settlement Act (ANCSA). The act cleared the way for Alaska native people, including the Chugach natives, to acquire a small portion of their traditional lands as settlement of their aboriginal land claims. The act also cleared the way for the additional millions of acres to our national parks, wildlife refuges, forests, and wilderness areas. Allowing native people to develop their lands freed them from economic bondage to the Federal Government. No longer would they have to depend exclusively on the benevolence of the Federal Government for hand-outs. They could create their own jobs, generate their own income, and determine their own destiny. But only if they had access to their lands.

Both the administration and the Congress recognized the lands would be virtually valueless if there was no way to get to them. The Claims Act recognized that native lands were to be used for both traditional and economic development purposes. Alaska natives were guaranteed a right of access, under law, to their lands across the vast new parks, refuges, and forests that would be created.

In 1971 and again in 1982, under the terms of the Chugach Native Inc. settlement agreement, the Federal Government made a solemn vow to ensure the Chugach people had access to their aboriginal lands. Now, a quarter of a century later, that commitment has not been fulfilled. Many of the native leaders who worked with me to achieve the landmark Native Land Claims Settlement Act have died after waiting for decades without seeing that promise honored. Last year, Congressman DON YOUNG, chairman of the House Resources Committee, added a provision to the House Interior appropriations bill that required, by a date certain, the Federal Government to live up to the access promises it made to the Chugach natives decades ago. In the conference last fall on the omnibus appropriations bill, the administration spoke passionately and repeatedly against the provision.

Why? They fully admitted the obligation to grant an access easement exists. They acknowledged further that access delayed is access denied and that further delays were harmful to the Chugach people. They opposed the provision on the grounds that it was not necessary since they were going to move with all due haste to finalize the easement before the end of 1998. Katie McGinty, then head of the President's Council on Environmental Quality sat across from me, locked me in the eye, and promised me they would fulfill this long overdue promise before the end of the year.

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She even offered to issue a “Presidential proclamation” promising once again to do what had already been promised and promised and promised. My staff worked with OMB on the content of such a proclamation, but I told them it would not be necessary. I would take her at her word and believe the administration would live up to the personal commitment she made to me.

Here we are a year later. Chugach still has not received its easement. Ms. McIntyre is gone, but her commitment on behalf of this administration remains. It is now the responsibility of others to ensure the promises she made to me and to Alaska’s native people are kept.

Congressman YOUNG’s House resources Committee has reported a bill, H.R. 2547, to address this issue legislatively, in the hope of forcing the administration to do what it has promised to do. Senator MURKOWSKI has been the leader in the Senate in pushing the Federal Government to live up to the promises made to Alaskans concerning access to our State and native lands. I support those efforts.

But I take the time today to say clearly to the administration that the promises made by our Government to the Chugach people for access to their lands—and to me personally as their representative—must be honored. Make no mistake, if the promises made to me by officials in this administration lapse are not lived up to soon, if they continue to obfuscate and “slow roll” this commitment, it will be clear to all that his administration does not perceive the true meaning of Robert Service’s memorable phrase: “A promise made is a debt unpaid!”

Mr. LOTT. Mr. President. On behalf of myself and my colleagues, Mr. Leader Daschle, I would like to insert in the RECORD a legislative history which describes the purpose of each section of S. 1528, the Superfund Recycling Equity Act of 1999. Throughout the negotiations of this language there has been quite a bit of misrepresentation of the purpose of this bill. I hope this will be useful in clearing the confusion.

Mr. President, I ask unanimous consent that the legislative history be inserted in the RECORD at this point.

LEGISLATIVE HISTORY FOR S. 1528

SECTION 27—RECYCLING TRANSACTIONS

Summary

The Superfund Recycling Equity Act of 1999 (hereinafter “S. 1528”) seeks to correct the unintended consequence of CERCLA that actually discourages legitimate recycling. The Act recognizes that recycling is an activity distinct from a consumer’s transaction with the thus sending material for recycling is not the same as arranging for disposal or treatment, and recyclable materials are not a waste, but rather raw material feedstock. This legislation builds a test to determine what are recycling transactions that are to be encouraged under the legislation and what are not, and for those materials that are encouraged to be recycled, arrangements of the material, not an entire shipment. This context, is meant to apply only to a distinct material, not an entire shipment.

The Act has three major elements. First, it creates a new § 127(b)(1) which clarifies liability for recycling transactions. Second, it defines those recycling transactions for which there is no liability by providing that only those persons who can demonstrate that they are “arranged for recycling of recyclable material” as defined by the criteria in sections 127(c) through (e) are not liable. This specific definition of “arranged for recycling” varies depending upon the recyclable material involved. Third, a series of exclusions from the liability clarified above includes those persons who arranged for recycling as defined above may still be liable under CERCLA sections 107(a)(3) or (4) if the party bringing an action against such person can prove one of a number of criteria specified in §127(f).

Lastly, new CERCLA §§127(g) through 127(i) clarify several miscellaneous issues regarding the proper application of the liability clarification.

Discussion

§127(a)(1) is intended to make it clear that anyone, who, subject to the requirements of §127(b)(2), (3), (d) and (e) for recycling of recyclable materials is not held liable under §§107(a)(3) or (4) of CERCLA. §127(b) provides for relief from liability for both retroactive and prospective transactions.

§127(a)(2) is intended to preserve the legal defenses that were available to a party prior to enactment of this Act for those materials not covered by either the definition of a recyclable material in §127(b) or the definition of a recycling transaction within the bill. It is not Congress’ intent that the absence of a material or transaction from coverage under this Act create a stigma subjecting such material or transaction to Superfund liability.

§127(b)(1) is intended to include the broad spectrum of materials that may be recycled and used in place of virgin material feedstocks. Whole scrap tires have been excluded from eligibility under this provision because of concerns about the environmental and health hazards associated with stockpiles of whole scrap tires. Processed tires including material from tires that have been cut or granulated, are eligible for the benefits of this provision.

The term “recyclable materials” is intended to include “materials” that are material incident to or adhering to the scrap material . . . . This is because in the normal course of scrap processing various recovered materials may be commingled. An appliance may, for example, be run through a shredder that also shreds automobiles. As a result, the metal recovered from the appliance may come into contact with oil that entered the shredded incident to or adhering to an automobile. Numerous other examples exist.

§127(b)(1)(A) is intended to exclude from the definition of recyclable material shipping containers between 30 and 3000 liters capacity which have hazardous substances other than metal bits and pieces in them. The terms “contained in” or “adhering to” do not include any metal alloy, including hazardous substances such as chromium or nickel, that are metallurgically or chemically bonded to the materials to meet appropriate container specifications.

§127(b)(1)(B) means that any item of material which contained PCBs at a concentration of 50 parts per million (ppm) at the time of the transaction does not qualify as recyclable material. Material, which previously held a concentration of 50 parts per million, has been cleaned to levels below 50 ppm, would still qualify for exempt treatment. Item, in this case, is meant to apply only to a distinct material, not an entire shipment.

This legislation builds a test to determine what are recycling transactions that should be encouraged under the legislation and what are not. If recycling transactions are not really treatment or disposal arrangements cloaked in the mantle of recycling. The test specified in §127(c) applies to transactions involving scrap paper, plastic, metals, or rubber. Transactions can be a sale to a consuming facility; a return for recycling, whether or not accompanied by a fee; or other similar arrangement.

§127(c), (d) and (e), the term “or” otherwise arranging for the recycling of recyclable material” recognizes that while recyclables that have intrinsic value they may not always be sold for a net positive amount. Thus a transaction in which one arranges for recycling does not receive any remuneration for the material but rather pays an amount, less than the cost of disposal, still qualifies for the protection afforded by this §127. A commercial specification grade as referred to in §127(c)(9), can include specifications as those published by industry trade associations, or other historically or widely utilized specifications. It is also recognized that specifications will continue to evolve as market conditions and technology change.

For purposes of Sec. 127(c)(3), evidence of a market can include, but is not limited to: a third-party published price (including a negative price), a market with more than one buyer or one seller for which there is a documented price, and a history of trade in the recyclable material.

§127(c)(3) means that for a transaction to be deemed arranging for recycling, a substantial portion, but not all, of the recyclable material must have been sold with the intention that the material would be used as a raw material, in place of a virgin material, in the manufacture of a new product. The fact that the recyclable material was not, for some reason beyond the control of the person who arranged for recycling, actually used in the manufacture of a new product should not be evidence that the requirements of this §127 were not met.

Additionally, no single benchmark or recovery rate is appropriate given variable market conditions, changes in technology, and changes in public perception. In contrast, a common sense evaluation of how much of the material is recovered is appropriate. For example, in order to be economically viable as a recycling transaction a relatively high volume of the inbound material is expected to be recovered for feedstocks of relatively low per unit economic value (such as paper or plastic), while a dramatically lower volume of material is expected to be recovered to justify the recycling of a feedstock of very high economic value (such as gold or silver).

It is not necessary that the person who arranged for recycling document that a substantial portion of the recyclable material was actually used to make a new product. Instead, the person need only prepared to demonstrate that it is common practice for recyclable materials that are to be made available for use in the manufacture of a new saleable product. For example, if recyclable stainless steel is sold to a stainless steel producer, it is presumptive that recycling will occur.

The first part of §127(c)(4) acknowledges the fact that modern technology has developed to the point where many recyclables are used and/or recycled in the production of products far different than those for which the materials were originally intended. The term “or otherwise arranging for the recycling of recyclable materials” is adopted to reflect this reality.
manufacture a product that had been made from other virgin or secondary feedstock materials, such as aluminum. This would constitute recycling of scrap metal to a consuming facility, provided that the consuming facility is not a facility of a local government. Such an arrangement is considered in determining whether §127 shall apply.

Secondary feedstocks may compete both directly and indirectly with virgin or primary feedstocks. In some cases a secondary feedstock may be substituted for a virgin feedstock at a particular manufacturing plant. In other cases, a secondary feedstock may be directly used as a substitute for a virgin feedstock. For example, a secondary feedstock may be used as a substitute for a virgin feedstock in the production of a product that is competitive with the virgin feedstock. The criteria to be applied to determine whether a person exercised reasonable care shall be considered in the context of the time of the transaction. Thus, when looking at "the price paid in the recycling transaction" in §127(f)(6)(A) one should look not only at the price paid but also at the nature of the consumer's operations.

Similarly, a person may sell material to a consuming facility which in turn arranges for recycling of all or part of that material to another consuming facility. It is possible that the brokerage fee paid by the person arranging for the transaction may be reasonable in relation to the time of the transaction. Thus, when looking at "the price paid in the recycling transaction" in §127(f)(6)(A) one should look not only at the price paid but also at the nature of the consumer's operations.

In determining whether a person exercised reasonable care, the criteria to be applied should be considered in the context of the time of the transaction. Thus, when looking at "the price paid in the recycling transaction" in §127(f)(6)(A) one should look not only at the price paid but also at the nature of the consumer's operations. It is common practice in the industry for scrap processors to otherwise arrange for the recycling of a secondary material through a broker, but the price paid shall be recorded in the records of the consuming facility. The criteria to be applied to determine whether a person exercised reasonable care shall be considered in the context of the time of the transaction.

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reasonableness basis to believe that the con-
suming were in substantive compliance with environmental laws and regula-
tions. This is the corollary to §127(c)(5). The clause “not procedural or administrative” is included to protect one who arranged for recycling from losing the protection afforded by §127 due to record keeping error, missed deadline or similar concern by the con-
suming. There is no expectation that the person who arranged for recycling would necessarily have carried out any research or made any ex-
tensive inquiries of administrative agencies. The provision in §127(f)(1)(B) is intended to apply to persons who intentionally add haz-
ardous substances to the recyclable material in order to dispose or otherwise rid them-
selves of the substance. §127(f)(1)(C) is intended to mean that rea-
sable care is to be judged based on indus-
try practices and standards at the time of the transaction. Thus, in order to determine if a person failed to exercise reasonable care with respect to management and han-
dling of the recyclable material, one should look to the usual and customary manage-
ment and handling practices in the industry at the time of the transaction.

In enacting §127(i) Congress clearly intends that the exemptions from liability granted by §127 shall not affect any concluded judi-
cial or administrative action. Any pending judi-
cial action means any lawsuit in which a final judg-
ment has been entered or any administrative action, which has been resolved by consent decree, or entered in a court of law and approved by such court. Furthermore, §127 shall not affect any pending judicial ac-
tion brought by the United States prior to enactment of this section. Any pending judi-
cial action, whether it was brought in a trial or appellate court, by a private party shall be subject to the grant of relief from liabil-
ity. For purposes of this section, Congress intends that any third party action or join-
der of defendants brought by a private party shall be considered a private party action, regardless of whether or not the original lawsuit was brought by the United States. Additionally, any administrative action brought by any governmental agency but not yet concluded set forth above, shall be subject to the grant of relief from liability set forth in this §127. §127(h)(1) preserves the rights of a person to whom §127(a)(1) does not apply to raise any defenses that might otherwise be raised under CERCLA. This is consistent with the explanation for §127(a)(2). By adding §127(a)(2) Congress intended to make certain that no presumption of liabil-
ity is created against a person solely because that person is not afforded the relief granted by §127(a)(1).

Mr. DASCHLE. This past Wednes-
day—the day we finally produced a fragile budget agreement—marked the 199th anniversary of the first time Con-
gress ever met in Washington, DC. The new Capitol was unfinished. Capitol. Several times dur-
ing the negotiations, the thought oc-
curred to me that, if the same people who are running this Congress were in charge back then, the Capitol might still be under construction.

These negotiations took longer, and were more difficult, than they needed to be. The good news is: We finally have a budget that will keep America moving in the right direction. Many longtime members and observers of Congress say this has been perhaps the most confusing and challenging budget process they can remember.

There have been a lot of technical questions these last few weeks about accounting methods, economic growth projections, and CBO versus OMB scor-
ing. But the big question—the funda-
mental question that was at the heart of this budget debate—is quite simple: Are we going to move forward—or backward?

We have chosen, thank goodness, to move forward. This budget continues the progress we’ve made over the last seven years. It maintains our hard-won fiscal discipline. It invests in America’s future. And it honors our values.

This budget will put more teachers in our classrooms and more police on our streets. It will enable us to honor our commitments to our par-
ents, and fulfill America’s obligations as a world leader. And, it will enable us to protect our environment and pre-
sure precious wilderness areas for gener-
ations not yet born.

I want to thank the Majority Leader, my Democratic colleagues, especially Senator HARRY REID, our whip, and Senator ROBERT BYRD, ranking mem-
er of the Appropriations Committee. I also want to thank some of my col-
leagues on the other side of the aisle, particularly Senator STEVENS, chair-
man of the Appropriations Committee.

In addition, I want to acknowledge and thank President Clinton and Vice President GORE, as well as the incred-
ibly skillful, patient White House negoti-
tiating team, especially Chief of Staff John Podesta, Deputy Chief of Staff Sylvia Matthews, OMB Director Jack Lew; Larry Lindsey, Judy Taylor; and all the others.

I also want to thank my own staff, and the staff of Appropriations Com-
mittee, who have worked many week-
ends, many late nights, to turn our ideas and debate into a workable budget-
document.

Finally, I want to acknowledge our dear friend, the late Senator John Chafee. Losing Senator Chafee so sud-
denly was one of the saddest moments in this difficult year. He embodied what is best about the Senate. He was a reasonable, honorable man who cared deeply about people. Completing the budget process was a major challenge. But in the end, I believe we have pro-
duced a budget John Chafee would have approved of.

This budget invests in our children’s education—the best investment any na-
tion can make. It maintains our commitment to reduce class size by hiring 100,000 teachers. It contains money to help communities repair old schools and build new ones. It will en-
able more children to get a Head Start in school, and in life. And it will allow more young people to attend after-
school programs where they will be safe, and where they will have respon-
sible adult supervision.

This budget protects Medicare benefici-
aries by providing fair payments to the hospitals, clinics, home health care providers and nursing homes they rely on.

This budget will make our commu-
nities safer by putting 50,000 more po-
lice officers on the street—in addition to the 100,000 who have already been hired—and by investing in youth crime prevention.

This budget will help keep Americans healthy . . . by reducing hunger and malnutrition among pregnant women, infants and young children . . . and by increasing funding for the National In-
stitute of Health and the national Cen-
ters for Disease Control.

This budget protects our environ-
ment—a legacy that would have harmed our environment, and put in money to fund the President’s Lands Legacy program.

This budget will help working fami-
lies find affordable housing.

It will help those who are out of work weather these hard times.

This budget protects our national se-
curity . . . by increasing military pay and readiness . . . and by reducing the nuclear threat at home and around the world.

This budget will help us fulfill our re-
sponsibilities as the world’s only super-
power. It provides money to pay our UN arrears and fund the Wye Accord to promote peace to the Middle East. It will also enable us to ease the crushing burden of debt on some of the world’s poorest countries, so those nations can begin to invest in their own futures.

At the beginning of the year, our Re-
publican colleagues proposed an $800 billion tax cut. But instead of giving tax cuts to the richest people, we heard a lot of debate about what such a huge tax cut would mean. This budg-
et makes it clear: There is no way we could have paid for an $800 billion tax cut without exploding the deficit again, or raiding Medicare, education, and other programs working families depend on.

Instead of moving backwards on taxes, we’re moving forward. We’re cut-
ting taxes the right way. We’re wid-
ening the circle of opportunity . . . by extending the R&D tax credit, and other tax credits that stimulate the economy . . . and by empowering peo-
ple with disabilities by allowing them to maintain their Medicare and Medi-
icaid coverage when they return to work.

There is one other point I want to make about the budget: For every dol-
lar Democrats succeeded in restoring these last few weeks . . . for teachers, and police officers and other critical priorities . . . we have provided a dol-
lar in offsets. Dollar for dollar, every one of our priorities is paid for. If CBO determines that this budget exceeds the caps, the overspending is in the
This is a great day because partisan feuding was set aside so that the Congress could find a realistic, bipartisan, and common sense environmental fix. The freestanding Superfund Recycling Equity Act has strong bipartisan support with 68 cosponsors—68 Senators who have worked together to advance a fix to a small piece of the Superfund debate.

In this controversial world of environmental legislation it is rare that the leaders of the two parties in either Congressional body would agree on a piece of legislation. Well, here in the Senate we do. I wish to thank Minority Leader Daschle who understood the merits of recycling and twice joined with me to sponsor this legislation. Without his leadership, this legislation would not have been possible.

By John Chafee, a man for whom I'd like to commend the Senators who originally joined Senator Daschle and me in introducing this legislation. Senators Warner and Lincoln, who sponsored this measure in a previous Congress, have long had enthusiasm for fixing recycling rules. They are true leaders—leaders who have fostered this reasonable, workable, environmental proposal. Senator Baucus, the Ranking Minority Member of the Environment and Public Works Committee, has also been an avid supporter of recycling by including a version of the Superfund Recycling Equity Act in his comprehensive Superfund reform bill in the 103rd Congress. His six years of leadership in trying to fix public policy for recyclers is appreciated.

Mr. President, this bill would not be where it is at today, on the cusp of becoming law, had it not been for the active support of the late Senator John Chafee—a dear friend of many of our colleagues. John Chafee was a highly respected leader of the Environment and Public Works Committee. His advice and counsel helped shape my bill and he was an original cosponsor. I am proud to have been associated with him on this bill and its legislative process. I consider it a tribute that this bipartisan bill, negotiated with the Administration, representatives of the national environmental community, and the recycling industry, was supported by John Chafee and many of his colleagues in the Senate. Mr. President, I am convinced that this kind of cooperation was so important. I believe this is not a footnote to John Chafee's legacy; rather I believe that he made this kind of cooperation possible.

The former mayor of Warwick, Rhode Island, is now the newly appointed Senator from Rhode Island. I have already had an opportunity to hear our newest senator—Senator Lincoln Chafee—tell me about what Warwick has done with regards to recycling. It is a proud record that would be extended and enhanced by this bill. I find it a credit to John Chafee's legacy that his son would be working with me on this legislation. Less than a month in the Senate and already Lincoln's voice is being heard in ways that will directly help Rhode Island.

Mr. President, I also must recognize the vision of trade associations like American Petroleum Institute and National Federation of Independent Businesses for supporting an incremental solution. It would have been easier for these groups to oppose the bill because it did not address all the fixes for which they have been advocating. However, AFI and NFIB recognized that this increment would not jeopardize their efforts; rather it exemplifies the efforts of various stakeholders to accomplish something positive for the environment albeit it incremental.

And finally, I must thank the various staff members who have diligently worked toward the passage of this legislation—Bill Fulsom, Director of the Office of Senator Daschle's staff, Tom Gibson and Barbara Rogers of the Environment and Public Works Committee staff, Charles Barnett of Senator Lincoln's staff, Ann Loomis of Senator Warner's staff, and my former staffer, Kristy Simms, who was the staff for this year's success.

While too often Senators have seen various interest groups tell Congress why we cannot achieve some worthy environmental goal, the history of the Superfund Recycling Equity Act is replete with evidence of people coming together to correct a problem. Everyone, including myself, realizes that comprehensive reform is necessary to fix the vast array of problems in many different sectors of the environmental community. Unfortunately, we do not live in a perfect world, so Congress must do what is achievable whenever it is possible. This is good public policy: Increments will show all parties that we can bridge the gap for environmental fixes. Recycling is the first of many necessary fixes, and I would bet my colleagues that it will not be the last fix.

This is a great day for many environmental groups who saw a chance that they supported, not be taken hostage by the debate that has for so many years paralyzed reforms to Superfund. The original negotiation that resulted in the basis of the bill was tough and long. It was led by the negotiators of the Senate and House in the basis of the bill was tough and long. It was led by the negotiators of the Senate and House.

Mr. President, today the Superfund Recycling Equity Act, S. 1528, is being sent to the President as part of H.R. 3194. This is a great day for environmental law—this is the day that the public policy restores recycling as a rewarded, rather than punished activity.

This has been a long time, but we finally have a budget that keeps America moving in the right direction. That is a relief, and a victory for the American people. But we still have a long way to go. We are leaving here with too many unmet needs unmet. We must do better next year.

Mr. LOTT. Mr. President, today the Superfund Recycling Equity Act, S. 1528, is being sent to the President as part of H.R. 3194. This is a great day for environmental law—this is the day that the public policy restores recycling as a rewarded, rather than punished activity.

As I said, Mr. President, this budget does move the country in the right direction—but only incrementally. My great regret and frustration with this Congress, is that we have achieved so little with this budget.

Look what we are leaving undone! In a year in which gun violence horrified America . . . a year in which gun violence invaded our schools and even a day care center . . . the far right has prevented this Congress from passing even the most modest gun safety measures—measures that would make it harder for children and criminals to get guns.

The far right has prevented this Congress so far—from passing a Patients' Bill of Rights. More than 90 percent of Americans—Democrats and Republicans—support a real Patients' Bill of Rights that holds HMOs accountable. So, does the AMA, the American Nurses Association, the National Federation of Teachers and consumer organizations. And so does a bipartisan majority in both the House and Senate. Yet the Republican leaders in this Congress continue to use parliamentary tricks to deny patients their rights. As we leave here for the year, HMO reform, like gun safety, has been stuck for months in the black hole of conference committees.

The Republican leadership clearly is hoping we will forget about all the shootngs . . . forget about the families who have been injured because some HMO accountant overruled their doctor and denied needed medical treatment. I am here to tell them: The American people will not forget. And neither will I.

We will fight to close the gun show loophole. And we will fight to pass a real Patients' Bill of Rights next year. We will continue the fight for meaningful, common sense health care reform. We will continue the fight to preserve and strengthen Medicare—including adding a prescription drug benefit. We will resume the fight for a decent minimum wage increase. We will fight for a fair resolution of the dairy-pricing issue.

And, we will restore the rural loan guarantee program for satellite TV service, so rural Americans aren't left with second-class service.

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Mr. President, this is a great day for the thousands of mom-and-pop businesses, for recyclers is appreciated.

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This is a great day for many environmental groups who saw a chance that they supported, not be taken hostage by the debate that has for so many years paralyzed reforms to Superfund. The original negotiation that resulted in the basis of the bill was tough and long. It was led by the negotiators of the Senate and House.
relying recycling firms across America, like the floor owned by Phillip Morris. This legislation protects the legacy of these firms, which in most cases have passed down through generations—often started by new immigrants to America nearly a hundred years ago. This ends the long Superfund nightmare that our nation’s recyclers have suffered. Each time they sold their recyclable products they were, unintentionally, exposing themselves to costly Superfund liability. Removing Superfund as an impediment to recycling is a predicate to higher recycling rates throughout the nation.

The Superfund Equity Act is not about special interests getting a fix. No, this bill is about representing constituent interests throughout America and promoting the public interest. That is why Senator Daschle and I have 68 cosponsors—cosponsors that range completely across the liberal and conservative political spectrum, and range across all regions of America.

Mr. President, let me be clear, the Superfund Recycling Equity Act corrects a mistake nobody intended to make. When the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA) was enacted in 1980, there was no suggestion that traditional recyclables—paper, plastic, glass, metal, textiles, and rubber were ever intended to be subject to Superfund liability. As a result of court interpretations, however, the sale of recyclables as manufacturing feedstock was considered to be arranging for the disposal of the material and, therefore, subject to Superfund’s liability scheme. However, as we have all come to know as a matter of public policy, recycling is not disposal; it is the exact opposite of disposal. Therefore, let me say that again—recycling is not disposal, and a law is needed to remove this confusion. Sad, but true.

Enactment of this legislation clarifies this point and corrects the misinterpretations that have cost recyclers—primarily small family-owned businesses—millions and millions of dollars for problems they did not cause. With passage of the Superfund Recycling Equity Act, the costs of cleanup at sites containing recyclable materials as feedstock will be borne, rightly, by those persons who actually cause or contribute to the pollution. As a result, those facilities will be less likely to cause contamination because they will no longer have recyclers to help them pay for Superfund cleanup. That’s a powerful market incentive and will cause the consuming facility to become more environmentally conscientious.

Let me be clear, this legislation will not alter the basic tenants of environmental law—polluters will still pay. This legislation does not relieve recyclers of Superfund liability where they have polluted their own facilities. It does not also protect these businesses when they have sent materials destined for Superfund facilities—where those materials contributed, in whole or in part, to the pollution of those facilities. Furthermore, the public can expect recyclers to continue to be environmentally vigilant because they understand their own businesses in an environmentally sound manner, in order to be relieved of Superfund liability.

Today is a victory for coalition building that avoids the attack strategies that are so often employed by trade associations in DC. I hope they see the wisdom in building coalitions around achievable increments. This is how Congress can move forward. This is how Congress shows that it not only legislates, but also acts successfully. Hostage taking, distortion, and scorched earth approaches are not productive legislative strategies or lobbying tactics. Trade associations need to seek achievable solutions, develop reasonable goals, and avoid Beltway attack politics. I am extremely pleased that Congress has been able to take this tiny but very important step forward in reforming the Superfund law. I hope this accomplishment will inspire others to work for sensible, incremental solutions that help both our environment and our nation’s economy.

I am proud that today Congress leveled the playing field and created equity in the statutory treatment of recycled material and virgin materials. I am proud to have removed the disincentives to recycling without loosening any existing liability laws for polluters. I am proud to have represented the mom and pop recyclers across America so proud of the fact that this was done in a bipartisan manner.

Mr. MOYNIHAN. Mr. President, 2 years ago, as part of the effort to balance the Federal budget, Congress enacted the Balanced Budget Act of 1997—which we have come to know as the “BBA.” Among other provisions, the BBA enacted major changes in the way Medicare pays for medical services. As implementation of these changes proceeds, concerns have been raised that some of them are having unintended consequences that threaten the viability of health care providers—and consequently the overall availability of health care to our constituents.

In order to alleviate some of these unintended consequences of the BBA, the appropriations conference report before the Senate today incorporates by reference H.R. 3426, the “Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999.” This legislation will restore some $17 billion over 10 years to hospitals, skilled nursing facilities, home health agencies, and other Medicare and Medicaid providers. The bill will also facilitate administrative actions that will provide an additional $10 billion of relief to hospital outpatient departments.

The cumulative effect of several provisions in the Balanced Budget Act of 1997 has produced an unintended financial burden on teaching hospitals. First, the BBA enacted a multi-year reduction in payments for the indirect costs associated with medical education, known as IME payments. Second, many teaching hospitals serve a large share of low-income inpatients and have therefore been burdened by

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the BBA’s cuts in disproportionate share hospital (DSH) payments. Finally, many teaching hospitals are also subject to Indirect Medical Education (IME) reimbursements.

I am pleased that the legislation we are voting on today, mitigates the fiscal pressures on teaching hospitals by adding back Indirect Medical Education (IME) funds in fiscal years 2000 and 2001. Teaching hospitals in New York will receive more than $150 million in additional IME payments over these 2 fiscal years.

In addition, the bill’s relief to disproportionate share hospitals—those serving low-income patients—will assist the many teaching hospitals serving those populations. Finally, teaching hospitals across the Nation will benefit from the nearly $10 billion over 10 years in additional payments to hospital outpatient departments.

I am concerned, however, about a change made in this bill to Direct Graduate Medical Education (DGME) payments. Medicare DGME payments compensate teaching hospitals for the costs directly related to the graduate training of physicians. Such DGME costs include residents’ salaries and fringe benefits, the salaries and benefits of the faculty who supervise the residents, as well as other direct and overhead costs.

The current payment methodology for DGME was developed in the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Under COBRA, a hospital-specific per-resident amount was determined based on each individual hospital’s 1984 Medicare allowable costs. This per-resident amount took into account the extent to which hospitals had already had alternative sponsorship—such as from a university, medical school, or faculty practice plan—and locked payments at that level, so as not to replace outside funding sources. In determining current DGME payments, 1984 costs are updated for inflation and subjected to a formula based on each hospital’s number of current residents (which is capped under BBA), and each hospital’s proportion of inpatient Medicare beds.

Consequently, there is wide variation in DGME payments from hospital to hospital. On average, New York has a higher average per-resident amount ($85,000 per resident) than the rest of the country ($67,000 per resident). However, DGME payments are hospital specific, not region specific; even within New York great variation exists. In New York DGME payments range from $156,000 per-resident to $38,000 per-resident. There are a number of factors which account for the variation in the hospital specific payments: the level of outside support from non-hospital sources; the relationship to the medical school; and state or local government appropriations. In addition, residents’ salaries, which are determined by geographic cost of living factors, further cloud the situation.

The version of this legislation that passed the House of Representatives included DGME language that would change the hospital specific per-resident formula to a payment based on a wage-adjusted national average. I am pleased to say that during negotiations on these provisions, I and the distinguished ranking Democrat on the Ways & Means Committee, Representative Rangel, with Chairman Roth’s support were able to significantly narrow the scope of the House provision, thereby protecting many teaching hospitals in New York and elsewhere from abrupt changes in DGME payments. The scaling back of the House provision will provide time to address the complicated DGME system in a comprehensive and fair manner.

The negotiations necessary to reach agreement on both the IME and DGME adjustments in this legislation clearly demonstrate the need for fundamental change in the way that medical education is financed in this country. What is needed is not year-to-year adjustments in Medicare funding but an explicit and dedicated source of funding for those institutions—a Medical Education Trust Fund as I have proposed this year and in the past.

The legislation that I introduced would require that the public sector, through the Medicare and Medicaid programs, and the private sector, through an assessment on health insurance premiums, contribute broad-based and fair financial support. Changing the funding source for graduate medical education from primarily Medicare funds to multiple payers would protect graduate education for the long term. Teaching hospitals are national treasures; they are the very best in the world. Yet today they find themselves in a precarious financial situation as market forces reshape the health care delivery system in the United States. The all-payer trust fund I have proposed would ensure that America continues to lead the world in the quality of its health care system.

Mr. THURMOND. Mr. President, I rise in support of the Conference Report to H.R. 1554, the Satellite Home Viewer Improvement Act. This is pro-consumer legislation which will promote much needed competition among television providers.

This legislation allows satellite carriers to carry local television stations for the first time. Consumers now will have a choice between cable companies and satellite companies that offer similar programming. This competition will help keep costs down and increase quality service for all consumers.

In addition, this legislation contains many other pro-consumer provisions. For example, it protects consumers who are about to lose their distant signals and establishes a new consumer-friendly process to determine distant signal availability.

This legislation also protects local broadcasters who provide a valuable service to our communities. Most importantly, local broadcasters should benefit from the legislation’s must carry requirements. The members of the conference also agreed on a provision which would encourage satellite carriers and other entities to provide local into local network service in small and rural markets. However, this provision was taken out at the last minute. I strongly support fiscally sound ways of encouraging satellite carriers and other entities to provide local network television in small and rural markets.

This legislation is a good step in promoting competition among satellite and cable providers. I urge support of this legislation and a look forward to working with my colleagues other Senators regarding local into local network service for small and rural markets.

Mr. LIEBERMAN. Mr. President, I rise today with renewed hope for the safety of our public roads. In 1998, 5,374 people were killed in truck-related crashes. In my State there is a strong public sense of alarm about this safety problem. And as trucks get bigger and the volume of traffic on our roads increases, the General Accounting Office (GAO) predicts that by the year 2000, over 6,000 people will be killed every year as a result of truck-related crashes. This prediction comes at a time when the Office of Motor Carriers (OMC)—the federal agency charged with overseeing truck safety—has failed in its duties to protect the American public. The Department of Transportation Inspector General, the National Transportation Safety Board, the GAO and members of the Congress have all brought to light and documented the many inadequacies of this broken agency.

I commend the leaders of the Senate Commerce Committee for pursuing this very important issue. H.R. 3419, the Motor Carrier Safety Improvement Act of 1999, addresses the numerous failings of the Office of Motor Carriers by strengthening federal motor carrier safety programs, and by creating a new Federal Motor Carrier Safety Administration. Although H.R. 3419 takes a large step in the right direction, federal truck safety oversight needs a new look, with a focus dedicated to reducing truck-related injuries, and not simply a new agency with new letterhead.

The Inspector General in his April 1999 report showed that the OMC has not maintained an “arm’s length” relationship between itself and the industry it regulates. In fact, the report suggests OMC has developed too close a relationship with the industry it must...
regulate. This has limited OMC in taking the tough regulatory and enforce- 
ment necessary. The accident suggests needed to protect public safety. One example of this problem is 
that the OMC has consistently awarded research contracts to the regulated in-
dustry to perform some of the most critical and highly sensitive research on future rulemakings governing the industry. This practice appears ques-
tionable. In order to protect the Amer-
ican public, an independent relation-
ship should be established by the new Federal Motor Carrier Administration.

H.R. 3419 provides us with an oppor-
tunity for real progress in improving truck safety, but only if the new Fed-
eral Motor Carrier Safety Administra-
tion and its leaders commit to a new culture which truly holds safety as the 
highest priority. This Congress and the 
Department of Transportation must re-
store the American public’s trust in federal motor carrier safety programs, 
and take action that produces safer res-
ults.

Mrs. FEINSTEIN. Mr. President, 
today I am pleased the Senate is con-
sidering the Balanced Budget Refine-
ment Act of 1999, to restore some of the 
unanticipated cuts in Medicare and 
Medicaid made in 1997 and I commend 
the Senate leadership, the Finance 
Committee, Senators ROTH and MOY-
Nihan, and the Administration for their 
work in developing this bill. The bill 
includes several important provi-
sions.

The Balanced Budget Act of 1997 has 
been one of several factors threatening 
the overall stability of the health care 
system in California, which many be-
lieve to be in danger of erosion or collapse. 
Today I will focus on eight provisions of 
the bill which are particularly im-
portant to California.

CALIFORNIA’S HEALTH CARE SYSTEM ERODING

During the past few months, I have met with hundreds of California health 
leaders who have convinced me that 
the Medicare and Medicaid cuts contain-
ed in the Balanced Budget Act of 1997 have undermined the financial sta-
bility of California’s health care sys-
tem. In the past 6 months, I have urged 
President Clinton, Secretary Shalala, and Senators ROTH and MOYNIHAN to 
join me in addressing the impact the 
Balanced Budget Act of 1997 is having 
on our nation’s health care system.

California’s health care system, in 
the words of a November 15th Wall 
Street Journal article, is a “chaotic 
and discombobulated environment.” It 
is stretched to the limit.

Thirty-six California hospitals have 
closed since 1996, and up to 15 per-
cent more may close by 2005.

By 2002, the Balanced Budget Act of 
1997 will result in cuts of $3.2 billion for 
California hospitals. For California’s 
two largest Catholic health systems, 
Catholic Healthcare West and St. Jo-
seph’s Health System, the loss 
amounts to over $842 million.

Over half of my state’s state’s hospitals lose 
money on hospital operations annu-
ally. The financial plight of public 
hospitals and frequently wait until their illnesses are exacerbated when they come to the emergency room, making their care even more costly. Without this transition rule, for example, Korn Medical Center in Ba-
kersfield, would lose $3 million. Al-
meda County, would lose $14 million.

Forty percent of all California unin-
sured hospital patients were treated at 
public hospitals in 1998, up from 32 per-
cent in 1993. The uninsured as a share 
of all discharges for public hospitals grew from 22 percent in 1993 to 29 per-
cent in 1998. While overall public hos-
pital discharges declined from 1993 to 1999 by 15 percent, discharges for unin-
sured patients increased by 11 percent. 
Large numbers of uninsured add huge 
uncompensated costs to our public hos-
pitals.

MEDICAID COMMUNITY CLINICS

Another important provision is the 
Medicaid payment method for commu-
nity health clinics. Extending the 
phase out of cost-based reimbursement for community health clinics over four 
years will help alleviate the financial burden associated with the more expe-
dited phase-out proposed under the 

BBA 1997 allowed state Medicaid pro-
grams to phase-out the previous re-
quirement that clinics be paid on the 
basis of cost. The phase-out was to 
occur over 5 years. Under the phase-
out, health centers could lose as much 
as $1.1 billion in Medicaid revenues.

California health clinics could have 
had losses of $280 million annually. To halt fur-
ther decreases in payments to commu-
nity health, an extended phase-out of 
cost-based reimbursement has been in-
cluded in the bill which allows clinics in 
fiscal year 2000 to be reimbursed at 
95 percent and by 2003 at 90 percent of 
costs.

California has over 7 million unin-
sured, and 306 federally qualified health centers and 218 rural health clinics 
that rely on federal funding so that 
they can provide vital health services to 
some of the state’s sickest and poor-
est. Over 80 of California’s clinics are 
located in underserved areas and pro-
vide primary and preventive services to 
10 percent of the uninsured people in 
the state. According to the federal Bu-
reau of Primary Health Care’s Uniform 
Data System, 42 percent of California 
community health center patients are 
children, 52 percent are adults ages 21– 
64, and 6 percent are elderly.

HOME HEALTH

I am also pleased that the bill ad-
resses home health care in this bill. 
For example, the provision which delays the 15 percent reduction in pay-
ment for one year will provide home health providers to transition more 
smoothly and better maintain con-
tinuity of services to patients. Cali-
ifornia will gain $162 million over 5
years as a result of all the home health provisions included in the bill, according to preliminary estimates by the California Association of Health Services at Home.

While the intent of the BBA 1997 law was to restrain the growth of Medicare home health expenditures, it is now antici- pating that the home health expenditures in fiscal year 2000 will be lower than they were projected in 1997. CBO estimated that BBA 1997 would cut $16 billion over 5 years. Recent estimates show cuts of $46 billion over 5 years, which is three times more than originally expected. HCFA’s 1998 data shows that total Medicare payments to home health agencies declined between 1997 and 1998 by 33 percent; reimbursements dropped from $1.1 billion to $745 million. California home health providers have suffered immeasurably since pas- sage of the BBA. In California, 230 home health agencies have closed since 1997, which is 25 percent of all state li- censed agencies, largely due to the effects of BBA, according to the California Association for Health Services at Home. For example, the home health agency at the San Gabriel Val- ley Medical Center, which was providing nearly 10,000 patient visits per year, was forced to close this year due in part to the effects of the BBA. Addition- ally, between 1997-1998 there has been a 12 percent decrease in the num- ber of patients served nationally and a 35 percent decrease in the number of home health visits nationally. As the population ages and families are more dispersed, it is especially important to help people stay in their own homes.

MEDICAL EDUCATION

I support the provisions included in the bill which reallocate graduate medical education and begin to restore equity in payment levels. Freezing cuts in the indirect medical education (IME) payment at the current level of 6.5 percent for fiscal year 2000, 6.25 percent in 2001, and 5.5 percent in 2002 and thereafter would help stabilize teaching hospitals and pre- vent a loss of about $3 billion for teach- ing hospitals nationwide over five years. For example, freezing indirect medical education payment rates represents $5 million to UCLA’s teaching hospital. California’s teaching hos- pitals as a whole will receive approxi- mately $52 million because of this freeze, according to preliminary esti- mates by the California Health Care Association.

The bill also takes a good first step to correct Medicare’s direct medical education (DME) formula, a geographic disparity in payments, that has paid California teaching hospitals far less than teaching hospitals in the North- east so that California’s teaching hos- pitals can begin to receive payments for medical residents closer to those of their counterparts in other states. Cur- rently, California teaching hospitals receive 40% less in Medicare payments for medical residents than similar New York institutions. The DME provi- sion in this bill begins to reform a longstanding inequity in the formula that has unfairly compensated medical education in California. California’s teaching hospitals are benefiting from this provision by approximately $52 million over five years, according to the California Health Care Association.

Many of the nation’s teaching hos- pitals, including in California, are premier research and clinical care facilities and will be forced to close down beds and lower the quality of care they provide if reductions in indirect medical education (IME) payments continue. According to the Associa- tion of American Medical Colleges, 30 percent of all teaching hospitals na- tionwide are now operating in the red, and by 2002, 50 percent of all teaching hospitals will be losing money without this bill.

Academic medical centers deserve protection because they have multiple responsibilities—teaching, research, and patient care—which cause them to incur costs unique to such facilities. There are 400 teaching hospitals across the country. Teaching hospitals only account for 5.5 percent of the nation’s 5,000 hospitals but they house 40 per- cent of all neonatal intensive care units, 50 percent of pediatric intensive care units, and 70 percent of all burn units. Our nation’s teaching hospitals are providing care to some of the na- tion’s sickest patients.

Academic medical centers also pro- vide care to a disproportionate share of the uninsured and underinsured. They provide 44 percent of all care for the poor. The University of California’s academic medical centers are the sec- ond largest safety net for a state that has the fourth highest uninsured rate in the country.

Medicaid disproportionate share pay- ments to hospitals that serve the im- poverished were also reduced five per- cent over five years as a result of the Balanced Budget Act of 1997. Teaching hospitals receive two-thirds of all Med- icaid disproportionate share payments, worth $4.5 billion annually.

In California, graduate medical edu- cation (GME) funding helps support 108 hospitals that train more than 6,700 residents over three-to-five year peri- ods. In 1997, the direct medical edu- cation funding in California totaled $95 million. Dr. Gerald Levey, the Medical dean at the University of California Los Angeles wrote that:

In the 5½ years I have been in my position at UCLA, my colleagues and I have imple- mented virtually every conceivable cost-cut- ting mechanism to keep our hospital financially strong in order to compete in the brutal managed care market and maintain our academic mission of research and teaching. Coming on the heels of these balanced budgets, the Balanced Budget Act of 1997 has served to literally “break the camel’s back.”

ADEQUATELY PAYING DOCTORS

I also thank the Finance Committee and Administration for addressing the issue of the “sustainable growth rate” factor in payments to physicians under Medicare. The Balanced Budget Act of 1997 changed how Medicare physician payment rates are updated, including creating the new sustainable growth rate factor. In the first two years of using the sustainable growth rate, it appears that errors in its cal- culations were made because projections were used to determine the rate rather than actual data. As a result of these errors, physicians are caring for one million more patients than Medi- care anticipated, at a cost of $3 billion according to the American Medical As- sociation.

California’s doctors have made a compelling case that errors in its esti- mates have caused unintended reduc- tions in payments to physicians. The bill would require HCFA to use actual data beginning in 2001 to calculate pay- ments instead of projections in order to stabilize payments to physicians who treat Medicare patients. While it does not go far enough, it is a step in the right direction towards decreasing fluc- tuations in physician payments from year to year.

RETAINING MEDICAID

Another provision included in this bill that is of great importance to Cali- fornia is removing the December 21, 1999 expiration date for the $500 million Temporary Assistance to Needy Fami- lies (TANF) Fund. The expiration date for these funds must be extended so that states like California can continue to use TANF funds to enroll low-in- come children and adults in Medicaid and CHIP. As part of the 1996 welfare reform, Medicaid was “de-linked” from cash assistance, and states were given increased matching federal funds for administering a new Medicaid family coverage category.

Of the $500 million provided, as of July 1999, states have only spent 10 per- cent. Unless federal law is changed very soon, 31 states, including Cali- fornia, will lose these funds by the end of this year because under the law, states have to spend the funds within the first 12 calendar quarters that their TANF programs are in effect. Thus, De- cember 31, 1999, California will lose access to the $78 million remaining of the $84 million allocated if we do not act.

Fifteen other states will also lose access to their remaining funds in December as well. On September 30, 1999, sixteen states lost some of their funds due to these time limits.

We cannot let these funds lapse in California because we need to enroll more working, low-income people in teaching hospitals’ ability to serve their communities, advance research, and train physicians will be compromised if we do not pass this bill.
Medicaid and children in CHIP and ensure that more Californians have access to health services.

I thank the Committee and Administration for including this provision.

MEDICARE MANAGED CARE REFORM

I am pleased with the five-year moratorium placed on NCFA’s use of health status adjuster for payments to managed care plans included in the bill. HCFA has been using hospitalizations as a measure of health, which is not only an incomplete measure of health but also unfairly penalizes states like California that historically have had a heavy penetration of managed care, lower hospital admissions rates and shorter hospital lengths of stay. The way Medicare pays managed care plans deserves a thorough review to determine the payment methodology and the payment rates are appropriate. This moratorium could give us time to conduct a review as well as give HCFA time to develop a better measure of health. Under this provision, $130 million over five years will be restored so that managed care plans can pay providers more adequately, according to preliminary estimates by the California Health Care Association.

ENVIRONMENT POST-BALANCED BUDGET ACT OF 1997

Circumstances have changed since 1997 when we passed the Balanced Budget Act. We have eliminated the federal deficit. Because we have a robust economy, lower inflation, higher GDO growth and lower unemployment, we also have lowered Medicare spending growth more than anticipated. This climate provides us an opportunity to revisit the reductio both in the payment methodology and the payment rates are appropriate. This moratorium could give us time to conduct a review as well as give HCFA time to develop a better measure of health. Under this provision, $130 million over five years will be restored so that managed care plans can pay providers more adequately, according to preliminary estimates by the California Health Care Association.

CHIP realizes Option 1A is the only way the interest of Mississippi dairy farmers can be protected. Having grown up working on his family’s dairy farm, meeting with dairy farmers across Mississippi, and working with Mississippi Farm Bureau, CHIP knows the importance of this legislation to the survival of dairy farms and to the continued fresh supply of milk for all Mississippians. I thank Congressman PICKERING for his relentless efforts on behalf of Mississippi dairy farmers.

The PRESIDING OFFICER. Under the previous question, the question is on agreeing to the conference report to accompany H.R. 3194.

The yeas and nays have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. Mr. President, today concluded a grueling debate on the state of the dairy industry. Though the process was long and often times quite confusing, I think the Senate has come to an agreement on a package that will prove to be beneficial to the most interested parties at this time.

Mr. President, I must say this process would not have been possible without the diligent work of one of my former staffers, Congressman Chip Pickering. I have always said to my Lott staffers, always a Lott staffer.” Although CHIP has moved on to represent the people of the third district of Mississippi, he continues to constantly be of great help to me, and to always keep the best interest of the entire state of Mississippi at heart.

CHIP believes that Option 1A is absolutely essential for allowing most dairies in Mississippi and outside the upper Midwest to remain in business, and he worked with me to see that this legislation was put into law. He organized House members from across the country to fight in order to see that the crucial dairy language we needed became law this year.

The conference report was agreed to. Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to table was agreed to.

Mr. WARNER. I arise to address a number of aspects of the State Department Authorization Act, which has been included in the final omnibus budget package of legislation. This bill contains a number of provisions that, directly and indirectly, affect the jurisdiction of the Armed Services Committee, and I am very concerned by the fact that this major bill was included with virtually no consultation with our committee. I believe that the process works better when the normal legislative procedures are followed.

I would like to raise a specific issue with the distinguished chairman of the Foreign Relations Committee. Section 1134 of the State Department Authorization Act prohibits Executive Branch agencies from withholding information regarding nonproliferation matters, as set forth in section 602(c) of the Nuclear Non-Proliferation Act of 1978, from the Senate Foreign Relations Committee and the House International Relations Committee, including information in special access programs. I am aware that problems with the dissemination of nonproliferation information have arisen in the past. DOD has taken steps to correct these problems and has established a policy that special access programs will not include nonproliferation information, as defined in section 602(c) of the Nuclear Non-Proliferation Act of 1978. Based on my understanding of DOD’s special access programs, I believe that the Department of Defense does not now have special access programs which include such nonproliferation information. I have been assured that, in the future, DOD will provide nonproliferation information to the appropriate committees of Congress.

Mr. HELMS. I thank my colleague, the chairman of the Armed Services Committee. I too have been assured by the Department that it will not use special access program status to deny the Foreign Relations Committee access to the nonproliferation information required by section 602(c).

Mr. WARNER. I am concerned that some might interpret section 1134 of the State Department Authorization Act as requiring expanded access to sensitive DOD intelligence sources and methods, as contrasted with nonproliferation information itself. I believe that section 1134 would not require DOD to change its current procedures for protecting such sensitive
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Mr. HELMS. I believe that is correct. If the Department's assurances are accurate, then this provision would not modify DOD's current policies regarding the protection of sensitive sources and methods. The Foreign Relations Committee has no intention of seeking expanded access to such sources and methods, or to DOD special access programs, so long as DOD lives up to its reporting obligations under existing law. DOD's policy of not handling nonproliferation information within special access channels certainly provides a significant reassurance in that regard. Our concern is only to ensure that DOD policy regarding special access programs or intelligence sources and methods not be seen as obviating its long-standing legal obligations to inform appropriate committees of Congress.

Mr. WARNER. That is the case now, and I am pleased that DOD has assured both me and the Foreign Relations Committee that this provision does not include exempt from reporting information regarding the companion section in the State Department Authorization bill, section 1134 which requires the DCI to provide certain information, including information contained in special access programs, to the chairman and ranking member of the Foreign Relations Committee. I note that this language on special access programs was added after the bill was passed by the Senate. I wish to make clear to the committee that the legislative intent of this provision does not wish to clarify that the legislative intent of this provision does not include expanded information relating to intelligence operations fall within the jurisdiction of the Intelligence Committee, and therefore did not include such activities in this reporting requirement.

Mr. SHELBY. I thank the Chairman for that explanation and yield the floor. I look forward to fully reviewing those provisions in the Intelligence Committee next year.

UNANIMOUS-CONSENT AGREEMENT—H. CON. RES. 236

The PRESIDING OFFICER. Under the previous order, H. Con. Res. 236 is agreed to.

The motion to reconsider is laid upon the table.

The concurrent resolution (H. Con. Res. 236) was agreed to.

The PRESIDING OFFICER. The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am prepared to ask unanimous consent to be recognized for 5 minutes as in morning business, but I would certainly defer to the minority leader or majority leader if he has anything to address at this time.

The PRESIDING OFFICER. Without objection, the Senator from Oklahoma.

RECESS APPOINTMENTS

Mr. INHOFE. Mr. President, first of all I applaud the White House—this is probably the first time I have done that in 7 years—for responding to an issue that is very critical, probably one of the most critical issues we will be facing.

Going back in the history of recess appointments, the Constitution provided for recess appointments to be allowed, thereby avoiding the constitutional prerogative of the Senate to advise and consent in certain conditions. The major condition was that a vacancy would occur during the course of the recess. This goes back to the horse-and-buggy days when we were in session for 2 or 3 months at a time and then we were gone. So if someone such as the Secretary of State would die in office, it would allow the President to replace that person without having to go through the advice and consent.

Throughout the years, both Democratic and Republican Presidents have abused this. They have made recess appointments. In 1985, President Reagan and Senator Byrd cited in your letter remains a fair and constructive framework which my administration will follow.

I have been concerned because this President has a long history of doing things he says he is not going to do and not doing things he says he will do. Consequently, I sent a letter to the President which I submitted for the Record last Wednesday. The letter was dated November 10, signed by myself and 16 other Senators, that said: Make sure you comply with the spirit of this agreement, this letter you have sent; we are going to serve notice right now that in the event you have recess appointments that do not comply with the spirit of the letter, we will put holds for the remaining of the term of your Presidency on all of the judicial nominees. A very serious thing. I repeated this several times last Wednesday to make sure there was no misunderstanding.

Since that time, the White House has cooperated and submitted a list of 13 names. I will read these names and the positions for which they have been
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nominated: Cliff Stuart, EEOC; Delmond Won, Commissioner of the Federal Maritime Commission; Leonard Page, Commissioner for the Labor Relations Board; Luis Laurado, Development Bank; Mark Schneider, Peace Corps; Frank Holleman, Deputy Secretary of Education; Mike Walter, Veterans Affairs; Mr. Jeffers, whose first name I do not have, J-E-F-F-E-R-S; Bill Lann Lee, Assistant Attorney General for Civil Rights; Sally Katzen, Deputy Director of OMB; John Holum, Under Secretary for Arms Control and International Security of the Department of State; Carl Spielvogel, Ambassador to the Slovak Republic; and Jay Johnson—not to be confused with the military Jay Johnson—a nominee for the U.S. Mint.

Of this list of 13, there are 5 who either hold on them or there are intended holds on these individuals. Consequently, I make the statement at this time—and I think it is very important the RECORD reflect this accurately and enduringly—that anyone other than the names I will read off—Cliff Stuart, Delmond Won, Leonard Page, Luis Laurado, Mark Schneider, Frank Holleman, Mike Walker; Mr. Jeffers—if there are any names that are submitted and are sought to be appointed during this recess, recess appointments, we, who undersigned the letter on the 10th of this month, will put a hold on every judicial nominee who comes before the Senate during the entire remainder of the term of President Clinton.

I am going to repeat that because it is very important. Any name, other than those eight individuals, if recess appointed, we will put a hold on every single judicial nominee of this President for the remainder of his term of office. That means specifically we will not agree to Bill Lann Lee, Sally Katzen, John Holum, Carl Spielvogel, and Jay Johnson.

I will conclude with that. I reemphasize, if there is some other interpretation as to the meaning of the letter, it does not make any difference, I am still going to put the holds on them. I want to make sure there is a very clear understanding, if these nominees come in, if he does violate the intent as we interpret it, then we will have holds on these nominees.

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

The PRESIDING OFFICER. Mr. LOTT. The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, what is the pending business?

BANKRUPTCY REFORM ACT OF 1999—Resumed

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

Hatch/Torricelli amendment No. 1729, to provide for domestic support obligations.

Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to the disclosure of the annual percentage rate for purchases applicable to credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress.

Schumer amendment No. 2755, to curtail indiscriminate extensions of credit and resulting consumer insolvency.

Schumer amendment No. 2756, with respect to national and homeowner home maintenance costs.

Schumer amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of criminal violence are nondischargeable.

Schumer amendment No. 2765, to include certain dislocated workers’ expenses in the debtor’s monthly expenses.

Dodd amendment No. 2531, to protect certain education savings.

Dodd amendment No. 2753, to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress.

Hatch/Dodd/Gregg amendment No. 2536, to protect certain education savings.

Feingold amendment No. 2746, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Schumer/Santorum amendment No. 2761, to improve disclosure of the annual percentage rate for purchases applicable to credit card accounts.

Feingold amendment No. 2779 (to Amend No. 2746), to modify certain provisions providing for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Mr. LOTT. Mr. President, the Senate has been considering this bankruptcy bill as the main Senate business since November 4, 1999, after a failed cloture vote in September. There have been dozens of votes conducted with respect to this issue, and yet there are still at least a dozen amendments pending to be offered, debated, and voted upon. I am with you that I need to file this cloture motion on the bill in order to ensure we get a final vote, and that will be available when we come back after the first of the year.

A lot of good work has been done on this bill on both sides, by the managers of the legislation and a number of Senators who have worked on it—Senators GRASSLEY, Senator HATCH, Senator SESSIONS, on our side; Senator TORRICELLI, on the other side, has been involved; Senator LEAHY has worked on this. So there is a lot of work that has been done and a lot of relevant amendments that have been voted on.

I want to particularly note the good work of Senator REID because he began with, I don’t know, probably over 100 amendments.

Mr. DASCHLE. Three hundred.

Mr. LEAHY. Three hundred.

Mr. LOTT. Three hundred amendments. I do not understand how the fertile minds of the Senate can be so productive to produce 300 amendments on a bill. I ask unanimous consent that the record reflect this accurately.

I hope when we come back after the first of the year something can be worked out, where we don’t have to go forward with this. But I do believe there is a necessity to have this protection so that we will have this option of cloture so we can complete the bill, if there is no other way to do it when we come back after the first of the year.

CLOTURE MOTION

Mr. LOTT. So I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 109, S. 625, an act to amend title 11 of the United States Code, and for other purposes.

Trent Lott, Chuck Grassley, Paul Coverdell, Mike Crapo, Craig Thomas, Larry E. Craig, Orrin Hatch, Don Nickles, Conrad Burns, Rod Grams, Mitch McConnell, Pat Roberts, Fred Thompson, Slade Gorton, Phil Gramm, and Mike DeWine.

Mr. LOTT. Under rule XXII, this cloture vote will occur on Tuesday, January 25, 2000. I ask unanimous consent that the vote occur at 12 noon on Tuesday and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, and I certainly will not object, let me say the majority leader and I talked about this. I am appreciative of his position. I am disappointed he has filed cloture. I hope it isn’t what he had the wrong way for all of those who worked so hard to get to this point.

I had told my colleagues that if they continue to work and if they continue
to cooperate, if they continue to allow time agreements, that we would not be in a position where we would have to file cloture and we would get to the final passage. That was my commitment. Senator LOTT did not make that. I made it to my colleagues. In this case, I am going to have to explain to my colleagues what I said is not what we are going to do.

We are down now to a handful of amendments, with time agreements. So I am as convinced today as I was a couple of days ago, as I was before that, that cloture certainly isn’t necessary. I am hopeful, with those tight time agreements, and with the opportunity to dispose of the amendments, we can come to final passage. But I will certainly work with the majority leader to see if we might find a way to make that happen.

I hope he will work with us to assure those who have relevant amendments will have an opportunity to have their votes cast. I do not object to the request.

Mr. LEAHY. Reserving the right to object, and I will not object, just so we know the numbers, we had 320 amendments and are now down to 14. I compliment Senators on both sides of the aisle. Senator REID deserves enormous credit. Senator GRASSLEY, Senator TORRICELLI, Senator HATCH, and I worked very hard on that. We are working very hard again on both sides of the aisle. I think most Senators want a bankruptcy bill. We know there has to be a change.

Mr. President, I am disappointed that the majority filed cloture on the Bankruptcy Reform Act. This week we made bipartisan progress on the Bankruptcy Reform Act by disposing of amendments. On Wednesday, we were able to clear 9 more amendments and accepted another one and call for a total of 10 amendments that were accepted to improve this bill.

During our debate on the bill, the managers have accepted 37 amendments to improve the Bankruptcy Reform Act. Amendments offered by Democrats and Republicans. Senator TORRICELLI, Senator REID and I worked in good faith with Senator GRASSLEY and Senator HATCH to clear amendments and set roll call votes on amendments that we could not clear.

From a total of 320 amendments that were filed by senators on both sides of the aisle on November 5th, Senator TORRICELLI and I working with the Assistant Democratic Leader, have narrowed down the remaining Democratic amendments on this bill to a mere handful.

We are ready to debate and vote on these Democratic amendments. The remaining amendments from our list are all relevant to the issues of bankruptcy under our unanimous consent agreement.

It appears the majority is refusing to allow the Senate to consider two amendments. One by Senator LEVIN on firearm-related debts in bankruptcy and one by Senator SCHUMER on debts incurred through the commission of violence at health service clinics.

Both of these amendments are relevant to the issue of bankruptcy.

Senator LOTT is willing to limit the time on his amendment to 70 minutes and Senator SCHUMER is willing to limit the time on his amendment to only 30 minutes. These are very reasonable time agreement offers.

I am a cosponsor of Senator SCHUMER’s amendment, but I am not sure if I will support Senator LEVIN’s amendment. But I am sure that both these Senators deserve to debate and vote on their relevant amendments. What is the majority afraid of? Vote on the amendments up or down?

Some of the other remaining amendments focus on adding credit industry reforms to the bill. The millions of credit card solicitations made to American consumers the past few years have caused, in part, the rise in consumer bankruptcy filings. The credit card industry should bear some of this responsibility and reform its lax lending practices. These amendments improve the Truth In Lending Act to provide for better disclosure of credit information so consumers may better manage their debts and avoid bankruptcy altogether.

Last year’s Senate bankruptcy reform bill was fair and balanced because it included credit industry reforms. We should remember that last year’s fair and balanced bill passed this chamber by a vote of 97-1.

We should strive to follow last year’s Senate-passed bill as the model during the remainder of debate on this bill. Democrats are ready to offer short time agreements on our remaining amendments if we cannot agree with the majority on them. Many Democratic senators are willing to offer time agreements of a half hour or an hour on their amendments.

Democrats are prepared to debate this bill and vote on amendments. This is how the Senate works and how it should work.

I commend Senators for coming to the floor last week and this week to offer their amendments. Despite hours of debate on four non-germane, nonrelevant amendments and party caucuses and extended morning business hours last week and this week, Senators from both sides of the aisle offered 64 amendments to improve the Bankruptcy Reform Act.

Unfortunately, the Senate did not consider the Bankruptcy Reform Act yesterday or today. I do not understand why they are not willing to allow the Senate to debate this bill.

Next year, I hope we can have a full and fair debate on the few remaining amendments to the Bankruptcy Reforms Act and then proceed to a vote on final passage.

With that, I yield the floor.

Mr. HATCH. Mr. President, enough is enough. Hard-working American people are being denied common-sense legislation that they overwhelmingly support, because some on the Democratic side are insisting on votes relating to the politically charged issues of abortion and guns. I sincerely hope that this will stop, and we can move ahead with the people’s agenda, instead of trying to win political points.

We have been on the bankruptcy bill for two weeks now. The Democrats demanded the ability to have votes on other politically motivated, non-relevant issues. We debated and had a vote on minimum wage. We have agreed to or voted on 31 Democrat amendments. These amendments are in addition to the Grassley-Torricelli, Hatch-Dodd amendment on protecting educational savings accounts, among many others, this is a much improved bill that provides unprecedented consumer protections, while preserving the bankruptcy system for those who truly need it. What also is included in this bill are unprecedented consumer disclosures that are not even bankruptcy related, but are banking law amendments. In which Senators Torricelli and Glassley have taken the leadership to develop, and I commend them for that.

Mr. President, throughout the process of consideration of this bill, at both the drafting stage, at the Committee level, and here on the floor, we have worked hard to address any concerns any member has with the bill. Senators GRASSLEY, LOTT and I have been more than patient and cooperative. It is apparent, however, that efforts were underway to defeat this important legislation this year by insisting on extraneous political agenda items, regardless of all the progress we made.

We are open to further debate. But this bill, which the Minority had said would only take two days to complete, was on the floor for two weeks. They demanded an agenda of their choosing and a full debate, but it is now clear why that was.

I hope we can get the cooperation of the Minority to drop their remaining politically-motivated items and pass
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legislation early next year that provides meaningful and much-needed reform to the bankruptcy system. Rampant bankruptcy abuses have unfairly having to subsidize those who do. This is our opportunity to do something about it. I would hope that my colleagues would take the time over these next few months and consider the desires of the American public. Let's do what is right and pass this important legislation early next year. Thank you.

Mr. LOTT. Mr. President, let me observe one of the problems we had in not being able to complete it even this week. This will be the second time this week for the amendments had indicated—or maybe all the amendments—indicated a willingness to have limited time agreements, we had, I know, at least a couple of Senators on this side who were not willing to agree to limit the time, therefore possibly tying up half a day or a day one a couple of these amendments.

We may still be able to work out something where we could have a short time agreed to on both sides and get a vote after the first of the year. But you reach a point, in the final days of a session, where motions are such that you just cannot get that kind of agreement.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, the second session of the 106th Congress will convene, then, at 12 noon on Monday, January 24. We do not yet have absolute certainty that will be the Union Address the next night, although it is preliminary indicated. I believe that is the date we would expect to have a State of the Union Address; that is, Tuesday, the 25th. That could be postponed upon a request from the White House, but we will need to be back and in business in order to be here for that date.

So there will be a need for a live quorum to establish the beginning of the second session on Monday. A period of more than one week will be the first quorum call be rescinded for the remainder of that day. And this 12 noon cloture vote on Tuesday, January 25, would be the first vote of the second session of the 106th Congress.

Again, I thank my colleagues for their continued cooperation and wish everyone a safe and happy holiday season.

Let me say, too, we have a number of bills that are in conference now. I had an opportunity to discuss the schedule for next year, or some of the bills for next year, with the President. We have a number of bills that are in a position where we could get early agreement out of conference, including the trade bill on which we worked so hard. We spent 2 weeks getting that out for Afri
cia and CBA. We could have maybe even done it this week. But once we got the many things we were working on we could not get that completed.

We have the FAA reauthorization bill that good work has been done on, and a series of bills, including the juvenile justice bill, which we hope we can get early in the session next year. So we will continue to work on that.

I understand we are about ready to do a series of energy bills.

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

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, we have cleared a number of nominations on the Executive Calendar. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 228, 273, 292, 326, 327, 328, 331, 332, 333, 366, 377, 379, 404, 405, 406, and all nominations in the Coast Guard on the Secretary's desk.

I further ask consent that the HELP Committee be discharged from further consideration of the following nominations, and the Senate proceed to their consideration, en bloc: Magdalena Jacobsen, Francis Duggan, Ernest DuBester, and John Truesdale.

I further ask consent that the nominations be considered in order to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session, and that the Senator from Vermont be notified that Judge Linn is in this list for confirmation.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

Ivan Ikin, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

DEPARTMENT OF THE TREASURY

Neal S. Wolin, of Illinois, to be General Counsel for the Department of the Treasury.

THE JUDICIARY

Richard E. Clifton, of Virginia, to be United States Circuit Judge for the Federal Circuit.

UNITED STATES INSTITUTE OF PEACE

Stephen Hadley, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Zalmay Khalilzad, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Paul Steven Miller, of California, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2004. (Reappointment.)

DEPARTMENT OF LABOR

Irasema Garza, of Maryland, to be Director of the Women's Bureau, Department of Labor.

T. Michael Kerr, of the District of Columbia, to be Administrator of the Wage and Hour Division, Department of Labor.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Anthony Musick, of Virginia, to be Chief Financial Officer, Corporation for National and Community Service.

DEPARTMENT OF STATE

Alan Phillip Larson, of Iowa, to be Under Secretary of State (Economic, Business and Agricultural Affairs.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Joseph R. Crapa, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Susan M. Wachtler, of Pennsylvania, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF COMMERCE

Linda J. Bilmes, of California, to be an Assistant Secretary of Commerce.

Linda J. Bilmes, of California, to be Chief Financial Officer, Department of Commerce.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Deanna Tanner Okun, of Idaho, to be a Member of the United States International Trade Commission for a term expiring June 16, 2008.

DEPARTMENT OF THE TREASURY

Coast Guard nomination of Richard B. Gaine, which was received by the Senate and appeared in the CONGRESSIONAL RECORD, October 12, 1999.

Coast Guard nominations beginning Peter K. Oittinen, and ending Joseph P. Sargent, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD, October of 27, 1999.

NATIONAL LABOR RELATIONS BOARD

John C. Truesdale, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2003.

NATIONAL MEDALLION BOARD

Magdalena G. Jacobsen, of Oregon, to be a Member of the National Medallion Board for a term expiring July 1, 2002.

Francis J. Duggan, of Virginia, to be a Member of the National Medallion Board for a term expiring July 1, 2002.

Ernest W. DuBester, of New Jersey, to be a Member of the National Medallion Board for a term expiring July 1, 2002.

The PRESIDING OFFICER. Without objection, Mr. President, this is a uniquely historic day. One hundred and thirty-six years ago, Abraham Lincoln gave the Gettysburg Address; 80 years ago today, the United
States Senate rejected the ill-conceived League of Nations. And 30 years ago, the second manned Apollo capsule landed on the moon. Americans walked on the surface of the moon.

But for the family of Deanna Tanner Okun, this is a singular day. For the United States Senate has just confirmed her Presidential nomination to be a Commissioner on the International Trade Commission (ITC). I would note that it has taken Deanna barely nine days to go from nomination to confirmation. That could be close to a Senate record.

One of the reasons that Deanna’s nomination has sped through so quickly is because the Chairman of the Senate Finance Committee, BILL ROTH, and the Ranking Member, PAT MURPHY, is a woman. I put in the work to hold a confirmation hearing barely six days after Deanna was nominated. I greatly appreciate their work in expediting that hearing.

But most importantly, I believe the primary reason Deanna’s confirmation has gone so smoothly is because of the universal admiration and respect that Senators and professional staff hold for her. Deanna is simply a consummate professional and I know that the Senate’s loss will be offset by the tremendous gain that is being achieved today by the ITC. I know the Commission will never be the same once Deanna is sworn in.

Mr. President, I have been privileged to have worked with Deanna for more than five years. I cannot imagine anyone who is more qualified to become a Commissioner on the International Trade Commission. Not only is Deanna remarkably bright, she is one of the most thorough and conscientious individuals I have ever met.

She is fully versed in all aspects of international trade matters and an expert on U.S. foreign policy issues. No one can doubt her intellectual and professional capacity to serve as a Commissioner.

Mr. President, I want to repeat some of my prepared remarks for Deanna’s confirmation hearing.

But I want to tell the United States Senate a little about Deanna, the person. She is a remarkable and charming individual who, no matter what the pressures—whether negotiating in a markup of a trade bill or working under the time constraints of a hearing on spying at U.S. weapons laboratories—Deanna never loses her professionalism. She always gets the job done.

In the years that she has worked on my staff, she has had to deal with some of the most difficult and tough Senate staffers in the leadership on many committees. I know that every single one of those staff people have universal respect and admiration for the work Deanna does and the charm she brings to the job. That is a singular feat that few other Senate staffers can claim.

Finally, Mr. President, I would note that in those four days at work, she produces what other staffers could maybe produce in five, more likely six days. She is truly remarkable as a mother and as a professional staff member.

She is a stellar person and I know that her husband Bob and her parents take great pride in her confirmation.

It is difficult to lose Deanna after all these years. I will miss her, but I know that the world trade community will greatly benefit from her appointment to the Commission.

Thank you, Mr. President and to Deanna, I wish you the best of success in your new position.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I did not want to speak until that was done. I thank the distinguished majority leader and the distinguished Democratic leader. Both of them are dear friends of mine with whom I have served for many, many years.

I thank them for their consideration, especially of Calendar No. 292. That is not simply a number on the calendar. It represents a very real person. Richard Linn is an extraordinary man, extraordinary husband, extraordinary father, and wonderful brother. He will do a great job and be an outstanding judge. I thank both leaders for their help and their consideration.

Mr. HATCH. Mr. President, I rise today to report on the success that the Senate has enjoyed this session in performing its constitutional advice and consent duties with respect to judicial nominees. The Judiciary Committee and the Senate have maintained a low vacancy rate in the federal Judiciary, reached an agreement to have votes on certain controversial nominees, and maintained a fair and principled confirmations process.

At the end of the last Congress, the Judiciary Committee and the Senate had reduced the number of vacancies in the federal Judiciary to 50—the lowest vacancy level since the expansion of the Judiciary in 1990. Indeed, in his January 1999 report on the state of the federal Judiciary, Chief Justice Rehnquist applauded the work of the Senate in reducing the vacancies to a level below a quarter of the 1999 levels.

This session, despite partisan rhetoric, the Senate has maintained a low vacancy rate. The Judiciary Committee reported 42 judicial nominees, and the full Senate confirmed 34 of these—a number comparable to the average number of first sessions of the past 5 Congresses when vacancy rates were generally much higher. In total, the Senate has confirmed 336 of President Clinton’s judicial nominees since he took office in 1993.

In addition, the Committee reported 22 Executive Branch nominees to the Senate floor this Session. The Senate has confirmed all of these nominees, bringing the total number of confirmations for President Clinton’s non-judicial nominees for which the Committee has jurisdiction to 277 since 1993.

After all of these confirmations, we have reduced the number of judicial vacancies to 56—very close to the lowest number of vacancies since the expansion of the Judiciary in 1990. Indeed, the 36 number of vacancies at the end of this Session of Congress is 7 less than the 63 vacancies that existed when Congress adjourned in 1994 when Bill Clinton was President and the Democrats controlled the Judiciary Committee. Moreover, we were able to create 9 new district court judgeships for a few districts in which the caseloads are very high.

In addition, the Committee reported two controversial nominees—Marsha Berzon and Richard Faes—to the Senate floor this Session. And Senator LOTT worked in a bipartisan manner with Senator DASCHLE to reach an agreement to vote on these controversial nominees and other nominees by March 15, 2000.

A controversial nominee will, of course, move more slowly than other nominees because it takes longer to garner a consensus to support such a nominee. And, depending on the nature of the controversy, the Committee may have to conduct an even more exacting examination of that individual and the judicial nominations and other nominees by March 15, 2000.

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Second, a close review of the report revealed that for noncontroversial nominees when confirmed, there was little if any difference between the period of confirmation for minority nominees and nonminority nominees in 1997 and 1998. Only when the President appointed a controversial female or minority nominee who was not confirmed did a disparity arise. Third, in 1993 and 1997, when George Bush was President, the Democratically controlled Senate confirmed female and minority nominees at a far slower pace than white male nominees. Fourth, this year, over 50% of the nominees that the Judiciary Committee reported to the full Senate have been women and minorities. Finally, even the Democratic former chairman of the Judiciary Committee, Senator Joe Biden, stated publicly that he opposed the way by which the committee, under my chairmanship, examines and approves judicial nominees “has not a single thing to do with gender or race.”

As chairman of the Judiciary Committee, I take the constitutional duties of advice and consent and the responsibility for maintaining the institutional dignity of the Senate very seriously. Although the President has occasionally nominated controversial candidates, under my tenure as chairman, not one nominee has suffered a public attack on his, or her, character by this committee. Not one nominee has had his, or her, confidential background information leaked to the public by a member of this committee. And not one nominee has been examined for anything other than his, or her, integrity, competence, temperament, and respect for the rule of law.

The Senate has conducted the confirmations process in a fair and principled manner, and the process has worked well. As the first session of the 106th Congress comes to an end, the Senate during the 106th Congress, first session, remain in status quo, notwithstanding the November 19, 1999 adjournment sine die, and the provisions of rule XXXI, paragraph 6 of the standing rules of the Senate.

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

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LEGISLATIVE SESSION

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

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that all nominations received by the Senate during the 106th Congress, first session, remain in status quo, notwithstanding the November 19, 1999 adjournment sine die, and the provisions of rule XXXI, paragraph 6 of the standing rules of the Senate.

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

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine business permitted to speak for up to 10 minutes each.

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

SHARED APPRECIATION AGREEMENTS

Mr. BURNS. Mr. President, shared appreciation agreements have the potential to cause hundreds of farm foreclosures across the nation, and especially in my home state of Montana. Ten years ago, a large number of farmers signed these agreements. At that time they were under the impression that they would be required to pay back a value twice the amount they originally wrote down. Especially in light of the current market situation, I believe something must be done about the way these appraisals are conducted.

My bill mandates by legislation these important regulations. It will exclude capital investments from the increase in appreciation and allow farmers to take out a loan at the “Homestead Rate,” which is the government’s cost of borrowing.

Farmers should not be penalized for attempting to better their operations. Nor can they be expected to delay capital improvements so that they will not be penalized. It will be necessary for most of these agricultural producers to take out an additional loan during these hard times. It is important that the interest rate on that loan will accommodate their needs. The governments current cost of borrowing equals about 6.25 percent, far less than the original 9 percent farmers and ranchers were paying.

I look forward to working with members in other states to alleviate the financial burdens imposed by shared appreciation agreements. I hope that we may move this through the legislative process quickly to provide help as soon as possible to our farmers.

TWO-FIRST CENTURY RESEARCH LABORATORIES ACT

Mr. KENNEDY. Mr. President, biomedical research is making great strides in providing new treatments for a wide range of diseases. Thousands of talented scientists across the country are making new discoveries about the fundamental mechanisms of health and disease. Yet the talents of these researchers are often undermined by a lack of adequate facilities and equipment to conduct their crucial work.

Numerous authoritative studies have demonstrated that medical research laboratories are critically in need of reconstruction and repair. The National Research Council found that over half the institutions conducting biomedical research in this country suffer from inadequate space for medical research. The Foundation also reported that medical research institutions have had to put $1 billion in renovation and construction projects due to lack of adequate funding. As a result, over a quarter of medical research facilities in the nation are in urgent need of renovation or reconstruction.

The need to revitalize the infrastructure of our research enterprise is recognized throughout the medical community. The Association of American Medical Colleges and the Federation of Societies for Experimental Biology have both issued statements calling on the federal government to provide increased resources for reconstruction and renovation of medical research facilities.

Not only have medical research facilities fallen into disrepair, but laboratories frequently lack needed research equipment. Modern medical instruments are increasingly sophisticated. Scientists are gaining new insights into such basic processes as the workings of the brain and the genetic basis of disease. With this increase in sophistication has come an increase in cost. The rising price of medical technology means that scientists must often curtail research programs because they lack access to sensitive instruments such as MRI scanners or high resolution microscopes.

To address the acute need for sophisticated scientific instruments, the bill before us also provides needed funds for medical researchers to purchase major pieces of scientific equipment. Only by giving medical researchers the equipment they need to use their talents...
fully can we achieve the scientific breakthroughs necessary to meet our most pressing health needs. We could not enter the twenty-first century with medical laboratories that lack adequate space, adequate facilities and adequate equipment. We must provide the funding that is urgently needed to construct modern laboratories and give researchers the equipment necessary for their cutting-edge research. I urge my colleagues to join with me in supporting this legislation that is so vital to the health care needs of our nation and I commend my distinguished colleague from Iowa, Senator HARKIN, for his leadership on this and many other critical health care issues.

CLINICAL RESEARCH ENHANCEMENT ACT OF 1999

Mr. KENNEDY. Mr. President, biomedical research continues to produce great advances in our ability to combat deadly diseases, and its promise for the future is vast. For that promise to be fully realized in improvements in people’s health, we need a stronger commitment to bring medical discoveries from the laboratory to the bedside. Increased support for clinical research is vital for developing cures and better treatments for disease. Clinical research brings insight into the most effective ways to care for patients. It offers effective ways to reduce both the human and financial costs of disease.

Despite these clear benefits, clinical research faces a worsening crisis. The Institute of Medicine, the National Academy of Sciences and the National Institutes of Health have all concluded that the nation’s ability to conduct clinical research has declined significantly in recent years. Passing the bill currently before the Senate will reverse this dangerous decline, by addressing the major factors that have led to the weakening of our nation’s ability to conduct clinical research.

One of these factors is the steep financial barrier than health care professionals encounter when considering a career in clinical research. Burdened with debt from their professional training, clinicians must often forego a research career in order to earn the money necessary to pay back their loans. Our bill will lower the economic barriers to careers in clinical research by providing financial incentives for doctors to conduct patient-research. The bill authorizes the National Institutes of Health to establish a loan repayment program to lessen the debt they must carry if they pursue careers in clinical research. The bill also provides for peer-reviewed grants to support clinical researchers at all stages of their careers.

While the current state of clinical research is cause for great concern, the future of this vital health care field is even more worrying. Many of today’s young clinical investigators have inadequate training in the methods of clinical research. Dr. Barry H. Franklin, Director of the National Institutes of Health, has emphasized the need for clinicians to have access to specialized training in patient-oriented research. This bill will provide grant support for young medical professionals to receive graduate training in such research.

To meet the nation’s need for clinical research, it is not enough to increase the number of doctors conducting such research. Clinical researchers must also have the facilities necessary to conduct their lifesaving work. In these days when hospitals are squeezed more and more tightly by financial pressures, there is little room for them to devote scarce resources to clinical research. To ask clinicians to go on their own, the bill provides grants to General Clinical Research Centers, now established in 27 states, where health professionals can have access to the vital hospital resources necessary to conduct high-quality patient-oriented research.

This measure is supported by more than 70 biomedical associations. I commend the Chairman of our Health Committee, Senator JEFFORDS, for his effective leadership on this legislation. It is vital to the quality of health care in the nation in years ahead, and I urge the Senate to approve it.

DEBT RELIEF LEGISLATION

Mr. SARBANES. Mr. President, I want to note that Congress is taking the first important step toward providing debt relief for the Heavily Indebted Poor Countries (HIPC) Initiative. As co-sponsor, with Senator Gramm, of the legislation, I think the entire international community should be congratulated for its participation in this critically important international initiative. I believe that easing the debt burden of the world’s poorest countries is one of the most meaningful things we can do to help these nations eradicate poverty and grow their economies on a sustainable basis.

The final version of the Foreign Operations appropriations bill contained enough money and authorizations to permit the HIPC Initiative to go forward, but there is more we have to do in Congress, beginning early next year, to provide the resources necessary to address the debt burden of the countries that are expected to qualify. As ranking member on the authorizing subcommittee in Foreign Relations, I intend to work hard to achieve the necessary additional authorizations there, including the very important one for U.S. contributions to the HIPC Trust Fund. I would like today to engage Senator Gramm in a colloquy on the issue of my commitment I understand he made to the Administration to act on the necessary remaining IMF authorization in the Banking Committee as well.

Mr. GRAMM. I thank the Senator. As you know, we agreed on language that would permit the U.S. to support mobilization of the amount of IMF gold necessary to provide a stream of interest earnings sufficient for IMF participation in the HIPC initiative. However, we agreed that only ¾ of the interest earnings could be used for HIPC debt relief, until such time as Congress authorized the U.S. to vote in favor of using the remaining ¼ of the earnings as well. I committed to the Administration that the Banking Committee would act on this remaining IMF authorization no later than May 1, 2000. It is my hope, of course, that the Foreign Relations Committee could act with similar dispatch.

Mr. SARBANES. Thank you, Senator. I will certainly do everything I can to help you meet your May 1 deadline—in fact, I hope and believe we should be able to act sooner.

FINANCIAL SERVICES MODERNIZATION ACT

Mrs. LINCOLN. Mr. President, a week ago today, President Clinton signed S. 900, The Financial Services Modernization Act. Beyond the obvious positive implications that this legislation has for the bankers of my state of Arkansas, there is a provision in the bill that I rise to speak of today that has been a long time in coming and will finally bring fairness to Arkansas’ banking market.

Section 731 of the Financial Services Modernization Act is titled “Interest Rates and Other Charges at Interstate Branches.” This section was not included in the original version of S. 900 that passed this body, but with the support of the entire congressional delegation it was added to the House version, and retained in the conference committee. Because of the importance of this provision to my state, because of the role that both Arkansas Senators played in protecting this provision in the conference committee, and because there was no debate on the provision in the Senate, I will speak briefly on the history that led to this new law, and the reason it was so vitally needed.

The passage of the Riegle-Neal Interstate Banking and Branching Act several years ago, the question arose as to which state law concerning interest rates on loans would apply to branches of interstate banks operating in a “host state.” Would those branches be governed by the interest rate ceiling of the charter location or that of their physical location? The Office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation addressed this issue with opinions that basically gave branches of interstate banks the option of being governed by either their home or host state requirements concerning interest rates by
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Mr. LOPT: Mr. President, I have at hand the printed text of the beautiful remarks by Richard Allen, National Security Advisor to Ronald Reagan during those eventful years of the Reagan presidency. Mr. Allen spoke last evening, November 18, in Greensboro, N.C.

Mr. Allen’s “Tribute to Bud Nance” was an assessment of the remarkable career of Admiral James W. Nance, a distinguished retired Navy officer. All of us knew and admired Bud Nance, who was a beloved and admired chief of staff of the Senate Committee on Foreign Relations.

Mr. President, I ask unanimous consent that Richard Allen’s address be printed in the RECORD at the conclusion of my remarks.

The address was ordered to be printed in the RECORD, as follows:

TRIBUTE TO BUD NANCE

Just last Friday I flew from Tokyo to Munich, Germany where I met up with Presidencial Advisor to Reagan and a great friend of mine, Jehan Nance, who was a beloved and admired chief of staff of the National Security Council, which I had been designated to head. Mr. President, I ask unanimous consent that Richard Nixon’s foreign policy coordinator, later serving twice with him in national security and international economic affairs in the White House, be printed in the RECORD at the conclusion of my remarks.

In the mid-1970s I had the opportunity to meet the freshman Senator from North Carolina, and in 1976 the first real opportunity to work closely with him. In that year, his principled determination made possible a close race between Gerald Ford and Ronald Reagan. Neither side would allow the other to win, and so I was asked to take on that task. It was a special opportunity, and I quickly accepted. Determined to write a platform that really reflected real issues, I finished my draft and flew to Kansas City. There Senator Helms was shaping the work of the Platform Committee, and the issue of Taiwan was of great importance. Critical to the delegations, Senator Helms and I were able to collaborate in shaping a fair, realistic and helpful plank to support Taiwan against its constant threat, Mainland China. The important point is that this was the very effort that Jesse Helms gave his word, he delivered, never trimming, never flinching, always sticking to a fundamental principle—no matter how strong the opposition.

Ever since, he has exemplified the crusade for what is right. Fred Barnes said it best in 1997 when he wrote that Ronald Reagan, Jesse Helms is the most important conservative of the last 25 years. No conservative, save Reagan, comes close to matching Helms’ influence on American politics and policy—he has led on everything—he has made history. He’s an event-making politician, not merely one who’s served in eventful times.

So, ladies and gentlemen, this is why I am especially honored to be here to participate in a tribute to a great Senator, a true leader, a man who always kept his word.

The Jesse Helms Center Foundation at Wingate University has a distinguished board of Directors, one of whom is Mrs. Dorothy Helms (Roger Milliken, that champion of good causes). But another of those distinguished persons is not with us this evening, and it is about—a very special person—that I am honored to speak some heartfelt words.

I refer, of course, to Admiral James W. Nance, and extraordinary patriot who was to land on May 39th at Arlington National Cemetery. He was perhaps the Senators’ closest confidant after Mrs. Helms, and was a man with whom I was privileged to have a close relationship for nearly two decades.

It’s just not possible to capture either the depth of sorrow that reigned over Washington when Bud Nance departed this earth, nor is it possible to capture in words the grandeur and beauty of the successive honors and tributes so justly showered upon him as we celebrated his extraordinary lifetime with his loving family and with us.

Bud Nance and Jesse Helms, two distinct persons, friends since they were little boys and were neighbors and friends, and dedicated to their homes.

In short, Mr. President, Congress put Arkansas banks at a severe competitive disadvantage with the passage of the Riegel-Neal Interstate Banking and Branching Act. The entire Arkansas delegation, therefore, considered it appropriate, if not our duty, to work to rectify this inequity here in Congress where it was created. I am glad we were successful.

RICHARD ALLEN LAUDS THE LATE BUD NANCE

Mr. President, I ask unanimous consent that Richard Allen’s address be printed in the RECORD at the conclusion of my remarks.

Mr. President, I ask unanimous consent that Richard Allen’s address be printed in the RECORD at the conclusion of my remarks.

Mr. President, I ask unanimous consent that Richard Allen’s address be printed in the RECORD at the conclusion of my remarks.
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just blow ’em all out of there!’ And he did just that. It was not the last time that Bud would be called upon to clean up an organization!

At the honors for Bud in May, Secretary of State Madeleine Albright, who got the credit, said he was the sort of man who did his job well, and never did mind a little easier, or demonstrates to them the vital importance of building support in the greater community for those brave young men and women who are serving in uniform. We need our citizens who are not in military service to be supportive of those who do, especially of those who serve in the Guard and Reserve. In that capacity he has been responsible for helping to raise employer awareness about the importance of Guard and Reserve forces to our national defense. While Coy is going to be saluted for the work he did as Chairman of the Georgia Committee, his commitment to public service goes far deeper and runs far longer than his tenure in that position. Clearly, his contributions have benefitted the State of Georgia and the nation. Coy began his career in 1957, when he graduated from Emory University, he took the oath of an officer in the United States Army and accepted a commission in the Artillery. He rose to the rank of Captain before leaving military service to return to civilian life. While on active duty, Coy taught him many valuable lessons, not the least of which was the importance of maintaining a strong defense and supporting those who serve.

After leaving the Army, Coy tried his hand at a number of entrepreneurial enterprises, while still finding like many who serve their country the satisfaction that came from doing something for the benefit of others. In 1977, he began a career with the Social Security Administration that has been a tremendous success by any measure, rising to the position of Deputy Regional Commissioner. The most important gauge of success, however, would be the assistance he has rendered to tens of thousands of Americans. Coy’s tireless efforts and adept abilities as a manager have earned him repeated recognitions, including the “Commissioner’s Citation”, the highest award given by the Social Security Administration.

Coy learned at an early age the importance of supporting our men and women in uniform. Nothing does more for the morale of those who serve in the military than to know that they are appreciated by those they protect. Toward that goal, Coy Short has always been more than willing to roll-up his sleeves and lend his support to any effort that makes life for our troops a little easier, or demonstrates to them the high regard in which they are held by their fellow Americans. He is especially well known for his work as Chairman of the Georgia Committee for Employer Support of the Guard and Reserve, where he involves others in this important endeavor. This work is especially critical in a day and age when we increasingly rely on those who serve in non-active components to support ‘real world’ missions. The recognition that is being bestowed upon him early next month is a testament to the fine job he has done in boosting support in the community for our “citizen-soldiers”, his work has made it easier for men and women to meet their obligations to their units and help us meet our national defense goals.

While we can all be proud of what Coy Short has accomplished as Chairman of the Georgia Committee for Employer Support of the Guard and Reserve, his commitment to helping the military is not limited to his service to that body. He also serves as President of the B-29 Superfortress Association, which has restored and put on display at Dobbins Air Reserve Base one of those classic World War II era bombers, named “The Sweet Eloise”, and is working on restoring the tenth C-130 Hercules to have been produced in Georgia. Coy has spent his life at that facility. Additionally, Coy serves on the Executive Committee of the USO Council of Georgia, as Ambassador for the U.S. Army Reserve, and is a member of the Atlanta Chamber of Commerce’s Greater Atlanta Military Affairs Council Executive Committee. In the past, he has served as the President of the Atlanta Chapter of the Association of the United States Army
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and as the Chairman of Peach Bowl’s Community Events Committee. Not surprisingly, Coy’s efforts have won him diverse praise, high recognition and appreciation in many forms including winning the prestigious Sam Nunn Award for Outstanding Support of the National Guard; the Ogletorpe Distinguished Service Medal for Outstanding Support of the Georgia Guard; the National Distinguished Service Award from the Association of the United States Army; the National Committee for Employer Support of the Guard and Reserve Award for Outstanding Public Service; the Army Commendation Medal, awarded for public service on behalf of Army Forces Command; the Atlanta Chamber of Commerce Phoenix Award; the Dobbins Air Reserve Base Man of the Year Award; the Eli White Award of the Old Guard of the Gate and Guard; and, twice the National Guard Association’s Patrick Henry Award.

I am pleased and proud to be able to have this opportunity to commend my good friend, Coy Short, on his many years of public service and the invaluable support he has given to our armed forces, particularly those who serve in the Guard and Reserve. It is my hope that others will be inspired to follow the lead that Coy has set for public service. The qualities of patriotism, selflessness, and duty were obviously instilled in him at an early age, and we have all benefitted from his devotion to service. Certainly Coy’s mother, Eloise Strom, as well as Coy’s wife Judy, deserve special recognition for the role they played in Coy’s success.

Coy, we appreciate all your good work and know you will continue to find ways to make a difference in the lives of those who live in Georgia, Atlanta, and all those who serve in the armed forces of the United States.

THE DEPARTURE OF STEVEN APICELLA, LEGISLATIVE FELLOW

Mr. LOTT. Mr. President, I would like to take a moment to recognize my Legislative Fellow, Steven Apicella, who will be leaving the LOTT staff, my team, at the end of this session.

I must admit, when Steven first joined the Commerce Committee’s staff in 1989 I never dreamt he would develop into the strong and committed individual that he has become. Steven has become an indispensable part of my legislative shop. He has worked hard on a broad range of issues—each time jumping in feet first, soaking up knowledge and moving legislation forward in this often complicated process.

Steven began his Capitol Hill experience during the lengthy and grueling TEA-21 negotiations. He quickly realized his transportation priorities for my home state of Mississippi, and was helpful in making sure these issues were not lost in the shuffle. Steven spent long hours hammering out the details of TEA-21, Steven earned the respect of staff, as well as mine.

Steven advised me on a variety of high-tech issues, and was an active participant of the team which formulated a focus for the Republican Technology Task Force. He worked with the staffs of several of my colleagues to reach a consensus—often not an easy task.

Steven has also been very diligent in advancing a meaningful and updated encryption policy—one that balances national security, law enforcement and trade interests. He continually made sure that all parties realized that these issues are not mutually exclusive priorities. Steven personally drafted some of these issues, and was responsible for bringing it to my attention and guiding me as the bill worked its way through the Commerce committee.

Digital signatures is another issue Steven has aggressively pursued. He played an active role in getting the government portion of the legislation enacted into law last Congress, and worked extensively toward today’s Senate passage of this needed opportunity for the private sector.

An important service on behalf of the State of Mississippi has been Steven’s diligence on national parks legislation. This year Steven was very helpful in preparing two bills that I introduced in this area—one to add the battlefield at Corinth as part of the Shiloh National Park, and another to begin the planning for the designation of the Vicksburg Campaign Trail. On each of these bills, Steven worked effectively with the Senate committee and was a key participant in the negotiations that created the WTO and the North American Free Trade Agreement.

Although Steven was assigned areas which were outside the realm of his “parent” employer, Department of Energy—he has been an excellent ambassador. He has helped the staff understand the intricacies of the agency and appreciate its problems. As Steven returns to his duties at DOE, I hope his experiences and the skills and contacts he has developed while serving as a part of my staff will serve him well.

Over the past several years, I have been privileged to have had the services of legislative fellows, to provide stellar support for my efforts. Steven has been fantastic. I thank Steven for his dedication and determination, and I thank DOE for their patience—I’m sure they are ready to have him back, working his magic there. I wish Steven, and his son Jarrett, Godspeed in their future endeavors.

REMARKS ON THE DEPARTURE OF IVAN SCHLAGER

Mr. HOLLINGS. Mr. President, I rise today with both pride and sadness as we say goodbye to a long time member of my staff, Ivan Schlager. I have known Ivan for the past several years. One cold afternoon at Northwestern University in 1983, Ivan approached a woman, thought to be a staffer on the Hollings for President Campaign and offered to volunteer on that effort. That “staffer” turned out to be my wife, Peatsey Hollings, and before Ivan knew what had happened, he was driving and wading through the snow of New Hampshire in support of my effort.

After finishing at Northwestern and law school at Georgetown, Ivan joined the Commerce Committee staff in 1989 and began to assist both Senator ROCKETT and myself at the Subcommittee on Tourism and Foreign Commerce. In this job, he played an important role on many of the international trade agreements concluded over the past decade, including most notably the Uruguay Round agreement which created the WTO and the North American Free Trade Agreement.

I truly believe that Ivan is one of the most knowledgeable and substantive individuals with regard to international trade. He was instrumental in insuring that all voices were heard during these important debates.

More than 3 years ago, Ivan became the Commerce Committee’s staff director and he has overseen its operations since that time. He has provided the committee Democrats with a thoughtful and pragmatic approach to a remarkable variety of issues. Moreover, he has developed and fostered a working relationship with Chairman MCCAIN, his staff and the remainder of the Republicans on the committee.

On many occasions, these relationships have helped in forging a bipartisan consensus on a variety of issues that have helped advance good public policy in areas such as telecommunications and broadcast policy, aviation, trucking and rail issues, technology development and environmental and oceans concerns.

One particular issue stands out, last year’s tobacco debate. Under difficult personal circumstances, Ivan worked closely with both Republicans and
Democrats to help craft a compromise that was reported out of the committee by a 10-8 vote.

On other occasions, such as product liability or international trade we have been unable to reach bipartisan consensus and have been forced to hash out our differences on the Senate floor. In those instances, I have been blessed to have Mr. Santor's energy, quick thinking, political intuition and wise counsel during the debate.

As I mentioned earlier, I first met Ivan when he was in his early twenties. Both Peatsy and I have seen him grow from a college student to a dedicated and accomplished public servant. We rejoiced when he met and married his lovely wife, Martha Verrill. We celebrated when they had a baby boy, Ethan, and then a second, William. We grieved with their family when their father passed away last year. And today we wish him well as he moves onto his next step in joining the internationally recognized law firm of Skadden, Arps.

Ivan, thank you for all that you have done for Peatsy and me, the Commerce Committee, and for our country. We will miss you.

JUDICIAL NOMINATIONS IN THE FIRST SESSION OF THE 106TH CONGRESS

Mr. LEAHY. Mr. President, as the Senate concludes this first session of the 106th Congress, I want to take a moment to thank Senator LOTT, the Majority Leader, and Senator HATCH, the Chairman of the Senate Judiciary Committee, for working with us to confirm some of the judges desperately needed around the country.

Senator HATCH has pressed forward with three confirmation hearings since October 5, in the last five weeks of this session, to bring the total number of hearings to seven for the year. Those hearings allowed for 12 additional judicial nominees to be reported to the Senate calendar and another two being ready for action by the Committee. Senator HATCH supported all but one of the nominees voted upon by the Senate this year and worked hard to clear judicial nominees reported by the Committee for action by the Senate.

I thank the Majority Leader for working with me and Senator DASCHLE, our Democratic leader, to find a way to consider each of the judicial nominations reported to the Senate by the Judiciary Committee. In early October he committed to working with us, and this month he announced that he would press forward for votes on the nominations of Judge Richard Paez and Marsha Berzon by March 15 and on the other nominations left pending on the Senate Executive Calendar, as well.

With his assurance, Senator BOXER was willing to proceed immediately to consider a nomination important to the Senator from Mississippi.

I want to commend Senator BOXER and Senator FEINSTEIN for their efforts on behalf of Judge Paez and Ms. Berzon. With their support, these nominations are each now headed toward final confirmation votes.

For the year, the Senate confirmed 34 federal judges to the District Courts and Courts of Appeals around the country and to the Court of International Trade. The Senate has voted to fill only 34 of the 100 vacancies that exist this year. There remain 35 judicial nominees still pending before the Senate. Most regrettably, the Senate rejected the nomination of Justice Ronnie White on an unprecedented part-line vote. Senator HATCH is fond of saying that the Senate could do better. I agree with him and hope that we will continue to do much better next year.

In 1998, vacancies numbered 50. Last year we urged the Senate to maintain that pace it established last year when the Senate confirmed 65 judges. I urged the Senate to move away from “the destructive politics of [1996 and 1997] in which the Republican majority confirmed only 17 and 36 judges.” We did not achieve much movement in the first nine months of this year. It is my hope that developments over the last few week signal that the Senate is finally moving toward recognition of our constitutional duty regarding judicial nominations and that we will consider them more promptly and fairly in the coming months.

I note that during the last two years of the Bush Administration, a Democratic Senate confirmed 404 judges. To reach that total this Congress, the Senate next year will need to confirm 72 additional judges—more than in any year since the Republican Majority took control. That will take the Senate’s commitment but we can achieve it. In 1994, with a Democratic majority in the Senate, we confirmed 101 judges, and in 1992, the last year of the Bush Administration, a Democratic Senate confirmed 64 federal judges.

Meanwhile we end this year with more judicial vacancies than existed when we adjourned at the end of last year. We have again lost ground in our efforts to fill longstanding judicial vacancies that are plaguing the federal courts. In 1988, vacancies numbered only 16. Even after the creation of 85 new judgeships in 1984, the number of vacancies had been reduced to only 33 by the end of the 99th Congress in 1986.

At the end of the 100th Congress in 1988, which had a Democratic majority and a Republican President, judicial vacancies numbered only 23. In 1999 the Republican Senate adjourns leaving 65 vacancies with 10 on the horizon.

Moreover, the Republican Congress refused to consider the authorizations of the additional judges needed by the federal judiciary to deal with their ever increasing workload. In 1984 and in 1990, Congress did respond to requests for needed judicial resources by the Judicial Conference. Indeed, in 1990, a Democratic majority in the Congress created judgeships during the Republican presidential administration. Two years ago the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. This year the Judicial Conference renewed its request but increased it to 72 judgeships needing to be authorized around the country. If Congress had passed the Federal Judgeship Act of 1998, S. 1145, as it should have, the federal judiciary would have 128 vacancies today. That is the more accurate measure of the needs of the federal judiciary that have been ignored by the Congress over the past several years.

More and more of the vacancies are judicial emergencies that have been left vacant for longer periods of time. The President has sent the Senate qualified nominees for 15 of the current judicial emergency vacancies, which nominations remain pending as the Senate adjourns for the year.

Most troubling is the circuit emergency that had to be declared three months ago by the Chief Judge of the Court of Appeals for the Fifth Circuit. That is a situation that we should have confronted by expediting consideration of the nominations of Alston Johnson and Enrique Moreno this year. I hope that the Senate will consider them both promptly in the early part of next year. In the meantime, I regret that the Senate is adjourning and leaving the Fifth Circuit to deal with the crisis in the federal administration of justice in Texas, Louisiana and Mississippi as best it can but without the resources that it desperately needs. I look forward to our resolving this difficult situation at the beginning of the coming year.

COMPREHENSIVE TEST BAN TREATY

Mr. DODD. Mr. President, due to the illness of a family member, I was unable to participate in much of the debate on the Comprehensive Test Ban Treaty. I voted in favor of ratification of the treaty, and, now that there is ample time, I want to express my views on the treaty and the debate prior to the Senate’s vote against ratification.

In my view, that vote was a sad day for the United States Senate, for our nation and for the world. During the debate, my colleague, Senator CLELAND spoke eloquently of the pride he felt as a man sitting in this chamber 36 years ago when the Senate voted to ratify the first nuclear test ban treaty which prohibited atmospheric nuclear tests. I doubt that many people can express a similar sense of pride over the outcome of the Senate’s consideration of the Test Ban Treaty earlier this fall.

My disappointment rests, firstly, with the manner in which this treaty...
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was considered. It can only be characterized as hurried, a legislative rush to judgment.... For instance, Senator Byrd, one of the most senior members of this chamber and a former majority leader, rose to speak prior to a procedural vote. He dared to ask for fifteen minutes to speak during this chamber's headlong rush to vote against a treaty that would bar nuclear explosions throughout the world. The majority was well aware that there were not 67 votes for this treaty, and they knew what the final outcome would be. Sadly, though, the majority found it necessary to brush aside the most senior member on this side of the aisle. That is not the way we should conduct business in the Senate.

Unfortunately, that episode characterized the entire debate on this treaty. This was simply the most obvious example of a senseless sense of urgency about arriving at that ratification vote that we rarely see in this body. The sudden scheduling of the vote, prior to a single hearing, brought one week of frenzied focus that some members characterized as ample consideration. I think that it fell far short. All hearings on this treaty were crammed into one week, and most of the floor debate time was allocated on a Friday, prior to a three-day weekend and after the week’s final vote.

The brief debate and vote on this treaty were closely watched within this country and around the world. As evidence of that, most, if not all, Senators received a high volume of constituent calls, and no Senator is unaware that foreign leaders made rare appeals to this body.

The process followed with this treaty bore little resemblance to the process the Senate normally follows when it receives the normal process includes careful consideration of a treaty’s merits, an airing of the arguments from those who have objections, the addition of any safeguards that may be necessary, and, finally, a vote on ratification. In this case, that process was ignored and, some would argue, even maligned.

The Senate could have easily avoided a ratification vote, and, given the haste of its actions and the profound importance of the subject at hand, should have done so. Moreover, some members on the other side of the aisle clearly stated that they needed more time to examine this treaty, study its implications, and propose any appropriate amendments or side agreements. In fact, a majority of this body appeared to want more time to do so. That view is eminently reasonable considering how quickly this treaty was considered. Instead, all Senators were forced to make a fast decision and put their vote prior to an opportunity to delay the vote. There were those on the other side of the aisle who endorsed doing just that. Regrettably, they were overruled by their colleagues who are overzealous opponents of this Administration.

In support of the Comprehensive Test Ban Treaty, and, as the President stated, I expect that the treaty will be ratified—if not this year, then some year. Nuclear test explosions are becoming anachronisms; the tide of history is irreversibly pushing toward an end to nuclear testing. The last vestiges of their legitimacy. Prior to the vote, I had decided to support the President’s request to put off the vote on ratification. It had become clear to the President and me and most other members of this chamber that, despite our strong support of this treaty, the Senate was not yet ready to support ratification. It was with regret that I arrived at that conclusion, because no one enjoys putting off a vote that will benefit the people of this nation and, in this case, the people of the world. This treaty has been signed by over 150 nations. It is supported by nearly every member of the United Nations. Clearly it merited several days or even weeks of hearings in which experts on both sides of this issue would have a chance to present testimony and answer questions. More than that, though, it deserved to be ratified. Our nation is the world’s greatest force for peace and freedom. It is not worthy of that status to forsake the community of civilized nations that have committed themselves to an end to nuclear testing.

We have missed an opportunity to lead these nations, and to provide an example to countries like India and Pakistan, both of whom are on the verge of signing this treaty. Instead, we have, I fear, energized forces in those countries and others around the world that favor further testing or revalidating pledges not to test the last vestiges of our stockpile. What other nation has plans to allocate $45 billion over the next ten years to ensure the reliability of its stockpile? What other nation has greater resources to dedicate to its stockpile? What other nation is better to present testimony and answer questions. More than that, though, it deserved to be ratified. Our nation is the world’s greatest force for peace and freedom. It is not worthy of that status to forsake the community of civilized nations that have committed themselves to an end to nuclear testing.

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able, given its experience, to ensure the reliability of nuclear weapons?

Our allies—Britain and France—have concluded far fewer nuclear explosions than we have, yet they have ratified this treaty. Over half of the nuclear-capable nations in the world have ratified this treaty. We have the least to lose and the most to gain if this treaty goes into force. It is my hope that our nation must do its part and help rid the world of these terrible nuclear explosions. I urge my colleagues to support a reexamination of these issues and a reconsideration of the Senate’s regrettable course of action.

S CORPORATION ESOPS

Mr. BREAUX. Mr. President, in 1996 and 1997, I supported the creation of S corporation ESOPs, which—while they may sound a bit obscure to some—are an innovative way of giving employees an ownership stake in their companies and providing for their retirement.

The design of these programs was quite sound and intended to accomplish very specific policy objectives. We sought to create not only an administrable structure for these plans, but also a program that encouraged private businesses to give their workers a “piece of the rock” and help them save for their retirement. The law therefore allows some deferral of tax liability on current-year revenues of a participating S corporation, but of course only for that portion of the company’s revenues that are put into the ESOP accounts of employees. That is to say, the deferral only exists so long as the monies are not realized by employee-owners; when they withdraw the funds for their retirement benefit, they also pay a tax, and in this case, at a much higher rate than standard capital gains.

Recently, some have questioned whether this incentive should be eliminated. I am delighted that a strong bipartisan majority of the members of the Senate Finance Committee and House Ways and Means Committee have indicated they want to preserve the fundamental attributes of S corporation ESOPs. We have carefully scrutinized this matter in recent months, particularly in the context of the tax extenders legislation. We have determined that Treasury’s proposal to eliminate the deferral aspect of S corporation ESOPs is a serious threat to the vitality of S corporation ESOPs. In rejecting this proposal, Congress has affirmed that—at a time when national savings rates are abysmally low, when Americans worry how they will fund their retirement, and when we in Congress worry about the future of Social Security—we cannot afford to undo such important programs.

In response to Treasury’s concerns with possible abuse of the system, we included a revenue raising provision in the extenders package to strengthen the 1996 law. However, the Treasury Department objected to this provision and it was dropped during the last minute negotiations on the bill. Secretary Summers has agreed to work with me over the coming months on a provision to strengthen and preserve broad-based employee ownership of S corporations through ESOPs in the future.

Today, there are 100,000 or more workers in America who are using and benefiting from the S corporation ESOP rules that we designed. We have reason to be proud of this accomplishment, and to point to it as an example of how we are helping Americans build wealth for their futures and their families through private ownership. I believe more workers stand to benefit from this program, which is working as Congress intended. I believe, along with a strong bipartisan group of my colleagues, that we must do all we can to sustain and promote S corporation ESOPs. I appreciate the strong support of Chairman Romji and other members of the Finance Committee in particular to achieve this objective, and look forward to working with them on an ongoing basis for this very important cause.

FALL OF THE BERLIN WALL

Mr. GRAMS. At the Brandenburg Gate, West Berlin, on June 12, 1987, President Reagan issued a stunning challenge: “General Secretary Gorbachev, if you seek peace if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization: Come here to this gate! Mr. Gorbachev, open this gate! Mr. Gorbachev, tear this wall down!” And less than three years later, the wall crumbled, along with the threat of communism as a viable, universalist alternative to democracy.

I remember reporting on the fall of the Berlin Wall as a newscaster. I remember those first tentative attempts to climb over it, and the rush of revelers that followed when no shots were fired. Remember, the wall was built to keep people in, and freedom out. The guard posts in the East were facing outward, not toward West Berlin. It is incredible that the tenth anniversary of this seminal event passed almost without comment. For it marked the end of the Soviet Empire, and foreshadowed the end of the Soviet Union itself. The global correlation of forces, as the Soviets used to say, aligned with freedom, not oppression.

The Wall crumbled because President Reagan was committed to achieving peace through strength. The Reagan Security Strategy was designed to confront and rollback communism by aiding national liberation movements in Afghanistan, Angola, Grenada, Cambodia, and Nicaragua. He proved that once countries were in the Soviet camp, they need not remain there forever. He realized that our national security is reinforced and enhanced when we operate with a coherent, concise, and understandable foreign policy. And by doing so, he succeeded in inspiring and supporting dissidents behind the Iron Curtain who eroded the mortar of that Wall.

In contrast, the Clinton Administration has reacted to foreign policy crises, but has failed to develop a foreign policy. The Administration has lurched from managing one crisis to another, but never articulated the national interest in accordance with a core philosophy. Instead of consistently safeguarding and promoting our values abroad, it has acted on ad hoc basis according to the needs of the moment, confusing our allies and emboldening rogue nations. Serbia was emboldened to conduct ethnic cleansing in Kosovo; North Korea was emboldened to develop nuclear weapons; Saddam Hussein was emboldened to strengthen his position in northern Iraq.

What is the Clinton Doctrine? We have been told about a “do-ability doctrine” whereby the United States acts “in the places where our addition of action will, in fact, be the critical difference.” However, that alone cannot be the criteria for U.S. intervention. Under that formula, the U.S. could be expected to intervene anywhere in the world. And as Secretary Albright stated as our Ambassador to the U.N. “we are not the world’s policeman, nor are we running a charity or a fire department.”

However, as a practical matter, the combination of a “do-ability doctrine” with so-called “assertive multilateralism”—places the United States in very reactive positions which Secretary Albright derided. It has resulted in both the abdication of our responsibilities and the misguided projection of our power. Instead of applying the Reagan Doctrine by equipping and training the Bosnian forces over our allies’ objections, the Administration subcontracted our role of arming the Bosnians to a terrorist regime in Iran, unnecessarily endangering the lives of U.S. troops. Instead of arming the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica. In contrast, the attempt at nation building in Somalia, and the refusal to provide equipment to the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica. In contrast, the attempt at nation building in Somalia, and the refusal to provide equipment to the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica. In contrast, the attempt at nation building in Somalia, and the refusal to provide equipment to the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica. In contrast, the attempt at nation building in Somalia, and the refusal to provide equipment to the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica. In contrast, the attempt at nation building in Somalia, and the refusal to provide equipment to the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica. In contrast, the attempt at nation building in Somalia, and the refusal to provide equipment to the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica. In contrast, the attempt at nation building in Somalia, and the refusal to provide equipment to the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica. In contrast, the attempt at nation building in Somalia, and the refusal to provide equipment to the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica. In contrast, the attempt at nation building in Somalia, and the refusal to provide equipment to the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica. In contrast, the attempt at nation building in Somalia, and the refusal to provide equipment to the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica. In contrast, the attempt at nation building in Somalia, and the refusal to provide equipment to the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica. In contrast, the attempt at nation building in Somalia, and the refusal to provide equipment to the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica.
Recently, there has been discussion of the possibility of reworking our entire military force structure—which is presently engaged in the fight two simultaneous major regional conflicts—in order to enable us to commit US troops to an ever-growing number of multilateral “peacekeeping” missions. I am concerned that we may sacrifice our vital national security interests in order to be able to participate in peripheral endeavors. We should not be shortsighted. We should not lose sight of what we must do in order to accomplish what we can do. Our military should be used to protect our national security interests, not provide peacekeeping in areas without significant strategic advantage.

That kind of distinction will never happen under the Clinton Administration. Perestroika is much more fluid at this time than at any other in the last 40 years. Therefore, one of the very important missions of Europe meet to discuss European Security is more fluid at this time then at any other in the last 40 years. Therefore, one of the very important decisions that the OSCE must make at the Istanbul Summit, is who will chair the OSCE in 2001. I am very pleased to announce that the OSCE has chosen the nation of Romania to undertake this important leadership role. The United States and several leading European nations had advanced Romania’s candidacy, and I believe that the OSCE has made a very wise choice. Romania’s value as OSCE chair derives from a number of factors. First, Romania’s geostategic position places it in the heart of the region where stability is needed most. Despite lying at the crossroads of the Balkans, the Caucasus, and European Russia, Romania has made an effort to maintain excellent relations with all the parties. The OSCE desperately needs leadership that understands the problems of this region, while having no vested interest in any particular outcome. That is the sort of leadership that only Romania can bring to the table. Second, Romania is a role model for other Balkan nations. The economic and political reforms that Romania has undertaken, have not come easy—but that is part of her attraction to the other nations of the region. Romania’s experience demonstrates that if willing to make the necessary sacrifices, democracy and a liberalized economy are within reach. Finally, Romania has a strong tradition of cooperation with this nation. Our friendship has been formalized through the 1997 Strategic Partnership, as well as Romania’s vigorous participation in the Partnership for Peace.

Mr. President, Romanian chairmanship is a very positive harbinger for the future of Europe, and for the future of the Balkan Region. I congratulate the OSCE for their excellent choice. I wish Romania’s leadership the very best wishes upon assuming this very weighty responsibility. We look forward to another session of productive dialogue and meaningful diplomacy upon their accession to the chairmanship.

ROMANIAN CHAIRMANSHIP OF OSCE

Ms. LANDRIEU. Mr. President, as we attempt to conclude our business for this session of Congress, I wanted to mention an important decision that has just occurred in Istanbul. Mr. President, as you know, Turkey is hosting the summit of the Organization for Security and Cooperation in Europe (OSCE). Our President was in attendance, and from reports, this summit has been a robust forum for debate.

Given recent history, it is impossible to overstate the importance that the OSCE might play in maintaining Europe’s peace and stability. It is the only forum available where all the nations of Europe meet to discuss European concerns. Clearly, the status of European Security is more fluid at this time than at any other in the last 40 years. Therefore, one of the very important decisions that the OSCE must make at the Istanbul Summit, is who will chair the OSCE in 2001. I am very pleased to announce that the OSCE has chosen the nation of Romania to undertake this important leadership role. The United States and several leading European nations had advanced Romania’s candidacy, and I believe that the OSCE has made a very wise choice. Romania’s value as OSCE chair derives from a number of factors. First, Romania’s geostategic position places it in the heart of the region

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THE 1999 STATE PARKS GOLD MEDAL

Mr. GRAHAM. Mr. President, today, I rise with my colleague Senator MACK to take a moment to recognize our Florida state park system, which recently received the prestigious 1999 National State Parks Gold Medal from the National Sports Foundation, Inc., a part of the 25,000-member National Sporting Goods Association. The State Parks Gold Medal is awarded every other year to the state park system considered America’s best. We are proud and honored that Florida’s state park system, which includes 151 diverse state parks throughout the state covering more than one-half million acres, received this recognition in October at the National Recreation and Park Association Annual Congress in Nashville, Tennessee.

Congratulations to Governor Jeb Bush, Florida Department of Environmental Protection, Secretary David Struhs, and the Department’s Division of Recreation and Parks Director, Fran Malnella, on this achievement.

This nation’s state parks play a key role in our society—they provide much needed recreational opportunities to Americans while protecting key resources. These parks create the link between our national parks, dedicated specifically to protection of the resources for which the park was created, and our local parks, dedicated specifically to recreation. Without a strong state park system, our national parks will become stressed as people seek to fill unmet recreational needs. We are proud that the state of Florida recognizes this connection, and works to maintain a strong state park system.

In honor of “Florida’s State Parks—Voted America’s Best,” Governor Bush and the Florida Cabinet have designated Saturday, November 20 as a “free day” when admission charges to Florida state parks will be waived for all visitors. We invite all of our colleagues to a free day in one or more of America’s best state parks that day.

Thank you, Mr. President, for the opportunity to recognize these outstanding natural areas, preserved forever for the enjoyment of this and future generations.

NOMINATION OF JOSEPH E. BRENNAN

Ms. SNOWE. Mr. President, last Wednesday, the Senate confirmed Governor Joseph E. Brennan as a commissioner on the Federal Maritime Commission, and this week Governor Brennan was sworn in for a term to expire in 2003.

Governor Brennan, who formerly served as a Member of Congress for four years, where he was a member of the House Merchant Marine and Fisheries Committee, and Governor of Maine for eight years prior to that, is eminently qualified to confront the challenges facing the maritime community. With his broad experience at both the state and federal level, Governor Brennan is an outstanding choice to serve as a Commissioner on the FMC.

His service in Congress gave him first-hand knowledge of federal maritime issues as a member of the House Merchant Marine and Fisheries Committee that will be invaluable on the Maritime Commission.

Established in 1961, the Federal Maritime Commission—FMC—is an independent regulatory agency charged with administering laws relating to shipping and the waterborne domestic and offshore commerce of the U.S.

The FMC’s jurisdiction encompasses many facets of the maritime industry. The Chairman and four Commissioners of the FMC are responsible for protecting shippers, carriers and others engaged in foreign commerce from restrictive rules and regulations of foreign governments and from the practices of foreign-flag carriers that have an adverse effect on shipping in U.S. trades. The FMC also reviews and monitors agreements under shipping law, reviews and approves or rejects tariff filings, issues licenses for ocean freight
activities, administers passenger indemnity laws, reviews alleged or suspected violations of shipping statutes, and promulgates rules and regulations on shipping laws.

The maritime sector is vitally important to our economy, and the FMC’s responsibilities are fundamental to sustaining U.S. competitiveness in this area.

As a Senator from Maine, a state with a rich maritime heritage, I am keenly aware that our nation has always been dependent upon the sea and has thus enjoyed a rich maritime tradition. To this day, our merchant marine remains an integral part of our culture and our economy.

Today, one out of every six jobs in the United States is marine related. America’s ports support more than 55 percent of all our overseas foreign trade, and within the U.S., more than one billion tons of commercial cargo is transported by ship each year. We must do all that we can to preserve our maritime legacy for future generations, and the FMC plays a key role in the commercial component of this legacy.

Mr. President, I would also like to recognize Senator McCaIN, Chairman of the Commerce Committee, for his leadership, and for making it possible to move the nominations of both Governor Brennan and Anthony Merck prior to adjournment. I am grateful to Senator McCaIN and to Majority Leader LOTT for their efforts to move this nomination expeditiously—and to my colleagues for their support.

Finally, I would like to offer my heartfelt congratulations to Governor Brennan. I am very pleased that the President recognized that he would make a valuable contribution to the FMC. As senior Senator from Maine and a member of the Commerce Committee, I look forward to working with Governor Brennan on maritime issues in the years to come.

Mr. President, once again, I would like to thank Chairman McCaIN Majority Leader LOTT, and my colleagues, and I yield the floor.

THE RISING COST OF PRESCRIPTION DRUGS

Mr. JOHNSON. Mr. President, I want to address an issue of critical importance to millions and millions of Americans, an issue I have come to the floor previously to discuss and an issue that has become one of my highest legislative priorities, the lack of affordable prescription drugs.

Today, nearly thirty-five percent of Medicare beneficiaries, 14 million people, have absolutely no coverage for prescription drugs. Unfortunately, these are the same individuals who consume the majority of prescription drugs in our country. Studies indicate that eighty percent of retirees take at least one prescription drug every day and those over the age of sixty-five take on average, eighteen and a half prescription drugs per year. Older Americans spend a tremendous amount of money out of pocket on their health care expenses. It is estimated that seniors spend an average of fifteen percent on hospital admission costs, one percent on physician visits, thirty-four percent on prescription drugs and twenty-one percent on other health care related expenses. Prescription drugs have become the number one health care expense for seniors in our country.

I came to the floor a few weeks ago to talk about this very same issue, but I am addressing this issue again because I believe this matter is too critical for Congress to ignore. It appears as though Congress will not reach an agreement before we adjourn for the year, or even have a meaningful discussion, on how we will provide relief to the millions of needy seniors throughout our country, and a state of South Dakota who struggle every day to pay for their medications.

While prices for the prescription drugs most often used by older Americans are skyrocketing far beyond inflation, the pharmaceutical industry’s financial exploits, “Families USA: The Voice for Health Care Consumers” recently released a report indicating that more than two-thirds of the fifty most commonly prescribed drugs for seniors increased in price nearly two to three times faster than the rate of inflation. Last year, wholesale prices for fifty prescriptions commonly filled by the elderly rose by six and a half percent even though the overall inflation rate that year was just one and a half percent.

For example, the drug Lorazepam, used to treat Parkinson’s disease, increased three hundred and eighty-five percent over the last five years. The report also found that while the median profit for all Fortune five hundred companies was forty-three and a half percent, manufacturers of drugs most commonly prescribed to seniors relished in profits at or above twenty percent in 1998.

The findings in the Families USA study reflect similar results that I have presented from the House Government Reform Committee on drug prices paid by South Dakota seniors.

The South Dakota study found that South Dakota’s elderly pay more than twice as much for prescription drugs as does a pharmaceutical company’s favored customers, such as HMO’s, large insurance companies or the federal government. The study found that price differentials are as high as one thousand four hundred and sixty-nine percent for some drugs.

For the last several months, I have been holding meetings in communities across South Dakota on the subject of prescription drug prices. The response from seniors and young people alike on this issue has been overwhelming to say the least.

I have received nearly five thousand postcards and hundreds more letters in response to my request for South Dakotans to contact me with their opinions on this issue. I have asked South Dakotans to become a Citizen Cosponsor of the prescription drug legislation that I introduced with Senator KENNEDY called the Prescription Drug Fairness For Seniors Act. Our bill would allow Medicare beneficiaries access to the same low prescription drug prices that the drug companies offer their “favored” customers, such as HMO’s, large insurance companies and the federal government. This bill ends the price discrimination that now exists against the segment of the society who rely on prescription drugs the most, older Americans. South Dakotans have told me that they support this effort to make prescription drugs affordable.

Mr. President, we are forcing our senior citizens to make the unimaginable choice—between “buying their medication” or buying their medication. This is a choice that no human being should have to make.

With the proposed drug industry merger between Warner Lambert and American Home Products, and the recently released Families USA study, today highlights two more examples which reinforce my belief that we need legislation to help lower the high cost of prescription drugs for American consumers.

A 73 billion drug industry merger has the potential to decrease any competition that still exists in the industry. Stock prices for the pharmaceutical industry are at an all-time high which adds to their record profits. The losers for all of this are the American consumers who are forced to pay increasingly higher prices for prescription drugs.

By joining forces, these two drug companies expect a total cost savings of over one billion dollars over three years by spreading the cost of developing new drugs, while increasing the
sales force needed to market old and new products. If this merger deal goes through, I wonder if the drug companies will be willing to pass along all of their one billion dollar savings to the thousands of seniors that I have heard from across South Dakota who cannot afford their monthly medication but will now undersell.

I ask that a summary of the Families USA study be inserted into the RECORD following my statement.

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

HARD TO SWALLOW: RISING DRUG PRICES FOR AMERICA’S SENIORS

INTRODUCTION

For older Americans, the affordability of prescription drugs has long been a pressing concern. Outpatient prescription drug coverage is one of the last major benefits still excluded from Medicare, and the elderly are the last of the insured consumer groups to get access to prescription drugs as a standard benefit. Although many Medicare beneficiaries have access to supplemental prescription drug plans, too often that coverage is very expensive and very limited in scope. What is more, such coverage is on the decline. As a result, older Americans—who are by far the greatest consumers of prescription drugs—pay a larger share of drug costs out of their own pockets than do those who are under 65. This means the prices of prescription drugs have a greater impact on older Americans than on younger persons.

Four years ago, Families USA found that the prices of prescription drugs commonly used by older Americans were rising faster than the rate of inflation. To determine if this trend of steadily increasing prices for prescription drugs has improved, remained the same, or worsened, Families USA gathered information on the prices of the prescription drugs most heavily used by older Americans over the past five years. Using data from the Pennsylvania Pharmaceutical Assistance Contract for the Elderly (PACE) program, we analyzed the prices of the 50 top-selling prescription drugs most heavily used by older Americans.

Our analysis shows that, in each of the past five years, the prices of the 50 prescription drugs most frequently used by older Americans have increased considerably faster than inflation. While senior citizens generally live on fixed incomes that are adjusted to keep up with the rate of inflation, the cost of the prescription drugs they purchase most frequently has risen at approximately two times the rate of inflation over the past five years and more than three times the rate of inflation in the last year.

FINDINGS

The prices of the 50 prescription drugs most frequently used by the elderly rose by more than four times the rate of inflation during calendar year 1998. (The data on average drug price increases used in this report weight drug price increases by sales. This means that the prices of those drugs sold in the greatest numbers reported take into account the market share of each of the 50 top-selling drugs. This is the methodology often used by industry sources to average the prices of these 50 drugs increased by 6.8 percent from January 1998 to January 1999, though the general rate of inflation in that period was 1.6 percent.

From January 1998 to January 1999, of the 50 drugs most commonly used by the elderly:

More than two-thirds of these drugs (36 out of 50) rose two or more times faster than the rate of inflation.

Nearly half of these drugs (23 out of 50) rose at more than three times the rate of inflation.

Over one-third of these drugs (17 out of 50) rose at more than four times the rate of inflation.

Among the 50 drugs most frequently used by seniors, the following drugs rose more significantly in price from January 1998 to January 1999:

Lorazepam (manufactured by Mylan and used to treat conditions such as anxiety, convulsions, and Parkinson’s), which rose by 279.4 percent (more than 179 times the rate of inflation).

Furosemide (a diuretic manufactured by Watson that is used to treat conditions such as hypertension and congestive heart failure), which rose by 196.6 percent (more than 196 times the rate of inflation).

Lanoxin (manufactured by Glaxo Wellcome and used to treat heart failure), which rose by 15.4 percent (almost 10 times the rate of inflation).

Xalatan (manufactured by Pharmacia & Upjohn and used as a pulmonary agent in the treatment of asthma, bronchitis, and emphysema), which rose by 14.1 percent (more than nine times the rate of inflation).

Atrovent (manufactured by Boehringer Ingelheim and used as a respiratory agent in the treatment of asthma, bronchitis, and emphysema), which rose by 14.1 percent (more than nine times the rate of inflation).

Among the 50 drugs most frequently used by older Americans, 39 have been on the market for the five-year period from January 1994 to January 1999. The prices of 36 of those 39 drugs increased faster than the rate of inflation over the five-year period.

More than two-thirds of those drugs (28 out of 39) rose at least 1.5 times as fast as the rate of inflation over the five-year period.

Nearly half of those drugs (19 out of 39) rose at more than three times the rate of inflation over the five-year period.

More than one-fourth of those drugs (10 out of 39) rose at least three times the rate of inflation over the five-year period.

Of the 39 drugs that were used most frequently by seniors and that were on the market for the period from January 1994 to January 1999, the drugs that rose most significantly in price are:

Lorazepam, which rose by over 385 percent (more than 38 times the rate of inflation).

Imdur, which increased 10 times; Premarin (manufactured by Wyeth-Ayerst and used as an estrogen replacement), which increased eight times; Atrovent, which increased eight times; Pravachol (manufactured by Bristol-Myers Squibb and used to reduce cholesterol), which increased seven times; Synthroid (manufactured by Knoll and used as a synthetic thyroid agent), which increased seven times; and K-Dur 20 (manufactured by Schering and used as a potassium replacement), which increased seven times.

During the last two years, there has been an acceleration in price increases of the drugs most commonly used by seniors. From 1996 to 1997 to 1997, those drug prices rose 1.3 and 1.2 times faster, respectively, than the rate of inflation. From 1997 to 1998 and 1998 to 1999, those drug prices rose 1.7 and 4.2 times faster, respectively, than the rate of inflation.

The median net profit for manufacturers of the 50 most prescribed drugs for senior citizens was 20.0 percent in 1998—4.5 times larger than the median net profit of 4.4 percent for all Fortune 500 companies.

AMERICA'S ROLE IN THE 21ST CENTURY

Mr. COVERDELL. Mr. President, I rise to day to draw your attention to an informative and thought-provoking foreign policy lecture that our colleague and good friend, Mike DeWine, recently gave in Oxford, Ohio, at his alma mater—Miami University. His address was a part of Miami University’s distinguished Hammond Lecture Series, which first began nearly 38 years ago in January 1962. Our esteemed former colleague from Arizona, Barry Goldwater, presented the first lecture in the Series, which, incidentally, Senator DeWine attended during his first visit to the Miami campus.

I draw your attention to Senator DeWine’s address because it focuses on a fundamental question that the American people, the President, and we here in Congress must consider. That question is this: ‘What role will the United States play in the world, as we enter the 21st Century?’ In posing this critical question, Senator DeWine discusses several of the challenges and concerns that our country faces in forming a foreign policy doctrine for the future. I encourage you to take some time to read this reasoned, well-argued piece, and consider the questions it raises.

Mr. President, I ask unanimous consent that a copy of the 1999 Hammond Lecture, given by Senator Mike DeWine, be printed in the RECORD.

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

‘AMERICA’S ROLE IN THE WORLD IN THE 21ST CENTURY

Dr. Shriver, thank you very much. It is always a daunting task to follow Dr. Shriver. And, for that kind introduction, I thank you, President Garland and members of the Hammond Lecture Series Committee—thank you.
November 19, 1999

CONGRESSIONAL RECORD—SENATE

for inviting me to be with all of you here tonight.

Dr. Shriver’s wife, Fran, and I started at Miami University on the same day. Dr. Shriver started as President in the Fall of 1965, and started as fresh-faced as the same day. We all entered Miami together—Dr. Shriver just stayed here a little longer! Fran and I did spend four very productive years here at Miami. We left with three degrees and two children—two children, by the way, who graduated from Miami and have married Miami graduates. Of our eight children, seven—so far—also have graduated from Miami.

I am particularly honored to be giving the Dr. W.A. Hammond Lecture this year. As Dr. Shriver said, Dr. Hammond lived in our home county—in Greene County. He was a chemist, an industrialist, a community leader—a person who cared passionately about our history, about government, about politics, and about America.

His legacy is not just this lecture series. I see his legacy every time that I’m back home. I see it in the long stretch of land that lies along the Little Miami River—still undeveloped and still beautiful. That’s just one of his best legacies for us in our home county and a legacy for our state.

As a high school freshman, I came on the Miami University Campus to attend the first W.A. Hammond Lecture. The speaker was then United States Senator Barry Goldwater. It was January 1962. It was a rather interesting day for me, because it was actually the first time I discovered that there was a United States Senator, but it was also the first time I had seen this wonderful campus.

One of the things that I recall from that speech by Senator Goldwater is that I thought the question and answer period was a lot more interesting than the speech. I think it’s probably typical of most speeches. The speech was fine, but I thought the questions and answers were particularly interesting. So, I hope tonight to spend a significant portion of time with you on comment and questions on whatever topics you want to address.

As we approach a new millennium, as well as the next presidential election, it is appropriate for us to discuss where the United States is going as we enter the next century. What kind of a country do we expect our children, our grandchildren, and our great-grandchildren to live in?

When John F. Kennedy was running for President in 1960, he said that the job of a president is to lay before the American people the unfinished business of the country. That’s still the job of the President—a job, I think also, of Senators and other leaders. So, I hope to talk tonight about that unfinished business of this country and particularly the unfinished business of this generation and of the next generation.

What are the big challenges and other important things that we have to deal with?

We have a crisis in education, particularly in our inner cities, and particularly in Appalachia.

We must solve—especially in Ohio—the school funding disparity problem and question.

We must, as a country, attract the smartest, the best, and the brightest of our students to the profession of education—the profession of teaching.

And, quite candidly, our schools of education must continue to aggressively reexamine how they prepare our teachers for the 21st century. We must do a better job of attracting and encouraging professionals and people with real world experiences to make teaching a second career.

The Congress, the President, and the American people must—even in the next several years—deal with the Medicare question and deal with the Social Security question. For all of the talk by both the President and the Congress—Democrats and Republicans—about “saving Social Security” and “saving” this “crisis,” the reality is that Social Security and Medicare cannot be “saved” without fundamental reform. All of the surpluses in the world cannot hold back the demographic tidal wave of the baby boom generation as it approaches retirement. Reform—reform, not budget surpluses, will save Social Security.

There are certainly other issues that this generation must tackle: health care, medical research, and a subject near and dear to my heart—the crisis in our country’s foster care system.

However, our topic tonight is foreign affairs and what the U.S. role in the world should be in the 21st Century. So, I will now take a stab at that.

When Senator Goldwater addressed Miami in 1961, our nation was in the midst of the Cold War, and certainly no typical American family could have had a day without being touched by that larger, global struggle. It was a time of bomb shelters and of school children crawling under their desks. Young American men and women were sent to all corners of the globe—to places they barely could pronounce, spell, or even find on a map—all in defense against communist expansion. We raced the U.S.S. Nautilus to the North Pole. We raced the Soviets to the Moon—and won. The Olympic games were seen as epic struggles to reaffirm the strength of our system.

Senator Goldwater devoted the first Hammond Lecture to a discussion of the ideological struggle between democracy and communism. And, as he said on that January night nearly thirty-eight years ago: “We are fighting an ideology that is dedicated to destroying us. We can win this fight against Communism without firing a shot or dropping a bomb.”

Perhaps, to his own surprise, Senator Goldwater lived to see the fulfillment of that prophecy. Ten years ago this week, the most dramatic symbol of the Cold War—the Berlin Wall—fell, and most significantly, not because of some advancing army. It fell because its foundation—communism—could no longer sustain itself.

In retrospect, the fall of the Soviet Union was neither a complete defeat for totalitarianism, nor really a complete victory for democracy.

The end of the Cold War also did not end the nuclear threat. The world remains today a dangerous and very uncertain place. Although we are experiencing a period of peace and prosperity really not seen in our country since the 1920s, this “peace” has not been tranquil. America’s military forces have been dispatched to places such as Saudi Arabia, Somalia, Haiti, Bosnia, and Serbia. We’ve engineered military actions against Iraq and at the start of the war in Afghanistan. In the Sudan and the hills of Afghanistan.

We stand on the brink of a nuclear arms and missile race in South and East Asia and the Middle East. The tension raised in the prospect of war in several regions—from Central Europe to the Asian Subcontinent.

And, nations in our own hemisphere face the potentially overwhelming—the progress of our movement toward democracy that we successfully achieved in this hemisphere over a decade ago. In sum, we have moved from a Cold War to a Hot Peace.

The challenges of global stability did not cease with the end of the Cold War. Peace may have been protected, enforced, and advanced with the same vigilance and determination we demonstrated to arrive at this point in our history. As Henry Kissinger observed more than ten years ago: “History knows no resting places; what does not advance must sooner or later decline.”

Since the beginning of the so-called American century, when a Canton, Ohio, resident named William McKinley was re-elected to the presidency, our nation’s chief executives have faced the challenge of defining America’s role in shaping and responding to world events.

The eight Presidents who have led our nation during the Cold War have been remarkably comfortable with the opportunity to pronounce, or perhaps characterize, the nature of American foreign policy. During that time, we went from a policy of containment to a policy of detente, and from there to a policy of political containment and military buildup. Now, one may agree or disagree with each of these policies, but there is no dispute that each of these Presidents—from Harry Truman to George Bush—led with a clear vision, or doctrine, if you will, that guided U.S. foreign policy and influenced the shaping of multinational affairs during their terms of office.

Unfortunately, our current Administration never seized the opportunity to articulate a clear, thoughtful doctrine, or a principled and practical approach to U.S. foreign policy.

“Instead of a foreign policy geared toward anticipating and shaping events abroad, we have watched events abroad shape our foreign policy.”

“The future and security of our nation must be—absolutely must be—the dominant theme of the next presidential election. Each candidate has to answer one fundamental question: What should America’s role in this post-Cold War world be?”

“The President—working with Congress—with the American people, and with our global partners—must develop a new bipartisan foreign policy doctrine—a McCain Doctrine, or a Bradley Doctrine, or a Gore Doctrine, or a Hatch Doctrine—a doctrine for this country and for our people—a doctrine to define our role as we move into the next century. To be sure, there is not one right answer, to what role should we play. These are very, very difficult questions. The world is a complex place, and there are no easy solutions to any of the conflicts and challenges our world faces. But, one thing is certain: Protecting our national security and promoting our interests abroad will depend on the kind of vision, the kind of leadership, and the kind of foreign policy doctrine that our next President brings to this task.”

We enter the 21st Century, our next President must—in a bi-partisan manner—engage Congress and the American people in how best to define and how best to articulate American foreign policy and influence the shaping of U.S. engagements abroad. This means including the American people in an open, foreign policy dialogue. It means getting their support for our foreign policy initiatives. And, finally, it means creating a foreign policy doctrine that is neither a Republican nor...
November 19, 1999

CONGRESSIONAL RECORD—SENATE

PRINCIPLE NO. 1

The first, and perhaps most obvious, principle is that the United States must lead. We have to lead in foreign affairs. Our country must be an active, engaged player in this world, striving for solutions that look beyond the short-term. Our credibility in the world community depends on it.

A lack of solid U.S. leadership in the area of foreign affairs has not come without cost. Our military has been deployed around the world to its breaking point. Our credibility in the world community certainly has declined. And, the world is even more dangerous and unstable now than during the Cold War.

I've noted already some examples of exactly how dangerous the world is today. What's troubling is how little U.S. involvement has done to reduce the dangers that face us. Despite what many Americans say, Russia's government and economy teeter on the verge of collapse under the weight of rampant crime and rampant corruption. North Korea has become the single largest recipient of U.S. aid in East Asia, but continues to develop nuclear technology and missiles capable of reaching most of the Western United States, and, I might add, also continues to starve its own people. Despite our stern warnings, China and Russia continue to assist rogue nations of Iran and Iraq in their obsessive quests to acquire weapons of mass destruction. All these issues, together, present challenges that require strategic thinking and bi-partisan U.S. leadership.

We, as a nation, must take a lead in exporting our democratic values to our neighbors in the Western Hemisphere and to other areas of the world. Without U.S. leadership, it can look to only one place—and that place is the United States. History has put us where we are. If the United States does not give leadership, no one else who can lead—and frankly, no one else who will lead.

PRINCIPLE NO. 2

The second key principle that I believe should guide our foreign policy in the next century is this: The peace and stability of our own neighbors is one of our top priorities. You see, the problems of our hemispheric neighbors are our problems, as well. As a nation, we are determined to ensure the security of our own neighbors. In other words, a strong, and, free, and prosperous hemisphere means a strong, and free, and prosperous United States.

Let's look at the example of our neighbors to the south in Latin America. When I was first elected to the U.S. House of Representatives in 1974, one in three people in Latin America was the dominant issue. Today, the communists have been replaced as a people threat by the pervasive drug trafficking throughout the region represents a very significant and very real concern—one that puts at risk the stability of our hemisphere.

The disintegrating situation in democratic Colombia really illustrates this. No democracy in our hemisphere today faces a greater threat to its own survival than does Colombia. That democratically elected government is embroiled in a bloody, three-year-long civil war against two well-financed, heavily-armed guerrilla insurgent groups—the Revolutionary Armed Forces of Colombia (otherwise known as the FARC) and the National Liberation Army (or ELN). Also involved is a competing band of about 5,000 ruthless paramilitary operatives.

The real source of violence and instability in Colombia, though, is the drug traffickers. According to the Colombian Finance Ministry, the Colombian drug trade brings in to Colombia over $15 billion a year, making it Colombia's top export. To maintain a profitable industry, a significant sum of these drug revenues goes to hire the guerrillas and, increasingly, the paramilitary groups.

Just to give you an idea about how the lives of people in Cincinnati, Ohio, and Bogota, Colombia, are closely linked, consider this: When a drug user buys cocaine on a street corner in Cincinnati, or Cleveland, or Chicago, that person is funding violent anti-democratic activity that threatens the lives of the population of Colombia. For example, the paramilitary groups are funding the violence and instability in that country and in the region.

The United States has a clear economic interest in the future stability of Colombia. Last year's two-way legal trade between the United States and Colombia was more than $11 billion. In fact, the United States is Colombia's number-one trading partner, and Colombia is the fifth largest market for U.S. exports in the region.

I have met with Colombian President Pastrana both in Washington and in Bogota to discuss how our two countries can work together to resolve this deteriorating situation. One way is to invest more in Colombia's drug fighting capability and improve economic opportunities. I have introduced legislation to provide that additional investment. But, this legislation also strengthens the capability of the Colombian government to enforce the law—the rule of law—and provides assistance for human rights training and alternative crop and economic development programs. This is essential. With this bill, we are investing in making Colombia a stronger, more stable democracy, and a stronger, capable partner in controlling the violence and the decaying influence of drug traffickers and human rights abusers.

Stopping the drug trade, though, in Colombia and Latin America is only one way that we can preserve democracy. We must move forward to integrate the entire hemisphere economically. The North American Free Trade Agreement (NAFTA) is the first and most significant step we've taken in that direction. Recently, the Senate took a positive step toward hemispheric trade liberalization by approving the multilateral legislation benefits of NAFTA to the countries in Central America and the Caribbean.

We have to do even more to pursue a hemispheric free trade initiative. Trade integration will occur in this hemisphere, whether or not we are a part of it. It is in our national interest to bring more Latin American countries into bilateral and multilateral trade agreements with the United States. If we fail, others will fill the void. Right now, Europe, Asia, and Canada are consolidating their economic base throughout Latin America. They certainly are not waiting for the United States. They'd prefer us to step aside and let this happen. The longer we wait, the more we stand to lose.

PRINCIPLE NO. 3

The third principle that I will offer for discussion tonight is that our foreign policy must reinforce and promote our own core values of democracy, free markets, human rights, and the rule of law. I am not at all ashamed to say that our most important export to the international community is our ideals and our ideas. In this country, we are committed to democracy and human rights. We cherish open elections, and we cherish our freedom of speech. We strive to promote free trade and fair trade, so that everyone in our hemisphere has a chance to succeed. We firmly believe in self-help, and we firmly protect our freedoms, as we should. I believe passionately that every person in the world should have the same opportunity to enjoy these basic democratic values. We have, over the last twenty years, made significant progress in promoting our democratic values abroad. Let's again look at the example of Latin America.

In 1981, 16 of the 33 countries in our hemisphere were ruled by authoritarian regimes—will of the left, or of the right. Today, all but one of those nations—Cuba—have democratically elected heads of government. They're not perfect. Maybe they don't comply with all that we would like, but they're all moving in the right direction.

The hard, day-to-day work of democracy, however, comes after the elections. It is by no means an easy task to create a democratic society that fosters freedom or expression, where votes matter and human rights are respected. Democracy-building is a slow, often cumbersome process that evolves over time.

Key to sustaining democracy and nurturing both in Latin America, or in any developing democracy, requires a commitment to the rule of law. That means providing effective responses to current threats, including corruption, criminal activity, drug trafficking, and violence. Police and impartial judicial institutions must be in place to fight such threats.

In Colombia, the law is enforced, the no one will uphold the law. And, if that is the case, there will be no jobs, and there will be no economic growth, because there will be no for investment in the long work of democracy. This is the daunting challenge they face.
The daunting challenge, quite candidly, is that, while law is not a law after election day. People and companies won’t invest in these countries. They are afraid to invest—they are afraid to invest, because they don’t know that the assets will be protected or if they will be stolen. And, if they are stolen, they don’t know if there will be any redress. That kind of uncertainty is a deterrent investment.

People need to be able to look to the courts, and to the prosecutors, and to the judicial system. When you help that judicial system strengthen, and you absolutely help create jobs and help people come out of poverty.

The same thing is true for farmers—campesinos—in Guatemala, or Honduras, or Nicaragua, or throughout this hemisphere. If they do not believe that they own land—that they can control their land—they won’t invest in their land. They won’t put anything back into the soil, as farmers must, if they are to prosper.

So, again, it goes back to the judicial system—rule of law—and to the courts. One of the greatest things our country has the ability to do is send abroad our judicial and rule of law expertise. We’ve been doing that. And I think we have been doing a pretty good job, there is still more we can do.

Economies cannot expand and democracies cannot thrive without law enforcement officers and judges committed to law and order. The challenge we face today is that a number of Latin American countries do not have the kind of juridicaries needed to make the rule of law work.

Citizens should not fear the police. Law enforcement should be trained to protect the people and to provide stability and tranquillity. Many of the emerging democracies have a long, long history of police abusing human rights and of the military abusing human rights. That has to change. And, it can change through our assistance and through our expertise.

We already are investing time and money to export our principles of law enforcement to train police in Central America through the International Criminal Investigative Training Program, known as ICITAP. This is an important program, but it’s only half of the law enforcement equation.

A well-trained police force means little if prosecutors and judges cannot prosecute and sentence criminals.

It means nothing if a certain elite class of the population—economic, political, ethnic—is above the rule of law and operates in the country with impunity. That has to change in these countries, as well. And, that we can accomplish.

The U.S. government already has worked to help strengthen some aspects of the judicial systems in Latin America and in other places around the world such as Bosnia, we have a great deal farther to go. If we fail to focus on this matter, we will lose a great opportunity to build on the foundation we worked hard to create and strengthen it, itself, at risk of collapse. One of the great wonders of a free society is that all of its core values—democracy, free markets, human rights, and rule of law—really reinforce the others. To strengthen one strengthens them all.

CONCLUSION

As we enter the 21st century and contemplate our national role in the world, we must think about past mistakes, learn from them, and move forward toward a more balanced, principled, bi-partisan foreign policy. In doing so, we will uphold these principles, which I have outlined tonight:

1. The United States must lead in foreign affairs.
2. The peace and stability of our own hemisphere must be one of our top priorities; and
3. Our foreign policy must reinforce and promote our own core values of democracy, free markets, human rights, and rule of law.

In the global struggle for peace and stability, there is no substitute for strong, effective U.S. leadership. Leadership means foresight and means thinking ahead. It also means credibility.

This week, ten years ago, the Berlin Wall fell, marking the beginning of the end of the Cold War. During this time of remembrance for this anniversary and as we pause, as Dr. Shriver so appropriately pointed out, to pay honor to our veterans, the following words, I think, have significance:

"Ladies and gentleman, the United States stands at this time at the pinnacle of world power. It is a solemn moment for the American democracy. Our leadership in the world is also joined an awe-inspiring accountability to the future. As you look around you, you must feel not only the sense of anxiety, but also you must feel a determination that you will not fall below the level of achievement."

Now these words, while they would be a fitting tribute to the resilience of our nation during the Cold War, actually were spoken by Winston Churchill more than fifty years ago at Westminster College in Fulton, Missouri, which is known for its reference to the "iron curtain." Mr. Churchill’s now famous speech was actually titled, "The Sinews of Peace." In his typically less than subtle manner, Mr. Churchill was suggesting that times of peace require the same strength of purpose as times of war. He certainly was right.

Winston Churchill saw, before many did, what lay ahead for the world. He saw a difficult, uncertain, and volatile peace. He did advise his American allies to pursue an overall strategic concept and outline the methods and resources needed to enforce this strategy. He was calling on America to define its role in a post-WORLD War II world. President Eisenhower, for us, had the vision and the resolve to accept this challenge and to redefine America’s role in foreign affairs.

No doubt, Mr. Churchill would offer similar advice today. All of us here do have an "awe-inspiring accountability to the future." The challenges are many, but I believe they can be met. Doing so requires one significant first step: We must develop, as a country, a doctrine that will guide and define our role in the world. If our next President does that—if our next President follows the example of John Kennedy, Dwight Eisenhower, or Harry Truman, we will have a doctrine that will take us into the next century. And, we will have a doctrine that will be consistent with our principles, with our values, and with our vision of the times of world in which we want our children, our grandchildren, and our great-grandchildren to grow up.

FLORIDA’S ANTI-TOBACCO YOUTH MOVEMENT: THE SWAT TEAM

Mr. GRAHAM. Mr. President, I have been to the floor many times in the past to speak about the expense smoking has cost this great country—both in terms of dollars that the federal and state governments have paid for the care of those afflicted with tobacco-related illnesses and the lives lost from this dreadful addiction.

I have supported state and federal efforts to recoup a portion of these lost dollars from the tobacco industry, as well as their efforts to begin education campaigns that would teach all Americans about tobacco’s harmful effects.

And, most importantly, I have worked with my colleagues to ensure that tobacco companies are no longer targeting our youth.

Tobacco companies must stop marketing their wares to our most vulnerable population, be it through magazine ads that depict smoking as the ‘‘cool’’ thing to do or through the strategic placement of billboard advertisements near our schools and play areas.

Mr. President, I am here today to let this distinguished body know that in Florida our message is being heard.

Florida’s children are learning about the health hazards of tobacco use, and they are deciding not to smoke.

This great news is due, in large part, to the successes of our innovative anti-tobacco pilot program—the "Truth" campaign.

Funded with the monies awarded in Florida’s 1997 tobacco settlement, the “Truth” campaign has a very simple mission—to counter the misinformation that our youth hear about smoking.

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Much of this truth-telling is done by students working in what are known as SWAT teams.

The Students Working Against Tobacco concept was created in February 1998.

Today, SWAT teams are operating in all 67 counties of Florida, with more than 10,000 members throughout the state.

With a goal of reducing teen smoking through youth empowerment, the SWAT teams have formed partnerships with their communities and developed both marketing and education campaigns to impart the truth about tobacco.

Although SWAT teams have been operational for less than two years, they are already making progress in the war against tobacco.

Statewide studies are showing that over 95 percent of Florida’s youth recognize the “Truth” Campaign and know its message to be anti-tobacco.

Additionally, surveys are showing that teenage smoking has decreased since SWAT’s 1998 inception.

Tobacco use among high school students has dropped by 8.5 percent, and...
middle schools have seen a dramatic 21 percent decline in student tobacco use. This reduction is particularly significant when compared to national statistics, showing that states without an anti-tobacco campaign have seen an approximately eleven percent rise in tobacco use.

Florida’s success may be due to SWAT’s willingness to employ both education and mass media as means of spreading their message. Ads that are designed by students are played on local television stations, informing teens of the perils of tobacco use.

Similarly, billboards that the SWAT teams have designed are displayed within the communities. These are complemented by an education component that is adaptable for all school grades.

Health classes provide an opportunity to discuss the impact smoking has upon the body, from halitosis to lung cancer. In reading classes, young children learn to read using books that are about how to stay healthy and smoke-free.

Science courses have moved the anti-tobacco campaign into the technology age, employing CD-Rom programs such as “Science, Tobacco and You,” an innovative computer program that demonstrates tobacco’s effects on the body—from first puff to final drag.

Students scan their photo into the computer, becoming a virtual reality smoker. As the program progresses, students watch their teeth, skin, bones and lungs begin to deteriorate.

Currently, SWAT teams are strengthening their community outreach and grassroots work. In their current effort, students are working to get tobacco ads removed from magazines that have either one million youth readers or over ten percent of total readership under age 18.

They are collecting these ads and returning them in bulk to the tobacco companies, with a cover letter stating that Big Tobacco needs to strengthen their commitment to reducing teen smoking.

SWAT teams have offered to meet with industry representatives to share ideas about how this mutual goal might be met. Once again, the SWAT program has achieved success.

At their next board meeting, they will be joined by representatives from Brown & Williamson Tobacco Company to discuss how to better target tobacco ads campaigns to adults, not youth.

Mr. President, I am very proud of these young people. I am here today to commend them publicly, and to share their accomplishments with all of you because they are truly making a difference in the battle against teenage smoking.

Florida has encouraged its youth to creatively combat one of the foremost problems facing today’s teenagers, encouraging them to find tools and means to successfully meet their goals. As other areas work towards the development of a youth-based anti-tobacco initiative, SWAT will be the model upon which their programs will be based.

To the over 10,000 members of SWAT, thank you for your efforts to educate Floridians about the dangers of tobacco.

DEATH ON THE HIGH SEAS ACT

Mr. SPECTER. Mr. President, as it appears unlikely the House and Senate conferees will come to agreement this year on a bill authorizing the Year 2000 Federal Aviation Administration, I have sought recognition today to introduce legislation which will provide equitable treatment for families of passengers involved in international aviation disasters. This measure is identical to legislation introduced in the 105th Congress, and similar to provisions contained in both the House and Senate FAA bills.

As my colleagues know, the devastating crash of Trans World Airlines Flight 800 on July 17, 1996 took the lives of 230 individuals. Perhaps the community hardest hit by this tragedy was Montoursville, PA, which lost 16 students and 5 adult chaperones from Montoursville High School who were participating in a long-awaited French Club trip to France.

Last Congress it was brought to my attention by constituents, who include parents of the Montoursville children lost on TWA 800, that their ability to seek redress in court is hampered by a 1920 shipping law known as the Death on the High Seas Act, which was originally intended to cover the widows of seafarers, not the relatives of jumbo-jet passengers embarking on international air travel.

Under the Warsaw Convention of 1929, airlines are limited in the amount they must pay to families of passengers who died on an international flight. However, domestic air crashes are covered by U.S. law, which allow for greater damages if negligent conduct is proven in court.

The Warsaw Convention limit on liability can be waived if the passengers’ families show that there was intentional misconduct which led to the crash. This is where the Death on the High Seas Act comes into play. This law states that where the death of a person is caused by wrongful act, neglect, or default occurring on the high seas more than 1 marine league which is more than 3 miles from U.S. shores, a personal representative of a decedent can sue for pecuniary loss sustained by the decedent’s wife, child, husband, parent, or dependent relative. The Act, however, does not allow families of the victims of TWA 800 or other aviation incidents such as the Swissair Flight 111 crash and the EgyptAir Flight 990 to obtain other types of damages, such as recovery for loss of society or punitive damages, no matter how great the wrongful act or neglect by an airline or airplane manufacturer.

My legislation would amend Federal law to provide that the Death on the High Seas Act shall not affect any remedy existing at common law or under State law with respect to any injury or death arising out of an aviation incident occurring after January 1, 1993. In effect, it would clarify that federal aviation law does not limit remedies in the same manner as maritime law, and permits international flights to be governed by the same laws as domestic flights.

My legislation is not about blaming an airline or airplane manufacturer. It is about multimillion dollar damage awards. It is about ensuring access to justice and clarifying the rights of families of victims of plane crashes.

The need for this legislation is suggested by the Supreme Court decision in Zicherman v. Korean Airlines, 116 S. Ct. 629 (1996), in which a unanimous Court held that the Death on the High Seas Act of 1920 applies to determine damages in airline accidents that occur more than 3 miles from shore. By contrast, the Court has ruled that State tort law applies to determine damages in accidents that occur in waters 3 miles or less from our shores. Yamaha v. Calhoun, (1996 WL 5518).

I believe it is inequitable to make such a distinction at the 3 mile limit in civil aviation cases where the underlying statute predates international air travel. My legislation would amend FAA bills.

Mr. President, I am pleased to introduce a bill to reauthorize the Federal Aviation Administration, I have sought recognition today to introduce legislation which will provide equitable treatment for families of passengers involved in international aviation disasters. Specifically, the Death on the High Seas Act of 1920 applies to determine damages in airplane accidents that occur in the territorial waters of the United States, and the recent EgyptAir 990 tragedy to the territorial waters of Greece.

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of paragraph (1).  The term 'covered aviation incident' means an aviation disaster occurring on or after January 1, 1995.' 

75TH ANNIVERSARY OF THE U.S. BORDER PATROL

Mrs. HUTCHISON. Mr. President, on behalf of Senators ABRAHAM, KYL, and GRAMM, I am proud to introduce Senate Concurrent Resolution No. 74, honoring the 75th anniversary of the United States Border Patrol.

Mr. President, the men and women of the Border Patrol are our Nation's first line of defense in the war on drugs and illegal immigration. Since 1924, the Border Patrol has guarded some 8,000 miles of international boundaries, and has maintained a reputation for getting the job done. The Border Patrol story is one of long hours and hard work in defense of our country.

The Department of Labor Appropriations Act of 1924 created a Border Patrol within the Bureau of Immigration, with an initial force of 450 Patrol Inspectors, a yearly budget of $1 million, and a yearly salary of $1,300 for each Patrol Inspector, with each patrolman furnishing their own house.

The Border Patrol has grown from that initial force of 450 to more than 6,000 today, located in 146 stations under 21 sectors. The Border Patrol's officers have assisted in controlling civil disturbances, performing National security details, aided in foreign training and assessments, and responded with security and humanitarian assistance in the aftermath of numerous natural disasters. 86 agents and pilots have lost their lives in the line of duty—six in 1998 alone.

By far, the Border Patrol's greatest challenge has come along our nation's Southwest Border, which is a sieve for illegal drugs and aliens. Last year, there were 6,359 drug seizures along the Southwest Border by the Border Patrol. These drugs had an estimated street value of $2 billion. There were also nearly 5 million illegal crossings.

The Border Patrol and the Congress are responding to this challenge, providing funding to hire 1,000 new agents in fiscal year 2000. Just as we have for the past two years, I hope that the Immigration and Naturalization Service will put these funds to good use, hiring these critical agents, and using other resources Congress has provided to improve the equipment and technology available to the Border Patrol.

The United States Border Patrol has the difficult dual mission of protecting our borders and enforcing our immigration laws in a fair and humane manner. They do both very well under difficult circumstances.

I want to congratulate all who serve with the U.S. Border Patrol on this 75th anniversary and express to them thanks of a grateful nation.
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recognize the comrades of Lt. Braly for their good will.

Mr. President. I ask unanimous consent that the text of the resolution be printed at this point in the RECORD.

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

S. CON. RES. —

WHEREAS on August 2, 1944, a squadron of P-51s from the United States 364th Fighter Group strafed a German munitions train in Remy, France;

WHEREAS the resulting explosion killed Lieutenant Houston Braly, one of the attacking pilots, and destroyed much of the village of Remy, including 7 stained glass windows in the 13th century church;

WHEREAS despite threats of reprisals from the occupying German authorities, the citizens of Remy recovered Lieutenant Braly’s body from the wreckage, buried his body with dignity and honor in the church’s cemetery, and decorated the grave site daily with fresh flowers;

WHEREAS on Armistice Day, 1995, the village of Remy renamed the crossroads near the site of Lieutenant Braly’s death in his honor;

WHEREAS the surviving members of the 364th Fighter Group desire to express their gratitude to the brave citizens of Remy, and their actions with respect to the American fighter pilot Lieutenant Houston Braly, during and after August 1944; and

WHEREAS the surviving members of the 364th Fighter Group have organized a nonprofit corporation to raise funds through its project “Windows for Remy” to restore the church’s stained glass windows: Now, therefore, be it

RESOLVED by the Senate (the House of Representatives concurring), That Congress—

(1) commends the bravery and honor of the citizens of Remy, France, for their actions with respect to the American fighter pilot Lieutenant Houston Braly, during and after August 1944;

(2) recognizes the efforts of the surviving members of the United States 364th Fighter Group to raise funds to restore the stained glass windows of Remy’s 13th century church.

THE WAKPA SICA RECONCILIATION PLACE ACT

Mr. JOHNSON. Mr. President, I am pleased to join with my colleague from South Dakota, Senator Democratic Leader Tom Daschle, as a cosponsor of the Wakpa Sica Reconciliation Place Act, which will establish the Wakpa Sica Reconciliation Place in Ft. Pierre, South Dakota. The Wakpa Sica Reconciliation Place would be an important cultural and interpretive center in South Dakota, Ouray, and Tapto Sioux reservations. It will be a key and pivotal meeting between representatives of the great Sioux tribes and those of the United States of America. This meeting was less than amicable.

Throughout the rest of South Dakota's history the relationship between native peoples and non-natives has not been a peaceful one. Today we are still facing the challenging experience of working and living together side by side. I am proud of the South Dakotans who set their differences aside and came together and created the Mni Wiconi water project. There is a growing need for a Reconciliation Place.

The Reconciliation Place would occupy the site in which Captains Lewis and Clark, and the members of the Corps of Discovery—representing the cultural and rich history of this area of the United States—hold. Through this understanding, it is my hope that we may be able to achieve better relations between Tribal and non-Tribal peoples.

This project is a cultural center which will serve as a home for Sioux law, history, culture and arts for the Lakota, Dakota, and Nakota peoples. It will also serve as a repository for Sioux historical documents, which are currently scattered throughout the West. Many native people do not have access to these documents. With the construction of this facility the native people will be able to house these documents close to home. This will allow interested parties to research their rich past.

The Reconciliation Place will also be the home of the Sioux Nation Supreme Court. This will serve to be a stable legal setting to assist in achieving greater social and economic welfare in Indian Country. Increased legal stability will help promote business investment in the vast human resources that are situated on the reservations in my state. This will bring about more self sufficiency, and less reliance by Indian Country on Federal aid. Similarly, the Native American Economic Development Council will be located in this same facility. This council will assist tribes and tribal members to provide opportunities for economic development. The council will assist in opening the doors to private investment and other resources that are designed to promote development and job creation.

Mr. President, this focal point for Native American culture, law, and economic development assistance is desperately needed. It is apparent that there is a need to strengthen current, and build future understanding between Indian and non-Indian peoples, as well as promote the government-to-government relationship between the tribes and the United States. I ask unanimous consent that I be added as a cosponsor of the Wakpa Sica Reconciliation Place Act, and that my statement be included in the RECORD.

SENIOR BYRD'S 82ND BIRTHDAY

Mr. McCONNELL. Mr. President, I rise today on a personal note. I had planned to make these remarks as we passed the midnight milestone on our way to cloture on the appropriations bill, because, as the clock strikes two, it is apropos to reflect on the many nurses, the selfless, the dedicated, and the great who have cared for this great body, but I would like to take a little literary license to suggest that there are four things that Robert C. Byrd believes in: God Almighty, Sears Roebuck, Carter’s Little Liver Pills, and Robert C. Byrd.” I’d like to take a little literary license to suggest that there are four things that Robert C. Byrd believes in: God Almighty, his happy and productive 82nd year.

Senator Byrd has a wonderful and widely quoted sign up on his office wall: “There are four things people in West Virginia believe: God Almighty, Sears Roebuck, Carter’s Little Liver Pills, and Robert C. Byrd.” I’d like to take a little literary license to suggest that there are four things that Robert C. Byrd believes in: God Almighty, his happy and productive 82nd year.

And, Senator Byrd is not just your run of the mill believer. I have listened many times to the wisdom and intensity of his words, words which flow from a faith that runs as deep as his West Virginia roots, as deep as the coal mines which seam the earth of Appalachia. His words are what have led many to see Senator Byrd as the faithful, loyal, and effective guardian of the precedents and privileges of the rules and Constitutional role of the United States Senate. But, Senator Byrd is more than an institutional advocate, he is a living history of the Senate and democracy. The Senator from West Virginia gives a clear voice both to our finest traditions and what he sees as his life long purpose, serving what he so nobly refers to as “his people.” His reverence and respect for the Senate are surpassed by the deep regard and abiding passion he has for the needs of his constituents.

He speaks of those needs virtually every week. Senator Byrd breathes life into images of each West Virginian he introduces to us in remarks on the floor—even those who have passed from the scene. When he describes a man who dies in a slate fall while mining West Virginia’s coal, he speaks softly of a man, alone, who died in the dark. The illuminating power of this image flows from the passion of his commitment.

It is his commitment which crosses partisan lines and has earned Senator
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HONORING NOTAH BEGAY III AN INSPIRATION FOR ALL AMERICANS

Mr. BINGAMAN. Mr. President, in celebration of American Indian Heritage Month I rise today to celebrate the accomplishments of one remarkable young man Notah Begay III. You may have heard of Mr. Begay as he was a two-time PGA tour winner this season with victories at the Reno-Tahoe Open and the Michelob Championship. This is a true accomplishment by any standard, but even more significant when you consider that he is only 27. I rise today to honor Mr. Begay because of the fact that he is the first full-blooded Native American to play on the Professional Golf Association Tour.

Notah’s path to success is not uncommon among his peers in the PGA. He didn’t grow up in a privileged environment. While the Begay family was not poor, they did not have the resources to pay for costly private golf lessons for young Notah. In exchange for golf balls and practice time, Notah often woke up at 5:00 AM to move carts, wash range balls and serve as an all-around gopher at the city-owned course in Albuquerque. And when Notah visited his grandparents on the Navajo Reservation, the determined young golfer would hit golf balls off of the hard clay dirt of the reservation. Still today, the Navajo Nation does not have one golf course on its 25,000 square miles.

Despite his uncommon beginnings, Notah has been truly successful at every level of competition. During high school, Notah led his high school basketball team to back-to-back state championships. But more impressive, he was the No. 2 junior golfer in the nation.

After high school, Notah traveled west to Stanford University. Although Notah’s teammate, Tiger Woods, is often spotlighted by the media, it was Notah and his Stanford teammates who won the 1994 NCAA Championship trophy, one year before Mr. Woods joined the team. Notah played an integral role by shooting a 62 in the second round of the Championship tournament, a tournament record that remains today. And while many great college athletes do not finish their studies, I am very proud to say that Notah is a fellow graduate of Stanford, earning a degree in economics.

Notah turned pro after college and has quickly risen in the PGA ranks. At the Nike Championship this year, Notah became the thirdlayer in history to shoot a 59 on a U.S. pro tour. He joins Al Geiberger and Chip Beck as the only players to score such a feat.

Because of his outstanding success this year, Notah is a candidate for top rookie honors. He is half Navajo and half Pueblo Indian and he follows a tradition of courage and strength, exemplified by his grandfather. Notah’s grandfather, Notah Begay I, was one of the famous Code Talkers during World War II. The Code Talkers relayed sensitive information for the United States military through a code based on the Navajo language. They proved to be a critical component of the military intelligence during World War II.

Notah’s unprecedented success has shown a generation of young Americans that with hard work and dedication, any dream is achievable. The success Notah has earned is equal only to the inspiration he provides for Native American youth in my home state of New Mexico and across the country. I commend him not only for his golf success, but also for his commitment to the youth of New Mexico.

Mr. President, I yield the floor.

EAST TIMOR

Mr. FEINGOLD. Mr. President, I want to say a few words about a piece of legislation that is not moving this year. I want to speak about it because it deals with an extremely important topic, one that has not received the attention and commitment that it deserves from this body.

That topic is the appropriate state of U.S.-Indonesian relations today.

Mr. President, I introduced S. 1568, the East Timor Self-Determination Act of 1999, on September 8—well over two months ago. That legislation, which passed the Foreign Relations Committee on September 27 by an overwhelming vote of 17-1, was cosponsored by the Chairman of that Committee as well as many other Members of the Senate.

I took that action, in cooperation with my colleagues, because events in East and West Timor demanded it.

On August 30, well over 95% of registered voters in East Timor courageously came to the polls to express their will regarding the political status of that territory. More than 78% of those voters marked their ballot in favor of independence.

But weeks of violence immediately followed the vote, as the Indonesian military—a military that our country has long supported—colluded with militia groups in waging a scorched earth campaign against the East Timorese people and their democratic aspirations throughout the territory.

Hundreds of thousands of people were forced to flee, and many were killed.

But for the East Timorese run out of their homes in the fray, the nightmare did not end there.

There seems to be a perception out there that all is well in Indonesia today, and that the East Timor crisis is over. Unfortunately, that is simply not true.

Last week, the Associated Press reported on the public comments of the spokesperson for the United Nations High Commissioner for Refugees. The spokesman said that many East Timorese are being forced at gunpoint to return to the camps that are grotesque conditions of deprivation and medical care. He said, and this is a direct quote, that “the moment an East Timorese expresses a desire to leave the camps and go home their life is in danger.” And the UNHCR spokesperson noted, in last week’s AP report, that many relief organizations have received reports of refugees being raped and beaten by militiamen.

Mr. President, to this day, militia members harass and intimidate East Timorese in West Timor’s refugee camps. Only about 56,000 refugees have returned home to East Timor. Approximately two hundred thousand remain, in many cases against their will, in the refugee camps of West Timor.

This day, human rights organizations do not have the access that they need to all of the refugee camps to which East Timorese fled.

Throughout all of this pain, throughout the destruction of lives and property, throughout this brutal retaliation for courageous acts of democratic expression, this Senate has been silent. We have had no floor debate and no vote. My original bill, despite being voted out of committee with only one dissenting vote, has languished on the calendar for weeks.

In response to that silence, Mr. President, I negotiated an arrangement to introduce an amendment to the bankruptcy bill addressing this issue. Squeezing this important topic into the middle of a debate on an unrelated bill was certainly not the most desirable approach, but I was determined to pursue this legislation.

The amendment I had planned to offer was considerably different from my original bill. I made significant alterations to it in order to respond to changing events and the concerns of other Senators and the Administration.
Mr. President, I want to pursue this legislation to encourage democracy and accountability in Indonesia, and to hold these two incentives for the policy of accountability and cooperation. And I want to hold that Administration to its word, ensuring that passing political whims do not soften America’s rejection of the kind of methods that the Indonesian military used in East Timor.

The amendment would have reached out to the Indonesian government, celebrating its democratic transition and recognizing its economic needs, while keeping the pressure on elements in Indonesia that are moving in the opposite direction—elements moving away from democracy, reform, and accountability and moving toward repression, violence, and impunity.

With these incentives and incentives, this amendment would have set the stage for a responsible and strong partnership between the U.S. and Indonesia.

Mr. President, it concerns me that the Administration has behaved as though they wish this legislation would just go away, although it is a codification of their own policy.

The Administration has told me that they desire more flexibility—particularly with regard to licensing defense related articles for export to Indonesia—than this amendment would allow.

Despite the fact that I worked closely and carefully with the State Department to develop a reasonable list of conditions that must be met in order to re-establish military and security relations, in the end, the Administration did not want to be pinned down to any standards at all.

Mr. President, I will speak frankly. The Administration’s unwillingness to commit to a responsible policy and to a solid series of prerequisites for resuming military and security ties concerns me, and convinces me that vigilance will be necessary in the months ahead.

And so Mr. President, while I foresee no opportunity to move this legislation this year, I want to remind this Senate and this Administration that my amendment will remain in order when we return to the bankruptcy bill, and I am prepared to take up this issue again in January, or at any other time the circumstances warrant it.

I will continue to be certain that this Senate has a voice in the future of U.S.-Indonesian relations. I will continue to push for accountability for the abuses perpetrated by the Indonesian military and militia groups. And I will continue to insist that U.S. engagement with the Indonesian military is contingent upon an end to the harassment and murder of East Timorese refugees with impunity.

I pledge to my colleagues and to this Administration that I will monitor this matter, and monitor it closely in the weeks and months ahead. I will stand by, ready with several versions of my legislation, should the Indonesian military fail to take the steps toward reform and accountability that are absolutely essential prerequisites to a military and security relationship with the United States.

And make no mistake, I will come to the floor again and again should this Administration appear ready to engage with and support an Indonesian military that has not seriously lived up to its own commitment to respect the rights of ordinary East Timorese civilians who seek only to live their lives in peace and security.

Mr. President, I yield the floor.

**BIENNIAL BUDGETING**

Mr. DOMENICI. Yesterday (November 18), House Rules Committee Chairman DAVID DREIER introduced H. Res. 396, a resolution expressing the sense of the House that biennial budgeting and the legislature should be enacted in the second session of the 106th Congress.

Notably, this resolution has 245 co-sponsors, significantly more than a majority of that body. Those sponsors include the entire House Republican leadership, 25 members of the House Appropriations Committee, including the Chairman, and 45 Democrats.

Critics of biennial budgeting often point to lack of accountability in the House as a reason why the proposal will never be adopted. That hurdle seems now to have been swept away, as significantly more than a majority of the House has been convinced by the inescapable logic and numerous advantages of a biennial budget process.

This year, we have yet again been faced with a numbing repetition of the all-too-familiar appropriations end game. Annual appropriations have been allowed to stall because of controversial policy and funding issues.

While the vast bulk of appropriations are routine and are funded from year to year, they nonetheless are held hostage to these controversial and often unrelated budget and policy debates. This is unnecessary and counterproductive.

A biennial budget process would restore the integrity and effectiveness of the appropriations process, would revitalize the tradition of separate Congressional authorization and oversight, and would give Federal departments and agencies badly needed time to carry out and evaluate Federal programs more effectively.

Many Senators of both parties have long acknowledged the need for a biennial budget process. A majority of House members now concur. Both President Clinton and Vice-President Gore support biennial budgeting, and recently, George W. Bush voiced strong support for the idea.

All sides now agree that biennial budgeting is the right thing to do. Now is time to go forward. We have studied, talked, and debated enough. Let’s now resolve to act on this important bill as soon as possible when we return from the congressional adjournment.

Mr. HATCH. Mr. President, I would like to take just a few minutes in these final hours of the First Session of the 106th Congress to consider several legislative initiatives I authored this year, and which I am pleased to say have either passed or were substantially incorporated into other bills that were approved and will be sent to the President.

One of the most important issues for my state of Utah is the Radiation Exposure Compensation Act (RECA) Amendments of 1999, S. 1515, which I introduced earlier. I am delighted that the Senate passed this important legislation earlier today.

This bill will guarantee that our government provides fair compensation to the thousands of individuals adversely affected by the mining of uranium and from fallout during the testing of nuclear weapons in the early post-war years.

Senator BEN NIGHTHORSE CAMPBELL; the distinguished Senator Minority Leader Senator TOM DASCHLE; Senator JEFF BINGAMAN; and Senator PETE DOMENICI all joined me in introducing this legislation, and I appreciate their support.

In 1990, the Radiation Exposure Compensation Act (42 U.S.C. 2210) was enacted in law. RECA, which I was proud to sponsor, required the federal government to compensate those who were harmed by the radioactive fallout from atomic testing. Administered through the Department of Justice, RECA has been responsible for compensating approximately 6,000 individuals for their injuries. Since the passage of the 1990 law, I have been continuously monitoring the implementation of the RECA program.

Quite candidly, I have been disturbed over numerous reports from my Utah constituents about the difficulty they have encountered when they have attempted to file claims with the Department of Justice. I introduced S. 1515 in response to their concerns.

This bill honors our nation’s commitment to the thousands of individuals who were victims of radiation exposure while supporting our country’s national defense. I believe we have an obligation to care for those who were injured, especially since, at the time, they were not adequately warned about the potential health hazards involved with their work.

Another issue which many of my constituents contacted me about over the past year was the Medicare provisions contained in the 1997 Balanced Budget Act (BBA) and the impact of these provisions on health care providers and Medicare beneficiaries.

I am pleased that the House has given its approval to the Medicare,
Medicare, and CHIP Adjustment Act of 1999 which is now ready for Senate consideration and passage today.

This will help to ensure that Medicare beneficiaries can continue to receive high-quality, accessible health care.

Overall, the bill increases payments for nursing homes, hospitals, home health agencies, managed care plans, and other Medicare providers. It will also increase payments for rehabilitative therapy services, and longer coverage of immunosuppressive drugs.

Over $27 billion in legislative restorations are contained in this package for the next 10 years.

Clearly we now know that there were unintended consequences as a result of the reimbursement provisions contained in the BBA. Many of the changes provided for in the BBA resulted in far more severe reductions in spending than we projected in 1997. As a result, skilled nursing facilities, home health agencies and hospitals have been particularly hard hit from these changes in the Medicare law.

In 1997, Medicare was in a serious financial condition and was projected to go bankrupt in the year 2001. The changes we made in 1997 saved Medicare from financial insolvency and have resulted in extending the program's solvency until 2015.

Nevertheless, the reductions enacted in 1997 created a serious situation for many health care providers who simply are not being adequately reimbursed for the level and quality of care they are providing.

This situation is particularly evident in the nursing home industry. Many skilled nursing facilities, or SNFs, are now facing bankruptcy because the current prospective payment system, which is part of the BBA, does not adequately compensate for the costs of care to medically complex patients.

As a result, I introduced the Medicare Beneficiary Access to Quality Nursing Home Care Act of 1999, S. 1500, which was designed to provide immediate financial relief to nursing homes who care for medically complex patients.

The Chairman of the Budget Committee, Senator DOMENICI, was the principal cosponsor of this important legislation. And I would like to take this opportunity now to thank him for the extraordinary effort he made in helping to have major provisions of our bill incorporated into the final conference agreement on the BBA Restorations bill.

Moreover, I want to thank the other 44 Senators who cosponsored S. 1500 and who lent their support in helping to move the bill to conference.

This is an important victory for Medicare beneficiaries who depend on nursing home care. As we have seen over the past several years, those beneficiaries with medically complex conditions were having difficulty in gaining access to nursing home facilities, or SNFs, and simply did not want to accept these patients due to the low reimbursement levels paid by Medicare.

The current prospective payment system is flawed. It does not accurately account for the costs of these patients with complex conditions. The Health Care Financing Administration (HCFA) has acknowledged that the system needs to be corrected.

Under the provisions of the BBA Restoration bill we are passing today, reimbursement rates are increased by 20% for 15 payment categories, or the Resource Utilization Groups—RUGs—beginning in April 2000. These increases are temporary until HCFA has fine-tuned the PPS and made adjustments to reflect a more accurate cost for these payment categories.

Moreover, after the temporary increases have expired, all payment categories will be increased by 4% in fiscal years 2001 and 2002.

These provisions will provide immediate increases of $1.4 billion to nursing home facilities to care for these high-cost patients.

In addition, the bill also gives nursing homes the option to elect to be paid at the full federal rate for SNF PPS which will provide an additional $700 million to the nursing community.

I would also add that I am pleased the conference report includes a provision to provide a two-year moratorium on the physical/speech therapy and occupational therapy caps that were enacted as part of the BBA. As we all well know, these arbitrary caps have resulted in considerable pain and difficulty for thousands of Medicare beneficiaries who have met and exceeded the therapy caps.

I joined my colleague and good friend, Senator GRASSLEY, as a cosponsor of this important legislation, and I want to commend him for his leadership in getting this bill incorporated into the final BBA Restoration conference report.

There are many other important features of this bill that are included in the conference report agreement and, together, these provisions will do a great deal to health restore needed Medicare funding to providers. Overall, $2.7 billion is restored to SNFs under this legislation.

The bottom line is all of this is ensuring that Medicare beneficiaries have access to quality health care. We need to keep that promise and I believe we have done that through the passage of this legislation today.

With respect to other providers, I would like to note that the bill contains $40 million for home health agencies as well. The bill will ease the administrative requirements on home health agencies as well as delay the 15 percent reduction in reimbursement rate for one year. This reduction was to have taken effect on October 2000 but will now be delayed for one year until October 1, 2001.

I have worked very closely with my home health agency in my state who are extremely concerned over the impact of the 15% reduction next year. I am pleased to tell them that we have addressed their concerns by delaying this reduction for another year. I think this time will give us an opportunity to focus on this provision to determine what other adjustments, if any, may be required in the future.

Overall, the bill adds $1.3 billion back into the home health care component of Medicare.

So I believe we have taken some significant steps to ensure that home health agencies will be able to operate without the threat of increased Medicare reductions on their bottomline.

We have also taken steps to help hospitals and teaching hospitals with over $400 million in Medicare restorations. These increases will help to smooth the transition to the PPS for outpatient services—another issue that was brought to my attention by practically every hospital administrator in my state.

On the separate, but equally important issue of children's graduate medical education funding, I am especially pleased that the House has passed legislation that will authorize, for the first time, a new program to provide children's hospitals with direct and indirect graduate medical education funding.

Independent children's hospitals, including Primary Children's Hospital in Salt Lake City, receive very little Medicare graduate medical education funding (GME). This is because they treat very few Medicare patients, only children with end stage renal disease, and thus do not benefit from federal GME support through Medicare.

I cosponsored this legislation in the Senate which passed earlier this year. The measure has now cleared the House and will soon be sent to the President who is expected to sign the measure into law very soon.

Moreover, $40 million is contained in the appropriation bill that will serve as an excellent foundation on which to provide assistance to children's hospitals.

I am also pleased that provisions from S. 1626, the Medicare Patient Access to Technology Act, were included in the BBA Restoration measure.

These important provisions guarantee senior citizens access to the best medical technology and pharmaceuticals. Currently, Medicare beneficiaries do not always have access to the most innovative treatments because Medicare reimbursement rates are inadequate. And I just don't think that it's fair to older Americans. My
provisions contained in the restoration bill change this by allowing more reasonable Medicare reimbursements for these therapies.

Take, for example, John Rapp, my constituent from Salt Lake City, Utah. Mr. Rapp, who is 71 years old, was diagnosed with prostate cancer last May. He was presented with a series of treatment options and decided to have BRACHY therapy because it was minimally invasive and he could receive it as an outpatient and it had fewer complications than radical surgery.

This new innovative therapy implants radioactive seeds in the prostate gland in order to kill cancer cells. The success rate of this therapy has been overwhelming.

So, what’s the problem? Without my legislation, services such as BRACHY therapy would not be available in the hospital outpatient setting to future Medicare patients due to the way the Medicare reimbursement rates, from approximately $10,000 to $1500, and, therefore, it would not be cost-effective for hospitals to offer this service. Fortunately, the provisions included in the omnibus spending bill change all of that—innovative treatments, such as BRACHY therapy, will now be available to future prostate cancer patients.

We must get the newest technology, to seniors as quickly as possible. Government bureaucracy should not stand in the way of seniors receiving the best care available. We must put Medicare patients first, not government bureaucracy. That is why my legislation is necessary, so please let me explain, and I will include this in the Medicare package.

Finally, I am pleased that this package also addressed the serious concerns of the community health centers. The community health centers community came to us because there were concerns about the financial hardship that the Balanced Budget Act would have imposed on these health centers and their patients. I worked hard with Finance Committee Chairman Roth, Senator Grassley, and Senator Baucus to resolve this important issue. I believe that the conference committee came up with a good solution. However, I intend to monitor this situation closely over the next couple of years.

Mr. President, there are numerous other provisions in this restoration package that I will not take the time to comment on now, but they are equally important. I want to commend the leadership in the Senate and House for working to put together this important measure that will clearly help millions of Medicare beneficiaries throughout the country.

THE DAKOTA WATER RESOURCES ACT

Mr. CONRAD. Mr. President, I rise today to discuss an important piece of legislation for my State of North Dakota. Section 623, the Dakota Water Resources Act, is legislation I introduced in the last Congress and early in this Congress to re-direct the existing Garrison Diversion Project. This bill is designed to meet the contemporary water needs of North Dakota, substantially reduce the cost of the project, and require compliance with environmental laws and our international treaty obligations with Canada.

North Dakota has significant water quality and water quantity needs that must be addressed. In many parts of my state, well water in rural communities resembles weak coffee or strong tea. It turns the laundry gray after the first wash, and in many places is unfit even for cattle to drink. This bill is designed to address those situations and help provide clean, reliable water to families and businesses across North Dakota.

This bill was favorably reported from the Senate Energy Committee earlier this year, after hearings were held in this Congress and in the previous Congress. During consideration in the Energy Committee, several amendments were adopted that reduced the cost of the bill by $140 million and strengthened environmental protections in the bill. I should also note that this bill reduces the cost of constructing the currently-authorized project by about $1 billion.

The bill is now pending on the Senate calendar, and has been passed by the Energy Committee. Unfortunately, when the Senate attempted to consider this legislation in recent days, objections to its consideration were registered by other Senators from another state who had concerns about the bill. In response, Senator Dorgan and I have worked with those Senators to address their concerns. We have engaged in those discussions in good faith, believing that if we continued to work with other states we would be able to address their concerns.

Unfortunately, those discussions have not yielded the results we were hoping for that would have allowed the bill to pass the Senate. Enacting this legislation will help my state overcome the tremendous water needs that are well documented, and I will continue to work in good faith with other Senators to pass this important bill. I am willing to address the concerns of other states, but it must be a two-way street.

I look forward to our discussions under the auspices of the Energy Committee in February to resolve those issues.

I thank the Chair and yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, November 18, 1999, the Federal debt stood at $5,693,813,174,823.97 (Five trillion, five hundred eighty-six billion, three hundred twelve million). One year ago, November 18, 1998, the Federal debt stood at $5,586,312,000,000 (Five trillion, five hundred eighty-six billion, three hundred twelve million).

Fifty years ago, November 18, 1949, the Federal debt stood at $5,752,722,000,000 (Four trillion, seven hundred fifty-two billion, seven hundred twenty-two million).

The very bad debt boxscore.

VIEQUES ISLAND TRAINING FACILITY

Mr. WARNER. Mr. President, I rise today to speak about a very important issue that threatens to undermine the readiness of our Navy and Marine Corps units that are scheduled to deploy to the Mediterranean Sea and the Persian Gulf in February. That issue is the current situation on the Puerto Rican Island of Vieques where the Navy is being prevented by unrestrained civil disobedience from conducting training critical to its preparations for deploying into a possible combat environment.

Two weeks ago, I and four of my colleagues introduced Senate Resolution 220, that would express the Sense of the Congress that the Secretary of the Navy should initiate the required training for the Eisenhower Battle Group and the 24th Marine Expeditionary Unit on the island of Vieques, and that the President should not deploy these forces unless the President determines that they are free of serious deficiencies in their major warfare areas.

Over the past two weeks there have been discussions between the Federal government and the Government of Puerto Rico to try and reach an accommodation that would resolve the current impasse between the Navy and the people of Vieques. Unfortunately, these discussions have not born fruit and there is no resolution in sight. The simple fact is the President needs to act to resolve this impasse.
preparedness. Last week we learned that two Army Divisions are not ready to execute the National Military Strategy with the risk to the personnel in those units.

If the required training for the Eisenhower Battle Group and the 24th Marine Expeditionary Unit is not conducted, and in December, in February these two units may not be able to deploy without serious deficiencies in their warfighting capabilities. We cannot allow this degradation in the readiness of our Armed Forces to occur if we intend to maintain our position as a world leader, and honor our commitment to our military personnel to reduce the risk they incur when they sail into harm's way. As Vice Admiral Murphy, Commander of the Sixth Fleet of the Navy, recently testified before the Armed Services Committee, the loss of training on Vieques would "cost American lives." Over the past several weeks, the Armed Services Committee has held a series of hearings on the important issue of Vieques. Over the course of these hearings, I have become increasingly convinced that it would be irresponsible to deploy our naval forces without the training that takes place at the Vieques facilities.

On Tuesday, September 22, 1999, the Readiness and Management Support Subcommittee, under the leadership of Senator INHOFE, held a hearing to review the need for Vieques as a training facility and explore alternative sites that might be utilized. At that hearing both Admiral Fallon, commander of the Navy’s Second Fleet, and General Pace, commander of all Marine Forces in the Atlantic, testified that the Armed Forces of the United States need Vieques as a training ground to prepare our young men and women for the challenges of deployed military operations.

On October 13th, the Seapower Subcommittee, under the leadership of Senator SNOWE, heard from Admiral Murphy, commander of the Navy’s Sixth Fleet and the commander who receives the naval forces trained at Vieques, who stated that a loss of Vieques would "cost American lives."

Earlier this month, after the release of the report prepared by the Special Panel on Military Operations on Vieques, the so-called Rush Panel, I held a hearing of the Senate Armed Services Committee to discuss with Administration and Puerto Rican officials the recommendations of that report, and to search for a compromise solution that addresses the national security requirements and the interests of the people of Vieques. In outlining the need for Vieques at that hearing, Secretary Danzig, the Secretary of the Navy, testified, "only by properly providing the necessary training can we fairly ask our service members to put their lives at risk. Admiral Johnson, Chief of Naval Operations, stated that the Eisenhower Battle Group would not be able to deploy in February without a significant increase in the risk to the lives of men and women of that battle group unless they are allowed to conduct required training on Vieques. Finally, General Jones, Commandant of the Marine Corps, testified that the loss of training provided on Vieques will result in degraded cohesion on the part of our battalions and our squadrons and our crews, decreased confidence in their ability to do their very dangerous jobs and missions, a decreased level of competence and the ability to fight and win on the battlefield."

At that hearing, I asked Admiral Johnson and General Jones "Is there any training that can be substituted for Vieques live fire training between now and February that will constitute, in your professional judgment, a sufficient level of training to enable you to say to the Chairman of the Joint chiefs of Staff, the Eisenhower Battle Group and the 24th Marine Expeditionary Unit will result in degraded cohesion on the part of our battalions and our squadrons and our crews, decreased confidence in their ability to do their very dangerous jobs and missions, a decreased level of competence and the ability to fight and win on the battlefield."

I remain convinced that the training requirement is real and will continue to directly effect the readiness of our Carrier Battle Groups and Marine Expeditionary Units. As General Shelton recently testified before the Senate Armed Services Committee, the training on Vieques is "critical" to military readiness. He further stated that he "certainly would not want to see our troops sent into an area where there was going to be combat, without having had this type of an experience. We should not deploy them under those conditions."

All of the military officers with whom we have spoken on this issue have informed us that the loss of Vieques would increase the risk to our military personnel deploying to potential combat environments. The Rush Panel, appointed at the request of the Resident Commissioner from Puerto Rico and the direction of the President, recognized the need for Vieques and recommended its continued use for at least five years.

What we have learned in these hearings is that Vieques is a unique training asset, both in terms of its geography with deep open water and unrestricted airspace and its training support infrastructure. The last two East coast carrier battle groups which deployed to the Adriatic and Persian Gulf completed their final integrated live fire training at Vieques. Both battle groups, led by the carriers U.S.S. Enterprise and U.S.S. Theodore Roosevelt, subseqeuntly saw combat in Operations Desert Fox (Iraq) and Allied Force (Kosovo) within days of arriving in the respective theater of operations. Their success in these operations, with no loss of American life, was largely attributable to the realistic and integrated training received at Vieques prior to their deployment.

According to Article II, section 2, of the Constitution of the United States, the President is the Commander-in-Chief of the U.S. Armed Forces. As such, he bears the ultimate responsibility for ensuring that the men and women in uniform he orders into harm's way, receive the training necessary to perform their mission with the least risk to their lives.

I am encouraged that the President has tried to resolve this matter with the Governor of Puerto Rico in such a way that would allow the Navy to conduct the necessary training. However, I am disappointed that the President and the Governor have been unable to achieve such a resolution. Mr. President, as long as we are committing our nation's youth to military operations throughout the world; and as long as Vieques is necessary to train these individuals so that they can perform their missions safely and successfully; it would be unconscionable to deploy these forces without first allowing them to train at this vital facility.

Mr. President, the Eisenhower Battle Group and the 24th Marine Expeditionary Unit will soon deploy to the Mediterranean Sea and the Persian Gulf. In order to do so safely, they must begin preparations to conduct the necessary pre-deployment training on the island of Vieques in December.

The time has come for the President to make a decision to protect our national security and the safety of our men and women in uniform. He must decide to allow the Navy and the Marine Corps to conduct this training, notify the Senate, the Navy and the Governor of Puerto Rico of his decision.

MESSAGES FROM THE PRESIDENT
Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED
As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting two withdrawals and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE
At 4:00 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 bills, in which it requests the concurrence of the Senate:

CONGRESSIONAL RECORD—SENATE November 19, 1999
H.R. 34. An act to direct the Secretary of the Interior to make technical corrections to a map related to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

H.R. 621. An act to redesignate the Federal building located at 7th South Santa Fe Avenue in Compton, California, and know as the Compton Main Post Office, as the “Mervyn Malcolm Dyamally Post Office Building.”

H.R. 3419. An act to amend section 2 of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1769. An act to continue the reporting requirements, subsection 259 of title 18, United States Code, beyond December 21, 1999, and for other purposes.

The message further announced that pursuant to House Resolution 359, the Speaker appoints the following named Members of the House of Representatives to the Committee to notify the President: Mr. ARMLEY and Mr. GERHARDT.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 218. Concurrent resolution expressing the sense of the Congress that the Government of the People’s Republic of China should stop its persecution of Falun Gong practitioners.

H. Con. Res. 239. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3194.

MEASURES REFERRED

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

H.R. 34. An act to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

H.R. 621. An act to redesignate the Federal building located at 7th South Santa Fe Avenue in Compton, California, and know as the Compton Main Post Office, as the “Mervyn Malcolm Dyamally Post Office Building”; to the Committee on Governmental Affairs.

The following bills, previously received from the House of the Representatives for the concurrence of the Senate, were read the first and second times by unanimous consent and referred as indicated:

H.R. 621. An act to authorize the Secretary of the Interior to implement the provisions of an agreement conveying title to a distribution system from the United States to the Clear Creek Community Service District; to the Committee on Energy and Natural Resources.

H.R. 916. An act to make technical amendments to section 10 of title 9, United States Code, and for the other purposes; to the Committee on Appropriations.

H.R. 992. An act to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District, and for the other purposes; to the Committee on Energy and Natural Resources.

H.R. 1235. An act to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of non-project water for domestic, municipal, industrial, and other beneficial purpose; to the Committee on Energy and Natural Resources.

H.R. 1444. An act to authorize the Secretary of the Army to develop and implement projects for fish screens, fish passage devices, and other similar measures to mitigate adverse impacts with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, and Idaho; to the Committee on Energy and Natural Resources.

H.R. 1691. An act to protect religious liberty; to the Committee on the Judiciary.

H.R. 1714. An act to facilitate the use of electronic records and signatures in the interstate or foreign commerce; to the Committee on Commerce, Science, and Transportation.

H.R. 1875. An act to amend title 28, United States Code, to allow the applications of the principles of Federal diversity jurisdiction to interstate commercial actions; to the Committee on the Judiciary.

H.R. 1869. An act to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

H.R. 1953. An act to authorize leases for terms not to exceed 99 years on land held in trust by the United States for the Hopi, Martha’s Desert, Cahuilla Indians and the Guadalupe Band of Pomo Indians of the Guadalupe Indian Rancheria; to the Committee on Indian Affairs.

H.R. 2260. An act to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes; to the Committee on the Judiciary.

H.R. 2307. An act to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the “Thomas J. Brown Post Office Building”; to the Committee on Governmental Affairs.

H.R. 2389. An act to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes; to the Committee on Energy and Natural Resources.

H.R. 2442. An act to provide for the preparation of a Government report detailing injustices suffered by American Indians during World War II, and a formal acknowledgment of such injustices by the President; to the Committee on the Judiciary.

H.R. 2527. An act to direct the Administrator of General Services to acquire a building located in Terre Haute, Indiana, and for other purposes; to the Committee on Governmental Affairs.

H.R. 2541. An act to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississipi; to the Committee on Energy and Natural Resources.

H.R. 2807. An act to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2818. An act to prohibit oil and gas drilling in Mosquito Creek Lake in Cortland, Ohio; to the Committee on Energy and Natural Resources.

H.R. 2862. An act to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; to the Committee on Energy and Natural Resources.

H.R. 2879. An act to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the “I have a Dream” speech; to the Committee on Energy and Natural Resources.

H.R. 3002. An act to provide for continued preservation of certain useful reports concerning public lands, Native Americans, fisheries, wildlife, insular areas, and other natural resources-related matters, and to repeal provisions of law regarding terminated reporting requirements concerning such matters; to the Committee on Energy and Natural Resources.

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Associated Reservoir project; to the Committee on Energy and Natural Resources.

H.R. 3090. An Act to amend the Alaska Native Claims Settlement Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3073. An act to amend part A of title IV of the Social Security Act to provide for grants for projects designed to promote responsible fatherhood, and for other purposes; to the Committee on Finance.

H.R. 3075. An act to amend titles XVIII, XIX, and XXI of the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and State children’s health insurance programs, as revised by the Balanced Budget Act of 1997, to the Committee on Finance.

H.R. 3077. An act to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate the development of the New Mexico Unit of the Central Valley Project; to the Committee on Energy and Natural Resources.

H.R. 3090. An act to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elic Native Corporation, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3137. An act to authorize the President to implement the provisions of the Presidential Transition Act of 1963 to provide for training of individuals a President-elect intends to
nominate as department heads or appoint to key positions the Executive Office of the President; to the Committee on Governmental Affairs.

H.R. 3164. An act to provide for the imposition of sanctions on the government of China and urging all sides to pursue dialog Gong practitioners; to the Committee on Foreign Relations.

H.R. 3189. An act to designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the "Josef Ileto Post Office"; to the Committee on Governmental Affairs.

H.R. 3224. An act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports and Elimination and Sunset Act of 1995; to the Committee on Governmental Affairs.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 218. Concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China is engaging in, and urging all sides to pursue dialog Gong practitioners; to the Committee on Foreign Relations.

The following concurrent resolutions, previously received from the House of Representatives for the concurrence of the Senate, were read and referred as indicated:

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress relating to recent allegations of espionage and illegal campaign financing that have brought into question the loyalty and probity of Americans of Asian ancestry; to the Committee on the Judiciary.

H. Con. Res. 165. Concurrent resolution expressing United States policy toward the Slovak Republic; to the Committee on Foreign Relations.

H. Con. Res. 189. Concurrent resolution expressing the sense of the Congress regarding the wistful and unsporadic practice known as shark finning; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 193. Concurrent resolution expressing the Congress' desire to increase public participation in the decennial census; to the Committee on Governmental Affairs.

H. Con. Res. 194. Concurrent resolution expressing the sense of the Congress that prayers and invocations at public school sporting events contribute to the moral foundation of our Nation and urging the Supreme Court to uphold their constitutionality; to the Committee on the Judiciary.

H. Con. Res. 206. Concurrent resolution expressing grave concern regarding armed conflict in the North Caucasus region of the Russian Federation which has resulted in civilian casualties and internally displaced persons, and urging all sides to pursue dialog for peaceful resolution of the conflict; to the Committee on Foreign Relations.

H. Con. Res. 211. Concurrent resolution expressing the strong support of the Congress for the recently concluded elections in the Republic of India and urging the President to travel to India; to the Committee on Foreign Relations.

H. Con. Res. 213. Concurrent resolution encouraging the Secretary of Education to promote, and State and local educational agencies to incorporate in their education programs, financial literacy training; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 222. Concurrent resolution condemning the assassination of Armenian Prime Minister Vazgen Sargsian and other officials of the Armenian Government and expressing the sense of the Congress in mourning this tragic loss of the duly elected leadership of Armenia; to the Committee on Foreign Relations.

H. Con. Res. 223. Concurrent resolution expressing the sense of the Congress regarding Freedom Day; to the Committee on the Judiciary.

H. Con. Res. 234. Concurrent resolution tabling the bill (H.R. 2466) entitled "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times and placed on the calendar:

H.R. 170. An act to require certain notices in any material of a charitable solicitation for the promotion of a product or service, and for other purposes.

H.R. 1167. An act to amend the Indian Self-Determination and Educational Assistance Act to provide for further self-governance by Indian tribes, and for other purposes.

H.R. 1801. An act to make technical corrections to various antitrust laws and to references to such laws.

H.R. 1832. An act to reform unfair and anti-competitive practices in the professional boxing industry.

H.R. 2904. An act to amend the Ethics in Government Act of 1978 to reauthorize funding for the Office of Government Ethics, and to clarify the definition of a "special Government employee" under title 18, United States Code.

The following bill was read twice and ordered placed on the calendar:

S. 1982. A bill to clarify the standing of United States citizens to challenge the imposition of economic sanctions on certain foreign persons, and invocations at public school sporting events contribute to the moral foundation of our Nation and urging the Supreme Court to uphold their constitutionality; to the Committee on the Judiciary.

The following joined resolution, previously signed by the Speaker of the House, was signed on November 18, 1999, by the President pro tempore (Mr. Thurmond).

H.J. Res. 83. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The following enrolled joint resolution, previously signed by the Speaker of the House, was signed on November 18, 1999, by the President pro tempore (Mr. Thurmond):


S. 1396. An act to clarify certain boundaries on maps relating to the Coastal Barrier Resources System.

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–6269. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777–200 Series Airplanes; Docket No. 99–NM–03 (11–2–11)" (RIN2120–AA64) (1999–0435), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6270. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777–200 Series Airplanes; Docket No. 99–NM–03 (11–2–11)" (RIN2120–AA64) (1999–0435), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6271. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777–200 Series Airplanes; Docket No. 99–NM–03 (11–2–11)" (RIN2120–AA64) (1999–0435), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6272. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328–100 Series Airplanes; Docket No. 99–NM–01 (11–2–11)" (RIN2120–AA64) (1999–0435), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6273. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA–365N, SA–365N1, and AS 365N2 Helicopters; Docket Nos. 98–SW–60 (11–3–11)” (RIN2120–AA64) (1999–0431), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6274. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA–365N, SA–365N1, and AS 365N2 Helicopters; Docket Nos. 98–SW–60 (11–3–11)” (RIN2120–AA64) (1999–0431), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6275. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA–365N, SA–365N1, and AS 365N2 Helicopters; Docket Nos. 98–SW–60 (11–3–11)” (RIN2120–AA64) (1999–0431), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6276. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA–365N, SA–365N1, and AS 365N2 Helicopters; Docket Nos. 98–SW–60 (11–3–11)” (RIN2120–AA64) (1999–0431), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6277. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA–365N, SA–365N1, and AS 365N2 Helicopters; Docket Nos. 98–SW–60 (11–3–11)” (RIN2120–AA64) (1999–0431), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6278. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA–365N, SA–365N1, and AS 365N2 Helicopters; Docket Nos. 98–SW–60 (11–3–11)” (RIN2120–AA64) (1999–0431), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.
S. 795. A bill to amend the Fastener Quali-
ty Act of 1988 to extend the prohibition against
the sale of mismarked, misrepresented, and
counterfeit fasteners and eliminate unneces-
sary requirements, and for other purposes
(Rept. No. 106–224).

INTRODUCTION OF BILLS AND
JOIN RESOLUTIONS

The following bills and joint resolu-
tions were introduced, read the first and
second time by unanimous con-
sent, and referred as indicated:

By Mr. GRAMM (for himself, Mr. ABRA-
HAM, Mr. ALLARD, Mr. ASHCROFT, Mr.
BAYH, Mr. BENNETT, Mr. BIDEN, Mr.
BOYD, Mr. BROWNBACK, Mr. BRYAN,
Mr. BUNNING, Mr. BURNS, Mr. CAMP-
PELL, Mr. CRAFAR, Mr. COCHRAN, Ms.
COLLINS, Mr. COVERDELL, Mr. CRAIO,
Mr. CRAPO, Mr. DASCHEL, Mr. DeWINE,
Mr. DODD, Mr. DOMENICI, Mr. DURBIN,
Mr. ENZI, Mr. FRINGOLD, Mr. FRANK,
Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH,
Mr. HELMS, Mr. HUTCHINSON, Mrs.
HUTCHINSON, Mr. INHOFE, Mr. JEP-
PORDON, Mr. KERRY, Mr. KERRY, Mr.
KYL, Mr. LベNDICH, Mr. LEAHY, Mr.
LOTT, Mr. LUAR, Mr. MACK, Mr.
McCONNELL, Mr. MURkowski, Mr.
NICHLES, Mr. REED, Mr. REID, Mr.
ROBERTS, Mr. ROTH, Mr. SANTORUM,
Mr. SCHUMER, Mr. SESSIONS, Mr.
SHEVLY, Mr. Smith of Oregon, Mr.
SNOWE, Mr. SPECTER, Mr. STEVENS,
Mr. THOMAS, Mr. THOMPSON, Mr.
THURMOND, Mr. VOKOvIcH, Mr. WAR-
NEN, Mr. Whitehouse, Mr. WyDen, Mr.
FRIEST, and Mr. MOYNIHAN):

S. 795. A bill to extend the time limit on
the sale of non-recourse farm loans from
December 31, 2004, to December 31, 2005
and to amend section 1522 of the Ethics in
Government Act of 1978, for other purposes.

S. 796. A bill to amend the Internal Rev-
enue Code of 1986 to provide that certain uses
of a facility owned by a tax-exempt organiza-
tion shall not be tax-exempt and to authorize
private business use for purposes of determining whether
bonds issued to provide the facility are tax-
 exempt bonds; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. THOMSON, Mr. LIBERMAN, and Mr.
ABRAM):

S. 797. A bill to review, reform, and termi-
nate unnecessary and inequitable Federal
subsidies; to the Committee on Govern-
ment Affairs.

By Mr. DOMENICI:

S. 798. A bill to amend title II of Public Law
106–114 to authorize the Secretary of Veterans
Affairs to establish a national cem-

tery for veterans in the Albuquerque, New
Mexico, metropolitan area; to the
Committee on Veterans Affairs.

By Mr. CONRAD (for himself and Mr.
MOYNIHAN):

S. 799. A bill to amend the Internal Rev-
enue Code of 1986 and the Employee Retire-
ment Income Security Act of 1974 to provide
that restrictions on application of State laws
to pension benefits shall not apply to State
laws prohibiting individuals from benefiting
from crimes involving the death of pension
plan participants; to the Committee on Fi-
nance.

By Mr. BAUCUS (for himself, Mr. HARKIN,
Mr. DASCHEL, Mr. KERRY, Mr. DURBIN,
Mr. JOHNSON, Mr. WELLSTONE, Mr.
ROCKEFELLER, Mr. BRYAN, Mr. LEAHY,
Mr. WyDEN, and Mrs. MURRAY):

S. 800. A bill to establish a new definition of
microelectronics technology and to
provide a tax credit for the creation of new
capital that is directly related to the design
and manufacture of microelectronics
products; to the Committee on Energy
and Natural Resources.

By Mr. BINGAMAN:

S. 801. A bill to simplify Federal oil and
gas revenue distributions, and for other pur-
poses; to the Committee on Energy
and Natural Resources.

By Mr. SCHUMER (for himself, Mr. SNOWE,
Mr. BAYH, and Mr. SMITH of Oregon):

S. 802. A bill to amend the Internal Rev-
enue Code of 1986 to increase the
maximum amount deductible for medical
expenses for those over age 65 from 7.5 to
10% of gross income; to the Committee on
Finance.

By Mr. BAYH (for himself and Mr.
BREAUX):

S. 803. A bill to amend the Internal Rev-
enue Code of 1986 to provide for a full tax in-
sduction for higher education expenses and a
tax credit for student education loans; to the
Committee on Finance.

By Mr. MACK (for himself and Mr.
BREAUX):

S. 804. A bill to amend the Internal Rev-
enue Code of 1986 to modify the tax on gen-
eral aviation fuel to provide for a full tax in-
sduction; to the Committee on Finance.

By Mr. THOMPSON:

S. 805. A bill to amend the Internal Rev-
enue Code of 1986 to provide that certain uses
of a facility owned by a tax-exempt organiza-
tion shall not be tax-exempt and to authorize
private business use for purposes of determining whether
bonds issued to provide the facility are tax-
 exempt bonds; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. THOMSON, Mr. LIBERMAN, and Mr.
ABRAM):

S. 806. A bill to amend title X of division B of
the Omnibus Consolidated and Emer-
gency Supplemental Appropriations Act
of 1998, relating to the Canyon Ferry Reservoir,
Montana; to the Committee on Energy and
Natural Resources.

By Mr. DURBIN (for himself, Ms. COL-
LINS, Mr. KOHL, Mr. WELLSTONE, Mr.
REID, Mr. GRAHAM, Mr. HARKIN, Ms.
MIKULSKI, Mr. LANDRIEU, Mr. BOND,
Mrs. BOXER, Mr. JOHNSON, and Mr.
CLERLAND):

S. 807. A bill to amend the Violence Against
Women Act of 1994, the Family Vi-

ence Prevention and Services Act, the Older
Ameri-
cans Act of 1965, and the Public Health
Service Act to ensure that older women are
protected from institutional, community,
and domestic violence and sexual assault and
to improve outreach efforts and other serv-
cices available to older women victimized by
such violence, and for other purposes; to the
Committee on Health, Education, Labor, and
Pensions.

By Mr. DASCHEL (for himself, Mr. BUCH, Mr. LEVY, Mr. DWYER, Mr.
JOHNSON, Mr. DORIA, Mr. BAU-
CUS, Mr. CONRAD, Mr. BINGAMAN, Mr.
VOINOvICH, and Mr. BURNS):

S. 808. A bill to require that the State inspec-
tion of meat and poultry in the United States,
and for other purposes; to the
Committee on Agriculture, Nutrition, and
For-

stry.

By Mr. KOHL:

S. 809. A bill to ensure that employees of
traveling sales crews are protected under the
Fair Labor Standards Act of 1938 and under other provisions of law; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mrs.
Feinstein):

S. 810. A bill to designate the Federal
building located at 501 I Street in Sac-
ramento, California, as the “Joe Serna, Jr.
United States Courthouse and Federal
Building”; to the Committee on Environment and Public Works.

By Mr. THOMPSON (for himself, Mr. LIBERMAN, Ms. COLLINS, and Mr.
LEAHY):

S. 811. A bill to amend the Federal Elec-
campaign Act of 1971 to enhance crimi-
nal penalties for election law violations, to
clarify current provisions of law regarding
donations from foreign nationals, and for other purposes; to the Committee on Rules and Administration.

By Ms. SNOWE:

S. 812. A bill to provide States with loans
to enable State entities or local govern-
ments within the States to make interest
payments on qualified school construction
bonds issued by the State entities or local
governments, and for other purposes; to the Committee on Health, Education, Labor, and
Pensions.

By Mr. THOMPSON (for himself and Mr.
LIBERMAN):

S. 813. A bill to reform Government infor-
mation security by strengthening informa-
tion security practices throughout the Fed-
eral Government; to the Committee on Gov-
ernment Affairs.

By Mr. KERRY (for himself and Mr.
BRYAN):

S. 814. A bill to amend the Internal Rev-
enue Code of 1986 to provide assistance to
first-time homebuyers; to the Committee on
Finance.

By Mr. BINGAMAN:

S. 815. A bill to amend the National School Lunch Act to revise the eligibility of
private organizations under the child and
gas revenue distributions, and for other pur-
poses; to the Committee on Energy
and Natural Resources.
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adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. FRIST):
S. 1996. A bill to amend the Public Health Service Act to clarify provisions related to the costs for petition compensation under the vaccine injury compensation program; considered and agreed to.

By Mr. McCAIN:
S. 1997. A bill to simplify Federal oil and gas revenue distributions, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE:
S. Res. 240. A resolution commending Stephen G. Bale, Keeper of the Stationery, United States Senate; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):
S. Res. 241. A resolution to direct the Senate Committee on Art to recommend to the Senate two outstanding individuals whose paintings shall be placed in two of the remaining unfilled spaces in the Senate reception room; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):
S. Con. Res. 77. A concurrent resolution making technical corrections to the enrollment of H.R. 3184; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself and Mr. BREAUX):
S. 1975. A bill to amend the Internal Revenue Code of 1986 to modify the tax on generation-skipping transfers to eliminate certain traps for the unwary and otherwise improve the fairness of such tax; to the Committee on Finance.

There being no objection, the bill was ordered to lie over under the rule.

This legislation would provide relief to taxpayers for missed allocations of the GST exemption and would make the exemption allocation automatic, in place of the current law requirement that the taxpayers take an affirmative step to claim the exemption. This proposed change was included in the Taxpayer Refund and Relief Act of 1999, but failed to become law due to the Senate's veto of that bill.

Under this legislation, the GST exemption is automatically allocated to "indirect skip" transfers made while the donor is alive. An indirect skip is a transfer of property subject to the gift tax that is made to a GST trust. Direct skips (generally, transfers solely for the benefit of grandchildren) are already covered by an automatic allocation rule. An individual may elect not to have the automatic allocation rule apply to an indirect skip. Also, under this legislation, the GST exemption may be allocated retroactively when there is an unnatural order of death. If a lineal descendant of the transferor predeceased the transferor, then the transferor may allocate the unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

This legislation also provides authorization and direction to the Treasury Secretary to grant extensions of time to make the election to allocate the GST exemption and to grant exceptions to the time requirement. If such relief is granted, then the value on the date of transfer to the trust would be used for determining GST exemption allocation.

Mr. President, this important legislation which deserves enactment at the earliest possible date, 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. 1975
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 "Generation-Skipping Transfer Tax Amendments Act of 1999".

SEC. 2. DEEMED ALLOCATION OF GST EXEMPTION TO LIFETIME TRANSFERS TO TRUSTS; RETROACTIVE ALLOCATIONS.
(a) In general.—Section 2632 of the Internal Revenue Code of 1986 (relating to special rules for allocation of GST exemption) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) Deemed Allocation to Certain Lifetime Transfers to GST Trusts.—
"(1) In general.—If any individual makes an indirect skip during such individual's lifetime, any unused portion of such individual's GST exemption shall be allocated to the property transferred to the extent necessary to make the inclusion ratio for such property zero. If the amount of the indirect skip exceeds such unused portion, the entire unused portion shall be allocated to the property transferred.

"(2) Unused portion.—For purposes of paragraph (1), the unused portion of an individual's GST exemption is that portion of such exemption which has not previously been—

(A) allocated by such individual,

(B) treated as allocated under subsection (b) with respect to a direct skip occurring during or before the calendar year in which the indirect skip is made, or

(C) treated as allocated under paragraph (1) with respect to a prior indirect skip.

"(3) Definitions.—

"(A) Indirect skip.—For purposes of this subsection, the term 'indirect skip' means any transfer of property subject to the tax imposed by chapter 22 to a GST trust.

"(B) GST trust.—The term 'GST trust' means a trust that could have a generation-skipping transfer with respect to the transferor unless—

(i) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by 1 or more individuals who are non-skipping persons;

(ii) on or before 1 or more dates specified in the trust instrument that will occur before the date that such individual attains age 46;

(iii) upon the occurrence of an event that, in accordance with regulations prescribed by the Secretary of the Treasury, may be expected to occur before the date that such individual attains age 46;
(ii) the trust instrument provides that more individuals who are non-skip persons and who are living on the date of death of such person identified in the instrument (by name or by class) who is more than 10 years older than such individuals;

(iii) the trust instrument provides that, if 1 or more individuals who are non-skip persons die on or before a date event described in clause (i) or (ii), more than 25 percent of the trust corpus either must be distributed to the estates of 1 or more of such individuals or is subject to a general power of appointment exercisable by 1 or more of such individuals;

(iv) the trust is a trust any portion of which would be included in the gross estate of a non-skip person (other than the transferor) if such person died immediately after the transfer; and

(v) the trust is a charitable lead annuity trust (within the meaning of section 2642(e)(3)(A)) or a charitable remainder annuity trust (within the meaning of section 664(d)); or

(vi) the trust is a trust with respect to which a deduction was allowed under section 2632 for purposes of section 664(d); or

B. The election under paragraph (1) by the transferor is made on a gift tax return filed on or before the date prescribed by section 6075(b) for gifts made within the calendar year within which the non-skip person's death occurred—

(A) the value of such transfer or transfers for purposes of section 2642(a) shall be determined as if such allocation had been made on a timely filed gift tax return for each calendar year within which each transfer was made,

(B) such allocation shall be effective immediately before such death, and

(C) the transferor's unused GST exemption available to be allocated shall be determined immediately before such death.

3. FUTURE INTEREST. For purposes of this subsection, a person has a future interest in a trust if the trust may permit income or corpus to be paid to such person on a date or dates that is (A) DEEMED ALLOCATION. Section 2632(c) of the Internal Revenue Code of 1986 (as added by subsection (a), and the amendment made by subsection (b), shall apply to transfers subject to chapter 11 or 12 of such Code made after December 31, 1999, and to estate tax inclusion periods ending after December 31, 1999.

(2) RETROACTIVE ALLOCATIONS. —Section 2632(d) of the Internal Revenue Code of 1986 (as added by subsection (a), and the amendment made by subsection (b), shall apply to transfers subject to chapter 11 or 12 of such Code made after December 31, 1999, and to estate tax inclusion periods ending after December 31, 1999.

SEC. 3. SEVERING OF TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 2642 of the Internal Revenue Code of 1986 (relating to inclusion ratio) is amended by adding at the end the following new paragraph:

(b) TRANSFERS AT DEATH.—Subparagraph (A) of section 2642(b)(1) of such Code is amended to read as follows:

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1431 of the Tax Reform Act of 1986.

SEC. 4. MODIFICATION OF CERTAIN VALUATION RULES.

(a) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—Paragraph (1) of section 2642(b) of the Internal Revenue Code of 1986 (relating to valuation rules) is amended by adding at the end the following new paragraph:

(b) TRANSFERS AT DEATH.—Subparagraph (A) of section 2642(b)(1) of such Code is amended to read as follows:

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1431 of the Tax Reform Act of 1986.

SEC. 5. RELIEF PROVISIONS.

(a) IN GENERAL.—Section 2642 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

(b) RELIEF FOR LATE ELECTIONS.—The Secretary shall by regulation prescribe such circumstances and procedures under which extensions of time will be granted to make an allocation of GST exemption described in paragraph (1) or (2) of subsection (b), and

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1431 of the Tax Reform Act of 1986.
Mr. BREAUX. Mr. President, I am pleased to have as cosponsors Senators THOMPSON, LIEBERMAN, and ABRAHAM.

I would like to briefly describe the major provisions of the Corporate Subsidy Reform Commission Act. It defines inequitable subsidies as those provided to corporations without a reasonable expectation that they will return a commensurate benefit to the public.

The Act excludes any subsidies that are primarily for research and development, education, health, safety, or the environment. Also excluded are subsidies or tax advantages necessary to comply with international trade or treaty obligations.

The Act would create a nine-member commission nominated by the President and the Congressional leadership. Federal agencies would be required to submit to the Commission, at the time of the Administration's next budget, a list of subsidies and tax advantages that it believes are inequitable. The Commission will provide recommendations to either terminate or reduce the corporate subsidies. The President has the authority under the Act to either terminate the process, or submit the Commission's recommendations to the Congress as a legislative initiative.

The Congress would then have four months to review the Commission's recommendations which have been endorsed by the President. At that time, the actions of all involved committees in each respective body would be sent to the floor for debate, under expedited procedures.

Many federal subsidies and special-interest tax breaks for corporations are unnecessary, and do not provide a fair return to the public who bear the heavy burden of their cost. If a corporation is receiving taxpayer-funded subsidies or tax breaks that are unsupported by a compelling benefit to the public, the subsidy should be ended.

Our nation is just now beginning to pay down a national debt of over $5 trillion. Every American shoulders an unconscionable amount of debt— somewhere in the range of $19,000 each—not due to any profligate spending of their own, but because of the legislative process by which Congress is supposed to allocate and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

By Mr. McCAIN (for himself, Mr. THOMPSON, Mr. LIEBERMAN, and Mr. ABRAHAM):

S. 1977. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

CORPORATE SUBSIDY REFORM COMMISSION ACT OF 1999

Mr. MCCAIN. Mr. President, I rise today to introduce legislation to establish a process to eliminate and reform federal subsidies and tax advantages received by corporations. This bill, “The Corporate Subsidy Reform Commission Act” is identical to a bill that was reported out of the Senate Governmental Affairs Committee in May, 1997. I am pleased to have as cosponsors Senators THOMPSON, LIEBERMAN, and ABRAHAM.

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By Mr. DOMENICI:
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S. 1978. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Albuquerque, New Mexico metropolitan area; to the Committee on Veterans’ Affairs.

ALBUQUERQUE NATIONAL CEMETERY

LEGISLATION

Mr. DOMENICI. Mr. President, it is with great pleasure and honor that I rise today to introduce a bill to create a National Veterans Cemetery in Albuquerque, New Mexico.

The men and women who have served in the United States Armed Forces have made immeasurable sacrifices for the principles of freedom and liberty that make this Nation unique throughout civilization. The service of veterans has been vital to the history of the Nation, and the sacrifices made by veterans and their families should not be forgotten.

These veterans at the very least deserve every opportunity to be buried at a National Cemetery with their fellow comrades. However, the Santa Fe National Cemetery, which serves the Northern two thirds of New Mexico, is rapidly approaching maximum capacity.

Unfortunately, even though the Senate has already passed my legislation to extend the useful life of the Santa Fe National Cemetery by authorizing the use of flat grave markers the life of the Cemetery will only be extended to 2008. Consequently, I would submit that it is not too soon to begin planning or the day when Santa Fe will no longer be available.

Before I continue, I would like to take a moment to talk about the Santa Fe National Cemetery. I believe all New Mexicans can be proud of the Santa Fe National Cemetery that has grown from 39 1/100 of an acre to its current 77 acres.

The cemetery first opened in 1868 and within several years was designated a National Cemetery in April of 1875. Men and women who have fought in all of nation’s wars hold an honored spot within the hallowed ground of the cemetery.

With that said, I believe now is the right time to begin looking for another suitable site to serve as the last resting place for those New Mexico veterans who gave of themselves to protect the American ideals of liberty and freedom. The need to begin planning becomes even more pressing by virtue of the fact that more than half of New Mexico’s 180,000 veterans live in the Albuquerque/Santa Fe area and internments are expected to peak in 2008.

Consequently, I am introducing legislation today to create a National Veterans Cemetery in Albuquerque, New Mexico.

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emotional and financial hardship at the hands of the perpetrator. I feel that this bill makes that sort of clear distinction.

A day does not pass that Betty is not on Phyllis's mind. Phyllis understands that this bill will not affect her situation—she is already paying her legal bills. However, she knows that someone else will have to go through the legal process she has been through. This bill will remove an obstacle from their path and get them on their way home.

By Mr. BAUCUS (for himself, Mr. HARKIN, Mr. DASCHLE, Mr. KERR, Mr. DURBIN, Mr. JOHN-SON, Mr. WELLSTONE, Mr. CONRAD, Mr. ROCKEFELLER, Mr. BRYAN, Mr. REID, Mr. LEAHY, Mr. WYDEN, and Mrs. MURRAY): S. 1980. A bill to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

21ST CENTURY RURAL UTILITY SERVICE RURAL DEVELOPMENT ENHANCEMENT THROUGH LOCAL INFORMATION ACT.

Mr. BAUCUS. Mr. President, along with Senators HARKIN, DASCHLE, KERR, DURBIN, JOHNSON, WELLSTONE, CONRAD, ROCKEFELLER, BRYAN, REID, LEAHY, WYDEN, and MURRAY, I am pleased to introduce a bill today on behalf of our country's rural satellite consumers. This is a bill to amend the Rural Electrification Act of 1936, appropriately entitled, "the 21st Century Rural Utility Service Rural Development Enhancement Through Local Information Act."

We all know that modern technology has made it possible to broadcast TV programming directly from satellites. Nationwide, over 11 million households subscribe to satellite TV, and that number increases by over 2 million households a year.

Rural areas have come to depend on the network coverage that satellites provide. In Montana, where over 35 percent of homes depend on satellite broadcasting for their TV reception, this development has been a real boon.

While satellite broadcasting has improved the quality of life for folks in rural America, it hasn't been perfect. Satellite systems haven't been able to carry local broadcast stations. So local viewers haven't always been able to get local broadcasting.

And this is not just a problem for satellite subscribers. It's a problem for the local TV broadcasters and for the fabric of local communities. Local broadcasters play a key role in our communities.

They provide local news, local weather, and public service programs. Viewers don't always get decent reception for their church or civic groups. When there's a parade or a fund-raiser for their church or civic groups.

Local broadcasters are vital to our local economies. They provide jobs, and they allow local businesses to grow through advertising. In short, the importance of local broadcasting is evident in all parts of community life.

And they also provide network programming: NBC, ABC, CBS, and FOX. Nineteen of the twenty TV stations in Montana are affiliated with one of these networks, or with the Public Broadcasting System.

These stations air national news, sports and entertainment at times of the day when people with jobs and kids can watch.

Without these local broadcasts, you might miss the evening network news because it comes on before you get home from work, or because it airs late at night. People want local network coverage because it works in their lives.

Until now, technology has not provided for rebroadcast of local signals by satellites. Many rural residents haven't been able to get decent reception over the air.

Of course, we in the Senate cannot change technology or geography. What we can do is change the law. We can make local into local broadcasting a reality, and we should.

Last spring, we passed H.R. 1554. At the time, we neglected an important responsibility. The language we passed would have required the turn-off of network programming to many rural satellite viewers.

It would have done nothing to help the many local broadcasts in smaller cities and towns. A big oversight.

Following the vote, I wrote a letter to the conference asking that it pay attention to the needs of the many viewers, communities, businesses and stations that had been ignored. Twenty-three of my colleagues, from both sides of the aisle, signed the letter.

As you know, Mr. President, yesterday the House passed the omnibus appropriations bill, and the Senate is slated to take the same vote this evening. Mr. President, I was very disheartened when I learned that the very important loan guarantee provision was pulled out of the Conference Report on the Satellite bill at the last minute. That is why I'm introducing this bill today, because this loan guarantee will help America's 11 million rural satellite consumers. It's time for us as lawmakers to say "we care about those folks up in 2 Dot that simply want to watch local news." This is our chance to expand rural access so that no matter how large or small your town is, you're going to be able to enjoy the benefits of Satellite TV.

This bill includes a loan guarantee that will make it possible for all local stations to be broadcast on satellite. Notice, those in the very largest cities and towns. Without this, the other "local into local" provisions of the Satellite Home Viewer Act are an empty promise to the rural and small town Americans who depend on satellite.

Mr. President, I look forward to holding hearings on this bill during our adjournment and coming back to see a swift resolution to this issue in January. It is time, no, it's overdue, for us to act on this important issue.

By Mr. KENNEDY:

S. 1981. A bill to amend title XI of the Public Health Service Act to provide for the use of new genetic technologies to meet the health care needs of the public; to the Committee on Education, Labor, and Pensions.

GENETICS AND PUBLIC HEALTH SERVICES ACT.

Mr. KENNEDY. Mr. President, advances in biomedical science and technology in this century have given us many tools to improve our understanding of the causes of disease, and to develop better strategies to prevent and treat human illness. The recent explosion of knowledge in genetics offers us the newest and most powerful weapons in the war against disease and suffering.

The legislation I am introducing, the Genetics and Public Health Services Act, will increase the federal, state and local public health resources needed to translate genetic information and technology into strategies to improve public health.

Our national investment in science, and in particular in the National Institutes of Health, is reaping important dividends for the entire country. As a result of the Human Genome Project and other public and private sector research, we soon may have access to the entire human genetic code. From work accomplished so far, scientists have begun to develop a greater understanding of how genes contribute to the development of common diseases, such as cancer, diabetes, hypertension, depression, heart disease and many other illnesses. Genetic information and technology have enormous potential for improving our efforts to promote health and combat disease.

Based on current understanding of genes and human disease, we know that at least 65 percent of Americans will have a health problem for which there is a clear genetic contribution. Some have rare, but serious, conditions—such as cystic fibrosis, sickle cell disease or phenylketonuria. Many more have common disorders—asthma, diabetes, cancer, heart disease, stroke and depression—in which genetic pre-disposition plays an important role.

Genetic information can help us to understand and identify those at risk...
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for serious diseases and conditions, and help doctors monitor their health in order to diagnose and treat the diseases before they cause irreversible injury or death.

Advancing our understanding of genetics will revolutionize the treatment of disease. For example, understanding the genetic factors that contribute to Alzheimer’s disease will help us to understand why some patients seem to respond to a new treatment, while others do not. Genetic information may soon be able to predict the types of individuals who have intolerable side effects from certain therapies. Doctors will be able to use genetic information to choose safer and more effective treatments that are tailored to each individual.

Medical scientists are now beginning to think about how genetic information can be used to prevent illness, too. Understanding how genes contribute to the development of disease will give us new ways to intervene before disease develops. We will be able to use new therapies to prevent the onset of disease and many other conditions that cause disability and premature death.

We have an unprecedented opportunity to use the expanding knowledge in genetics to improve health care. Scientific discoveries based on genetic information will change the face of health care in the future. But we lack the resources and systems needed today to translate that information into effective steps to diagnose, treat, and ultimately prevent disease.

In order to realize the potential benefits of genetic information and technology, we must invest the resources needed to translate this knowledge into practical approaches to health care. We must do this quickly, to keep pace with the explosion of knowledge coming from public and private sector scientists.

This legislation accomplishes these goals by creating two new grant programs in the Department of Health and Human Services. The first provides grants to states to develop and maintain ways to safely and effectively use genetic information in their state and local public health programs. The second grant program focuses on the translation of genetic information and technologies to practical public health strategies that can be used in public and private health care.

The grant program for states will support methods to incorporate genetics at every level of state and local public health systems. Each state and territory has a unique population and a unique public health program. This proposal provides states with the support and flexibility to design approaches tailored to their specific needs and existing resources. States may use funds to establish and maintain essential resources, such as information systems, service programs, and other fundamental elements. States will be required to monitor, evaluate and report on the impact of programs and systems funded by the Act.

Responsible use of genetic information must be based on scientific data. The second grant program created by this legislation addresses the need for ongoing development and evaluation of public health strategies that use genetic information and technology. The bill creates a demonstration program for public and private non-profit organizations to test innovative approaches for using genetic information to improve people’s health, and to evaluate the suitability of such approaches for incorporation into state and local public health programs.

Broad input from all parties is a key ingredient for successful and safe use of genetic information to improve public health. Individuals must not be coerced to participate in genetic testing. It is important to involve the public in local, state and federal decisions about how to use genetic information in developing, implementing, the oversight of programs under this Act.

Evidence suggests that many people are afraid to take advantage of available genetic tests because they fear discrimination in the workplace or in the health insurance market. Until we pass legislation to stop such discrimination, those fears are grounded in reality. We know that steps can be taken to protect the confidentiality of genetic information and to better educate the public about the issues surrounding genetic testing. This legislation requires each state to show how it plans to involve the public in the design and implementation of its program. The legislation also establishes a federal advisory committee to assist the Secretary of Health and Human Services in the promotion and the oversight of programs under this Act.

Public participation is essential. Our system has failed if we offer population-wide testing for predisposition to stroke, but fail to educate individuals who must decide whether to be tested. Our system has failed if we implement population-wide testing for predisposition to breast cancer, but fail to provide access to the care that is needed to reduce the risk of developing disease.

Effective integration of genetics into public health systems must build on current efforts of the private and the public sector, including the work of many federal agencies. These include the achievements of the Human Genome Project at the National Institutes of Health, the Food and Drug Administration’s oversight of certain aspects of genetic testing, the ongoing work of the Secretary’s Advisory Committee on Ethical, Legal and Social Implications of the Human Genome Project at the Department of Energy. Our new Federal commitment to safe and effective use of new genetic information and technology in the public health system will also draw upon the expertise of the Health Resources and Services Administration. Translating genetic information and technology into practice will benefit as well from the expertise of the Centers for Disease Control and Prevention in disease surveillance and in developing and testing new public health strategies.

This legislation emphasizes the need to educate both health care providers and the general public. It also provides the structure and resources to include genetics in all aspects of public health—from the development of policy to the delivery of services. We must ensure that our entire public health system is ready and able to respond to the challenge of using genetic information for improving health.

The Genetics and Public Health Services Act is supported by leading public health and genetics organizations, including the American Public Health Association, the American Academy of Medical Genetics, the National Society of Genetic Counselors, and the American Society of Human Genetics. The Alliance of Genetic Support Groups—representing those who live with genetic disorders and technology—will be invited to testify about the need to improve the resources dedicated to integrating genetics into public health. I am confident this support will grow in the coming months.

Genetics research has brought us to an era of limitless possibility. The 21st century will be the century of life sciences. I hope my colleagues will join me in this effort to take advantage of this unprecedented opportunity to improve America’s health. I ask unanimous consent that a summary of the bill and letters of support be printed in the RECORD.

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

THE GENETICS AND PUBLIC HEALTH SERVICES ACT

Amends the Public Health Service Act to (1) establish, expand and maintain resources and expertise needed for safe and effective use of genetic information and technology in state and local public health programs and (2) support essential applied research and systems development to translate new and emerging genetic information into practical public health strategies.

BLOCK GRANTS, APPLIED RESEARCH AND DEMONSTRATION PROJECTS

Creates a new federal-state matching block grant program to (1) develop systems that promote access to quality genetic services regardless of race, ethnicity, and ability to pay; (2) establish, maintain, or supervise programs to reduce the mortality and morbidity for heritable disorders in the population of the state; (3) identify and develop a network of experts within state and county health agencies to assess the need for and assure the referral or provision of quality genetic services; (4) promote understanding among...
the public and health care professionals of genetic testing and (b) provide a mechanism for public input on state-designed genetic policies and programs.

Establishes new authority to develop and evaluate strategies to use emerging genetic information and technology to improve the public health.

Application requirements and procedures

Block grants: In general, individual states will apply for and receive the block grants; however, two or more states may submit a joint multi-state application.

Applied research/demonstration projects: Eligible entities are states and private or public nonprofit organizations, which may partner with other entities in the private sector.

Establishes an Advisory Committee

Members include representatives from other appropriate federal agencies, the clinical genetics community, research communities, private sector, the public, and state health agencies. The Committee shall (1) assist the Secretary in the implementation of the Act; (2) coordinate the activities of all participating agencies and (3) maintain involvement of the broader health community in the development and oversight of related Public Health and clinical programs.

Authorization and allocations

Authorizes $100,000,000 for each of fiscal years 2000 through 2009. Seventy percent is dedicated to state block grant programs, evaluation activities and the Advisory Committee. Thirty percent of the total allocation is set-aside for funding demonstration projects. States are eligible for a minimum of up to $300,000 annually from the block grant; the maximum per state is $500,000, determined by a formula based upon population. Funds may be expended for two fiscal years after initial award; unspent funds may be reallocated. States must provide $2 for every $3 federal dollars.

Reports

States report annually to HHS on the activities supported by the block grant. HHS and CHS report annually to the Advisory Committee on activities supported by the Act; this report is transmitted by the Advisory Committee with comments to the Secretary and to Congress.


DEAR SENATOR KENNEDY: The American Public Health Association (APHA), representing over 50,000 public health professionals dedicated to advancing the nation’s health is pleased with your introduction of the Genetics and Public Health Services Act. This legislation would amend the Public Health Service Act to expand public health resources needed to translate genetic information and technology into practical strategies to improve the public health. APHA strongly supports the safe and effective integration of genetic information and technology into public health practice.

Specifically, the legislation would provide funding to states to develop and maintain resources needed to use genetic information and technology in public health systems. The bill would support the development of expertise within state and county health agencies to evaluate the potential impact of emerging strategies based on genetic information, to assess the need for genetic services, to provide expert input for policy development, and to assure appropriate referral to or provision of quality genetic services regardless of race, ethnicity or ability to pay.

APHA looks forward to working with you in moving this important legislation forward and to continuing support for this on this important public health matter.

Sincerely,

Mohammad A. Akker, Executive Director.


Senator Edward Kennedy, U.S. Senate, Washington DC.

DEAR SENATOR KENNEDY: On behalf of the members of the Alliance of Genetic Support Groups, I am writing to express our strong interest in increasing resources for the necessary expansion of genetic services within state, federal and local public health systems.

The Alliance of Genetic Support Groups is a national coalition of families working together to enhance the lives of everyone with genetic conditions. The Alliance mission is to bring the ‘people perspective’ to the forefront of discussions about access to quality healthcare, privacy, discrimination and research. Representing 280 support groups of individuals and families with genetic conditions and professional organizations, the Alliance acts on behalf of over three million individuals and families.

We know, through our membership network and callers to our Genes Helpline, that resources are desperately needed to address the disparities across the state and federal public health systems.

We want to emphasize that genetics, from a public health perspective, is much more than simply genetic testing. Vastly increased resources are needed to prepare public health systems to deliver comprehensive and quality genetic services. We need to train public health professionals, educate the public, create family-centered policies and develop a comprehensive care system that links people to all the services they need—before, after and as a result of genetic testing.

We applaud your commitment to address these concerns, as well as others close to our members’ hearts, about genetic discrimination, privacy, and access to quality health care. The Alliance of Genetic Support Groups deeply appreciates all that you have done and are continuing to do to ensure the translation of genetic knowledge into improved public health.

Sincerely,

Mary E. Davidson, Executive Director.

American College of Medical Genetics, Bethesda, MD, November 19, 1999.

Hon. Edward M. Kennedy, U.S. Senate, Washington DC.

DEAR SENATOR KENNEDY: As President of the American College of Medical Genetics (ACMG), I am writing to express our deep appreciation and support for your efforts to address the need for more extensive resources and services for public health genetics at the state and federal levels.

The ACMG is a professional organization representing over 1,600 certified clinical and laboratory geneticists. We are the newest specialty to be recognized by the American Board of Medical Specialties, and we have members who work as Directors of Delegates of the American Medical Association.

As I recently testified before the Secretary’s Advisory Committee on Genetic Testing, knowledge of genetics has expanded rapidly, thanks to enormous investment in the Human Genome Project. However, little attention has been paid to the crucial issue of integrating it into health care delivery. Medical geneticists are uniquely aware of the need for a thoughtful and organized approach to the translation of achievements in research so that all physicians can more effectively address the problems of individuals who suffer from or have a predisposition toward diseases caused by genetic defects. It is increasingly clear that virtually every common (or rare) disease has a genetic component, thereby making every American citizen a potential beneficiary of medical genetic services.

Thus the tools to prevent and to effectively treat diabetes, cancer, hypertension, heart disease, Alzheimer’s, asthma, and so many others, which indeed do not only on knowledge and technology, but also on a systematic integration of these into our health care system at all levels.

The bill you have introduced (Genetic and Public Health Services Act) provides the resources and organization that can unite the expertise of geneticists and public health officials to help us enter the new century with tools to dramatically improve the public health.

Sincerely,

R. Rodney Howell, President.

National Society of Genetic Counselors,Inc.

Senator Edward M. Kennedy, U.S. Senate, Washington DC.

DEAR SENATOR KENNEDY: The National Society of Genetic Counselors (NSGC) is pleased to write this letter of support for a fully funded American Medical Association, the National Society of Genetic Counselors (NSGC) Act. This legislation provides the resources and organization that can unite the expertise of geneticists and public health officials to help us enter the new century with tools to dramatically improve the public health.

Sincerely,

Gaelin E. Register-Mihalik, President.


Hon. Edward M. Kennedy, U.S. Senate, Washington DC.

Dear Senator Kennedy: The American Public Health Association (APHA), representing over 50,000 public health professionals dedicated to advancing the nation’s health is pleased with your introduction of the Genetics and Public Health Services Act. This legislation would amend the Public Health Service Act to expand public health resources needed to translate genetic information and technology into practical strategies to improve the public health. APHA strongly supports the safe and effective integration of genetic information and technology into public health practice.

Specifically, the legislation would provide funding to states to develop and maintain resources needed to use genetic information and technology in public health systems. The bill would support the development of expertise within state and county health agencies to evaluate the potential impact of emerging strategies based on genetic information, to assess the need for genetic services, to provide expert input for policy development, and to assure appropriate referral to or provision of quality genetic services regardless of race, ethnicity or ability to pay.

APHA looks forward to working with you in moving this important legislation forward and to continuing support for this on this important public health matter.

Sincerely,

Mohammad A. Akker, Executive Director.
burden associated with genetic conditions and improve treatment.

We would like to express our appreciation for your past efforts on healthcare issues, particularly your efforts with the Kennedy-Kassebaum bill to address the risk of genetic discrimination. With the introduction of "The Genetics and Public Health Services Act," you demonstrate foresight in anticipating and disciples for genetic services, once again showing your commitment to quality healthcare for all of us.

Sincerely,

[Signature]

[Name]

[Title]

[Organization]

[Address]

[Date]

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Oregon, BOXER, and FEINSTEIN to introduce the Agricultural Market Access and Development Act. Mr. President, farmers and ranchers in our nation are hurting. Rural communities in my home state of Washington have been severely impacted by the current crisis in agriculture. The causes are complex and diverse, and have been discussed at great length on the floor of the United States Senate. Low prices, the loss of markets in Asia, foreign trade barriers, dumping, and industry concentration are just a few of the difficulties farmers and ranchers, the Administration, and Members of Congress are struggling to overcome.

I am pleased Congress acted to provide emergency assistance as part of the fiscal year 2000 agricultural appropriations act. However, while this package did address the immediate needs, it left our many so-called "minor crop" producers across the country. It failed to reform our nation’s ploy on unilateral sanctions. And it didn’t compel us to dedicate time to really resolve long-term issues that will persist. Among these is our commitment to agriculture on a more solid foundation.

Today, I am introducing the Agricultural Market Access and Development Act to ensure our producers have the resources they need to expand their overseas markets. My bill would authorize the Secretary of Agriculture to spend up to $200 million—but not less than the current $30 million—for the Market Access Program. And it would set a floor of $35 million for spending on the foreign Market Development Program.

While many Members of Congress and producers have increased their focus on expanding market access and development, these efforts have been complicated by our work to balance the budget and meet other important national commitments. At the same time, the agricultural community is frustrated by the and lack of use—of the Export Enhancement Program.

Debate will continue on the merits of using the Export Enhancement Program. Nevertheless, I believe we cannot afford to continue wasting the precious dollars we target toward agricultural trade. That is exactly what is happening now: hundreds of millions of dollars in the Export Enhancement Program remain unspent and unused while foreign governments heavily subsidize and protect their agricultural economies to the detriment of American producers.

My bill seeks to recover some of the lost trade resources and convert them into new opportunities for our farmers and ranchers. My bill would give the Secretary of Agriculture the authority to direct a percentage of unspent Export Enhancement Program dollars to market access and development programs within the Commodity Credit Corporation. If less than 20 percent of funds authorized for the Export Enhancement Program are spent by July 1 of a given fiscal year, the Secretary could direct up to 50 percent of unspent EEP funds to other programs. If less than 50 percent—but more than 20 percent—of funds authorized for EEP are spent by July 1 of a given fiscal year, the Secretary could direct up to 20 percent of unspent EEP funds to other programs.

Mr. President, I am introducing this legislation today to advance the discussion on using all of our trade resources. The numbers included in my bill will be subject to further discussion and I welcome it. However, I believe this legislation represents a serious first step to use our scarce resources wisely.

Our current trade negotiations on agriculture show that we must be willing and able to use federal resources to promote trade. If we do not, our negotiations and our producers cannot succeed.

As we head into the Seattle Round of the World Trade Organization this fall, we need to commit ourselves to promoting trade and expanding market access. Without this commitment, we will lose opportunities to market our products overseas. Without this commitment, the changes we made to our farm policy in 1996 will not have a chance in the world of succeeding.

As I said before, Mr. President, agricultural producers in my state of Washington are hurting. My state is home to more than 200 "minor" crops. Washington state is known for its productive apple industry. Unfortunately, the apple industry is in the midst of a terrible economic crisis. The loss of markets in Asia, non-frozen apple juice concentrate dumping by China, over-supply, poor weather conditions in 1998, and generally low prices are driving hundreds of family farms out of business.

This Congress needs to do a better job of addressing the plight of all commodity producers, not just those who grow major commodities. My legislation is a step in the right direction. It seeks to increase funding for the Market Access Program, which is popular among fruit and vegetable growers. In fact, it is one of the few federal programs that benefit fruit and vegetable producers. Since this Congress has shown its reluctance to target meaningful federal aid to minor crop producers, the least we can do is strengthen the voluntary programs that work for these producers. If we do not, we will be falling to promote economic stability in rural America.

However, my bill is not just intended to help fruit and vegetable producers. It also encourages transferring unused trade dollars to the Foreign Market Development Program.
November 19, 1999

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Development Program, which is used by program commodities. Both MAP and FMD represent the kinds of investments in the agricultural industry we should be encouraging at a time of limited government resources.

Mr. President, I am hopeful that the Senate will take up this issue early in the next session. I urge my colleagues to join in support of this legislation to enhance American agricultural export efforts and the family farms that depend upon them.

The new law did allow for the program’s continued use by farmers’ cooperatives, some of which are major industry players. However, it is clear to me and to others who follow the farm economy, that encouraging the development of farmers’ cooperatives is one of the few bright spots in our efforts to keep family farms on the land. Therefore, while opponents will continue to point to the examples of entities they believe in no way should be involved in the program, I believe my colleagues should keep the broader picture in mind. MAP deserves our support.

Next year, Congress should address long-term agricultural issues. And one of those issues should be the transfer of unused Export Enhancement Program funds to market access and development programs. I urge my colleagues to join me in this effort.

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

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

S. 3185

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 "Agricultural Market Access and Development Act of 1999".

SEC. 2. MARKET ACCESS PROGRAM.

Section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended by striking "and not more than $35,000,000 for each of fiscal years 1996 through 2002." and inserting "not more than $35,000,000 for each of fiscal years 1996 through 2002.".

SEC. 3. USE OF EXPORT ENHANCEMENT PROGRAM FUNDS.

Section 301(e) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is amended by adding at the end the following: "(3) USE OF EXPORT ENHANCEMENT PROGRAM FUNDS FOR MARKET ACCESS OR DEVELOPMENT PROGRAMS."

(1) Less than 20 percent use.—If on July 1 of a fiscal year less than 20 percent of the maximum amount of funds authorized to carry out the program established under this section have been expended during that fiscal year to carry out the program established under this section, the Commodity Credit Corporation may use not more than 20 percent of the unexpended amount to carry out market access and development programs of the Commodity Credit Corporation during that fiscal year.

(2) Less than 50 percent use.—If on July 1 of a fiscal year less than 50 percent, but more than 20 percent, of the maximum amount of funds authorized to carry out the program established under this section have been expended during that fiscal year to carry out the program established under this section, the Commodity Credit Corporation may use not more than 50 percent of the unexpended amount to carry out market access and development programs of the Commodity Credit Corporation during that fiscal year.

SEC. 4. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

Section 703 of the Agricultural Trade Act of 1978 (7 U.S.C. 5723) is amended to read as follows:

"SEC. 703. FUNDING."

"The Secretary shall use to carry out this title for each of fiscal years 1996 through 2002, not less than $35,000,000 of the funds of the Commodity Credit Corporation."

Mr. SMITH of Oregon. Mr. President, I rise before the Senate today to express my support for legislation, introduced by Senator MOTHERY and others, that would allow the U.S. Department of Agriculture to allocate to the Market Access Program unused Export Enhancement Program funds.

I have long been a supporter of the Market Access Program, which was designed to promote American agricultural products in foreign markets. Since its inception, it has proven to be a model program and has successfully fostered the growth of American agriculture producers through the expansion of exports. For smaller states like Oregon, the Market Access Program has played a critical role in getting the word out on an array of agricultural goods that otherwise have difficulty penetrating overseas markets. Many Oregon commodities, such as grass seed, tree fruits, and potatoes have benefitted greatly in recent years from the Market Access Program funding. For example, last year the Market Access Program enabled a delegation of Oregon grass seed growers to travel to China to meet with government officials interested in finding quality grass seed to stabilize river banks near the Three Gorges Dam project on the Yangtze River. There are numerous other examples where Oregon commodities have been able to make good use of these federal dollars.

Despite the achievements of the Market Access Program in recent years, funding for the program has been capped at $90 million. I am pleased today to cosponsor this bill which authorizes the Secretary of Agriculture to increase the Market Access Program funding up to a total of $200 million using unapportioned Export Enhancement Program funds.

This proposal has widespread support in my state from farmers and the agricultural groups that represent them, they recognize, as I do, that expanding markets overseas will be key to restoring the farm economy.

By Mr. TORRICEII.

S. 859. A bill to amend the Internal Revenue Code of 1986 to lower the adjusted gross income threshold for deductible disaster casualty losses to 5 percent, to make such deduction an above-the-line deduction, and to allow an election to take such deduction for the preceding or succeeding year; to the Committee on Finance.

Mr. TORRICEII. Mr. President, I rise today to introduce the Disaster Victims Tax Relief Act. This legislation will help mitigate the losses that hundreds of thousands of Americans incur each year as a result of natural disasters and helps clear the path toward full recovery.

My home state of New Jersey is not known as a place which suffers tropical storms or hurricanes with great frequency. However, this past September, many of my constituent witnessed nature's fury first hand. Hurricane Floyd, one of the largest storms in recent history, battered much of New Jersey, along with the several other Eastern states, with winds in excess of 140 miles per hour and flash downpours which caused extensive flooding. To date, the flooding caused by this disaster has inflicted more than $500 million in damages in New Jersey alone, and it is estimated that this figure may exceed more than $1 billion when final costs are calculated. In terms of economic damages, New Jersey was the second most heavily damaged state as a result of Floyd.

Natural disasters, such as the one we recently witnessed, too often cause people to lose their homes and the businesses that were made successful through a lifetime of hard work. This pain is exacerbated by the fact that they are still required to meet a heavy tax burden for that year. It is unreasonable to expect these unfortunate Americans to meet their full tax responsibilities after suffering a catastrophic disaster such as a hurricane such as a hurricane or flood. While our current tax code includes a provision that addresses this situation, qualification requirements ensure that the overwhelming majority of victims cannot utilize the provision to their benefit.

Under current law, an individual may deduct uninsured damages or "casualty losses" incurred from a natural disaster as long as those losses exceed 10 percent of their adjusted gross income (AGI). Unfortunately, many victims of
disasters have found that this threshold is too high for them to qualify. Compounding this situation is the fact that only a small percentage of taxpayers who itemize their deductions are effectively eligible to claim their disaster losses as a deduction. This is troubling because 75 percent of taxpayers who do not itemize, comprised mostly of lower and middle class families who need this benefit most, cannot participate.

The bill I introduce today is straight forward. First it would reduce the current AGI threshold from 10 percent to 5 percent. Second, it would make the deductions available an “above the line” deduction. These two provisions would enable the majority of American taxpayers, who do not itemize their returns, to benefit. Third, my bill would institute a 2-year “carry back or forward” provision which would allow people who incur casualty losses to claim the deductions on either the previous year’s return, or they can defer and claim the losses either the following year or the year after. Finally this bill is narrowly tailored to provide relief to those people who need it most: those who live in a federally declared disaster area. This will help avoid abuse of the provision.

Mr. President, people who have emerged from earthquakes, tornadoes, hurricanes and floods are confronted with the daunting task of rebuilding their lives in the face of overwhelming economic loss and the emotional trauma of losing everything they own. Their tax burden should not be one of the obstacles that they must overcome in order to embark on the road to recovery. This bill will help ensure that this is not the case. I would urge my colleagues in the Senate to fully support this legislation.

By Mr. DASCHLE (for himself, Mr. HATCH, Mr. BROWNBACK, Mr. HARKIN, Mr. JOHNSON, Mr. DORGAN, Mr. BAUCUS, Mr. CONRAD, Mr. BINGAMAN, Mr. Voinovich, and Mr. BURNS):

S. 1988. A bill to reform the State inspection of meat and poultry in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NEW MARKETS FOR STATE-INSPECTED MEAT ACT

Mr. DASCHLE. 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. 1988

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “New Markets for State-Inspected Meat Act of 1999”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Review of State meat and poultry inspection programs.

TITLe I—MEAT INSPECTION

Sec. 101. Federal and State cooperation on meat inspection for intrastate distribution.
Sec. 102. State meat inspection programs.

TITLe II—POULTRY INSPECTION

Sec. 201. Federal and State cooperation on poultry inspection for intrastate distribution.

TITLe III—GENERAL PROVISIONS

Sec. 301. Regulations.
Sec. 302. Termination of authority to establish interstate inspection programs.

SEC. 2. REVIEW OF STATE MEAT AND POULTRY INSPECTION PROGRAMS.

(a) IN GENERAL.—Not later than September 30, 2001, the Secretary of Agriculture shall conduct a comprehensive review of each State meat and poultry inspection program, which shall include—

(1) a determination of the effectiveness of the State program; and

(2) identification of changes that are necessary to enable future transition to a State program of enforcing Federal standards requirements as described in the amendments made by sections 102 and 302.

(b) COMMENT FROM INTERESTED PARTIES.—In designing the review described in subsection (a), the Secretary of Agriculture shall, to the maximum extent practicable, obtain comment from interested parties.

(c) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) AVAILABLE FUNDS.—Notwithstanding any other provision of law, only funds specifically appropriated under paragraph (1) may be used to carry out this section.

TITLe I—MEAT INSPECTION

SEC. 101. FEDERAL AND STATE COOPERATION ON MEAT INSPECTION FOR INTRASTATE DISTRIBUTION.

(a) REDesignation.—

(1) IN GENERAL.—The Federal Meat Inspection Act is amended—

(A) by redesignating title III (21 U.S.C. 661 et seq.) as title I and moving that title to the end of that Act; and

(B) by redesigning section 301 (21 U.S.C. 661) as section 303.

(2) IN title V (as redesignated by subparagraph (A)), by striking the title heading and inserting the following:

TITLE V—FEDERAL AND STATE CO-OPERATION ON MEAT INSPECTION FOR INTRASTATE DISTRIBUTION;

and

(D) in the fourth sentence of section 501(c)(1) (as redesignated by subparagraph (B)), by striking “section 301 of the Act” and inserting “subsection (a)(4)”.

(2) CONFORMING AMENDMENTS.—

(A) Section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c)) is amended in the second sentence by striking “section 501(a)(4)” and inserting “section 413”.

(B) Section 24 of the Federal Meat Inspection Act (21 U.S.C. 622) is amended by subsection (a)(2)(B) is amended in the last sentence by striking “section 501(a)(4)” and inserting “section 413”.

(C) Section 265 of the Federal Meat Inspection Act (21 U.S.C. 645) is amended by subsection (a)(2)(C) is amended by striking “section 501(a)(4)” and inserting “section 413”.

(3) EFFECTIVE DATE.—This subsection takes effect on October 1, 2001.

(b) REPEAL.—

(1) IN GENERAL.—Title V of the Federal Meat Inspection Act (as amended by subsection (a)(1)) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c)) as amended by subsection (a)(2)(A) is amended in the second sentence by striking “section 501(a)(4)” and inserting “section 413”.

(B) Section 24 of the Federal Meat Inspection Act (21 U.S.C. 622) is amended by subsection (a)(2)(B) is amended in the last sentence by striking “section 501(a)(4)” and inserting “section 413”.

(C) Section 265 of the Federal Meat Inspection Act (21 U.S.C. 645) is amended by subsection (a)(2)(C) is amended by striking “section 501(a)(4)” and inserting “section 413”.

(3) EFFECTIVE DATE.—As provided in section 302, this subsection takes effect on October 1, 2002.

SEC. 102. STATE MEAT INSPECTION PROGRAMS.

(a) IN GENERAL.—The Federal Meat Inspection Act (as amended by section 101(a)(1)(A)) is amended by inserting after title II (21 U.S.C. 641 et seq.) the following:

TITLe III—STATE MEAT INSPECTION PROGRAMS

“SEC. 301. POLICY AND FINDINGS.

“(a) POLICY.—It is the policy of Congress to protect the public from meat and meat food products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish that policy.

“(b) FINDINGS.—Congress finds that—

“(1) the goal of a safe and wholesome supply of meat and meat food products throughout the United States would be better served if a consistent set of requirements, established by the Federal Government, were applied to all meat and meat food products, whether produced under State inspection or Federal inspection;

“(2) under such a system, State and Federal meat inspection programs would function together to create a seamless inspection system to ensure food safety and inspire consumer confidence in the food supply in interstate commerce; and

“(3) such a system would ensure the viability of State meat inspection programs, which should help to foster the viability of small establishments.

“SEC. 302. APPROVAL OF STATE MEAT INSPECTION PROGRAMS.

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may approve a State meat inspection program and allow the shipment in commerce of carcasses, parts of carcasses, meat, and meat food products inspected under the State meat inspection program in accordance with this title.

“(b) ELIGIBILITY.—

“(1) IN GENERAL.—To receive or maintain approval from the Secretary for a State meat inspection program in accordance with subsection (a), a State shall—

“(A) implement a State meat inspection program that enforces the mandatory ante-mortem and postmortem inspection, reinspections, sanitation, and related Federal requirements of titles I, II, and IV (including the regulations issued under those titles); and

“(B) enter into a cooperative agreement with the Secretary in accordance with subsection (c).
“(2) ADDITIONAL REQUIREMENTS.—

(A) in addition to the requirements specified in paragraph (1), a State meat inspection program reviewed in accordance with section 2 of the Federal Meat and Poultry Inspection Act (including the regulations issued under this Act). (B) SUSPENSION AND REVOCATION.—

(1) IN GENERAL.—A State must have approved a State meat inspection program, as defined in section (a) between October 1, 2001, and September 30, 2002.

“(2) REGISTRATION REQUIREMENTS.—In addition to the requirements specified in paragraph (1), to continue to be an approved State meat inspection program, a new State meat inspection program shall implement all recommendations from the review conducted in accordance with this subparagraph, in a manner approved by the Secretary.

(3) IMPLEMENTATION REQUIREMENTS.—In addition to the requirements specified in paragraph (1), to continue to be an approved State meat inspection program, a new State meat inspection program shall implement all recommendations from the review conducted in accordance with this subparagraph, in a manner approved by the Secretary.

“(B) COOPERATIVE AGREEMENT.—Notwithstanding section 103 of the United States Code, the Secretary may enter into a cooperative agreement with a State that establishes the terms governing the relationship between the Secretary and the State meat inspection program and provides for the following:

“(1) PROVISIONS CONSISTENT WITH THIS ACT.—The State will adopt (including adoption by reference) provisions identical to titles I, II, and IV (including the regulations issued under those titles).

“(2) INSPECTION OF ESTABLISHMENTS.—

“(A) OFFICIAL MARKS.—State-inspected and passed meat and meat food products will be marked under the supervision of a State inspector with the official mark and be deemed to have been inspected by the Secretary for the purposes of this Act and to have passed the inspection.

“(B) ADDITIONAL MARKS.—In addition to the official mark, State-inspected and passed meat and meat food products may be marked with the mark of State inspection, in accordance with requirements issued by the Secretary.

“(C) LABELING REQUIREMENTS.—The State will comply with all labeling requirements issued by the Secretary governing meat and meat food products inspected under the State meat inspection program.

“(D) AUTHORITY OF THE SECRETARY.—The Secretary shall have authority—

“(1) to detain and seize livestock, carcasses, parts of carcasses, meat, and meat food products under the State meat inspection program;

“(2) to obtain access to facilities, records, livestock, carcasses, parts of carcasses, meat, and meat food products inspected under the State meat inspection program; and

“(3) in accordance with this Act (including the regulations issued under this Act); and

“(C) to direct the State to conduct an activity authorized to be conducted by the Secretary under this Act (including the regulations issued under this Act).

“(5) OTHER TERMS.—The cooperative agreement shall include such other terms as the Secretary determines to ensure that the actions of the State and the State meat inspection program are consistent with the regulations issued under this Act.

“(d) ADDITIONAL REQUIREMENTS.—

“(1) IN GENERAL.—A State may impose additional requirements on establishments under the State meat inspection program, as approved by the Secretary.

“(2) RESTRICTION ON ESTABLISHMENT SIZE.—

“The Secretary shall authorize a State to establish the maximum size of establishments that the State will accept into the State meat inspection program.

“(e) REIMBURSEMENT OF STATE COSTS.—The Secretary may reimburse the State for not more than 60 percent of the State’s costs of meeting the Federal requirements for the State meat inspection program.

“(f) SAMPLING.—

“(1) SALMONELLA SAMPLING AND TESTING.—

“To the extent that the Secretary requires establishments to meet microbiological performance standards for Salmonella, the Secretary shall sample and test for Salmonella in establishments subject to inspection under the State meat inspection program.

“(2) OTHER SAMPLING AND TESTING.—In addition to the activities described in paragraph (1), the Secretary may perform other sampling and testing of meat and meat food products in establishments described in that paragraph.

“(g) NONCOMPLIANCE.—If the Secretary determines that a State meat inspection program does not comply with this title or the cooperative agreement under subsection (c), the Secretary may take such action as the Secretary determines to be necessary to ensure that the carcasses, parts of carcasses, meat, and meat food products in the State are inspected in a manner that effectuates this Act (including the regulations issued under this Act).

“SEC. 303. AUTHORITY TO TAKE OVER STATE MEAT INSPECTION PROGRAMS.

“(a) NOTIFICATION.—If the Secretary has reason to believe that a State is not in compliance with this Act (including the regulations issued under this Act) or the cooperative agreement entered into under this title and to certify the State meat inspection programs that comply with the cooperative agreement described in subsection (a), the Secretary shall solicit comment from interested parties.

“(b) RESTAURANTS AND RETAIL STORES.—Title IV of the Federal Meat Inspection Act is amended—

“(1) by redesigning section 411 (21 U.S.C. 642) as follows:

“(2) by inserting after section 410 (21 U.S.C. 641) the following:

“(a) LIMITATION ON APPlicABILITY OF INSPECTION REQUIREMENTS.—The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts of carcasses, meat, and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, if the operations are conducted at a central kitchen facility of a restaurant that effectuates this Act (including the regulations issued under this Act).

“(b) CENTRAL KITCHEN FACILITIES.—

“(1) IN GENERAL.—For the purposes of this section, operations conducted at a central kitchen facility of a restaurant that effectuates this Act (including the regulations issued under this Act) or the cooperative agreement entered into under this title and to certify the State meat inspection programs that comply with this Act (including the regulations issued under this Act). (The Secretary may be the Secretary of Agriculture) (notwithstanding any other provision of this title, if the Secretary determines that the State meat inspection program is not approved or operating under a State meat inspection program, as approved under this title and to certify the State meat inspection programs that comply with the cooperative agreement described in subsection (a), the Secretary shall solicit comment from interested parties.)

“(2) EXCEPTION.—A facility described in paragraph (1) shall be subject to section 202

“(c) PUBLICATION.—If the Secretary re-
and may be subject to the inspection requirements of title I for as long as the Secretary determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that under those terms and conditions, poultry inspection and other matters within the scope of this Act.

(c) Effective Date.—This section takes effect on October 1, 2001.

TITLE II—POULTRY INSPECTION

SEC. 201. FEDERAL AND STATE COOPERATION ON POULTRY INSPECTION FOR INTRA-STATE DISTRIBUTION.

(a) Redesignation.—
(1) In General.—Section 5 of the Poultry Products Inspection Act (21 U.S.C. 454) is redesignated as section 34 and is entitled to the end of that Act.

(2) Intrastate Program.—Section 34 of the Poultry Products Inspection Act (as redesignated by paragraph (1)) is amended by striking the section heading and inserting the following:

"SEC. 34. FEDERAL AND STATE COOPERATION ON POULTRY INSPECTION FOR INTRA-STATE DISTRIBUTION."

(b) Conforming Amendments.—
(1) Section 8(b) of the Poultry Products Inspection Act (21 U.S.C. 457(b)) is amended in the second sentence by striking "section 5 of this Act" and inserting "section 34(a)(4)".

(2) Section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 460(e)) is amended by striking "section 5 of this Act" and inserting "section 34(a)(4)".

(c) Effective Date.—This subsection takes effect on October 1, 2001.

(b) Repeal.—
(1) In General.—Section 34 of the Poultry Products Inspection Act (as redesignated by subsection (a)(1)) is repealed.

(2) Conforming Amendments.—
(A) Section 8(b) of the Poultry Products Inspection Act (21 U.S.C. 457(b)) (as amended by subsection (a)(3)(A)) is amended in the second sentence by striking "section 5 of this Act" and inserting "section 34(a)(4)".

(B) Section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 460(e)) (as amended by subsection (a)(3)(B)) is amended by striking "section 5 of this Act" and inserting "section 34(a)(4)".

(3) Effective Date.—Except as provided in section 302, this subsection takes effect on October 1, 2001.

SEC. 202. STATE POULTRY INSPECTION PROGRAMS.

(a) In General.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) (as amended by section 201(a)(1)) is amended by inserting after section 4 the following:

"SEC. 5. STATE POULTRY INSPECTION PROGRAMS.—

(a) Policy.—It is the policy of Congress to protect the public from poultry products that are adulterated or misbranded and to encourage the State inspection agencies to accomplish that policy.

(b) Findings.—Congress finds that—

(1) the goal of a safe and wholesome supply of poultry products throughout the United States can best be achieved if a consistent set of requirements, established by the Federal Government, were applied to all poultry products that are produced under State inspection or Federal inspection;

(2) under such a system, State and Federal poultry inspection programs would function in tandem to maintain a system to ensure food safety and inspire consumer confidence in the food supply in interstate commerce; and

(3) such a system would ensure the viability of State poultry inspection programs, which should help to foster the viability of small official establishments.

(c) Approval of State Poultry Inspection Programs.—

(1) In General.—Notwithstanding any other provision of this Act, the Secretary may approve State poultry inspection programs and allow the shipment in commerce of poultry products inspected under the State poultry inspection program in accordance with this section and section 34.

(2) Eligibility.—

(A) In General.—To receive or maintain approval from the Secretary for a State poultry inspection program in accordance with paragraph (1), a State shall—

(i) implement a State poultry inspection program that enforces the mandatory ante-mortem and postmortem inspection, inspection, sanitation, and related Federal requirements of sections 1 through 4 and 6 through 33 (including the regulations issued under those sections); and

(ii) enter into a cooperative agreement with the Secretary in accordance with paragraph (3).

(B) Additional Requirements.—

(i) In General.—In addition to the requirements specified in subparagraph (A), a State poultry inspection program reviewed in accordance with section 34(a)(4) shall include such other terms as the Secretary, in a manner approved by the Secretary.

(ii) Review of New State Poultry Inspection Programs.—The Secretary shall include such other terms as the Secretary determines to be necessary to ensure that the actions of the State and the State poultry inspection program are consistent with this Act (including the regulations issued under this Act).

(C) Labeling Requirements.—The Secretary shall have authority—

(i) to detain and seize poultry and poultry products under the State poultry inspection program; and

(ii) to obtain access to facilities, records, and poultry products of any person that slaughters, processes, handles, stores, trans- ports, sells, or distributes poultry products inspected under the State poultry inspection program for the purpose of determining compliance with this Act (including the regulations issued under this Act).

(D) Additional Requirements.—

(i) In General.—A State poultry inspection program shall include such other terms as the Secretary, in a manner approved by the Secretary, determines to be necessary to ensure that the actions of the State poultry inspection program are consistent with this Act (including the regulations issued under this Act).

(E) Other Terms.—The cooperative agreement shall include such other terms as the Secretary determines to be necessary to ensure that the actions of the State poultry inspection program are consistent with this Act (including the regulations issued under this Act).

(F) Restriction on Establishment Size.—The Secretary shall authorize a State to establish the maximum size of official establishments that the Secretary shall accept into the State poultry inspection program.

(G) Reimbursement of State Costs.—The Secretary may reimburse the State for not more than 60 percent of the State's costs of meeting the Federal requirements for the State poultry inspection program.

(2) under such a system, State and Federal poultry inspection programs would function in tandem to maintain a system to ensure food safety and inspire consumer confidence in the food supply in interstate commerce; and

(3) such a system would ensure the viability of State poultry inspection programs, which should help to foster the viability of small official establishments.
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sampling and testing of poultry products in official establishments described in that sub-
paragraph.

"(7) NONCOMPLIANCE.—If the Secretary de-
termines that a State poultry inspection program does not comply with this section, sec-
tion, subsection, paragraph, or provi-
dion of this Act requiring inspection of the slaugh-
product inspection programs and has a sys-
determined by the Secretary to be necessary to ensure that the poultry prod-
and is in a manner that effectuates this Act (including the regu-
al section 5(c)(3) and is considering the revocation or temporary sus-
pend the approval of the State poultry inspection program, the Secretary shall promptly notify and consult with the Gov-
order of the State.

"(2) SUSPENSION AND REVOCATION.—

"(A) IN GENERAL.—The Secretary may re-
voke or temporarily suspend the approval of a State poultry inspection program over a State poultry inspection program if the Secretary determines that the State poultry inspection program is not in com-
pliance with this Act (including the regula-
tions issued under this Act) or the cooper-
ative agreement under section 5(c)(3) and is con-
sidering the revocation or temporary sus-

"(3) PUBLICATION.—If the Secretary re-
vores or temporarily suspends the approval of a State poultry inspection program in ac-
cordance with paragraph (2), the Secretary shall publish the determination under that paragraph in the Federal Register.

"(4) INSPECTION OF ESTABLISHMENTS.—Upon the expiration of 30 days after the date of publi-
cation of a determination under para-
graph (3), an official establishment subject to a State poultry inspection program with respect to which the Secretary makes a de-
termination under paragraph (2) shall be in-
spected by the Secretary.

"(5) INSPECTION OF STATE-INSPECTED OFFICIAL ES-
TABLISHMENTS.—Notwithstanding any other provi-
dion of this title, if the Secretary deter-
moves that an official establishment oper-
ating under a State poultry inspection pro-
gram is not operating in accordance with this Act (including the regulations issued under this Act) or the cooperative agreement un-
der section 5(c)(3), and the State, after no-
tification by the Secretary to the Governor, has not taken appropriate action within a reasonable time as determined by the Sec-
retary, the Secretary may immediately de-
terminate that the official establishment is an establishment that shall be inspected by the Secretary. This subsection may apply to an official establishment that shall be inspec-
ted by the Secretary. If the Secretary determines that the State will meet the re-
quirements of this Act (including the regula-
tions) and the cooperative agreement with respect to the official establishment, such

"(d) ANNUAL REVIEW.—

"(1) IN GENERAL.—The Secretary shall de-
velop and implement a process to review an-
nually each State poultry inspection pro-
gram approved under this section and to cer-
tify the State poultry inspection programs that comply with the cooperative agreement entered into with the State under subsection (c)(3).

"(2) COMMENT FROM INTERESTED PARTIES.—

In designing the review process described in paragraph (1), the Secretary shall solicit comments from interested parties.

"(e) FEDERAL INSPECTION OPTION.—

"(1) IN GENERAL.—An official establish-
ment that operates in a State with an ap-
proved State poultry inspection program may apply for inspection under the State poultry inspection program or for Federal in-
pection.

"(2) LIMITATION.—An official establishment shall not make an application under para-
graph (1) more than once every 4 years.

"SEC. 5A. AUTHORITY TO TAKE OVER STATE POULTRY INSPECTION PROGRAMS.—

"(a) AUTHORITY TO TAKE OVER STATE POULTRY INSPECTION PROGRAMS.—

"(1) NOTIFICATION.—If the Secretary has reason to believe that a State is not in com-
pliance with this Act (including the regula-
tions issued under this Act) or the coopera-
tive agreement under section 5(c)(3) and is con-
sidering the revocation or temporary sus-
sension of the approval of the State poultry inspection program, the Secretary shall promptly notify and consult with the Gov-
ernor of the State.

"(2) SUSPENSION AND REVOCATION.—

"(A) IN GENERAL.—The Secretary may re-
voke or temporarily suspend the approval of a State poultry inspection program over a State poultry inspection program if the Secretary determines that the State poultry inspection program is not in com-
pliance with this Act (including the regula-
tions issued under this Act) or the coopera-
tive agreement under section 5(c)(3) and is con-
sidering the revocation or temporary sus-

"(B) PROCEDURES FOR RENOTIFICATION.—A State poultry inspection program that has been the subject of a revocation may be re-

"(c) EFFECTIVE DATE.—This section takes ef-
ficent on October 1, 2001.

"SEC. 32. ACCEPTANCE OF INTERSTATE SHIP-
MENTS OF POULTRY PRODUCTS.—

"Notwithstanding any provision of State law, a State or local government shall not pro-
hibit or restrict the movement or sale of poultry products that have been inspected and passed in accordance with this Act for interstate commerce.

"SEC. 33. ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.—

"The Secretary shall appoint advisory com-
mittees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to con-
sult with the Secretary concerning State and Federal programs affecting poultry product inspection and other matters within the scope of this Act..."

"(c) EFFECTIVE DATE.—This section takes ef-
ficent on October 1, 2001.

"TITLE III—GENERAL PROVISIONS

"SEC. 301. REGULATIONS.

Not later than October 1, 2001, the Sec-
retary of Agriculture may promulgate such regulations as are necessary to implement the amendments made by sections 102 and 202.

"SEC. 302. TERMINATION OF AUTHORITY TO ES-
TABLISH AN INTERSTATE INSPEC-
PATION PROGRAM.—

If the Secretary of Agriculture has not ap-
proved any State meat inspection program or State poultry inspection program by en-
tering into a cooperative agreement under title III of the Federal Meat Inspection Act and sections 5 and 5A of the Poultry Pro-
ducts Inspection Act (as amended by this Act) by November 30, 2002, subsections 101-
(b), and 202, and the amendments made by those sections, are repealed effective as of that date.

By Mr. KOHL:

S. 1989. A bill to ensure that employ-
ees of traveling sales crews are pro-
ected under the Fair Labor Standards Act of 1938 and under other provisions of law; to the Committee on Health, Education, Labor, and Pensions.

"TRAVELING SALES CREW PROTECTION ACT

Mr. KOHL. Mr. President, today I have introduced legislation to crack down on abuses in the traveling sales crew industry. These companies em-
ploy crews who travel from city to city selling products door to door. Often times, however, these companies mis-
treat their workers and violate local, state, and federal labor law. Because they rapidly move from state to state, enforcement efforts are difficult if not impos-
ible for local authorities.

The plight of the workers in this business came home to me, and the citizens of Wisconsin, as a result of a particularly tragic crash in March of this year. A van carrying 14 young peo-
ple overturned due to reckless driving, killing seven and injuring the others, many seriously. The driver had a sus-
pended license and a series of viola-
tions. Unfortunately, this was an iso-
lated incident. Since 1992, forty-two sales people have been killed or injured in similar crashes. The company in-
volved in the Wisconsin crash had 92 labor violations and 165 violations for soliciting without a license.

Regrettably, there is more to these companies than just bad driving records. In 1987 Senator ROTH, as part of the Permanent Subcommittee on In-
vestigations looked into this industry, and was appalled at what he found. In-
cidents of verbal and physical abuses of workers were widespread. Young people were coerced into continuing to sell long after they wanted to leave through threats and taunts from their employees. When sellers were able to get free they were often unpaid or de-

ed the bus ticket home they were promised when they signed up.

The compensation system for the workers was also rigged to ensure that workers could not leave. Prospective sellers were promised big bucks when they were recruited, but soon found that decent pay was difficult to come by. Sellers were paid on a commission basis according to their sales, but they
Mr. President, I ask unanimous consent that the text of my legislation be printed in the Record. There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1998
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 “Traveling Sales Crew Protection Act.”

TITLE I—FAIR LABOR STANDARDS ACT OF 1938
SEC. 101. APPLICATION OF PROVISIONS TO CERTAIN OUTSIDE SALESMAN.
(a) IN GENERAL.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

"(k) For purposes of subsection (a)(1), and notwithstanding any other provision of law, the term ‘outside salesman’ shall not include any individual employed in the position of a salesperson by a sales supervisor in a group of salespeople, including a supervisor, team leader or crew leader, and the employees in the group do not return to their permanent residences at the end of the work day.”.

(b) LIMITATION ON CHILD LABOR.—Section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) is amended by adding at the end the following:

"(e) No individual under 18 years of age may be employed in a position requiring the individual to be engaged in door to door sales or in related support work in a manner that requires the individual to remain away from his or her permanent residence for more than 24 hours.”.

(c) RULES AND REGULATIONS.—The Secretary of Labor may issue such rules and regulations as are necessary to carry out the amendments made by this section, consistent with the requirements of chapter 5 of title 5, United States Code.

TITLE II—PROTECTION OF TRAVELING SALES CREWS
SEC. 201. PURPOSE.
It is the purpose of this title—

(1) to remove the restraints on interstate commerce caused by activities detrimental to traveling sales crew workers;
(2) to require the employers of such workers to register under this Act; and
(3) to assure necessary protections for such employees.

SEC. 202. DEFINITIONS.
In this title:

(1) CERTIFICATE OF REGISTRATION.—The term “Certificate of Registration” means a Certificate issued by the Secretary under section 203(c)(1).
(2) EMPLOYER.—The term “employer” has the meaning given such term by section 3(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(g)).
(3) GOODS.—The term “goods” means wares, products, commodities, merchandise, or articles or subjects of interstate commerce of any character, or any part or ingredient thereof.
(4) PERSON.—The term “person” means any individual, partnership, association, joint stock company, trust, cooperative, or corporation.
(5) SALE, SELL.—The terms “sale” or “sell” include any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition of goods.
(6) SECRETARY.—The term “Secretary” means the Secretary of Labor.

(7) TRAVELING SALES CREW WORKER.—In general.—Except as provided in subparagraph (B), the term “traveling sales crew worker” means an individual who—

(i) is employed as a salesperson or in related support work;
(ii) travels with a group of salespersons, including a supervisor; and
(iii) is required to be absent overnight from his or her permanent place of residence.

(B) LIMITATION.—The term “traveling sales crew worker” does not include—

(i) any individual who meets the requirements of subparagraph (A) and the individual is traveling to a trade show or convention; or
(ii) any immediate family member of a traveling sales crew employer.

SEC. 203. REGISTRATION OF EMPLOYERS AND SUPERVISORS OF TRAVELING SALES CREW WORKERS.
(a) REGISTRATION REQUIREMENT.—
(1) IN GENERAL.—No person shall engage in any form of employment of traveling sales crew workers, unless such person has a certificate of registration from the Secretary.

(b) REGISTRATION OF EMPLOYERS AND SUPERVISORS OF TRAVELING SALES CREW WORKERS—
(1) ISSUANCE OF CERTIFICATE OF REGISTRATION.—Each registered traveling sales crew employer and each registered traveling sales crew supervisor shall carry at all times while engaging in traveling sales crew activities a certificate of registration from the Secretary and, upon request, shall exhibit that certificate to any person with whom they intend to deal.

(2) APPLICATION FOR REGISTRATION.—Any person desiring to be issued a certificate of registration from the Secretary as a traveling sales crew employer or traveling sales crew supervisor, shall file with the Secretary a written application that contains the following:

(A) A declaration, subscribed and sworn to by the applicant, stating the applicant’s permanent place of residence, the type or types of sales activities to be performed, and such other relevant information as the Secretary may require.

(B) A statement identifying each vehicle to be used to transport any traveling sales crew and, if the vehicle is or will be owned or controlled by the applicant, a statement documenting that the applicant has in compliance with section 204(d) with respect to each such vehicle.

(C) A set of fingerprints of the applicant.

(D) A declaration, subscribed and sworn to by the applicant, consenting to the designation by a court of the Secretary as an agent available to accept service of summons in any action against the applicant, if the applicant has left the jurisdiction in which the action is commenced or otherwise has become unavailable to accept service.

(E) ISSUANCE OF CERTIFICATE OF REGISTRATION.—
(1) IN GENERAL.—In accordance with regulations, and after any investigation which the Secretary may deem appropriate, the Secretary shall issue a Certificate of Registration, as either a traveling sales crew

were also charged by the company for their accommodations and fined for small infractions like showing up late to meetings or sleeping on the job. Salespeople were not paid in a timely manner, but their earnings were kept on “paper” and the employees only drew a daily allowance to pay for food. Employees were seldom allowed to see the paper work that tracked their earnings so they had little idea about how much they are entitled. Many found that they were not able to keep up with the sales and fell in debt to the company. After working 12 hours days, six days a week for months, employees actually owed the company money! These young people became indentured servants, working long hours for only room and board.

In the twelve years since Senator Roth’s investigation, nothing has changed. These abuses continue, and Congress should act.

In the Wisconsin case the company’s record of disregard for local and state laws was a signal of their disdain for the safety of their workers. This company should not have been allowed to continue to operate with this kind of record. Government needed to step in earlier, before this tragedy occurred, instead of picking up the pieces afterward.

I am not one to frivolously engage in regulating business, but in this case the need for federal involvement is clear. Because of the mobility of these companies, states cannot crack down on these groups alone. They need federal help to eliminate the unscrupulous actors in the industry.

The Traveling Sales Crew Protection Act would take important steps to eliminate employers who abuse their workers. Without this protection, it would no longer allow minors to be employed in this line of work. Door to door sales can be dangerous work and combined with the long hours and hazardous travel, creates a job too dangerous for children. Second, the bill would narrowly eliminate the exemption under the Fair Labor Standards Act for these specific kinds of operations. Covering these employees with minimum wages and overtime requirements protects them from becoming indentured servants to their employers through complex compensation systems. This provision is carefully crafted to cover only traveling sales crews, individuals who sell over the road, or at trade shows would be unaffected. Lastly the bill creates a licensing procedure through the Department of Labor to monitor those engaged in supervising and running these operations.

These measures are important steps forward in a nationwide effort to eliminate this particularly abusive form of worker exploitation. I hope I will have my colleagues support as I try to make the painful crash in Janesville, the last chapter in this shameful story.
employer or traveling sales crew supervisor, to any person who meets the standards for such registration.

(2) Refusal to issue or renew, suspension, and revocation.—The Secretary may refuse to issue or renew, or may suspend or revoke, a Certificate of Registration if the Secretary concludes that any of the following is true:

(A) The person has been found or is known to have in his possession, made or used, any device or article intended to dissuade, prevent or delay the employer and supervisor from being able to pay the wages due to the traveling sales crew worker;

(B) The person has been found or is known to have in his possession, made or used, any device or article intended to prevent the employer and supervisor from being able to pay the travel expenses due to the traveling sales crew worker;

(C) The person has failed to comply with the requirements of paragraph (b) of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(1) or (2));

(D) The person has been convicted of any crime under Federal or State law relating to the sale, distribution or possession of a narcotic, marijuana, or other controlled substances, or has failed to comply with any bonding requirement imposed by the Secretary for the person.

(3) Review by Court.—Any person against whom an order is entered under this section may appeal to a District Court of the United States for the district in which the person resides, or in which the Secretary or any other person under this title; or

(4) Final Order.—The order which takes effect under this paragraph shall be subject to appeal as provided for in chapter 83 of title 28, United States Code.

(5) Transfer or Assignment of Certificate; Expiration; Renewal.—(1) Limitation.—A Certificate of Registration shall not be transferrable or assigned.

(b) Expiration and Extension.—(1) Expiration.—Unless renewed or revoked, a certificate of registration shall expire 12 months from the date of issuance.

(2) Extension.—A Certificate of Registration may be temporarily extended, at the Secretary's discretion, by the filing of an application with the Secretary at least 30 days prior to the Certificate's expiration date.

(c) Renewal.—A Certificate of Registration may be renewed through the application process provided for in subsections (b) and (c).

(6) Notice of Address Change; Amendment of Certificate of Registration.—During the period for which a Certificate of Registration is in effect, the traveling sales crew worker or supervisor named on the Certificate shall:

(A) provide to the Secretary within 30 days of a change of permanent place of residence;

(B) apply to the Secretary to amend the Certificate of Registration whenever the person intends to:

(1) engage in any form of traveling sales crew activity not identified on the Certificate;

(2) use or cause to be used any vehicle not covered by the Certificate to transport any traveling sales crew worker;

(C) Filing Fee.—The Secretary shall require the payment of a fee by an employer filing an application for the issuance or renewal of a Certificate of Registration. The amount of the fee shall be $500 for a Certificate for an employer and $50 for a Certificate for a supervisor. Sums collected pursuant to this paragraph shall be distributed by the Secretary toward reimbursement of the costs of administering this title.

Section 204. Obligations of Employers of Travelling Sales Crew Workers.

(a) Disclosure of Terms and Conditions of Employment.—(1) Written Disclosure.—The Secretary shall cause the traveling sales crew worker to be provided with a written disclosure of the following information, which shall be accurate and complete to the best of the employer's knowledge:

(A) The place or places of employment, stated with as much specificity as possible.

(B) The wage rate or rates to be paid.

(C) The type or types of work on which the wage rates are based.

(D) The period of employment.

(E) The transportation, housing, and other employee benefits to be provided, and any costs to be charged to the worker for each such benefit.

(F) The existence of any strike or other concerted action, including slowdowns or interruptions of operations by employees in the place of employment.

(G) Whether State workers' compensation insurance is provided and, if so, the name of the State workers' compensation insurance carrier, the name of the policyholder of such insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

(b) Records and Statements.—Each employer of traveling sales crew workers shall:

(A) with respect to each such worker, make, keep, and preserve records for 3 years of the following:

(i) basis on which wages are paid;

(ii) number of piecework units earned, if paid on a piecework basis;

(iii) number of hours worked;

(iv) total pay period earnings;

(v) specific sums withheld and the purpose of each such sum withheld;

(B) provide to each worker for each pay period, an itemized written statement of the information required under subparagraph (A); and

(c) Costs of Goods, Services, and Business Expenses.—(1) Prohibition.—No employer of traveling sales crew workers shall:

(A) require any worker to purchase any goods or services solely from such employer; or

(B) Impose on any worker any of the employer's business expenses, such as the cost of maintaining and operating a vehicle used to transport the traveling sales crew.

(2) Inclusion as part of wages.—An employer may include as part of the wages paid to a traveling sales crew worker the reasonable cost to the employer of furnishing board, lodging, or other facilities to such worker, so long as:

(A) such facilities are customarily furnished by such employee to the employer; and

(B) such cost does not exceed the fair market value of such facility and does not include any profit to the employer.

(d) Safety and Health in Transportation.—(1) Standards.—An employer of traveling sales crew workers shall provide transportation of such workers in a manner that is consistent with the following standards:

(A) The employer shall ensure that each vehicle which the employer uses or causes to be used for such transportation conforms to the standards prescribed by the Secretary under paragraph (2) and conforms to other
workers in the facility or real property.

The employer shall maintain such assurance prior to housing any workers that the applicable safety and health standards applicable to that housing, prior to occupancy by such workers, shall be certified by a State or local health authority or which such workers will be carried in the vehicle;

(d) the type of roads and highways on which such workers will be carried in the vehicle;

(e) the extent to which a proposed standard work schedule and work week for housing sales crew workers would cause an undue burden on an employer of housing sales crew workers.

In establishing such standards, the Secretary shall consider—

(A) the type of vehicle used;

(B) the passenger capacity of the vehicle;

(C) the distance which such workers will be carried in the vehicle;

(D) the type of roads and highways on which such workers will be carried in the vehicle;

(E) the extent to which a proposed standard work schedule and work week for housing sales crew workers would cause an undue burden on an employer of housing sales crew workers.

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(C) the distance which such workers will be carried in the vehicle;

(D) the type of roads and highways on which such workers will be carried in the vehicle;

(E) the extent to which a proposed standard work schedule and work week for housing sales crew workers would cause an undue burden on an employer of housing sales crew workers.
recovery under subparagraph (A) of actual damages against any trade from an injury or worker be does not preclude recovery under such subparagraph for statutory damages (as provided for in clause (iii)) or equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

(1) a recovery under a State workers' compensation law; or

(II) rights conferred under a State workers' compensation law.

(b) Statutory damages.—In an action in which a claim for actual damages is precluded as provided for in clause (ii), the court shall award statutory damages of not more than $20,000 per plaintiff or violation or, in the case of a class action, not more than $1,000,000 for all plaintiffs in the class, if the court finds any of the following:

(I) The defendant violated section 204-(d) by knowingly requiring or permitting a driver to drive a vehicle for the transportation of the plaintiff or plaintiffs while under the influence of alcohol or a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), the defendant had actual knowledge of the driver's condition, and the injury or death of the plaintiff or plaintiffs, and such injury or death arose out of and in the course of employment as defined under the State workers' compensation law.

(II) The defendant was found by the court or was determined in a previous administrative or judicial proceeding to have violated a safety standard promulgated by the Secretary under section 1910 and such violation resulted in the injury or death of the plaintiff or plaintiffs.

(III) The defendant willfully disabled or removed a safety device prescribed by the Secretary under section 1910 and such violation resulted in the injury or death of the plaintiff or plaintiffs.

(IV) At the time of the violation of section 1910, such injury or death of the plaintiff or plaintiffs, the employer or the supervisor of the employee was questioned about such violation and did not have a Certificate of Registration in accordance with section 1903.

(5) Determination of amount.—For purposes of determining the amount of statutory damages due to a plaintiff under this subparagraph, multiple infractions of a single provision of this title, or of regulations promulgated under this title, shall constitute a single violation.

(D) ATTORNEY'S FEE.—The court shall, in addition to any judgment awarded to the plaintiff or plaintiffs under this paragraph, allow a reasonable attorney's fee to be paid by the defendant or defendants, and costs of the action.

(E) APPEALS.—Any civil action brought under this subparagraph shall be subject to appeal as provided for in chapter 83 of title 28, United States Code.

(f) DISMISSAL PROHIBITED.—

(1) In general.—No person shall intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against any traveler or sales crew worker because such worker has, with just cause, filed any complaint or instituted, or caused to be instituted, any proceeding under or related to this paragraph or is about to testify in any such proceeding, or because of the exercise, with just cause, by such worker on behalf of the worker or others of any right or protection afforded by this title.

(2) COMPLAINT.—

(A) In general.—A traveling sales crew worker who believes, with just cause, that such worker has been discriminated against in violation of this subparagraph may, within 12 months of the date of such violation, file a complaint with the Secretary alleging such discrimination.

(B) INVESTIGATION.—Upon receipt of a complaint under subparagraph (A), the Secretary shall cause such investigation to be made as the Secretary determines to be necessary.

(C) ACTIONS.—If an investigation under subparagraph (B), the Secretary determines that the provisions of this subparagraph have been violated, the Secretary shall bring an action in any appropriate United States district court against the person involved.

(D) RELIEF.—In any action under subparagraph (C), the United States district court shall have jurisdiction, for cause shown, to restrain violations of this subparagraph and order all appropriate relief, including requiring or reinstatement of the worker, with back pay, or damages.

(f) WAIVER OF RIGHTS.—Agreements by workers or employers, or to modify their rights under this title shall be void as contrary to public policy, except that a waiver or modification of rights in favor of the Secretary shall be valid for purposes of enforcement of this title.

(g) AUTHORITY TO OBTAIN INFORMATION.—

(1) In general.—To carry out this title, the Secretary, either pursuant to a complaint or otherwise, shall, as may be appropriate, investigate and, in connection with such investigation, inspect such places (including housing and vehicles) and such records (and make transcriptions thereof), question such persons and gather such information to determine compliance with this title, or regulations promulgated under this title.

(2) PRODUCTION AND RECEIPT OF EVIDENCE.—The Secretary may issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence in connection with any such investigation pursuant to paragraph (1). The Secretary may administer oaths, examine witnesses, and receive evidence. For the purpose of any hearing or investigation under this title, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary.

(3) CONFIDENTIALITY.—The Secretary shall conduct investigations under paragraph (1) in a manner which protects the confidentiality of any complainant or other party who provides information to the Secretary in good faith.

(h) VIOLATION.—It shall be a violation of this title for any person to unlawfully resist, oppress, impede, intimidate, or interfere with any official of the Department of Labor assigned to perform any investigation, inspection, or law enforcement function pursuant to this title during the performance of such duties.

(i) RULES AND REGULATIONS.—The Secretary may issue such rules and regulations as may be necessary to carry out this title, consistent with the requirements of chapter 5 of title 5, United States Code.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN): S. 1990. A bill to designate the Federal building located at 501 I Street in Sacramento, California, as the “Joe Serna, Jr. United States Courthouse and Federal Building”; to the Committee on Environment and Public Works.

JOE SERNA, JR. UNITED STATES COURTHOUSE AND FEDERAL BUILDING

Mrs. BOXER. Mr. President, today I am introducing legislation to honor one of the finest mayors to serve in California. My state, particularly my constituents in Sacramento lost a great Californian this fall with the passing of Sacramento Mayor Joe Serna.

My bill will name the new Federal Courthouse at 501 I Street the Joe Serna, Jr. United States Courthouse and Federal Building” in honor of his contributions to Sacramento and the working men and women of California. Joe Serna was a man of great vision, courage, energy, warmth, and humor.

He was also a living embodiment of the American Dream: a first-generation American who helped to reshape the capital of our nation’s largest state.

Mayor Serna was born in 1939, the son of Mexican immigrants. As the oldest of four children, Joe grew up in a bunkhouse and worked with his family in the beet fields around Lodi.

Mayor Serna never forgot his roots. After attending Sacramento City College and graduating from California State University, Sacramento, he served in the Peace Corps and went to work for the United Farm Workers, where Cesar Chavez became his mentor and role model.

After serving on the city’s redevelopment agency in the 1970s, Mayor Serna was elected to the Council himself in 1981. He was elected mayor in 1992 and re-elected in 1996, winning both races by wide margins. Throughout his terms in office, he continued to work as a professor of government and ethnic studies at his alma mater, Cal State Sacramento.

Mayoral Serna virtually rebuilt the city of Sacramento. He forged public-private partnerships to revitalize the downtown, reinvigorate the neighborhoods, and reform the public school system. He presided over an urban renaissance that transformed Sacramento.
into a dynamic modern metropolis. The new Sacramento Federal Building is a visible reminder of the redevelopment ofSacramento. I am pleased this building after Mayor Serna would be a fitting tribute.

Mayor Serna died as he lived: with great strength and dignity. Last month, as he publicly discussed his impending death from cancer, he said, "I was supposed to live and die as a farm worker, not as a mayor and a college professor. I have everything to be thankful for. I have the people to thank for allowing me to be their mayor. I have society to thank for the opportunity it has given me."

Mr. President, it is we who are thankful today for having had such a man serve the people of California, and I ask my colleagues to support this legislation to honor the legacy of Joe Serna, Jr.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 1990
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOE SERNA, JR. UNITED STATES COURTHOUSE AND FEDERAL BUILDING.
The Federal building located at 501 I Street in Sacramento, California, shall be known and designated as the "Joe Serna, Jr. United States Courthouse and Federal Building".

SEC. 2. REFERENCES.
Any reference in a law, map, regulation, document, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Joe Serna, Jr. United States Courthouse and Federal Building.

By Ms. SNOWE:

S. 1992. A bill to provide States with loans for the repair of public schools or other local educational needs would be a state and local government. Accordingly, I am pleased that recent efforts in the Congress have increased federal funding for IDEA by a full 65 percent over the past three years, and I support ongoing efforts to achieve the 40 percent federal commitment in the near future. Yet, even as we work to fulfill this long-standing commitment and thereby free up local resources to address local needs, I believe the federal government can do more to assist state and local governments in addressing their school construction needs without infringing on local control.

Mr. President, the legislation I am offering today—the "BRICKS Act"—will do just that. Specifically, it addresses our nation's school construction needs in a responsible fiscal manner while bridging the gap between those who advocate a more activist federal role in school construction and those who do not.

First, my legislation will provide $20 billion in federal loans to support school construction, renovation, and repair at the local level. By designating that these loans may only be used to pay the interests owed to bondholders on new, 15-year school construction bonds that are issued by state and local governments through the year 2002, the federal government will leverage the issuing of new bonds by states and localities that would not otherwise be made.

Of importance, these loan moneys—which will be distributed on an annual basis using the Title I distribution formula—will become available to each state at the request of a Governor. While the federal loans can only be used to support bond issues that will supplement, and not supplant, the amount of school construction that would have occurred in the absence of the loans, there will be no requirement that states engage in a lengthy application process that does not even assure them of their rightful share of the $20 billion pot.

Second, my bill ensures that these loans are made by the federal government in a fiscally responsible manner that does not cut into the Social Security surplus or claim a portion of non-Social Security surpluses that may prove ephemeral in the future. Specifically, my bill would make these loans to states from the Exchange Stabilization Fund (ESF)—a fund that was created through the Gold Reserve Act of 1934 and has grown to

grow.

Specifically, according to reports issued by the General Accounting Office (GAO) in 1992 and 1996, fully one-third of all public schools are in need of extensive repair or replacement.

As further evidence of this problem, an issue brief prepared by the National Center for Education Statistics (NCES) in 1999 stated that the average public school in America is 42 years old, with school buildings beginning rapid deterioration after 40 years. In addition, the NCES brief found that 29 percent of all public schools are in the "oldest condition," which means that they were built prior to 1970 and have either never been renovated or were renovated prior to 1980.

Not only are our nation's schools in need of repair and renovation, but there is a growing demand for additional space due to an ongoing surge in student enrollment. Specifically, according to the NCES, at least 2,400 new public schools will need to be built by the year 2003 to accommodate our nation's burgeoning school rolls, which will grow from a record 52.7 million children today to 54.3 million by 2008.

Needless to say, the cost of addressing our nation's need for school renovation and construction is enormous. In fact, according to the General Accounting Office (GAO), it will cost $112 billion just to bring our nation's schools into good overall condition. Nowhere is this cost better understood than in my home state of Maine, where a recently-completed study by the Maine Department of Education and the State Board of Education determined that the cost of addressing the state's school building and construction needs stood at $307 million.

Mr. President, we simply cannot allow our nation's schools to fall into utter disrepair and obsolence with children sitting in classrooms that have leaky ceilings or rotting walls. We cannot ignore the need for new schools as the record number of children enrolled in K-12 schools continues to grow.

Accordingly, because the cost of repairing and building these facilities may prove to be more than many state and local governments can bear in a time when the federal government can and should assist Maine and other state and local governments in addressing this growing national crisis.

Admittedly, not all members support strong federal intervention in what has been historically a state and local responsibility. In fact, many argue with merit that the best form of federal assistance for school construction or other local educational needs would be to provide block grants to fulfill the commitment to fund 40 percent of the cost of special education. This long-standing commitment was made when the Individuals with Disabilities Education Act (IDEA) Act was signed into law more than 20 years ago, but the federal government has fallen woefully short in fully funding its commitment, only recently increasing its share to approximately 10 percent.

Needless to say, I strongly agree with those who argue that the federal government's failure to fulfill this mandate represents nothing less than a raid on the pocketbook of every state and local government. Accordingly, I am pleased that recent efforts in the Congress have increased federal funding for IDEA by a full 65 percent over the past three years, and I support ongoing efforts to achieve the 40 percent federal commitment in the near future.

Yet, even as we work to fulfill this long-standing commitment and thereby free up local resources to address local needs, I believe the federal government can do more to assist state and local governments in addressing their school construction needs without infringing on local control.

Mr. President, the legislation I am offering today—the "BRICKS Act"—will do just that. Specifically, it addresses our nation's school construction needs in a responsible fiscal manner while bridging the gap between those who advocate a more activist federal role in school construction and those who do not.

First, my legislation will provide $20 billion in federal loans to support school construction, renovation, and repair at the local level. By designating that these loans may only be used to pay the interests owed to bondholders on new, 15-year school construction bonds that are issued by state and local governments through the year 2002, the federal government will leverage the issuing of new bonds by states and localities that would not otherwise be made.

Of importance, these loan moneys—which will be distributed on an annual basis using the Title I distribution formula—will become available to each state at the request of a Governor. While the federal loans can only be used to support bond issues that will supplement, and not supplant, the amount of school construction that would have occurred in the absence of the loans, there will be no requirement that states engage in a lengthy application process that does not even assure them of their rightful share of the $20 billion pot.

Second, my bill ensures that these loans are made by the federal government in a fiscally responsible manner that does not cut into the Social Security surplus or claim a portion of non-Social Security surpluses that may prove ephemeral in the future. Specifically, my bill would make these loans to states from the Exchange Stabilization Fund (ESF)—a fund that was created through the Gold Reserve Act of 1934 and has grown to
hold more than $40 billion in assets. The principal activity of the fund—which is controlled solely by the Secretary of the Treasury—is foreign exchange intervention that is intended to limit fluctuations in exchange rates. However, the fund has also been used to provide stabilization loans to foreign countries, including a $20 billion line of credit to Mexico in 1995 to support the peso.

In light of the controversial manner in which the ESF has been used, some have argued that additional constraints should be placed on the fund. Still others—including former Federal Reserve Board Governor Lawrence B. Lindsey—have stated that, for various reasons, the fund should be liquidated. Regardless of how one feels about exercising greater constraint over the ESF or the need for it, I believe that if this $40 billion fund can be used to bail out foreign currencies, it certainly can be used to help America’s schools.

Accordingly, I believe it is appropriate that the $20 billion in loans provided by my legislation will be made from the ESF—an amount identical to the line of credit that was extended to Mexico by the Secretary of the Treasury in 1995. Of importance, these loans will be made from the ESF on a progressive, annual basis—not in a sudden or immediate manner. Furthermore, these monies will be repaid to the fund with interest, to ensure that the ESF is compensated for the loans it makes.

Although the ESF will recoup all of the monies it lends plus interest, it should also be noted that my proposal ensures that state and local governments will not be forced to pay excessive interest—or that they will be forced to repay over an unreasonable time line. Specifically, my bill sets the interest on the loans at the average prime lending rate for the year in which the bonds are issued, with a cap of 4.5 percent—amount that is lower than the prime lending rate in any of the previous 15 years. Furthermore, no payments will be owed—and no interest will accrue—until 2005, unless the federal government fulfills its commitment to fund 40 percent of the cost of special education prior to that time.

Combined, these provisions will minimize the cost of these loans to states, and maximize the utilization of these loans for school construction, renovation, and repair. Mr. President, by providing low-interest loans to states and local governments to support school construction, I believe that my bill represents a fiscally-responsible, centrist solution to a national problem.

For those who support a direct, active federal role in school construction, my bill supplies substantial additional assistance by dedicating $20 billion to leverage a significant amount of new school construction bonds. For those who are concerned about the federal government becoming overly-engaged in an historically state and local responsibility—and thereby stepping on local control—my bill directs that the monies provided to states will be repaid with interest, and that no onerous applications or demands are placed on states to receive their share of these monies.

Mr. President, I urge that my colleagues support the “BRICKS Act”—legislation that is intended to bridge the gap between competing philosophies on the federal role in school construction. Ultimately, if we work together, we can make a tangible difference in the condition of America’s schools without turning it into a partisan or ideological battle that is better suited to sound bites than actual solutions.

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. 1992
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 “Building, Renovating, Improving, and Constructing Kids’ Schools Act”.

SECTION 2. FINDINGS.
Congress makes the following findings:
(1) According to a 1999 issue brief prepared by the National Center for Education Statistics, the average public school in America is 42 years old, and school buildings begin rapid deterioration after 40 years. In addition, 20 percent of all public schools are in the oldest condition, meaning that the schools were built before 1970 and have either never been renovated or were renovated prior to 1990.
(2) According to reports issued by the General Accounting Office (GAO) in 1995 and 1996, nearly 20 percent of the Nation’s schools into good overall condition, and one-third of all public schools need extensive repair or replacement.
(3) Many schools do not have the appropriate infrastructure to support computers and other technologies that are necessary to prepare students for the jobs of the 21st century.
(4) Without impeding on local control, the Federal Government appropriately can assist State and local governments in addressing school construction, renovation, and repair needs by providing low-interest loans for purposes of paying interest on related bonds.

SECTION 3. DEFINITIONS.
In this Act:
(1) Bond—The term “bond” includes any obligation.
(2) Governor.—The term “Governor” includes the chief executive officer of a State.
(3) Local educational agency.—The term “local educational agency” has the meaning given to such term by section 1401 of the Elementary and Secondary Education Act of 1965.
(4) Public school facility.—The term public school facility shall not include
(A) any stadium or other facility primarily used for athletic contests or exhibitions, or other events for which admission is charged to the general public; or
(B) any facility which is not owned by a State or local government or any agency or instrumentality of a State or local government.

SECTION 4. LOANS FOR SCHOOL CONSTRUCTION.

(1) Loan Authority.—(A) In general.—From funds made available to a State under section 5(c)(b), the State shall make loans to State entities or local governments within the State to enable the State to establish a financial institution that will provide stabilization loans to foreign governments for the purposes of paying interest on related bonds.
(B) The loan is subject to paragraph 2, a State entity or local government that receives a loan under this Act shall repay to the stabilization fund the amount of the loan plus interest, at the average prime lending rate for the year in which the bond is issued, not to exceed 4.5 percent.

(2) Exception.—A State entity or local government shall not repay the amount of a loan made under this Act, plus interest, and the interest on a loan made under this Act shall not accrue, prior to January 1, 2005, unless the amount appropriated to carry out this Act is part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for any fiscal year prior to fiscal year 2005 is sufficient to fully fund such Act for the fiscal year at the originally promised level, which promised level would provide to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

(3) Federal Responsibilities.—
(A) Any facility which is not owned by a State or local government or any agency or instrumentality of a State or local government.
(B) The bond is issued by a State entity or local government; and
(C) The issuer designates such bonds for purposes of this section; and

(D) The term of each bond shall be that part of issue does not exceed 15 years.

(6) Stabilization Fund.—The term “stabilization fund” means the stabilization fund established under section 5302 of title 31, United States Code.

(7) State.—The term “State” means each of the Federal States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

SEC. 4. LOANS FOR SCHOOL CONSTRUCTION BOND INTEREST PAYMENTS.

(1) Loan Authority.—(A) In general.—From funds made available to a State under section 5(c)(b), the State shall make loans to State entities or local governments within the State to enable the State to establish a financial institution that will provide stabilization loans to foreign governments for the purposes of paying interest on related bonds.
(B) The loan is subject to paragraph 2, a State entity or local government that receives a loan under this Act shall repay to the stabilization fund the amount of the loan plus interest, at the average prime lending rate for the year in which the bond is issued, not to exceed 4.5 percent.

(2) Exception.—A State entity or local government shall not repay the amount of a loan made under this Act, plus interest, and the interest on a loan made under this Act shall not accrue, prior to January 1, 2005, unless the amount appropriated to carry out this Act is part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for any fiscal year prior to fiscal year 2005 is sufficient to fully fund such Act for the fiscal year at the originally promised level, which promised level would provide to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

(3) Federal Responsibilities.—
(A) Any facility which is not owned by a State or local government or any agency or instrumentality of a State or local government.
(B) The bond is issued by a State entity or local government; and
(C) The issuer designates such bonds for purposes of this section; and

(D) The term of each bond shall be that part of issue does not exceed 15 years.

(6) Stabilization Fund.—The term “stabilization fund” means the stabilization fund established under section 5302 of title 31, United States Code.

(7) State.—The term “State” means each of the Federal States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.
SEC. 4. RESERVATION FOR INDIANS.—From $20,000,000,000 of the funds in the stabilization fund, the Secretary of the Treasury shall make available $400,000,000 to Indian tribes for loans to enable the Indian tribes to make improvements payments on qualified school construction bonds in accordance with the requirements of this Act that the Secretary of the Treasury determines appropriate.

(b) Amounts Available.—

(1) In General.—From $20,000,000,000 of the funds in the stabilization fund that are not reserved under subsection (a), the Secretary of the Treasury shall make available to each State submitting a request under section 4(a)(2) an amount that bears the same relation to such remainder as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for fiscal year 1999 bears to the amount received by all States under such part for such year.

(2) Disbursement.—The Secretary of the Treasury shall disburse the amount made available to a State under paragraph (1), on an annual basis, during the period beginning on October 1, 2000, and ending September 30, 2007.

(c) Notification.—The Secretary of the Treasury and the Secretary of Education jointly shall notify each State of the amount of funds the State may borrow under this Act.

By Mr. THOMPSON (for himself, and Mr. LIEBERMAN):

S. 1993. A bill to reform Government information security by strengthening information security practices throughout the Federal Government; to the Committee on Governmental Affairs.

GOVERNMENT INFORMATION SECURITY ACT OF 1999

Mr. THOMPSON. Mr. President, I rise today to introduce a bill on behalf of myself as chairman of the Governmental Affairs Committee and Senator Lieberman, the Committee's ranking minority member, on an issue of great importance to our committee and the nation—the security of Federal government computer systems.

Over the last decade, the Federal Government, like most private-sector organizations, has become enormously dependent on interconnected computer systems, including the Internet, to support its operations and account for its assets (7 U.S.C. 621 et seq.) and, in so doing, has experienced a significant increase in interconnectivity which has resulted in many benefits. In particular, it has increased productivity, made enormous amounts of useful information instantly available to millions of people, and contributed to the economic boom of the 1990s.

However, the factors that generate these benefits—widely accessible data and instantaneous communication—also increase the risks that information will be misused, possibly to commit fraud or other crimes, or that sensitive information will be improperly disclosed. In addition, our government’s, as well as our nation’s, dependence on this computer support makes it susceptible to devastating disruptions in critical services, as well as in computing activity and financial controls. Such disruptions could be caused by sabotage, natural disasters, or widespread system faults, as illustrated by the Y2K date conversion controversy.

The Governmental Affairs Committee spent considerable time during the last Congress on this issue with a specific emphasis on information security and cyberterrorism. We uncovered and identified failures of information security affecting our international security and vulnerability to domestic and international terrorism. We highlighted our nation’s vulnerability to computer attacks—from international and domestic criminal enterprises to domestic hackers. We directed GAO to prepare a “best practices” guide on computer security for Federal agencies to use, and we asked GAO to study computer security vulnerabilities at several Federal agencies including the Internal Revenue Service, the State Department, the Federal Aviation Administration, the Social Security Administration, and the Veterans’ Administration.

As a result of its work, GAO identified many specific weaknesses in agency controls and concluded that the underlying cause was inadequate security program planning and management. In particular, agencies were addressing security on the basis of need rather than proactively addressing systemic causes that diminished security effectiveness throughout the agency.

That is not to say that nothing is being done. Many in the executive branch recognize that action is needed to improve Federal information security, and several efforts have been initiated. For example, in May 1998, President Clinton directed the National Security Council to lead a variety of efforts intended to improve critical infrastructure protection, including protection of Federal agency information infrastructures, and required agencies to develop plans to protect their own critical computer-based systems.

But despite a flurry of activity in this area and a number of statutes already on the books which deal with these issues, we have concluded that a more complete and meaningful statutory foundation for improvement is needed. The primary objective of this legislation is to update existing information security statutory requirements to address the management challenges associated with operating in the current interconnected computing environment.

We begin where the Paperwork Reduction Act of 1995 and the Clinger-Cohen Act of 1996 left off. These laws, and the computer Security Act of 1987, provided the basic framework for managing information security. This legislation which we introduce today will update and clarify existing requirements and responsibilities of Federal agencies in dealing with information security.

The Government Information Security Act:

Strengthens the Office of Management and Budget’s information security duties, consistent with its existing responsibilities under the Paperwork Reduction Act;

Establishes Federal agency accountability for information security as needed to cost-effectively protect the assets of the Federal Government by creating a set of management requirements derived from GAO’s “Best Practices” audit work;

Requires agencies to have an annual independent evaluation of their information security practices to assess compliance with authorized requirements and to test effectiveness of information security control techniques;

Provides for the application of a unified and logical set of guidelines to Federal agencies including national security systems within the application of the legislation; and

Focuses on the importance of training programs and governmentwide incident handling.

We recognize that these aren’t the only things that need to be done. Some have suggested we provide specific standards in the legislation. Others have recommended we establish a new position of a National Chief’s Information Officer. These and, no doubt, many other proposals will be considered as we debate this important issue. But this legislation is intended as a good first step to better define roles among Federal agencies in order to develop a fully secure government.

I ask unanimous consent that the full text of the bill we are introducing be printed in the RECORD.

S. 1993

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 “Government Information Security Act of 1999”.

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by inserting at the end the following:

SUBCHAPTER II—INFORMATION SECURITY

§3531. Purposes.

The purposes of this subchapter are—

(1) to provide a comprehensive framework for establishing and ensuring the effectiveness of controls over information resources that support Federal operations and assets;
“(2)(A) recognize the highly networked nature of Federal information systems; and
(B) develop voluntary consensus-based standards for security controls, in a manner consistent with section 2(b)(13) of the National Information Standards Organization Standardization Act (15 U.S.C. 272b(b)(13));
(4) oversee the development and implementation of standards and guidelines relating to computer security practices; and
(5) oversee and coordinate compliance with this section in a manner consistent with—
(A) sections 552 and 552a of title 5;
(B) sections 20 and 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3 and 278g-4);
(C) section 5311 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1414);
(D) sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note; Public Law 100–235; 101 Stat. 1729); and
(E) related information management laws; and
(6) take any authorized action that the Director considers appropriate, including any action involving the budgetary process or appropriation procedures, to enforce accountability of the head of an agency for information resources management and for the investments made by the agency in information technology, including—
(A) recommending a reduction or an increase in any amount for information resources that the head of the agency proposes for the budget submitted to Congress under section 1105(a) of title 31;
(B) reducing or otherwise adjusting appropriation amounts or appropriation levels; and
(C) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources.
(7) The authority under this section may be delegated only to the Deputy Director for Management of the Office of Management and Budget.
§ 3534. Federal agency responsibilities
(a) The head of each agency shall—
(1) be responsible for—
(A) adequately protecting the integrity, confidentiality, and availability of information and information systems supporting agency operations and assets; and
(B) developing and implementing information security policies, procedures, and control techniques sufficient to afford security protections commensurate with the risk and magnitude of the harm resulting from unauthorized disclosure, disruption, modification, or destruction of information collected or maintained by or for the agency;
(2) ensure that each senior program manager is responsible for—
(A) assessing the information security risk associated with the operations and assets of such manager;
(B) determining the levels of information security appropriate to protect the operations and assets of such manager; and
(C) periodically testing and evaluating information security controls and techniques; and
(3) delegate to the agency Chief Information Officer, in coordination with senior program managers—
(i) the authority to—
(A) require that the agency have mechanisms in place to ensure the security of information, including—
(1) security programs.
(b) Each agency shall develop and implement an agencywide information security program to provide information security for the operations and assets of the agency, including information security provided or managed by another agency.
(2) Each program under this subsection shall include—
(A) periodic assessments of information security risks that consider internal and external threats to—
(i) the integrity, confidentiality, and availability of systems; and
(ii) data supporting critical operations and assets;
(B) policies and procedures that—
(i) are based on the risk assessments required under paragraph (1) that cost-effectively reduce information security risks to an acceptable level; and
(ii) ensure compliance with—
(I) the requirements of this subchapter;
(II) any other applicable requirements; and
(III) any other applicable requirements;
(C) security awareness training to inform personnel of—
(i) information security risks associated with national and internal activities; and
(ii) responsibilities of personnel in complying with agency policies and procedures designed to reduce such risks;
(D) periodic management testing and evaluation of the effectiveness of information security policies and procedures; and
(E) procedures for detecting, reporting, and responding to security incidents, including—
(i) mitigating risks associated with such incidents before substantial damage occurs;
(ii) notifying and consulting with law enforcement officials and other offices and authorities; and
(iii) notifying and consulting with an office designated by the Administrator of General Services within the General Services Administration.
(3) Each program under this subsection is subject to the approval of the Director and is required to be reviewed at least annually by agency program officials in consultation with the Chief Information Officer.
‘(c) Each agency shall examine the adequacy and effectiveness of information security policies and practices in plans and reports relating to—
   ‘(A) annual agency budgets; 
   ‘(B) information resources management under the Information Technology Reform Act of 1996 (44 U.S.C. 101 note); 
   ‘(C) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 through 2805 of title 39; and 
   ‘(D) financial management under—
      ‘(ii) the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) and the amendments made by that Act; and 
      ‘(iii) the internal controls conducted under section 3512 of title 31.
   ‘(2) Any deficiency in a policy, procedure, or practice identified under paragraph (1) shall be reported as a material weakness in reporting required under the applicable provision of law under paragraph (1).
   ‘(3) Annual independent evaluation
      ‘(a) (1) Each year each agency shall have an independent evaluation performed of the information security program and practices of that agency.
      ‘(2) Each evaluation under this section shall include—
         ‘(A) an assessment of compliance with—
            ‘(i) the requirements of this subchapter; and 
            ‘(ii) related information security policies, procedures, standards, and guidelines; and 
         ‘(B) a review of the effectiveness of information security control techniques.
      ‘(b)(1) For agencies with Inspectors General appointed under the Inspector General Act of 1978 (5 U.S.C. App.), annual evaluations required under this section shall be performed by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency.
      ‘(2) For any agency to which paragraph (1) does not apply, the head of the agency shall contract with an independent external auditor to perform the evaluation.
      ‘(3) An evaluation of agency information security programs and practices performed by the Controller General may be in lieu of the evaluation required under this section.
      ‘(c) Not later than March 1, 2001, and every March 1 thereafter, the results of an evaluation required under this section shall be submitted to the Director.
      ‘(d) Each year the Comptroller General shall—
         ‘(1) review the evaluations required under this section and other information security evaluation results; and 
         ‘(2) report to Congress regarding the adequacy of agency information programs and practices.
      ‘(e) Agencies and auditors shall take appropriate actions to ensure the protection of information, the disclosure of which may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws.

SEC. 3. RESPONSIBILITIES OF CERTAIN AGENCIES.
   ‘(a) DEPARTMENT OF COMMERCE.—The Secretary of Commerce, through the National Institute of Standards and Technology and with technical assistance from the National Security Agency, shall—
      ‘(1) develop, issue, review, and update standards and guidance for the security of information in Federal computer systems, including development of methods and techniques for security systems and validation programs;
      ‘(2) develop, issue, review, and update guidelines for training in computer security awareness and accepted computer security practices, with assistance from the Office of Personnel Management;
      ‘(3) provide agencies with guidance for security planning to assist in the development of applications and system security plans for such agencies;
      ‘(4) provide guidance and assistance to agencies concerning cost-effective controls when interconnecting with other systems; and 
      ‘(5) evaluate information technologies to assess security vulnerabilities and alert Federal agencies of such vulnerabilities.
   ‘(b) DEPARTMENT OF JUSTICE.—The Department of Justice shall review and update guidance to agencies on—
      ‘(1) legal remedies regarding security incidents and ways to report to and work with law enforcement agencies concerning such incidents; and 
      ‘(2) permitted uses of security techniques and technologies.
   ‘(c) GENERAL SERVICES ADMINISTRATION.—The General Services Administration shall—
      ‘(1) review and update General Services Administration guidance to agencies on addressing security considerations when acquiring information technology; and 
      ‘(2) assist the Department of Commerce in updating and maintaining guidelines for training in computer security awareness and computer security best practices.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.
   ‘(a) In General.—Chapter 35 of title 44, United States Code, is amended—
      ‘(1) in the table of sections—
         ‘(A) by inserting after the chapter heading the following: ‘‘SUBCHAPTER I—FEDERAL INFORMATION POLICY’’; and 
         ‘(B) by inserting after the item relating to section 3520 the following: ‘‘SUBCHAPTER II—INFORMATION SECURITY’’; 
      ‘(2) in section 3503, in subsection (b), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
      ‘(3) in section 3504, in subsection (b), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
      ‘(4) in section 3505—
         ‘(A) in subsection (a)(2), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
         ‘(B) in subsection (b), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’; and 
      ‘(5) in section 3506—
         ‘(A) in subsection (a)(i)(B), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
         ‘(B) in subsection (a)(3)(B)(i), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
      ‘(6) in section 3507—
         ‘(A) in subsection (a)(1)(B), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
         ‘(B) in subsection (a)(2), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
      ‘(7) in section 3508—
         ‘(A) in subsection (e)(3)(B), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
         ‘(B) in subsection (h)(2)(B), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
      ‘(8) in section 3509, by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
      ‘(9) in section 3512—
         ‘(A) in subsection (a), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
         ‘(B) in subsection (a)(1), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
      ‘(10) in section 3514—
         ‘(A) in subsection (a)(1)(A), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’; and 
      ‘(11) in section 3515, by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
      ‘(12) in section 3516, by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
      ‘(13) in section 3517(b), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
      ‘(14) in section 3518—
         ‘(A) in subsection (a), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’ each place it appears;
         ‘(B) in subsection (b), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
         ‘(C) in subsection (c)(1), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
         ‘(D) in subsection (c)(2), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’;
         ‘(E) in subsection (d), by striking ‘‘chapter’’ and inserting ‘‘subchapter’’; and 
      ‘(15) in section 3520, by striking ‘‘chapter’’ and inserting ‘‘subchapter’’. 

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SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

Mr. LIEBERMAN. Mr. President, I am pleased to join today with Senator THOMPSON in introducing the Government Information Security Act of 1999. This bill puts a management structure in place for the implementation of risk-based computer security measures across the government.

We are introducing this bill in the closing days of this session with the hope that not only as the basis for launching a discussion about the most effective ways to improve government's approach to computer security. We invite and look forward to comments from government agencies, industry and academic experts, think tanks and others who have been involved in this field.

Like the rest of the nation, the government is increasingly dependent on computer and other electronic information systems to collect, analyze, preserve important data and perform vital tasks. Government computer systems are rife with sensitive information pertaining to the fundamentals of our existence—our national security, the strength of our economy, transportation and communications systems, and the personal lives of millions of individual citizens. The Department of Defense and other national security agencies control our weapons of mass destruction and track the offensive movements of enemy states through complex computer programs; the Internal Revenue Service maintains an automated systems wage information on every working American; the Federal Reserve calculates key economic indicators; and the Centers for Disease Control relies on computers to track threats to the nation's public health.

And yet, this computer-reliant infrastructure is frighteningly vulnerable to exploitation not only by trouble-makers and professional hackers but by organized crime and international terrorists. Indeed, a disruption of our communications, transportation and energy sections could prove as destructive as any conventional weapons attack to our ability to defend our privacy, our safety, even our freedom.

Indeed, witnesses before the Government Affairs Committee last Congress testified that the government's reliance on computer systems is not matched by a concomitant growth in the security of those systems. A series of Government Accounting Office studies found government computer security so lax that it landed on the GAO's list of “high risk” government programs. For example, this year, GAO reported that one of its test teams gained access to mission critical computer systems at NASA which would have allowed the team to control spacecraft or alter data returned from space. In May 1998, the GAO was able to gain unauthorized access to the White House Department of Commerce' networks, which would have enabled GAO to modify, delete or download important data and shutdown services. And the GAO reported in September 1998 that inadequate information system controls by the Veterans Administration threatened the disruption or misuse of service delivery to the men and women who have fought our wars.

Less significant on a global scale, but of utmost concern to individual citizens is the extent to which inadequate security leaves personal information, and therefore people, vulnerable to exposure and exploitation. Our legislation will address personal information maintained by the government such as benefits and demographics culled from personal information we supply to the Census Bureau. While the GAO's work is compelling, I am convinced by two other developments that legislation in this area needs to be addressed. First, we have been intensely focused throughout the year on fixing the computer problems associated with Y2K. Ensuring that the information our government collects and produces is secure may seem similar to the Y2K issue but both require our dependency on computers and their vulnerability to programming failures and outside disruptions. The need for secure government computer systems, however, will not disappear in the first days and weeks of the year 2000. Indeed, it will be with us until we have a structure within the government dedicated to fixing these problems.

Second, we have spent significant time this session digging into the Los Alamos National Laboratory espionage scandal and allegations that an employee improperly downloaded classified material to an unclassified computer. The Energy and Justice Departments are still looking into this breach of security, but it should focus everyone's attention on the vulnerability associated with extensive reliance on computers and the undeniable need for improvements in how we manage and secure these systems.

Mr. President, the goal of the bill we are introducing today is to protect the integrity, confidentiality and availability of information and ensure that critical improvements in the management of our computer security systems take place. Specifically, our bill would:

Require high-level accountability. The Director of the Office of Management and Budget will be accountable for overseeing policy while the agency heads will be accountable for developing the policy.

Require agency heads to develop and implement security plans and policies based on the appropriate level of risk for the different type of information the agency maintains. We need to ensure that each agency's plan reflects an understanding that computer security must be an integral part of the development process for any new system. Agencies now tend to develop a system and consider security issues only as an afterthought, if at all.

Establish an ongoing, periodic reporting, testing and evaluation process to gauge the effectiveness of the policies and procedures. This would be accomplished through agency budgets, program performance and financial management.

Require an independent, annual audit of all information security practices and programs within an agency. The audit would be conducted either by the agency's Inspector General, GAO or an independent external auditor. GAO has told us it would be essential to monitoring agencies' management of information security and to ensure that these systems are kept current.

Require that agencies report unauthorized intrusions into government systems. GSA currently has a program where agencies can report and seek help to respond to intrusions into their information systems and share information concerning common vulnerabilities and threats. Our bill would require agencies to use this reporting and monitoring system.

Mr. President, the provisions of this bill would apply to all information, including classified and unclassified information maintained on civilian and national security systems. We are also considering whether the bill's provisions should apply to government owned, contractor operated facilities including laboratories engaged in national defense research. We look forward to discussions with the defense and intelligence communities on how best to address these issues.

There are a number of areas we have not addressed, and I welcome comments on how best to handle these areas:

We need to ensure that computer security systems will not interfere with the ability of agencies to share data and communicate with each other and the rest of the world. The new era of "e-business" and "e-government" holds untold opportunities for improving government efficiency, and that's something we want to encourage.

The government needs to rapidly and safely increase the number of trained technical information security professionals. There are a range of approaches to addressing this need, including incentives to universities to train more people in this area; contracting out to the private sector; establishing a CyberCorps of professionals based on the ROTC model; or establishing special career designations for personnel specializing in computer security.
We should consider whether current technology will meet the government’s computer security needs or whether we need to develop incentives for technology development. A Presidential advisory committee is developing recommendations based on a national laboratory model to conduct research and development of security technology with a possible secondary focus on testing.

We are interested in exploring whether provisions in this bill addressing risk and technology standards, which are now voluntary, consensus-based standards, should be issued as minimum mandatory requirements for successive levels of risk.

And we will also consider issues relating to budgetary needs, privacy requirements, performance measures and how best to coordinate information security and management within the federal government.

Mr. President, I expect what we have proposed will generate a hearty debate. As I have said, I consider this bill a work in progress, so I look forward to hearing from a wide range of interested parties and to working with the Chairman to craft the best possible legislation to protect the integrity and the confidentiality of the government’s vast storehouse of information.

By Mr. KERRY (for himself and Mr. BRYAN):

S. 1995. A bill to amend the Internal Revenue Code of 1986 to provide assistance to first-time homebuyers; to the Committee on Finance.

THE FIRST TIME HOMEBUYER AFFORDABILITY ACT

Mr. KERRY. Mr. President, earlier this week I laid out an agenda for reforming the federal role in expanding homeownership and the legislation would also allow IRA funds to be used under an equity sharing arrangement.

We have all talked about the importance of homeownership. Indeed, homeownership makes a very significant contribution to solving many social problems we face in America. Children of homeowners are less likely to become involved in the criminal justice system; they are less likely to drop out of school, or have children out of wedlock. Homeowners vote more often and participate more in community organizations and activities.

Yet, the single biggest barrier to homeownership is a downpayment. This legislation will help hundreds of thousands of homeowners surmount this barrier and realize the American dream.

Mr. President, it is ironic that IRAs today can be invested in almost any asset, including real estate investment trusts, except one’s own home. Yet, homeownership continues to be a winning investment, both for the family and the community.

Under current law, individuals may borrow up to $10,000 from their IRA retirement accounts to help buy home without paying taxes. This legislation would put IRAs on the same footing as 401(k) plans while unlocking $2 trillion in IRA saving to help families become homeowners. It has a number of protections to ensure that the loan or investment will be repaid, with interest, or a taxes will be owed and a penalty assessed.

This is good legislation, which has been endorsed by the Mortgage Bankers Association, the National Association of Realtors, and the National Association of Homebuilders.

I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

DEAR SENATOR: We are writing to add our support for your efforts to enhance homeownership opportunities through expanded use for first time homebuyers of their Individual Retirement Accounts (IRAs). We will work closely with you and your colleagues to include this important provision in the Senate Tax Bill.

The United States has recently achieved a record homeownership rate, rising home prices, combined with a significant downpayment hurdle, continue to put homeownership out of the reach of many families and individuals. Finding ways to overcome the downpayment issue is critical to the effort to make homeownership more affordable and obtainable for these families and individuals. Your proposal provides this bridge to enhance homeownership for millions of Americans.

Your plan would build upon the penalty waiver provisions enacted in the 105th Congress to improve access to the $2 trillion held in IRAs for first time home purchase. Penalties would provide for the IRA owner, for a first time home purchase without incurring a 10 percent premature withdrawal penalty.

However, even with the penalty waiver, a prospective homebuyer still owes federal and state taxes on the amount withdrawn from the IRA. This amount available for downpayment by thousands of dollars. The plan would eliminate such tax consequences by allowing an individual to borrow up to $10,000 from their IRA account or a parent’s IRA account, for a first time home purchase without a tax penalty. IRA funds may also be used under an equity sharing arrangement.

At present, holders of 401(k) retirement accounts may borrow up to 50 percent of account assets, with a floor of $10,000 and a ceiling of $50,000, for any personal use. However, borrowing from an IRA account is prohibited, even for a first time home purchase.

I will work with you to move this key provision forward to enhance and expand homeownership for all Americans.

Sincerely,

Mortgage Bankers Association of America.
National Association of Realtors.
National Association of Homebuilders.

By Mr. KOHL:

S. 1995. A bill to amend the National School Lunch Act to revise the eligibility of private organizations under the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

LEGISLATION TO AMEND THE NATIONAL SCHOOL LUNCH ACT TO REVISE THE ELIGIBILITY OF PRIVATE ORGANIZATIONS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM

Mr. KOHL. Mr. President, today I rise to introduce legislation that will correct an unintended obstacle in current law and expand the number of low-income children in child care centers that receive nutritious meals through the Child and Adult Care Food Program.

The current CACFP law provides for subsidies to proprietary child care centers for the nutritious meals they serve children, provided that at least 25% of the participants receive Title XX subsidies. This provision was included to encourage private child care providers to serve more low-income children, by providing funds to reimburse the costs of providing meals. When the law was enacted in 1981, it made sense to tie CACFP funds to Title XX, because Title XX was the primary source of Federal child care assistance at that time.

As we all know, however, the Child Care Development Block Grant has since become the States’ primary funding source for child care assistance, while Title XX funds are being used primarily for other social service needs. This means that although many proprietary child care centers have enrollments with over 25% low-income children, those who no longer receive Title XX are no longer eligible for the CACFP meal subsidy.

Thirty-eight States are currently using small amounts of their Title XX funds for child care subsidies so that at least some of the otherwise eligible children will receive meals in proprietary centers. In Wisconsin, for example, 65 proprietary centers are currently participating in the CACFP program, serving 3,284 children. However, if all eligible centers were able to participate, those numbers could increase to 149 proprietary centers serving 8,195 children, an increase of 4,901 children.

A simple change in the law to reflect the current nature of Federal child care assistance could lead to Wisconsin receiving nearly $2,975,000 each year in Federal food subsidies for low-income children in child care.
The bill I introduce today is simple. It would eliminate the outdated requirements that eligible children receive Title XX funds in order to trigger the CACFP meal subsidy. This would allow proprietary centers to participate in CACFP if at least 25% of the children they serve are eligible for a food nutrition subsidy. This change will ensure that proprietary centers will be able to continue to serve low-income children. It reduces pressure on proprietary centers to increase their rates for non-subsidized children to recover the costs of unreimbursed meals for subsidized children. It preserves the right of parents, including low-income parents, to choose the quality child care center that is most appropriate for their children. And most importantly, this change reinforces the original intent of the law: to ensure that eligible children in proprietary child care centers have the benefit of a nutritious meal. I hope that all of my colleagues will join me in cosponsoring this legislation and I look forward to working for its swift passage when Congress reconvenes in January.

By Mr. BINGAMAN:
S. 92. A bill to simplify Federal oil and gas revenue distributions, and for other purposes; to the Committee on Energy and Natural Resources.

MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 1999

Mr. BINGAMAN. Mr. President, today, I am introducing legislation which will end the practice of charging States for costs the Federal Government incurs in managing Federal mineral leases.

The Mineral Revenue Payments Clarification Act of 1999 will eliminate net receipts sharing, allowing Federal agencies to more rationally and fairly apportion to States their share of Federal mineral revenues.

Since enactment of the Mineral Leasing Act in 1920, Congress has determined that it would be fair and appropriate to share with States a portion of the money received by the United States for Federal mineral leases located within the State. Under current law, for most mineral leases the State share is 50 percent, except for Alaska which receives 90 percent.

In 1993, a permanent provision was added to the Omnibus Appropriations Act that requires the Department of the Interior to deduct from a State’s share 50 percent of the Federal Government’s costs of administering Federal mineral leases within that State. This new requirement substantially lowers the amounts States receive, but was added without either explanation or justification, as to why such a deduction is either fair or appropriate.

Furthermore, the statutory procedures for figuring these deductions are cumbersome to the point of being unworkable. The Federal agencies charged with administering these requirements have found them difficult, and sometimes impossible, to implement in any consistent fashion.

In November of 1997, the Inspector General of the Department of the Interior found that the Department had inaccurately calculated the costs incurred in administering the Federal onshore mineral leasing program, resulting in substantial overcharges to States. This issue has yet to be fully resolved by the Department of the Interior.

Needless to say, this complicated and unjustified provision has been controversial with the States and unpopular with the Federal agencies charged with administering it. It penalizes States while creating administrative nightmares for the Federal Government. It is time to do away with this unwieldy provision.

Therefore, I am introducing The Mineral Revenue Payments Clarification Act of 1999, which will eliminate this provision and provide that States’ shares of payments under Federal mineral leases will not be reduced by administrative or other costs incurred by the United States. I believe that this will return a system that is both fair, and capable of being administered in a reasonable fashion.

ADDITIONAL COSPONSORS

S. 92
At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 329
At the request of Mr. ROBB, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 345
At the request of Mr. ALLARD, the names of the Senator from New Jersey (Mr. TORICELLI) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 414
At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 486
At the request of Mr. ROBB, his name was added as a cosponsor of S. 486, a bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 486
At the request of Mr. ASHcroft, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 486, supra.

S. 486
At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 486, supra.

S. 486
At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 486, supra.

S. 655
At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, non-repairable, and rebuilt vehicles.

S. 1008
At the request of Mr. Baucus, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1008, a bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws.

S. 1028
At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1029
At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1029, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 1109
At the request of Mr. MCCONNELL, the names of the Senator from Nevada (Mr. KENNEDY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation,
and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1131

At the request of Mr. EDWARDS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1131, a bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X.

S. 1133

At the request of Mr. GRAMMS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1133, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1366

At the request of Mr. GORTZ, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1446

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1447

At the request of Mr. AKA, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1447, a bill to provide for excellence in economic education, and for other purposes.

S. 1483

At the request of Mr. LOTZ, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1528, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 1594

At the request of Mr. FRIST, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1529, a bill to amend title XVIII to expand the Medicare Payment Advisory Commission to 19 members and to include on such commission individuals with national recognition for their expertise in manufacturing and distributing finished medical goods.

S. 1680

At the request of Mr. ROBERTS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1741

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1741, a bill to amend United States trade laws to address more effectively import crises.

S. 1800

At the request of Mr. ASHCROFT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1910, a bill to amend title XVIII to improve the medicare program.

S. 1895

At the request of Mr. FRIST, the names of the Senator from Missouri (Mr. BOND) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 1895, a bill to amend the Social Security Act to preserve and improve the medicare program.

S. 1900

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

S. 1909

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 1909, a bill to provide for the preparation of a Governmental report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such Injustices by the President.

S. 1910

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1910, a bill to amend the Act establishing Women’s Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

S. 1924

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1924, a bill to ensure personal privacy with respect to financial information, to provide customers notice and choice about how their financial institutions share or sell their personally identifiable sensitive financial information, to provide for strong enforcement of these rights, and to protect States’ rights.

S. 1952

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1952, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for determining a partner’s share of items of a partnership which is a qualified investment club.

S. 1997

At the request of Mr. SCHUMER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1997, a bill to provide for the payment of compensation to the families of the Federal employees who were
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killed in the crash of a United States Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

SENATE RESOLUTION 87
At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a co-sponsor of Senate Resolution 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

SENATE RESOLUTION 108
At the request of Mr. BREAUX, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. STEVENS), the Senator from Hawaii (Mr. INOUYE), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of Senate Resolution 108, a resolution designating the month of March each year as “National Colorectal Cancer Awareness Month.”

SENATE CONCURRENT RESOLUTION 77—MAKING TECHNICAL CORRECTIONS TO THE ENROLLMENT OF H.R. 3194
Mr. LOTT (for himself and Mr. DASCHLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 77
Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 3194), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, shall make the following correction:

At the appropriate place of the bill insert the following:

COMMODITY CREDIT CORPORATION PRODUCER-OWNED MARKETING ASSOCIATIONS FORGIVENESS
SEC. 1. The Secretary of Agriculture shall reduce the amount of any principal due on a loan made to marketing association incorporated in the State of North Carolina for the 1999 crop of an agricultural commodity by at least 75 percent if the marketing association suffered losses of the agricultural commodity in a county with respect to which—
(1) a natural disaster was declared by the Secretary for losses due to Hurricane Dennis, Floyd, or Irene; or
(2) a major disaster or emergency was declared by the Secretary for losses due to Hurricane Dennis, Floyd, or Irene under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
If the Secretary assigns a grade quality for the 1999 crop of an agricultural commodity marketed by an association described in this section that is below the base quality of the agricultural commodity, the Secretary shall compensate the association for losses incurred by the association as a result of the reduction in grade quality.
Up to $81,000,000 of the resources of the Commodity Credit Corporation shall be used for the cost of this section: Provided, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress; Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) and Section 252(e) of such Act.
SEC. 2. In administering $50,000,000 in emergency supplemental funding for the Emergency Conservation Program, the Secretary shall give priority of projects to those of structures essential to the operation of the farm.

SENATE RESOLUTION 234—RECOGNIZING THE CONTRIBUTION OF OLDER PERSONS TO THEIR COMMUNITIES AND COMMENDING THE WORK OF ORGANIZATIONS THAT PARTICIPATE IN PROGRAMS ASSISTING OLDER PERSONS AND THAT PROMOTE THE GOALS OF THE INTERNATIONAL YEAR OF OLDER PERSONS
Mr. BAYH (for himself, Mr. BREAUX, Mr. GRASSLEY, Mr. BURNS, Mr. REED, Mr. JEFFORDS, Mr. LUGAR, Mr. WARNER, Mr. ABRAHAM, Mr. DURBIN, Mr. BRYAN, Mr. KENNEDY, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. REID, Mr. EDWARDS, Mr. DORGAN, Mr. COCHRAN, Ms. MIKULSKI, Mr. JOHNSON, Mr. STEVENS, Mr. CLELAND, Mr. AKAKA, Mr. SPECTER, Ms. LANDREJET, Mr. BAUCUS, Mr. KERRY, Mr. DEWINE, Mr. LIEBERMAN, Mr. WYDEN, Mr. ENZI, Mr. BINGAMAN, Mr. ROBB, Mr. INOUYE, Mrs. BOXER, Mrs. LINCOLN, Mr. DODD, Mr. TORRICELLI, Mr. SCHUMER, Mr. GRAHAM, Mr. FEINGOLD, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 234
Whereas the United Nations has proclaimed that 1999 is the International Year of Older Persons;
Whereas the theme of the International Year of Older Persons, “towards a society for all ages”, recognizes that—
(1) longevity depends upon all stages of the life cycle; and
(2) successful aging is a product of long-term, life-long decisions;
Whereas the principles promoted by the International Year of Older Persons assist in the development of a society for all ages, including independence, participation, care, self-fulfillment, and dignity;
Whereas the goals of the International Year of Older Persons are—
(1) to increase awareness about aging within countries and across national boundaries; and
(2) to formulate policies and programs that promote the participation of older adults in all aspects of society;
Whereas these organizations have taken action independently and in concert with others to promote the goals of the International Year of Older Persons through programs that promote—
(1) retirement preparation for baby boomers;
(2) intergenerational activities;
(3) new images of aging that recognize the increased productivity of older adults; and
(4) planning for the future; and
Whereas the diversity of America’s older population deserves to be recognized, including the most vulnerable and frail elderly in need of a range of services, as well as older persons who contribute to their communities by being employers, employees, and volunteers: Now, therefore, be it
Resolved, That the Senate—
(1) recognizes the contribution of older persons to their communities; and
(2) commends the work of organizations that—
(A) participate in programs assisting older persons;
(B) promote the goals of the International Year of Older Persons.

SENATE RESOLUTION 235—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK
Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 235
Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the Senate Election Law Guidebook, Senate Document 105–12, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed, beyond the usual number, 600 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 236—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE NOMINATION AND ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES
Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 236
Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States, Senate Document 102–14, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed, beyond the usual number, 600 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.
SENATE RESOLUTION 237—EXPRESSING THE SENSE OF THE SENATE THAT NO STATES SENATE COMMITTEE ON FOREIGN RELATIONS SHOULD HOLD HEARINGS AND THE SENATE SHOULD ACT ON THE CONVENTION OF THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Mrs. BOXER (for herself, Mrs. MURRAY, Mrs. LINCOLN, Ms. MIKULSKI, Ms. FEINSTEIN, Ms. COLLINS, Ms. LANDRIEU, and Ms. SNOWE) submitted the following resolution; which was ordered to lie over, under the rule:

Whereas the United States has shown leadership in promoting human rights, including the rights of women and girls, and was instrumental in the development of international human rights treaties with all the states; including the International Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW);

Whereas the United States has already agreed to the ratification of several important human rights treaties, including the Genocide Convention, the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention of the Elimination of All Forms of Racial Discrimination;

Whereas CEDAW establishes a worldwide commitment to combat discrimination against women and girls;

Whereas 165 countries of the world have ratified or acceded to CEDAW and the United States is among a small minority of countries, including Afghanistan, North Korea, Iran and Sudan, which have not;

Whereas CEDAW establishes a worldwide commitment to combat discrimination against women and girls;

Whereas 165 countries of the world have ratified or acceded to CEDAW and the United States is among a small minority of countries, including Afghanistan, North Korea, Iran and Sudan, which have not;

Whereas CEDAW is helping combat violence and discrimination against women and girls around the world;

Whereas CEDAW has had a significant and positive impact on legal developments in countries as diverse as Uganda, Colombia, Brazil and South Africa, including, on citizenship rights in Botswana and Japan, inheritance rights in Botswana and Japan, inheritance rights in Tanzania, property rights and political participation in Costa Rica;

Whereas the Administration has proposed a small number of reservations, understandings and declarations to ensure that U.S. ratification fully complies with all constitutional requirements, including states’ and individuals’ rights;

Whereas the legislatures of California, Iowa, New Hampshire, New York, North Carolina, South Dakota and Vermont have endorsed U.S. ratification of CEDAW;

Whereas more than one hundred U.S.-based, civic, legal, religious, education, and environmental organizations, support U.S. ratification of CEDAW;

Whereas the Department of State believes that in 1999 Nadia was moved to Saudi Arabia; that in 1999 Nadia was residing in Syria until late 1992; and Mrs. Maureen Dabbagh had a daughter, Nadia Dabbagh and return her safely to her mother.

Ms. Maureen Dabbagh of Virginia Beach has not seen or heard from her daughter, Nadia, in 6 years. When Nadia was just 3 years old, she was illegally abducted by her father, Mr. Mohamad Hisham Dabbagh, and the State Department believes they are currently in Saudi Arabia on temporary visas. Throughout this ordeal, Maureen Dabbagh has been aided by many caring people, groups, and government agencies, but despite FBI, State Department, and Interpol efforts, Nadia is still separated from her mother.

According to the Department of Justice, 983 children are abducted by noncustodial parents every day. I greatly sympathize with Maureen Dabbagh and with all parents facing similar situations. I believe that we, as Members of Congress and as parents, ought to use all available resources in searching and abducted children. I ask that we redouble our efforts to bring Nadia home.

SENATE RESOLUTION 238—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD BE RETURNED HOME TO HER MOTHER, MS. MAUREN DABBAGH

Mr. ROBB submitted the following resolution; which was referred to the Committee on Foreign Relations:

Whereas Mr. Mohamad Hisham Dabbagh and Mrs. Maureen Dabbagh had a daughter, Nadia Dabbagh, in 1990;

Whereas Maureen Dabbagh and Mohamad Hisham Dabbagh were divorced in February 1992;

Whereas in 1993, Nadia was abducted by her father;

Whereas Nadia was just 3 years old, she was illegally abducted from the United States, and should be returned home.

With this resolution, I seek to bring to your attention the plight of child abductions by noncustodial parents, and to encourage the United States and Saudi Arabia to immediately locate Nadia Dabbagh and return her safely to her mother.

Ms. Maureen Dabbagh of Virginia Beach has not seen or heard from her daughter, Nadia, in 6 years. When Nadia was just 3 years old, she was illegally abducted by her father, Mr. Mohamad Hisham Dabbagh, and the State Department believes they are currently in Saudi Arabia on temporary visas. Throughout this ordeal, Maureen Dabbagh has been aided by many caring people, groups, and government agencies, but despite FBI, State Department, and Interpol efforts, Nadia is still separated from her mother.

According to the Department of Justice, 983 children are abducted by noncustodial parents every day. I greatly sympathize with Maureen Dabbagh and with all parents facing similar situations. I believe that we, as Members of Congress and as parents, ought to use all available resources in searching and abducted children. I ask that we redouble our efforts to bring Nadia home.

SENATE RESOLUTION 239—COMMEMDING STEPHEN G. BALE, KEEPER OF THE STATIONERY

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

Resolved, That it is the sense of the Senate that—

(1) the Senate Foreign Relations Committee should hold hearings on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and

(2) the Senate should act on CEDAW by March 8, 2000, International Women’s Day.

Resolved, That it is the sense of the Senate that the Governments of the United States and Saudi Arabia immediately locate Nadia Dabbagh and deliver her safely to her mother.

Mr. ROBB. Mr. President, I’m submitting a resolution today expressing a sense of the Senate regarding a heinous crime affecting a family in Virginia and a growing problem in this country. With this resolution, I seek to bring to your attention the plight of child abductions by noncustodial parents, and to encourage the United States and Saudi Arabia to immediately locate Nadia Dabbagh and return her safely to her mother.

Whereas the United States has shown leadership in promoting human rights, including the rights of women and girls, and was instrumental in the development of international human rights treaties with all the states; including the International Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW);

Whereas the United States has already agreed to the ratification of several important human rights treaties, including the Genocide Convention, the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention of the Elimination of All Forms of Racial Discrimination;

Whereas CEDAW establishes a worldwide commitment to combat discrimination against women and girls;

Whereas 165 countries of the world have ratified or acceded to CEDAW and the United States is among a small minority of countries, including Afghanistan, North Korea, Iran and Sudan, which have not;

Whereas CEDAW is helping combat violence and discrimination against women and girls around the world;

Whereas CEDAW has had a significant and positive impact on legal developments in countries as diverse as Uganda, Colombia, Brazil and South Africa, including, on citizenship rights in Botswana and Japan, inheritance rights in Botswana and Japan, inheritance rights in Tanzania, property rights and political participation in Costa Rica;

Whereas the Administration has proposed a small number of reservations, understandings and declarations to ensure that U.S. ratification fully complies with all constitutional requirements, including states’ and individuals’ rights;

Whereas the legislatures of California, Iowa, New Hampshire, New York, North Carolina, South Dakota and Vermont have endorsed U.S. ratification of CEDAW;

Whereas more than one hundred U.S.-based, civic, legal, religious, education, and environmental organizations, support U.S. ratification of CEDAW;

Whereas the Department of State believes that in 1999 Nadia was moved to Saudi Arabia; that in 1999 Nadia was residing in Syria until late 1992; and Mrs. Maureen Dabbagh had a daughter, Nadia Dabbagh and both have issued arrest warrants for Mohamad Dabbagh;

Whereas Mohamad Dabbagh originally escaped to Saudi Arabia;

Whereas the Department of State believed that Nadia was residing in Syria until late 1996;

Whereas the Senate passed S. Res. 293 for Nadia Dabbagh on October 21, 1996, asking Syria to aid in the return of Nadia to her mother in the United States;

Whereas in 1999, Syria invited Maureen Dabbagh to Syria to meet with her daughter;

Whereas the Department of State believes that in 1999 Nadia was moved to Saudi Arabia; and is residing with Mohamad Dabbagh;

Whereas although Nadia is in Saudi Arabia, neither she nor Mohamad Dabbagh are Saudi Arabian citizens;

Whereas Maureen Dabbagh, with the assistance of missing children organizations, has been unable to reunite with her daughter;

Whereas the United States has shown leadership in promoting human rights, including the rights of women and girls, and was instrumental in the development of international human rights treaties with all the states; including the International Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW);

Whereas the United States has already agreed to the ratification of several important human rights treaties, including the Genocide Convention, the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention of the Elimination of All Forms of Racial Discrimination;
Resolved, That the United States Senate commend and authorize the service by any person who has not subscribed or who is a minor.

"(3) FOREIGN JURISDICTION.—The term ‘foreign jurisdiction’ means a jurisdiction of a foreign country or political subdivision thereof.

"(4) GAMBLING BUSINESS.—The term ‘gambling business’ means—

"(I) a business that is conducted at a gambling establishment, or that—

"(i) involves—

"(I) the placing, receiving, or otherwise making of bets or wagers; or

"(II) the offering to engage in the placing, receiving, or otherwise making of bets or wagers;

"(ii) involves 1 or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

"(iii) has been or remains in substantially continuous operation for a period in excess of 10 days or has a gross revenue of $2,000 or more from such business during any 24-hour period; and

"(B) any soliciting agent of a business described in subparagraph (A).

"(5) INFORMATION ASSISTING IN THE PLACING OF A BET OR WAGER.—The term ‘information assisting in the placing of a bet or wager’—

"(A) means information that is intended by the sender or recipient to be used by a person engaged in the business of betting or wagering to place, receive, or otherwise make a bet or wager; and

"(B) does not include—

"(i) information concerning pari-mutuel pools that is exchanged only between or among 1 or more racetracks or other pari-mutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, and 1 or more pari-mutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, if that information is used only to conduct common pool pari-mutuel pooling under applicable law;

"(ii) information exchanged exclusively between or among 1 or more racetracks or other pari-mutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, and support, among 1 or more pari-mutuel wagering facilities licensed by the State or foreign jurisdiction, if the information is used only for processing bets or wagers made with that facility under applicable law;

"(iii) information exchanged exclusively between or among 1 or more wagering facilities that are located within a single State and are licensed and regulated by that State, and any support service, wherever located, if the information is used only for the pooling or processing of bets or wagers made by or with the facility or facilities under applicable State law;

"(iv) any news reporting or analysis of wagering activity, including odds, racing or event results, race and event schedules, or categories of wagering; or

"(v) any posting or reporting of any educational information on how to make a bet or wager or the nature of betting or wagering.

"(6) INTERACTIVE COMPUTER SERVICE.—The term ‘interactive computer service’ means any information service, system, or access software provider that operates in, or uses a channel or instrumentality of, interstate or foreign commerce to provide or enable access by persons to information service and other providers, including specifically a service or system that provides access to the Internet.
(7) **Interactive computer service provider**—The term 'interactive computer service provider' means any person that provides an interactive computer service, to the extent that such person offers or provides such service to prevent or restrain a violation of this section.

(8) **Internet.**—The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet-switched data networks.

(9) **Person.**—The term 'person' means any individual, association, partnership, joint venture, corporation (or any affiliate of a corporation), State or political subdivision thereof, department, agency, or instrumentality of a State or political subdivision thereof, or any other government, organization, or entity (including any governmental entity (as defined in section 3701(2) of title 28)).

(10) **Private network.**—The term 'private network' means a communications channel or channels, including voice or computer data transmission facilities, that use either:

(A) private dedicated lines; or

(B) the public communications infrastructure, if the infrastructure is secured by means that are appropriate orders in accordance with this section, if the infrastructure is secured by means that are

(11) **State.**—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a commonwealth, territory, or possession of the United States.

(12) **Subscriber.**—The term 'subscriber'—

(A) means any person with a business relationship with the interactive computer service provider through which such person received access to the system, service, or network of that provider, even if no formal subscription agreement exists; and

(B) includes registrants, students who are granted access to a university system or network, and employees or contractors who are granted access to the system or network of their employer.

(13) **Internet gambling.**—

(I) **Prohibition.**—Subject to subsection (f), it shall be unlawful for a person engaged in a gambling-related material or activity (including intermediate and temporary storage in the course of such transmitting, routing, or providing connections) by the provider, if—

(A) the gambling-related material or activity was initiated by or at the direction of a person other than the provider;

(B) the transmitting, routing, or providing of connections is carried out through an automatic process without selection of the material or activity by the provider;

(II) the transmitting, routing, or providing of connections is carried out through an automatic process without selection of the material or activity by the provider; and

(III) the material or activity is transmitted through the system or network of the provider without modification of its content; or

(ii) arising out of gambling-related material or activity at an online site residing on a computer server owned, controlled, or operated by or for the provider, or arising out of referring or linking users to an online location containing such material or activity.

(c) **Civil remedies.**—The district courts of the United States shall have original and exclusive jurisdiction to prevent and restrain violations of this section by issuing appropriate orders in accordance with this section, regardless of whether a prosecution has been initiated under this section.

(2) **Procedures.**—

(A) **Institution by Federal government.**—

(i) In general.—The United States may institute proceedings under this subsection to prevent or restrain a violation of this section.

(ii) Relief.—Upon application of the United States under this subparagraph, the district court may enter a temporary restraining order or an injunction against any person to prevent or restrain a violation of this section if the court determines, after notice and an opportunity for a hearing, that there is a substantial probability that such violation has occurred or will occur.

(B) **Institution by State attorney general.**—

(i) In general.—The attorney general of a State (or other appropriate State official) in which a violation of this section allegedly has occurred or will occur, after providing written notice to the United States, may institute proceedings under this subsection to prevent or restrain a violation.

(ii) Relief.—Upon application of the attorney general (or other appropriate State official) of an affected State under paragraph (2)(A), without notice and the opportunity for a hearing as provided in rule 65(b) of the Federal Rules of Civil Procedure (except as provided in subparagraph (d)(3)), if the United States or the State, as applicable, demonstrates that there is probable cause to believe that the use of the Internet or other interactive computer service at issue violates this section.

(3) **Expedited proceedings.**—

(A) **In general.**—In addition to any proceeding under paragraph (2), a district court may, in exigent circumstances, enter a temporary restraining order against a person alleged to be in violation of this section upon application of the United States under paragraph (2)(A), or the attorney general (or other appropriate State official) of an affected State under paragraph (2)(B), without notice and the opportunity for a hearing as provided in rule 65(b) of the Federal Rules of Civil Procedure (except as provided in subparagraph (d)(3)), if the United States or the State, as applicable, demonstrates that there is probable cause to believe that the use of the Internet or other interactive computer service at issue violates this section.

(B) **Hearings.**—A hearing requested concerning an order entered under this paragraph shall be held at the earliest practicable time.

(d) **Interactive computer service providers.**—

(1) **Immunity from liability for use by another.**—

(A) **In general.**—An interactive computer service provider described in subparagraph (B) shall not be liable, under this section or any other provision of law prohibiting or regulating gambling or gambling-related activities, for the use of its facilities or services by another person to engage in Internet gambling activity that violates such law—

(i) arising out of any transmitting, routing, or providing of connections for gambling-related material or activity (including intermediate and temporary storage) by the provider;

(ii) arising out of any transmitting, routing, or providing of connections for gambling-related material or activity (including intermediate and temporary storage) by the provider; and

(B) **Hearings.**—A hearing requested concerning an order entered under this paragraph shall be held at the earliest practicable time.

(2) **Proceedings.**—

(A) **Institution by Federal government.**—

(i) In general.—The United States may institute proceedings under this subsection to prevent or restrain a violation of this section.

(ii) Relief.—Upon application of the United States under this subparagraph, the district court may enter a temporary restraining order or an injunction against any person to prevent or restrain a violation of this section if the court determines, after notice and an opportunity for a hearing, that there is a substantial probability that such violation has occurred or will occur.

(B) **Institution by State attorney general.**—

(i) In general.—The attorney general of a State (or other appropriate State official) in which a violation of this section allegedly has occurred or will occur, after providing written notice to the United States, may institute proceedings under this subsection to prevent or restrain a violation.

(ii) Relief.—Upon application of the attorney general (or other appropriate State official) of a State or other appropriate State official of an affected State under paragraph (2)(A), without notice and the opportunity for a hearing as provided in rule 65(b) of the Federal Rules of Civil Procedure (except as provided in subparagraph (d)(3)), if the United States or the State, as applicable, demonstrates that there is probable cause to believe that the use of the Internet or other interactive computer service at issue violates this section.

(E) **Expiration.**—Any temporary restraining order or preliminary injunction entered pursuant to subparagraph (A) or (B) shall expire on the expiration of 10 days following the receipt by the provider of a notice described in paragraph (2)(B).

(4) **Eligibility.**—An interactive computer service provider is described in this subparagraph only if the provider—

(A) maintains and implements a written or electronic policy that requires the provider to terminate the account of a subscriber of its system or network expeditiously following receipt by the provider of a notice described in paragraph (2)(B) alleging that such subscriber has violated or is violating this section; and

(B) subject to the particular material or activity at issue, has not knowingly permitted its computer server to be used to...
engages in activity that the provider knows is prohibited by this section, with the specific intent that such server be used for such purpose.

(2) Notice to interactive computer service providers.—

(A) IN GENERAL.—If an interactive computer service provider receives from a Federal or State law enforcement agency, acting within its authority and jurisdiction, a written or electronic notice described in subparagraph (B), that a particular online site residing on a computer server owned, controlled, or operated by the provider is being used by another person to violate this section, the provider shall expeditiously—

(i) remove or disable access to the material or activity residing at that online site that allegedly violates this section; or

(ii) in any case in which the provider does not control the site at which the subject material or activity resides, the provider, through any agent of the provider designated in accordance with section 512(c)(2) of title 17, or otherwise responsible identified employee or contractor—

(I) notify the Federal or State law enforcement agency that the provider is not the provider of such notice; and

(II) upon receipt of a subpoena, cooperate with the Federal or State law enforcement agency in identifying the person or persons who control the site.

(B) NOTICE.—A notice is described in this subparagraph only if it—

(i) identifies the material or activity that allegedly violates this section, and alleges that such material or activity violates this section;

(ii) provides information reasonably sufficient to permit the provider to locate (and, as appropriate, in a notice issued pursuant to paragraph (3)(A) to block access to) the material or activity;

(iii) is supplied to any agent of a provider designated in accordance with section 512(c)(2) of title 17, if information regarding such designation is readily available to the public;

(iv) provides information that is reasonably sufficient to permit the provider to contact that Federal or State law enforcement agency that issued the notice, including the name of the law enforcement agency, and the name and telephone number of an individual to contact at the law enforcement agency (and, if available, the electronic mail address of that individual); and

(v) declares under penalties of perjury that the person submitting the notice is an official of the law enforcement agency described in clause (iv).

(3) INJUNCTIVE RELIEF.—

(A) IN GENERAL.—The United States, or a State law enforcement agency acting within its authority and jurisdiction, may, not less than 24 hours following the issuance to an interactive computer service provider of a notice described in paragraph (2)(A), in a situation in which the provider is not the provider of such notice, if the court determines that there is probable cause to believe that such subscriber is using that access to violate this section (or to engage with another person in a communication that violates this section), bring an action for an injunction specifying the prohibited activity described in this subparagraph, against the same provider or the operation of the system or network the provider knows is prohibited by a Federal or State law or a law of the State in which such activity is conducted;

(B) LIMITATIONS.—Notwithstanding any other provision of this section, in the case of a provider to prevent a violation of this section—

(i) a gambling activity in which the placing of the bet or wager is not conducted by the Internet; or

(ii) a gambling activity to which the prohibitions of this section do not apply.

(4) ADVERTISING OR PROMOTION OF NON-INTERNET GAMBLING ACTIVITY.—

(A) DEFINITIONS.—In this paragraph:

(i) CONDUCTED.—With respect to a gambling activity, that activity is ‘‘conducted’’ in a State if the State is in which the gambling establishment (as defined in section 1081) that offers the gambling activity being advertised or promoted is physically located.

(ii) NON-INTERNET GAMBLING ACTIVITY.—The term ‘‘non-Internet gambling activity’’ means—

(I) a gambling activity in which the placing of the bet or wager is not conducted by the Internet; or

(II) a gambling activity to which the prohibitions of this section do not apply.

(B) IMMUNITY FROM LIABILITY FOR USE BY ANOTHER.—

(5) IN GENERAL.—An interactive computer service provider shall not be liable, under any provision of Federal or State law prohibiting or regulating gambling or gambling-related activities, or under any State law prohibiting or regulating advertising and promotional activities, for—

(I) content, provided by another person, that advertises or promotes non-Internet gambling activity that violates such law (unless the provider is engaged in the business of such gambling), arising out of any of the activities described in paragraph (1)(A) (i) or (ii); or

(II) content, provided by another person, that advertises or promotes non-Internet gambling activity that is lawful under Federal law and the law of the State in which such gambling activity is conducted.

(6) ELIGIBILITY.—An interactive computer service is described in this clause only if the provider—

(I) maintains and implements a written or electronic policy that requires the provider to expeditiously take the actions described in paragraph (1)(A)(ii) with respect to the particular material or activity residing at that online site, that allegedly violates this section; or

(ii) provides information that is reasonably sufficient to permit the provider to locate (and, as appropriate, in a notice issued pursuant to paragraph (3)(A) to block access to) the material or activity;

(iii) whether such an injunction, either alone or in combination with other such injunctions issued, and currently operative, against the same provider would significantly (and, in the case of relief under subparagraph (B)(i), taking into account, among other factors, the conduct of the provider, unreasonably) burden either the provider or the operation of the system or network of the provider;

(iv) the existence and extent of advertising or promotion of the activity, the provider knows is prohibited by a Federal law or a law of the State in which such activity is conducted;

(v) with respect to the particular material or activity at issue, has not knowingly permitted its computer server to be used to engage in the advertising or promotion of non-Internet gambling activity that the provider knows is prohibited by law; or

(vi) a gambling activity in which the placing of the bet or wager is not conducted by the Internet; or

(vii) a gambling activity to which the prohibitions of this section do not apply.

(C) CONSIDERATIONS.—The court, in determining appropriate injunctive relief under this paragraph, shall consider—

(i) whether such an injunction, either alone or in combination with other such injunctions issued, and currently operative, against the same provider would significantly (and, in the case of relief under subparagraph (B)(i), taking into account, among other factors, the conduct of the provider, unreasonably) burden either the provider or the operation of the system or network of the provider;

(ii) whether implementation of such an injunction would be technically feasible and effective, and would not materially interfere with access to lawful material at other online locations;

(iii) whether other less burdensome and appropriate means of preventing or restraining access to the illegal material or activity are available; and

(iv) the magnitude of the harm likely to be suffered by the community if the injunction is not granted.

(D) NOTICE AND EX PARTE ORDERS.—Injunctive relief under this paragraph shall not be available without notice to the service provider and an opportunity for such provider to appear before the court, except for orders ensuring the preservation of evidence or other orders having no material adverse effect on the operation of the communications network of the service provider.

(E) ADVERTISING OR PROMOTION OF NON-INTERNET GAMBLING ACTIVITY.—

(A) DEFINITIONS.—In this paragraph:

(i) CONDUCTED.—With respect to a gambling activity, that activity is ‘‘conducted’’ in a State if the State is in which the gambling establishment (as defined in section 1081) that offers the gambling activity being advertised or promoted is physically located.

(ii) NON-INTERNET GAMBLING ACTIVITY.—The term ‘‘non-Internet gambling activity’’ means—

(I) a gambling activity in which the placing of the bet or wager is not conducted by the Internet; or

(II) a gambling activity to which the prohibitions of this section do not apply.

(B) IMMUNITY FROM LIABILITY FOR USE BY ANOTHER.—

(C) NOTICE TO INTERACTIVE COMPUTER SERVICE PROVIDERS.—

(i) NOTICE FROM FEDERAL LAW ENFORCEMENT AGENCY.—If an interactive computer service provider receives from a Federal law enforcement agency, acting within its authority and jurisdiction, a written or electronic notice described in paragraph (2)(B), that a particular online site residing on a computer server owned, controlled, or operated by or for the provider is being used by another person to advertise or promote non-Internet gambling activity that violates a Federal law prohibiting or regulating gambling or gambling-related activities, the provider shall expeditiously take the actions described in paragraph (2)(B), that a particular online site residing on a computer server owned, controlled, or operated by or for the provider is being used by another person to advertise or promote non-Internet gambling activity that is conducted in that
State and that violates a law of that State prohibiting the provision of gambling or gambling-related activities, the provider shall expeditiously take the actions described in paragraph (2)(A)(i) or (i) with respect to the advertising or promotion identified in the notice.

(D) INJUNCTIVE RELIEF.—The United States, or a State law enforcement agency, acting within its authority and jurisdiction, may, not less than 24 hours following the issuance to an interactive computer service provider of a notice described in paragraph (2)(B), or a civil action, obtain a temporary restraining order, or an injunction, to prevent the use of the interactive computer service by another person to advertise or promote non-Internet gambling activity that violates a Federal law, or a law of the State in which such activity is conducted that prohibits or regulates gambling or gambling-related activities, as applicable. The procedures described in paragraph (3)(D) shall apply to actions brought under this subparagraph, and the relief in such actions shall be limited to—

(i) an order requiring the provider to remove or disable access to the advertising or promotion of non-Internet gambling activity that violates Federal law, or the law of the State in which such activity is conducted, as applicable, at a particular online site residing on a computer server controlled or operated by the provider; and

(ii) an order restraining the provider from providing access to an identified subscriber of the system or network of the provider, if the court determines that such subscriber maintains a website on a computer server controlled or operated by the provider that the subscriber is knowingly using or knowingly allowing to be used to advertise or promote non-Internet gambling activity that violates Federal law or the law of the State in which such activity is conducted; and

(iii) an order restraining the provider of the content of the advertising or promotion of such illegal gambling activity from disseminating such advertising or promotion on the computer server controlled or operated by the provider of such interactive computer service.

(E) APPLICABILITY.—The provisions of subparagraph (B) and paragraph (2)(A) shall not apply to advertising or promotion of any activity that is not prohibited by this section.

(F) APPLICABILITY.—

(1) In general.—Subject to paragraph (2), the prohibition in this section does not apply to—

(A) any otherwise lawful bet or wager that is placed, received, or otherwise made wholly intra-state for a State lottery, or for a multi-State lottery operated jointly between 2 or more States in conjunction with State lotteries if—

(i) each such lottery is expressly authorized, licensed, or regulated, under applicable State law;

(ii) the bet or wager is placed on an interactive computer service that uses a private network;

(iii) each person placing or otherwise making the bet or wager is physically located when such bet or wager is placed at a facility that is open to the general public; and

(iv) such each lottery complies with sections 1309 through 1315 and other applicable provisions of Federal law;

(B) any otherwise lawful bet or wager that is placed, received, or otherwise made on an interstate or intrastate basis on a live horse or a live dog race, or the sending, receiving, or inviting of information assisting in the placing of such a bet or wager, if such bet or wager, or the transmission of such information, as applicable, is—

(i) expressly authorized, and licensed or regulated by the State in which such bet or wager is received, under applicable Federal and such State’s laws;

(ii) placed on a closed-loop subscriber-based service;

(iii) initiated from a State in which betting or wagering on that same type of live horse or live dog racing is lawful and received in a State in which such betting or wagering is lawful;

(iv) subject to the regulatory oversight of the State in which the bet or wager is received; or

(v) in the case of—

(A) live horse racing, made in accordance with the Interstate Horse Racing Act of 1978 (15 U.S.C. 3001 et seq.), and the requirements, if any, established by an appropriate legislative or regulatory body or the State in which the bet or wager originates; or

(B) live dog racing, subject to consent agreements that are comparable to those required by the Interstate Horse Racing Act of 1978, approved by the appropriate State regulatory agencies, in the State receiving the signal, and in the State in which the bet or wager originates; or

(C) any otherwise lawful bet or wager that is placed, received, or otherwise made for a fantasy sports league game or contest.

(2) BETS OR WAGERS MADE BY AGENTS OR PROXIES.—(A) IN GENERAL.—Paragraph (1) does not apply in any case in which a bet or wager is placed, received, or otherwise made by the use of an agent or proxy using the Internet or an interactive computer service.

(B) QUALIFICATION.—Nothing in this paragraph may be construed to prohibit the owner operator of a parimutuel wagering facility that is licensed by a State from employing an agent in the operation of the account waging system owned or operated by the parimutuel facility.

(3) PROHIBITION AND REMEDIES.—The prohibition of subsection (b)(1)(B) does not apply to advertising or promotion of any activity that is not prohibited by subsection (b)(1)(A).

(g) RULES OF CONSTRUCTION.—

(1) No immunity from prosecution.—Except as provided in subsection (d), nothing in this section may be construed to create immunity from criminal prosecution under any provision of Federal or State law.

(2) Other prohibitions and remedies.—Nothing in this section may be construed to affect any prohibition or remedy applicable to a person engaged in a gambling business under any other provision of Federal or State law.

(b) Technical amendment.—The analysis for chapter 50 of title 18, United States Code, is amended by adding at the end the following:

"1085. Internet gambling."

SEC. 3. REPORT ON ENFORCEMENT.

Ms. COLLINS (for Mr. CAMPBELL) proposed an amendment to amendment No. 2782 proposed by Mr. KYL to the bill S. 692, supra; as follows:

On page 35 of the Kyll-Bryan substitute, after line 18, insert the following:

(4) Indian Gaming.—

(I) IN GENERAL.—Subject to paragraph (2), the prohibition in this section does not apply to any otherwise lawful bet or wager that is placed, received, or otherwise made on any gambling that constitutes class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2702), or the sending, receiving, or inviting of information assisting in the placing of any such bet or wager, as applicable, if—

(A) the game is permitted under and conducted in accordance with the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.);
(ii) each person placing, receiving, or otherwise making a bet or wager, or transmitting such information, is physically located on Indian lands (as that term is defined in section 4 of Indian Gaming Regulatory Act, 25 U.S.C. 2702) when such person places, receives, or otherwise makes the bet or wager, or transmits such information;

(iii) the game is conducted on a closed-loop subscriber-based system or a private network; and

(iv) in the case of a game that constitutes class III gaming, the card is authorized under, and is conducted in accordance with, the respective Tribal-State compacts (entered into and approved pursuant to section 11(d) of the Indian Gaming Regulatory Act, 25 U.S.C. 2702) governing gaming activity on the Indian lands, in each respective State, on which each person placing, receiving, or otherwise making such bet or wager, or transmitting such information, is physically located when such person places, receives, or otherwise makes the bet or wager, or transmits such information; and

(II) each such Tribal-State compact expressly provides that the game may be conducted using the Internet or other interactive computer service only on a closed-loop subscriber-based system or a private network.

(B) activities under existing compacts.—The requirement of subparagraph (A)(iv)(II) shall not apply in the case of gaming activity, otherwise subject to this section, that was being conducted on Indian lands on September 1, 1999, with the approval of the state gaming commission or like regulatory authority of the State in which such Indian lands are located, but without such required formal, until the date on which the compact governing gaming activity on such Indian lands expires (exclusive of any automatic or discretionary renewal or extension of such compact), so long as such gaming activity is conducted using the Internet or other interactive computer service only on a closed-loop subscriber-based system or a private network. For purposes of this subparagraph, the phrase ‘conducted on Indian lands’ shall refer to all Indian lands on which any person placing, receiving, or otherwise making a bet or wager, or sending, receiving, or inviting information assisting in the placing of a bet or wager, is physically located when such person places, receives, or otherwise makes the bet or wager, or sends, receives, or invites such information.

DATE-RAPE DRUG CONTROL ACT OF 1999

HUTCHISON AMENDMENT NO. 2784

Ms. COLLINS (for Mrs. HUTCHISON) proposed an amendment to the bill (S. 1733) to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions; as follows:

SEC. 1. SHORT TITLE.

This Act may be cited as the ‘‘Electronic Benefit Transfer Interoperability and Portability Act of 1999’’.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the integrity of the food stamp program;

(2) to ensure cost-effective portability of food stamp benefits across State borders without imposing additional administrative expenses for special equipment to address problems relating to the portability;

(3) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability and to eliminate the inefficiencies resulting from a patchwork of State-administered systems and regulations established to carry out the food stamp program;

(4) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability and to eliminate the inefficiencies resulting from a patchwork of State-administered systems and regulations established to carry out the food stamp program;

(5) to establish a national standard for the interoperability and portability carried out through the use of an electronic benefit transfer card described in section 17(f);

(6) to require that an electronic benefit transfer contract that is entered into on or after the date of enactment of this sub-section, the Secretary shall promulgate regulations that—

(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies; and

(B) require that any electronic benefit transfer contract that is entered into on or after the date of enactment of this sub-section, the Secretary shall promulgate regulations that—

(1) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving October 1, 2002, the interoperability and portability required under paragraph (2).

(2) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving October 1, 2002, the interoperability and portability required under paragraph (2).

(3) demonstrates that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

(4) specifies a date by which the Secretary shall promulgate regulations providing that the card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

(4) SMART CARD.—The term ‘‘smart card’’ means an intelligent benefit card described in section 17(f).

(5) SWITCHING.—The term ‘‘switching’’ means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

(2) REQUIREMENT.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

(3) COST.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp retailer and wholesale food concern, approved to participate in the food stamp program.

(4) STANDARDS.—Not later than 210 days after the date of enactment of this sub-section, the Secretary shall promulgate regulations that—

(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies; and

(B) require that any electronic benefit transfer contract that is entered into on or after the date of enactment of this sub-section, the Secretary shall promulgate regulations that—

(1) establishes a national standard for the interoperability and portability carried out through the use of an electronic benefit transfer card described in section 17(f);

(2) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving October 1, 2002, the interoperability and portability required under paragraph (2).

(3) demonstrates that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

(4) specifies a date by which the Secretary shall promulgate regulations providing that the card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

(4) SMART CARD.—The term ‘‘smart card’’ means an intelligent benefit card described in section 17(f).

(5) SWITCHING.—The term ‘‘switching’’ means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

(2) REQUIREMENT.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

(3) COST.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp retailer and wholesale food concern, approved to participate in the food stamp program.

(4) STANDARDS.—Not later than 210 days after the date of enactment of this sub-section, the Secretary shall promulgate regulations that—

(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies; and

(B) require that any electronic benefit transfer contract that is entered into on or after the date of enactment of this sub-section, the Secretary shall promulgate regulations that—

(1) establishes a national standard for the interoperability and portability carried out through the use of an electronic benefit transfer card described in section 17(f);

(2) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving October 1, 2002, the interoperability and portability required under paragraph (2).

(3) demonstrates that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

(4) specifies a date by which the Secretary shall promulgate regulations providing that the card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

(4) SMART CARD.—The term ‘‘smart card’’ means an intelligent benefit card described in section 17(f).

(5) SWITCHING.—The term ‘‘switching’’ means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.
LEGISLATION TO EXEMPT CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET

LEAHY AMENDMENT NO. 2786

Ms. COLLINS (for Mr. LEAHY) proposed an amendment to the bill (H.R. 3111) to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995; as follows:

Add at the end:

SEC. 2(a) SHORT TITLE.—This Act may be cited as the “Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act”.

(b) FINDINGS.—Congress makes the following findings:

(1) Section 2519(3) of title 18, United States Code, requires the Director of the Administrative Office of the United States Courts to transmit to Congress a full and complete annual report concerning the number of applications for orders authorizing or approving the interception of wire, oral, or electronic communications. This report is required to include information specified in section 2519(3).

(2) The Federal Reports Elimination and Sunset Act of 1995 provides for the termination of certain laws requiring submittal to Congress of annual, semiannual, and regular periodic reports as of December 21, 1999, 4 years after the effective date of that Act.

(3) Due to the Federal Reports Elimination Act and Sunset Act of 1995, the Administrative Office of the United States Courts is not required to submit annual reports described in section 219(3) of title 18, United States Code, as of December 21, 1999.

(c) CONTINUED REPORTING REQUIREMENTS.—

(1) CONFORMING CHANGES IN FEDERAL STATUTES.—Section 2519 of title 18, United States Code, is amended by adding at the end the following:

(4) The reports required to be filed by subsection (3) are exempted from the termination provisions of section 3003(a) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66).

(2) EXEMPTION.—Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66) is amended—

(a) in paragraph (3), by striking “or” at the end;

(b) in paragraph (32), by striking the period and inserting “; or”;

(c) by adding at the end the following:

“(33) section 2519(3) of title 18, United States Code.”;

(d) ENCRYPTION REPORTING REQUIREMENTS.—

(1) Section 2519(2)(b) of title 18, United States Code, is amended by striking “and” and inserting “; and”;

(2) The encryption reporting requirement in subsection (a) shall be sufficient for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

(e) REPORTS CONCERNING PEN REGISTERS AND Trap AND Trace DEVICES.—

Section 3126 of title 18, United States Code, is amended by striking the period and inserting “; which report shall include information concerning—

“(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

“(2) the offense specified in the order or application, or extension of an order;

“(3) the number of investigations involved;

“(4) the number and nature of the facilities affected; and

“(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.”;

MILLENNIUM DIGITAL COMMERCE ACT

ABRAHAM (AND OTHERS) AMENDMENT NO. 2787

Ms. COLLINS (for Mr. ABRHAM (for himself, Mr. WYDEN, and Mr. LEAHY)) proposed an amendment to the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Millennium Digital Commerce Act”.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The growth of electronic commerce and electronic government transactions represents a powerful force for economic growth, consumer choice, improved civic participation and wealth creation.

(2) The promotion of growth in private sector electronic commerce will increase the development of electronic commerce, and Federal and state legislations within existing areas of jurisdiction.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to permit and encourage the continued expansion of electronic commerce through the operation of free market forces rather than prescriptive governmental mandates and regulations;

(2) to promote public confidence in the validity, integrity and reliability of electronic commerce and online government under Federal law;

(3) to facilitate and promote electronic commerce by clarifying the legal status of electronic records and electronic signatures in the context of contract formation;

(4) to facilitate the use of private parties engaged in interstate transactions to agree among themselves on the appropriate electronic signature technologies for their transactions; and

(5) to promote the development of a consistent national legal infrastructure necessary to support of electronic commerce at the Federal and state levels within existing areas of jurisdiction.

SEC. 4. DEFINITIONS.

In this Act:
1. ELECTRONIC.—The term “electronic” means a technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

2. ELECTRONIC AGENT.—The term “electronic agent” means a computer, computer system, or technology, or an electronic or other automated means used to initiate an action or respond to electronic records or performances in whole or in part without review by an individual at the time of the action or response.

3. ELECTRONIC RECORD.—The term “electronic record” means a record created, generated, executed, created, received, or stored by electronic means.

4. ELECTRONIC SIGNATURE.—The term “electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

5. GOVERNMENTAL AGENCY.—The term “governmental agency” means an executive, legislative, or judicial agency, department, board, commission, authority, or institution of the Federal Government or of a State or of any county, municipality, or other political subdivision of a State.

6. RECORD.—The term “record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

7. TRANSACTION.—The term “transaction” means an action or set of actions relating to the conduct of commerce, between 2 or more persons, whether of which is the United States Government, a State, or an agency, department, board, commission, authority, or institution of the United States Government or of a State.

8. UNIFORM ELECTRONIC TRANSACTIONS ACT.—The term “Uniform Electronic Transactions Act” means the Uniform Electronic Transactions Act as provided to State legislators by the National Conference of Commissioners on Uniform State Laws in that form of any substantially similar variation thereof.

SEC. 5. INTERSTATE CONTRACT CERTAINTY.

(a) In General.—In any commercial transaction affecting interstate commerce, a contract made or to which the legal effect of enforceability solely because an electronic signature or electronic record was used in its formation.

(b) Methods.—Parties to a transaction are permitted to determine the appropriate electronic signature technologies for their transaction, and the means of implementing such technologies.

(c) PRESENTATION OF CONTRACTS.—Notwithstanding subsection (a), if a law requires that a contract be in writing, the legal effect or enforceability of an electronic record of such contract shall be denied under such law, unless it is delivered to all parties to such contract in a form that—

1. can be retained by the parties for later reference; and

2. can be used to prove the terms of the contract in a form that—

(a) can be retained by the parties for later reference; and

(b) can be used to prove the terms of the agreement.

(d) SPECIFIC EXCLUSIONS.—The provisions of this section shall not apply to a statute, regulation, or other rule of law governing any of the following:

1. The Uniform Commercial Code, as in effect in a State, other than sections 1-107 and 1-206, Article 2, and Article 2A;

2. Premarital agreements, marriage, adoption, divorce or other matters of family law.

3. Documents of title which are filed of record in a governmental unit until such time that a state or subdivision thereof chooses to accept filings electronically.


5. The Uniform Health-Care Decisions Act as in effect in a State.

6. ELECTRONIC AGENTS.—A contract relating to commercial transactions affecting interstate commerce may not be denied legal effect or enforceability solely because its formation involved—

(a) the interaction of electronic agents of the parties; or

(b) the interaction of an electronic agent of a party and an individual who acts on that individual’s behalf as an agent for another person.

7. INSURANCE.—It is the specific intent of the Congress that this section apply to the insurance of any nature or electronic record was used in its formation.

8. APPLICATION IN UETA STATES.—This section does not apply in any State in which the Uniform Electronic Transactions Act is in effect.

SEC. 6. PRINCIPLES GOVERNING THE USE OF ELECTRONIC SIGNATURES IN INTERNATIONAL TRANSACTIONS.

To the extent practicable, the Federal Government shall observe the following principles in an international context to enable commercial electronic transactions:

(a) The interaction of electronic agents of a party within its own, or if it is a single employer plan, for such purpose, a party and an individual who acts on that individual’s behalf as an agent for another person.

(b) Insurance.—It is the specific intent of the Congress that this section apply to the insurance of any nature or electronic record was used in its formation.

(c) APPLICATION IN UETA STATES.—This section does not apply in any State in which the Uniform Electronic Transactions Act is in effect.

SEC. 7. STUDY OF LEGAL AND REGULATORY BARRIERS TO ELECTRONIC COMMERCE.

(a) BARRIERS.—Each Federal agency shall, not later than 6 months after the date of enactment of this Act, provide a report to the Director of the Office of Management and Budget and the Secretary of Commerce identifying any provision of law administered by such agency, or any regulations issued by such agency and in effect on the date of enactment of this Act, that may impose a barrier to electronic transactions, or otherwise to the conduct of commerce online or by electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form.

(b) REPORT TO CONGRESS.—The Secretary of Commerce, in consultation with the Director of the Office of Management and Budget, shall, within 18 months after the date of enactment of this Act, provide a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Governmental Affairs of the House of Representatives identifying any provision of law administered by such agency, or any regulations issued by such agency, and in effect on the date of enactment of this Act, that may impose a barrier to electronic transactions, or otherwise to the conduct of commerce online or by electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form.

SEC. 8. CONCILIATION AND ENFORCEMENT.

(a) In General.—For purposes of determining the status of a church plan that is a welfare plan of State insurance laws that require or solely relate to licensing, solvency, insolvency, or the status of such plan as a single employer plan.

(b) State Insurance Law.—A Church plan parity and anti- tanglement prevention act of 1999

SEC. 2. CLARIFICATION OF CHURCH WELFARE PLAN STATUSES UNDER STATE INSURANCE LAW.

(a) In General.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

(b) State Insurance Law.—A church plan parity and anti- tanglement prevention act of 1999

SEC. 1. CHURCH PLAN.

(a) In General.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

(b) State Insurance Law.—A church plan parity and anti- tanglement prevention act of 1999

SEC. 3. CHURCH PLANS.

(a) In General.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), each agency shall—

1. require legislative action, and shall indicate each agency shall identify the barriers requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form. In its report, each agency shall identify the barriers among those identified whose removal would require legislative action, and shall indicate that the application to a church plan that is a welfare plan of State insurance laws described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

SEC. 4. CHURCH PLANS.

(a) In General.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

(b) State Insurance Law.—A church plan parity and anti- tanglement prevention act of 1999

SEC. 5. CHURCH PLANS.

(a) In General.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), each agency shall—

1. require legislative action, and shall indicate each agency shall identify the barriers requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form. In its report, each agency shall identify the barriers among those identified whose removal would require legislative action, and shall indicate that the application to a church plan that is a welfare plan of State insurance laws described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

SEC. 6. CHURCH PLANS.

(a) In General.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

SEC. 7. CHURCH PLANS.

(a) In General.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

SEC. 8. CHURCH PLANS.

(a) In General.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

SEC. 9. CHURCH PLANS.

(a) In General.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

SEC. 10. CHURCH PLANS.

(a) In General.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.
and section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)).

(2) Reimburse costs from general church assets.—The term "reimbursement costs from general church assets" means engaging in an activity that is not the spreading of risk solely for the purposes of the provisions of State insurance laws described in subsection (b).

(3) Welfare Plan.—The term "welfare plan"—

(A) means any church plan to the extent that such plan provides medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services; and

(B) does not include any entity, such as a health insurance issuer described in section 9832(b)(2) of the Internal Revenue Code of 1986 or a health maintenance organization described in section 9832(b)(3) of such Code, or any other organization that does business with the church plan or organization sponsoring or maintaining such a plan.

(d) Enforcement Authority.—Notwithstanding any other provision of this section for purposes of enforcing provisions of State insurance laws that apply to a church plan that is a welfare plan, the church plan shall be subject to State enforcement as if the church plan were an insurer licensed by the State.

(e) Application of Section.—Except as provided in paragraph (d), the application of this section is limited to determining the status of a church plan that is a welfare plan, and the church plan shall not otherwise be construed to recharacterize the status, or modify or affect the rights, of any plan participant or beneficiary, including participants or beneficiaries who make plan contributions.

LEGISLATION TO AMEND THE CONсолIDATED Farm AND Rural Development Act TO IMPROVE SHARED APPRECIATION ARRANGEMENTS

BURNS AMENDMENT NO. 2789

Ms. COLLINS (for Mr. BURNS) proposed an amendment to the bill (S. 961) to amend the Consolidated Farm And Rural Development Act to improve shared appreciation arrangements; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHARED APPRECIATION ARRANGEMENTS.

(a) In General.—Section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) is amended by striking paragraph (2) and inserting the following:

(2)Terms.—A shared appreciation agreement entered into by a borrower under this subsection shall—

(A) have a term not to exceed 10 years;

(B) provide for recapture based on the difference between—

(i) the appraised value of the real security property at the time of restructuring; and

(ii) the amount of the shared appreciation, except that that value shall not include the value of any capital improvements made to the real security property by the borrower after the time of restructuring; and

(C) allow the borrower to obtain a loan, in addition to any other outstanding loans under this title, to pay any amounts due on a shared appreciation agreement, at a rate of interest that is not greater than the rate of interest on outstanding marketable obligations of the United States of a maturity comparable to that of the loan.

(b) Application.—The amendment made by subsection (a) shall apply to a shared appreciation arrangement entered into under section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) that matures on or after the date of enactment of this Act.

DIGITAL THEFT DETERRENCE AND COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

HATCH (AND LEAHY) AMENDMENT NO. 2790

Ms. COLLINS (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill (S. 1257) to amend statutory damages provisions of title 17, United States Code; as follows:

On page 1, line 2, insert "Digital Theft Deterrence and Copyright Damages Improvement Act of 1999.

On page 2, strike lines 2 through 26 and insert the following:

Within 120 days after the date of the enactment of this Act, or within 120 days after the first date on which there is a sufficient number of voting members of the Sentencing Commission to constitute a quorum, whichever is later, the Commission shall promulgate emergency guide-line amendments to implement section 2(g) of the No Electronic Theft Act (28 U.S.C. 994 note) in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

CONDEMNING THE VIOLENCE IN CHECHNYA

HELMS AMENDMENT NO. 2791

Ms. COLLINS (for Mr. HELMS) proposed an amendment to the preamble of the resolution (S. Res. 223) condemning the violence in Chechnya; as follows:

In the second whereas clause of the preamble, strike "is" and insert "are".

DESIGNATING "NATIONAL BIOTECHNOLOGY WEEK"

GRAMS AMENDMENT NO. 2792

Ms. COLLINS (for Mr. GRAMS) proposed an amendment to the resolution (S. Res. 200) designating the week of February 14-20 as "National Biotechnology Week"; as follows:

In the Heading of S. Res. 200, strike "the week of February 14-20" and insert "January 2000"; strike the word "week" and insert "Month."


MCCONNELL (AND ROBB) AMENDMENT NO. 2793

Ms. COLLINS (for Mr. MCCONNELL (for himself and Mr. ROBB)) proposed an amendment to the concurrent resolution (H. Con. Res. 221) authorizing printing of the brochures entitled "How Our Laws Are Made" and "Our American Government," the pocket version of the United States Constitution, and the document-sized, annotated version of the United States Constitution; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. OUR AMERICAN GOVERNMENT.

(a) In General.—The 1999 revised edition of the brochure entitled "Our American Government" shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) Additional Copies.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing;

(2) such number of copies of the document as does not exceed a total production and printing cost of $142,873, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 2. DOCUMENT-SIZED, ANNOTATED UNITED STATES CONSTITUTION

(a) In General.—The 1999 edition of the document-sized, annotated version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) Additional Copies.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing;

(2) such number of copies of the document as does not exceed a total production and printing cost of $930,348, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no
case shall the number of copies be less than 1 per Member of Congress.

SEC. 3. HOW OUR LAWS ARE MADE.

(a) IN GENERAL.—An edition of the brochure entitled “How Our Laws Are Made”, as revised under the direction of the Parliamentarian of the House of Representatives, or consultation with the Parliamentarian of the Senate, shall be printed as a House document under the direction of the Joint Committee on Printing; or

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 500,000 copies of the document, of which 400,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $300,722, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 4. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 20th edition of the pocket version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 500,000 copies of the document, of which 400,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $115,208, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.


(a) In General.—There shall be printed as a Senate document the book entitled “Capitol, Builder: The Shorthand Journals of Captain Montgomery C. Meigs, 1853–1861”, prepared under the direction of the Secretary of the Senate, in consultation with the Clerk of the House of Representatives and the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate and the Clerk of the House of Representatives; or

(2) a number of copies that does not have a total production and printing cost of more than $33,500.

SEC. 6. THE UNITED STATES CAPITOL: A CHRONICLE OF CONSTRUCTION, DESIGN, AND POLITICS


(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 6,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $143,000.

DETERMINED AND FULL ENGAGEMENT AGAINST THE THREAT OF METHAMPHETAMINE (DEFEAT M ETH) ACT OF 1999

HATCH AMENDMENT NO. 2794

Ms. COLLINS (for Mr. HATCH) proposed an amendment to the bill (S. 486) to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes; as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Methamphetamine Anti-Proliferation Act of 1999”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITIE I.—METHAMPHETAMINE PRODUCTION, TRAFFICKING, AND ABUSE

Subtitle A—Criminal Penalties

Sec. 101. Enhanced punishment of amphetamine laboratory operators.
Sec. 102. Enhanced punishment of amphetamine or methamphetamine laboratory operators.
Sec. 103. Mandatory restitution for violations of Controlled Substances Act and Controlled Substances Import and Export Act relating to amphetamine and methamphetamine.
Sec. 104. Methamphetamine paraphernalia.

Subtitle B—Enhanced Law Enforcement

Sec. 111. Environmental hazards associated with illegal manufacture of amphetamine and methamphetamine.
Sec. 112. Reduction in retail sales transaction threshold for non-safe harbor products containing pseudoephedrine or phenylpropanolamine.
Sec. 113. Training for Drug Enforcement Administration and State and local law enforcement personnel relating to clandestine laboratories.
Sec. 114. Combatting methamphetamine and methamphetamine in high intensity drug trafficking areas.
Sec. 115. Combatting amphetamine and methamphetamine manufacturing and trafficking.

Subtitle C—Abuse Prevention and Treatment

Sec. 121. Expansion of methamphetamine research.
Sec. 122. Methamphetamine and amphetamine treatment initiative by Center for Substance Abuse Treatment.
Sec. 123. Expansion of methamphetamine abuse prevention efforts.

Subtitle D—Reports

Sec. 131. Reports on consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.
Sec. 132. Report on diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products.

TITIE II.—CONTROLLED SUBSTANCES GENERALLY

Subtitle A—Criminal Matters

Sec. 201. Enhanced punishment for trafficking in list I chemicals.
Sec. 202. Mail order requirements.
Sec. 203. Advertisements for drug paraphernalia.
Sec. 204. Theft and transportation of anhydrous ammonia for purposes of illicit production of controlled substances.
Sec. 205. Criminal prohibition on distribution of certain information relating to the manufacture of controlled substances.

Subtitle B—Other Matters

Sec. 211. Waiver authority for physicians who dispense or prescribe certain narcotic drugs for maintenance treatment or detoxification treatment.

TITIE III.—MISCELLANEOUS

Sec. 301. Notice; clarification.
Sec. 302. Antidrug messages on Federal Government Internet websites.
Sec. 303. Severability.

TITIE I.—METHAMPHETAMINE PRODUCTION, TRAFFICKING, AND ABUSE

Subtitle A—Criminal Penalties

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to authority under section 994(e) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, exportation, or trafficking in amphetamine (including an attempt or conspiracy to do any of the foregoing) in violation of—

(1) the Controlled Substances Act (21 U.S.C. 801 et seq.),

(2) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(b) GENERAL REQUIREMENT.—In according to this section, the United States Sentencing Commission shall amend each offense described in subsection (a) relating to amphetamine—

(1) review and amend its guidelines to provide for increased penalties such that those penalties are comparable to the base offense level for methamphetamine; and
(2) take any other action the Commission considers necessary to carry out this subsection.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving amphetamine, methamphetamine, and methamphetamine abuse and the threat to public safety that such abuse poses; (2) the high risk of amphetamine addiction; (3) the increased risk of violence associated with amphetamine trafficking and abuse; and (4) the recent increase in the illegal importation of amphetamine and precursor chemicals.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 102. ENHANCED PUNISHMENT OF AMPHETAMINE OR METHAMPHETAMINE LABORATORY OPERATORS.

(a) FEDERAL SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 811 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Migrant and Seasonal Farm Labor Relations Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this paragraph, the United States Sentencing Commission shall—

(A) if the offense created a substantial risk of harm to human life (other than a life described in subparagraph (B)) or the environment, increase the base offense level for the offense—

(i) by not less than 3 offense levels above the applicable level in effect on the date of the enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 27, to not less than level 27; or

(B) if the offense created a substantial risk of harm to the life of a minor or incompetent, increase the base offense level for the offense—

(i) by not less than 6 offense levels above the applicable level in effect on the date of the enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

(b) EFFECTIVE DATE.—The amendments made pursuant to this section shall apply with respect to any offense occurring on or after the date that is 60 days after the date of enactment of this Act.

SEC. 103. MANDATORY RESTITUTION FOR VIOLATION OF CONTROLLED SUBSTANCES ACT AND CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT RELATING TO AMPHETAMINE AND METHAMPHETAMINE.

(a) MANDATORY RESTITUTION.—Section 419(q) of the Controlled Substances Act (21 U.S.C. 853(q)) is amended—

(1) in the matter preceding paragraph (1), by striking “may” and inserting “shall”;

(2) by inserting “amphetamine or” before “methamphetamine” each place it appears; and

(3) in paragraph (2)—

(A) by inserting “, the State or local government concerned, or both the United States and the State or local government concerned” after “United States” the first place it appears; and

(B) by inserting “or the State or local government concerned, as the case may be,” after “United States” the second place it appears; and

(4) in paragraph (3), by striking “section 3663 of title 18, United States Code” and inserting “section 3663A of title 18, United States Code”.

(b) DEPOSIT OF AMOUNTS IN DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(4) of title 28, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting “; and”;

(3) by adding at the end the following:—

“(D) all amounts collected—

(i) by the United States pursuant to a reimbursement order under paragraph (2) of section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)); and

(ii) pursuant to a restitution order under paragraph (1) or (3) of section 413(q) of the Controlled Substances Act for injuries to the United States.”;

(c) CLARIFICATION OF CERTAIN ORDERS OF RESTITUTION.—Section 3663B(c)(2)(B) of title 18, United States Code, is amended by striking “which may” after “the fine”.;

(d) EXPANSION OF APPLICABILITY OF MANDATORY RESTITUTION.—Section 3663A(c)(1)(A)(i) of title 18, United States Code, is amended by inserting “or under section 416(a) of the Controlled Substances Act (21 U.S.C. 856(a)),” after “under this title,”

(e) TREATMENT OF ILLICIT SUBSTANCE MANUFACTURING OPERATIONS AS CRIMES AGAINST PROPERTY.—Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following subsection:

“(C) A violation of subsection (a) shall be considered an offense against property for purposes of section 3663A(c)(1)(A)(ii) of title 18, United States Code.”;

SEC. 104. METHAMPHETAMINE PARAPHERNALIA.

Section 222(d) of the Controlled Substances Act (21 U.S.C. 860(39)(A)(v)(I)(II)) is amended—

(1) by striking “24 grams” both places it appears and inserting “9 grams”; and

(2) by inserting before the semicolon at the end the following:—

“and the size of not more than 3 grams of pseudoephedrine base or 3 grams of phenylpropanolamine base”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

SEC. 111. ENVIRONMENTAL HAZARDS ASSOCIATED WITH ILLEGAL MANUFACTURE OF AMPHETAMINE AND METHAMPHETAMINE.

(a) USE OF AMOUNTS OR DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(1)(E) of title 28, United States Code, is amended—

(1) by inserting “(i) for” before “disbursement”;

(2) by inserting “and” after the semicolon; and

(3) by adding at the end the following:

“(II) costs incurred by or on behalf of the Department of Justice in connection with the removal, for purposes of Federal forfeiture and disposition, of any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine; and

(III) costs incurred by or on behalf of a State or local government in connection with such removal in any case in which such State or local government has assisted in a Federal prosecution relating to amphetamine or methamphetamine, to the extent such costs exceed equitable sharing payments made to such State or local government in such case.”

(b) GRANTS UNDER DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting “amphetamine or methamphetamine” after “the illegal manufacture of amphetamine or methamphetamine”.

(c) AMOUNTS SUPPLEMENT AND NOT SUPPLANT.—

(1) ASSETS FORFEITURE FUND.—Any amounts made available from the Department of Justice Assets Forfeiture Fund in a fiscal year by reason of the amendment made by subsection (a) shall supplement, and not supplant, any other amounts made available to the Department of Justice in such fiscal year from other sources for payment of costs described in section 524(c)(1)(E)(ii) of title 28, United States Code.

(2) GRANT PROGRAM.—Any amounts made available in a fiscal year under the grant program under section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 for the removal of hazardous substances or pollutants or contaminants associated with the illegal manufacture of amphetamine or methamphetamine shall not be considered an amount made available under this section until the amendment made by subsection (b) shall supplement, and not supplant, any other amounts made available in such fiscal year from other sources for payment of costs.

SEC. 112. REDUCTION IN RETAIL SALES TRANSACTION THRESHOLD FOR NON-SAFE HARBOR PRODUCTS CONTAINING AMPHETAMINE OR PHENYLPROPANOLAMINE.

(a) REDUCTION IN TRANSACTION THRESHOLD.—Section 102(b)(9)(A)(iv)(II) of the Controlled Substances Act (21 U.S.C. 802(39)(A)(iv)(II)) is amended—

(1) by striking “24 grams” both places it appears and inserting “9 grams”; and

(2) by inserting before the semicolon at the end the following:—

“of not more than 3 grams of pseudoephedrine base or 3 grams of phenylpropanolamine base”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

SEC. 113. TRAINING FOR DRUG ENFORCEMENT ADMINISTRATION AND STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO CLANDESTINE LABORATORY OPERATIONS.

(a) IN GENERAL.—

(1) REQUIREMENT.—The Administrator of the Drug Enforcement Administration shall
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carry out the programs described in subsection (a) for the law enforcement personnel of States and localities determined by the Administrator to have significant levels of methamphetamine-related or amphetamine-related crime or project by the Administrator to have the potential for such levels of crime in the future.

(2) DURATION.—The duration of any program under that subsection may not exceed 3 years.

(b) COVERED PROGRAMS.—The programs described in this subsection are as follows:

(1) ADVANCED MOBILE CLANDESTINE LABORATORY TRAINING TEAM.—A program of advanced mobile clandestine laboratory training teams, which shall provide information and training to State and local law enforcement personnel in techniques utilized in conducting undercover investigations and conspiracy cases, and other information designed to assist in the investigation of the illegal manufacturing and trafficking of amphetamine and methamphetamine.

(2) BASIC CLANDESTINE LABORATORY CERTIFICATION TRAINING.—A program of basic clandestine laboratory certification training, which shall provide information and training—

(A) to Drug Enforcement Administration personnel and State and local law enforcement personnel for purposes of enabling such personnel to meet any certification requirements under law with respect to the handling of created by illegal amphetamine and methamphetamine laboratories; and

(B) to State and local law enforcement personnel for purposes of enabling such personnel to provide the information and training covered by subparagraph (A) to other State and local law enforcement personnel.

(3) CLANDESTINE LABORATORY RECERTIFICATION AND AWARENESS TRAINING.—A program of clandestine laboratory recertification and awareness training, which shall provide information and training to State and local law enforcement personnel for purposes of enabling such personnel to provide recertification and awareness training relating to the distribution to additional State and local law enforcement personnel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, and 2002 amounts—

(1) $1,500,000 to carry out the program described in subsection (b)(1).

(2) $3,000,000 to carry out the program described in subsection (b)(2).

(3) $1,000,000 to carry out the program described in subsection (b)(3).

SEC. 114. COMBATTING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) IN GENERAL.—(1) IN GENERAL.—The Director of the National Drug Control Policy shall use amounts available under the Drug Enforcement Administration for combating the illegal manufacturing and trafficking of methamphetamine and amphetamine in high intensity drug trafficking areas, including—

(A) funding the expenses of the Drug Enforcement Administration in support of the U.S. Attorney’s Office, the Drug Enforcement Administration, and the Federal Bureau of Investigation for the activities described in subsection (g)(1) of section 464N of the Public Health Service Act (42 U.S.C. 292d–2); and

(B) the expenses of the Drug Enforcement Administration in support of the U.S. Attorney’s Office, the Drug Enforcement Administration, and the Federal Bureau of Investigation for the activities described in subsection (g)(1) of section 464N of the Public Health Service Act (42 U.S.C. 292d–2).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year pursuant to the authorization of appropriations for such fiscal year under section 464N of the Public Health Service Act—

(1) $15,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—The Director shall apportion amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (b) for activities under subsection (a) among and within areas designated by the Director as high intensity drug trafficking areas based on the following factors:

(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

(B) The number of methamphetamine prosecutions and amphetamine prosecutions in Federal, State, or local courts in the previous fiscal year.

(C) The number of methamphetamine arrests and amphetamine arrests or other law enforcement related to the manufacturing and trafficking of amphetamine and methamphetamine; and

(D) the number of methamphetamine seizures and amphetamine seizures or other law enforcement related to the importation, distribution, and trafficking of methamphetamine and amphetamine.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated for any fiscal year pursuant to the authorization of appropriations for that fiscal year for administrative costs associated with activities under subsection (a).

SEC. 115. COMBATING AMPHETAMINE AND METHAMPHETAMINE MANUFACTURING AND TRAFFICKING.

(a) ACTIVITIES.—In order to combat the illegal manufacturing and trafficking in amphetamine and methamphetamine, the Administrator of the Drug Enforcement Administration may—

(1) assist State and local law enforcement in small and mid-sized communities in all phases of investigations related to such manufacturing and trafficking, including assistance with foreign-language interpretation;

(2) staff additional regional anti-drug enforcement officers and mobile task forces related to such manufacturing and trafficking;

(3) establish additional resident offices and posts of duty to assist State and local law enforcement officials in combating such manufacturing and trafficking;

(4) provide the Special Operations Division of the Administration with additional agents to work with law enforcement officials, and disseminate critical intelligence targeting the command and control operations of major amphetamine and methamphetamine manufacturing and trafficking organizations.

(5) enhance the investigative and related functions of the Chemical Control Program of the Administration to implement more fully the provisions of the Comprehensive Methamphetamine Control Act of 1996 (Pub. Law 104–237); and

(6) develop an effective means of requiring an accurate accounting of the import and export of list I chemicals, and coordinate investigations relating to the diversion of such chemicals.

(b) USE OF FUNDS.—Amounts made available under a grant or cooperative agreement under this section for activities described in this section may be used for research and clinical trials relating to—

(1) expands research and demonstration projects described in section 306(a)(1) of the Comprehensive Methamphetamine Control Act of 1996 (Pub. Law 104–237); and

(2) drug abuse treatment and addiction.

(c) METHAMPHETAMINE RESEARCH.—There are authorized to be appropriated for each fiscal year as follows:

(1) $2,000,000 to carry out research and demonstration projects described in section 306(a)(1) of the Comprehensive Methamphetamine Control Act of 1996 (Pub. Law 104–237); and

(2) $15,000,000 to carry out drug abuse treatment and addiction research.
(A) the effects of methamphetamine abuse on the human body, including the brain;
(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;
(C) the interaction between methamphetamine abuse and mental health;
(D) the identification and evaluation of the most effective methods of prevention of methamphetamine abuse and addiction;
(E) the identification and development of the most effective methods of treatment of methamphetamine abuse and addiction, including pharmacological treatments;
(F) risk factors for methamphetamine abuse;
(G) effects of methamphetamine abuse and addiction on pregnant women and their fetuses; and
(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

(3) Research Results.—The Director shall privately research and publish reports under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

(4) Authorization of Appropriations.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.

(B) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated pursuant to the authorization of appropriations in subparagraph (A) for a fiscal year shall be supplemental and not supplant any other amounts appropriated in such fiscal year for research on methamphetamine abuse and addiction.

SEC. 122. METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE BY CENTER FOR SUBSTANCE ABUSE TREATMENT.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end the following new section:

"METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE

"Sec. 514. (a) Grants.—

(1) AUTHORITY TO MAKE GRANTS.—The Director for Substance Abuse and Mental Health Services shall make grants to States and Indian tribes recognized by the United States that have a high rate, or have had a rapid increase, in methamphetamine or amphetamine abuse or addiction in order to permit such States and Indian tribes to expand activities in connection with the treatment of methamphetamine or amphetamine abuse or addiction in the specific geographical areas of such States or Indian tribes, as the case may be, where there is such a rate or has been such an increase.

(2) RECIPIENTS.—Any grants under paragraph (1) shall be directed to the substance abuse directors of the States, and of the appropriate tribal government authorities of the Indian tribes, selected by the Director to receive such grants.

(3) NATURE OF ACTIVITIES.—Any activities under paragraph (1) shall be based on reliable scientific evidence of their efficacy in the treatment of methamphetamine or amphetamine abuse or addiction.

(b) Authorization of Appropriations.—

(1) AUTHORIZATION OF APPROPRIATIONS.—The Director shall ensure that grants under subsection (a) are distributed equitably among the various regions of the country and among rural, urban, and special needs that are affected by methamphetamine or amphetamine abuse or addiction.

(2) USE OF FUNDING.—The Director shall distribute funding for each fiscal year for research on methamphetamine abuse and addiction as follows:—

(A) AUTHORIZATION OF APPROPRIATIONS.—

(i) The Committees on Health, Education, Labor, and Pensions, the Judiciary, and Appropriations of the Senate.

(ii) The Committees on Commerce, the Judiciary, and Appropriations of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS FOR EXPANSION OF ABUSE PREVENTION EFFORTS AND AMPHETAMINE TREATMENT INITIATIVES.—There is authorized to be appropriated to carry out section 515(e) of the Public Health Service Act (as added by subsection (a) and section 305(b)(2) of the Controlled Substances Act (as added by section 18(a) of this Act)), $15,000,000 for each fiscal year 2000, and such sums as may be necessary for each fiscal year 2001 and 2002.

SEC. 123. EXPANSION OF METHAMPHETAMINE ABUSE PREVENTION EFFORTS.

(a) EXPANSION OF EFFORTS.—Section 515 of the Public Health Service Act (42 U.S.C. 290bb–21) is amended by adding at the end the following:

"(e)(1) The Administrator may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

(A) to carry out school-based programs concerning the harmful effect of and addiction to methamphetamine and other illicit drugs, using methods that are effective and science-based, including initiatives that give students the responsibility to create their own anti-drug education programs for their schools; and

(B) to carry out community-based abuse and addiction prevention programs relating to methamphetamine and other illicit drugs that are effective and science-based.

(2) Amounts made available under a grant, contract or cooperative agreement under paragraph (1) shall be used for planning, establishing, or administering prevention programs relating to methamphetamine and other illicit drugs in accordance with paragraph (3).

(3)(A) Amounts provided under this subsection may be used—

(i) to carry out school-based programs that are focused on those districts with high or increasing rates of methamphetamine abuse and addiction and targeted at populations which are most at risk to start abuse of methamphetamine and other illicit drugs;

(ii) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for abuse of and addiction to methamphetamine and other illicit drugs;

(iii) to assist local government entities to conduct appropriate prevention activities relating to methamphetamine and other illicit drugs;

(iv) for training and educate State and local law enforcement officials, prevention and education officials, members of community anti-drug coalitions and parents on the signs of abuse and addiction to methamphetamine and other illicit drugs, and the options for treatment and prevention;

(v) for planning, administration, and education on the prevalence and effects of abuse of and addiction to methamphetamine and other illicit drugs;

(vi) for the monitoring and evaluation of prevention activities relating to methamphetamine and other illicit drugs, and reporting and disseminating resulting information to the public; and

(b) Authorization of Appropriations.—

(1) AUTHORIZATION OF APPROPRIATIONS.—The Administrator shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

(2) Authorization of Appropriations.—

(A) Not less than $500,000 of the amount available in each fiscal year to carry out this subsection shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to methamphetamine and other illicit drugs and the development of appropriate strategies for disseminating information about and implementing these programs.

(b) The Administrator shall submit to the committees of Congress referred to in subparagraph (C) an annual report with the results of the analyses and evaluation under subparagraph (A).

(c) The committees of Congress referred to in this subparagraph are the following:

(i) The Committees on Health, Education, Labor, and Pensions, the Judiciary, and Appropriations of the Senate.

(ii) The Committees on Commerce, the Judiciary, and Appropriations of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS FOR EXPANSION OF ABUSE PREVENTION EFFORTS AND AMPHETAMINE TREATMENT INITIATIVES.—There is authorized to be appropriated to carry out section 515(e) of the Public Health Service Act (as added by subsection (a) and section 305(b)(2) of the Controlled Substances Act (as added by section 18(a) of this Act)), $15,000,000 for each fiscal year 2000, and such sums as may be necessary for each fiscal year 2001 and 2002.

SEC. 124. STUDY OF METHAMPHETAMINE TREATMENT.

(a) STUDY.—

(1) REQUIREMENT.—The Secretary of Health and Human Services shall, in consultation with the Institute of Medicine of the National Academy of Sciences, conduct a study on the development of medications for the treatment of addiction to amphetamine and methamphetamine.

(2) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

(b) Authorization of Appropriations.—There are hereby authorized to be appropriated for the Department of Health and Human Services for fiscal year 2000 such sums as may be necessary to meet the requirements of subsection (a).

Subtitle D: Reports

SEC. 131. REPORTS ON CONSUMPTION OF METHAMPHETAMINE AND OTHER ILlicit DRuGS IN RURAL AREAS, METROPOlITAN AREAS, AND CONDENSED METROPOLITAN AREAS.

The Secretary of Health and Human Services shall include in each National Household Survey on Drug Abuse prevalence data and information on the consumption of methamphetamine and other illicit

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drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.

SEC. 132. REPORT ON DIVERSION OF ORDINARY, OVER-THE-COUNTER PSEUDOEPHEDRINE AND PHYN- 
PROPAANOLAMINE PRODUCTS.

(a) STUDY.—The Attorney General shall conduct a study of the use of ordinary, over-the-counter pseudephedrine and phenylpropanolamine products in the clandestine production of illicit drugs. Sources of data for the study shall include the following:

(1) Information from Federal, State, and local agencies to its laboratories and related investigations identifying the source, type, or brand of drug products being utilized and how they were obtained for the illicit production of methamphetamine and amphetamine.

(2) Information submitted voluntarily from the pharmaceutical and retail industries involved in the distribution, sale of drug products containing ephedrine, pseudophedrine, and phenylpropanolamine, including information on changes in the pattern, volume of sales of ordinary, over-the-counter pseudephedrine and phenylpropanolamine products.

(b) REPORT.—

(1) REQUIREMENT.—Not later than one year after the completion of this study, the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(2) ELEMENTS.—The report shall include—

(A) the findings of the Attorney General as a result of the study; and

(B) such recommendations on the need to establish administrative measures to prevent diversion of ordinary, over-the-counter pseudephedrine and phenylpropanolamine (such as a threshold on ordinary, over-the-counter pseudophedrine and phenylpropanolamine products) as the Attorney General considers appropriate.

(3) MATTERS CONSIDERED.—In preparing the report, the Attorney General shall consider the comments and recommendations included in the comments on the Attorney General’s proposed findings and recommendations, of State and local enforcement and regulatory officials and of representatives of the industry described in subsection (a)(2).

(c) REGULATION OF RETAIL SALES.—

(1) IN GENERAL.—Notwithstanding section 401(d) of the Comprehensive Methamphet-
amine Control Act of 1996 (21 U.S.C. 862 note) and subject to paragraph (2), the Attorney General shall establish by regulation a single-transaction limit of not less than 24 grams of ordinary, over-the-counter pseudephedrine or phenylpropanolamine (as the case may be) for retail distributors, if the Attorney General finds, in the report under subsection (b), that—

(A) there is a significant number of in-
stances (as set forth in paragraph (3)(A) of such section) of diversion of such product to its law enforcement purposes and where ordinary, over-the-counter pseudephedrine products, phenylpropanol-

amine products, or both such products that were purchased as retail distributors were widely used in the clandestine production of illicit drugs; and

(B) the best practical method of preventing such use is the establishment of single-transaction limit for retail distributors of either or both of such products.

(2) DUE PROCESS.—The Attorney General shall establish the single-transaction limit under paragraph (1) only after notice, comment, and an informal hearing.

(3) ORTHOGRAPHIC CORRECTIONS.—

(TITILE II—CONTROLLED SUBSTANCES)

Subtitle A—Criminal Matters

SEC. 201. ENHANCED PUNISHMENT FOR TRAFFICKING IN LIST I CHEMICALS.

(a) AMENDMENTS TO FEDERAL SENTENCING GUIDELINES.—Under section 994(c)(1), and shall have the right to an

(1) In general, carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving ephedrine, phenylpropanolamine, or pseudoephedrine, (including their salts, optical isomers, and salts of optical isomers), review and amend its guidelines to provide for increased penalties such that the penalties corresponded to the quantity of controlled substances that could reasonably have been manufactured using the quantity of ephedrine, phenylpropanolamine, or pseudoephedrine possessed or distributed.

(b) PSEUDEPHEDRINE, PHENYLPROPAANOLAMINE, AND PSEUDOEPHEDRINE.—

(1) In general, carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving ephedrine, phenylpropanolamine, or pseudoephedrine, (including their salts, optical isomers, and salts of optical isomers), review and amend its guidelines to provide for increased penalties such that the penalties corresponded to the quantity of controlled substances that could reasonably have been manufactured using the quantity of ephedrine, phenylpropanolamine, or pseudoephedrine possessed or distributed.

SEC. 202. MAIL ORDER REQUIREMENTS.

(a) DRUG PARAPHERNALIA.—Subsection (a)(1) of section 222 of the Controlled Sub-
stances Act (21 U.S.C. 832) is amended by inserting “, directly or indirectly advertise for sale,” after “sell”.

(b) PRESCRIPTIONS.—For purposes of paragraph (1), or both of such products.

or both of such products.

illicit drugs; and

pseudoephedrine products, phenylpropanol-
stances (as set forth in paragraph (3)(A) of
the Attorney General finds, in the report
the case may be) for retail distributors, if

with paragraph (1) of section 1018(c)(3) of the Controlled Substances Act (21 U.S.C. 802 note) as set forth in section 1018(c)(2).”.

SEC. 203. ADVERTISEMENTS FOR DRUG PARAPHERNALIA OR SCHEDULE I CON-

rolled substances.

(1) or (2) of section 401(d) of the Controlled
stances Act (21 U.S.C. 830(b)(3)) is amended—

(a) by redesignating paragraphs (A) and

as subparagraphs (B) (and (C), respec-

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

“(A) As used in this paragraph:

“(1) The term ‘drug product’ means an ac-
tive ingredient in dosage form that has been approved or otherwise may be lawfully mar-
keted under the Food, Drug, and Cosmetic Act for distribution in the United States.

“(2) A ‘valid prescription’ means a prescription which is issued for a legitimate medical purpose by an individual practi-
tioner licensed by law to administer and pre-
scribe drugs, and acting in the usual course of the practitioner’s profes-
essional practice.”.

(3) in subparagraph (B), as so redesignated, by inserting “or who engages in an export transaction” after “nonregulated person”;

(4) adding at the end the following:

“(D) Except as provided in subparagraph (E), the following distributions to a nonregulated person, and the following export transactions, shall not be subject to the reporting requirement in subparagraph (A):

“(1) Distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosage units, not to exceed 10 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.

“(2) Distributions of drug products by retail distributors that may not include face-to-face transactions to the extent that such distributions are consistent with the activities authorized for a retail distributor as specified in section 102(46).

“(3) Distributions of drug products to a resident of a long term care facility (as that term is defined in regulations prescribed by the Attorney General) or of distributions of drug products to a long term care facility for dispensing to or for use by a resident of that facility.

“(4) Distributions of drug products pursuant to a valid prescription.

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

“(A) As used in this paragraph:

“(1) The term ‘drug product’ means an ac-
tive ingredient in dosage form that has been approved or otherwise may be lawfully mar-
keted under the Food, Drug, and Cosmetic Act for distribution in the United States.

“(2) A ‘valid prescription’ means a prescription which is issued for a legitimate medical purpose by an individual practi-
tioner licensed by law to administer and pre-
scribe drugs, and acting in the usual course of the practitioner’s profes-

(b) Amended to read as follows:
(b) IMMUNITIES AND OBLIGATIONS OF INTERACTIVE COMPUTER SERVICES.—

(1) IN GENERAL.—Such section 422 is further amended by adding at the end the following new subsection:

"(c) IMMUNITIES AND OBLIGATIONS OF INTERACTIVE COMPUTER SERVICES.—

"(1) In general.—An interactive computer service that satisfies the conditions of this subsection shall be liable under this section or section 2 or 371 of title 18, United States Code, for the use of its facilities or services—

(A) by another person, or

(B) as an information location tool referred to in paragraph (6)(A), provided that the interactive computer service does not control or modify (except to prevent or avoid a violation of law) the content of the online location to which such location tool refers or links,

in 48 hours, not including weekends and holidays, remove or disable access to the matter prohibited by this section.

If the interactive computer service shall not be liable under Federal or State law for taking any action to remove or disable access to any matter described in this section, or to terminate the account of any subscriber of such service, based upon a good faith belief that such matter violates this section or that such subscriber has engaged in a violation of this section.

(5) Penalties for misrepresentations.—

Any person who knowingly misrepresents to the Attorney General that such person is an official providing such notice may be convicted of a felony.

(6) Immunity for removal of matter.—

An interactive computer service shall not be liable under Federal or State law for taking any action to remove or disable access to any matter described in this section, or to terminate the account of any subscriber of such service, based upon a good faith belief that such matter violates this section or that such subscriber has engaged in a violation of this section.

(7) Notice and take down responsibility.—

(A) In general.—If an interactive computer service receives a notice described in subparagraph (B) that a particular online site residing at that online site that allegedly violates this section.

(B) Notice.—A notice is described in this subparagraph only if it is a written communication from the Attorney General, the Administrator of the Drug Enforcement Administration, or the United States Attorney supplied to the agent of the interactive computer service designated in accordance with section 512(c)(2) of title 17, United States Code, or to any employee of the provider if no such designation has been made, and includes—

(i) identification of the matter that allegedly violates this section and that is to be removed or access to which is to be disabled;

(ii) an allegation that such matter violates this section;

(iii) information reasonably sufficient to permit the interactive computer service to locate such matter; and

(iv) information reasonably sufficient to permit the interactive computer service to contact the Federal official, including an address, telephone number, and, if available, an electronic mail address at which the Federal official providing such notice may be contacted.

(C) Failure to take down matter.—An interactive computer service that does not take the actions described in this paragraph upon receiving a notice meeting the requirements of subparagraph (B) shall be deemed to have knowingly permitted its computer server to be used to engage in activity prohibited by this section and to have actual knowledge that the activity is prohibited by this section.

(D) Applicability to providers of browser software.—

(I) Inapplicability.—This paragraph shall not apply to a provider of browser software which provides matter consisting primarily of matter prohibited by this section or which holds itself out to others as a source of, or means of searching for matter prohibited by this section.
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Sec. 421. Distribution of information relating to manufacture of controlled substances

(a) Prohibition on distribution of information relating to manufacture of controlled substances—

(1) Controlled substance defined.—In this subsection, the term ‘controlled substance’ has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(2) Prohibition.—It shall be unlawful for any person—

(A) to teach or demonstrate the manufacture of a controlled substance, or to distribute by any means information pertaining to, in whole or in part, the manufacture of a controlled substance, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime;

(B) to teach or demonstrate to any person the manufacture of a controlled substance, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture of a controlled substance, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime.

(3) Penalty.—Any person who violates subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.

(b) Clerical Amendment.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 21 the following new item:

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combinations of drugs for maintenance or detoxification treatment prescribed under conditions respecting the qualifications of physicians to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

"(D)(i) A waiver under subparagraph (A) with respect to a physician is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

"(I) The notification under subparagraph (B) is in writing and states the name of the physician.

"(II) The notification identifies the registration issued for the physician pursuant to subsection (f).

"(III) If the physician is a member of a group practice, the notification states the names of the other physicians in the practice and identifies the registrations issued for the other physicians pursuant to subsection (f).

"(IV) A period of 45 days has elapsed after the date on which the notification was submitted containing the physician does not receive from the Secretary a written notice that one or more of the conditions specified in subparagraph (B), subparagraph (C), or paragraph (D)(i), have not been met.

"(ii) The Secretary shall provide to the Attorney General such information contained in notifications under subparagraph (B) as the Attorney General may request.

"(E) If in violation of subparagraph (A) a physician dispenses or prescribes narcotic drugs in schedule III, IV, or V, or combinations of drugs for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 330(a)(4), consider the physician to have committed an act that renders the registration of the physician pursuant to subsection (f) to be inconsistent with the public interest.

"(F)(i) Upon determining that a physician meets the conditions specified in subparagraph (B), the Secretary shall notify the physician and the Attorney General.

"(ii) Upon receiving notice with respect to a physician pursuant to (i), the Attorney General shall assign the physician an identification number described in clause (ii) at the end of such period.

"(G) If in violation of subparagraph (A) a physician dispenses or prescribes narcotic drugs in schedule III, IV, or V, or combinations of drugs for maintenance treatment or detoxification treatment, the Attorney General shall assign the physician an identification number under this paragraph for inclusion with the physician's current registration for activities under section 303(g)(1).

"(H)(i) This paragraph takes effect on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999, and remains in effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that such paragraph remains in effect).

"(ii) For the purposes relating to clause (iii), the Secretary and the Attorney General shall, during the 3-year period beginning on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999, make determinations in accordance with the following:

"(1)(aa) The Secretary shall—

"(aaa) make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings;

"(bbb) make a determination regarding whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and

"(ccc) make a determination regarding whether such waivers have adverse consequences for the public health.

"(bb) In making determinations under this subclause, the Secretary—

"(aaa) may collect data from the practitioners for whom waivers under subparagraph (A) are in effect;

"(bbb) shall issue appropriate guidelines or regulations for the prescription and dispensation of controlled substances for substantive rules under section 535 of title 5, United States Code specifying the scope of the data that will be required to be provided under this subclause and the means through which the data will be collected; and

"(ccc) shall, with respect to collecting such data, comply with applicable provisions of chapter 7 of title 5, United States Code (relating to a regulatory flexibility analysis), and of chapter 8 of such title (relating to congressional review of agency rulemaking).

"(ii) The Attorney General shall—

"(aa) make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (A) and the number of individuals to whom a practitioner may provide treatment; and

"(bb) make a determination regarding whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V, or combinations of drugs for maintenance treatment or detoxification treatment, are possessed, in violation of this Act.

"(iii) If, before the expiration of the period specified in clause (ii), the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall, in making any such decision, consult with the Attorney General, and shall, in publishing the decision in the Federal Register, include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall, in making any such decision, consult with the Secretary, and shall, in publishing the decision in the Federal Register, include any comments received from the Secretary for inclusion in the publication.

"(1) During the 3-year period beginning on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999, a State may not preclude a practitioner from dispensing or prescribing narcotic drugs in schedule II, III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph, or the other amendments made to this Act, unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing or prescribing such drugs or combinations of such drugs.

"(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

"(1) in subsection (a), in the matter following paragraph (5), by striking "section 303(g)" each place the term appears and inserting "section 303(g)(1)"; and

"(2) in subsection (d), by striking "section 303(g)" and inserting "section 303(g)(1)".

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for purposes of activities under section 303(g)(2) of the Controlled Substances Act, as added by subsection (a), amounts as follows:

"(1) For fiscal year 2000, $3,000,000.

"(2) For each fiscal year after fiscal year 2000, such sums as may be necessary for fiscal year 2000.

"TITLE III—MISCELLANEOUS

SEC. 301. NOTICE CLARIFICATION.

(a) NOTICE OF ISSUANCE.—Section 3103a of title 18, United States Code, is amended by adding at the end the following new sentence:

"(ii) The notice required under this section or any other provision of law (including section 3117 and any rule), no notice required, or that may be required, to be given, may be delayed pursuant to the standards, terms, and conditions set forth in section 2705, unless otherwise expressly provided by statute.

"(b) CLARIFICATION.—(1) Section 2(e) of Public Law 95–78 (91 Stat. 320) is amended by adding at the end the following:

"(ii) Subsection (d) of such rules if in effect on this date, is amended by inserting 'tangible' before 'property' each place it occurs.

"(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 302. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES.

Not later than 90 days after the date of the enactment of this Act, the head of each department, agency, and establishment of the Federal Government shall consult with the Director of the Office of National Drug Control Policy, place antidrug messages on appropriate Internet websites concerning such department or establishment which messages shall, where appropriate, contain an electronic hyperlink to the Internet website, if any, of the Office.

SEC. 303. SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed as to give the maximum effect permitted by law, unless such provision is held to be utterly invalid or unenforceable, in which event such provision shall be severed from this Act and shall not affect the applicability of the remainder of this Act, or of such provision, to other persons not similarly situated or to other, dissimilar circumstances.

ABRAM LINCOLN BICENTENNIAL COMMISSION ACT

HATCH (AND OTHERS) AMENDMENT NO. 2795

Ms. COLLINS (for Mr. HATCH (for himself, Mr. LEAHY, Mr. FITZGERALD, and Mr. DURBIN)) proposed an amendment to the bill (H.R. 1451) to establish the Abraham Lincoln Bicentennial Commission; as follows:

ABRAM LINCOLN BICENTENNIAL COMMISSION ACT

HATCH (AND OTHERS) AMENDMENT NO. 2795

Ms. COLLINS (for Mr. HATCH (for himself, Mr. LEAHY, Mr. FITZGERALD, and Mr. DURBIN)) proposed an amendment to the bill (H.R. 1451) to establish the Abraham Lincoln Bicentennial Commission; as follows:...
SEC. 1. SHORT TITLE.
This Act may be cited as the "Abraham Lincoln Bicentennial Commission Act".

SEC. 2. FINDINGS.
Congress makes the following findings:
(1) Abraham Lincoln, the 16th President, was one of the Nation's most prominent leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.
(2) Born of humble roots in Hardin County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States.
(3) With the belief that all men were created equal, Abraham Lincoln still the effort to free all slaves in the United States.
(4) Abraham Lincoln had a generous heart, with malice toward none and with charity for all.
(5) Abraham Lincoln gave the ultimate sacrifice for the country Lincoln loved, dying from an assassin's bullet on April 15, 1865.
(6) All Americans could benefit from studying the life of Abraham Lincoln, for Lincoln's life is a model for accomplishing the "American Dream" through honesty, integrity, loyalty, and a lifetime of education.
(7) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln, and should be established for the purpose of study and recommend to Congress activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Abraham Lincoln.

SEC. 3. ESTABLISHMENT.
There is established a commission to be known as the Abraham Lincoln Bicentennial Commission (referred to in this Act as the "Commission").

SEC. 4. DUTIES.
The Commission shall have the following duties:
(1) To study activities that may be carried out by the Federal Government to determine whether the activities are fitting and proper to honor Abraham Lincoln on the occasion of the bicentennial anniversary of Lincoln's birth, including:
(A) the mintage of an Abraham Lincoln bicentennial penny;
(B) the issuance of an Abraham Lincoln bicentennial postage stamp;
(C) the convening of a joint meeting or joint session of Congress for ceremonies and activities relating to Abraham Lincoln;
(D) a redesignation of the Lincoln Memorial, or other activity with respect to the Memorial; and
(E) the acquisition and preservation of artifacts associated with Abraham Lincoln.
(2) To recommend to Congress the activities that the Commission considers most fitting and proper to honor Abraham Lincoln on such occasion, and the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such activities.

SEC. 5. MEMBERSHIP.
(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed as follows:
(1) Two members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President.
(2) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Illinois.
(3) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Indiana.
(4) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Kentucky.
(5) Three members, at least one of whom shall be Member of the House of Representatives, appointed by the Speaker of the House of Representatives.
(6) Three members, at least one of whom shall be a Senator appointed by the majority leader of the Senate.
(7) Two members, at least one of whom shall be a Member of the House of Representatives, appointed by the minority leader of the House of Representatives.
(b) QUALIFIED CITIZEN.—A qualified citizen described in this subsection is a private citizen of the United States with:
(1) a demonstrated dedication to educating others about the importance of historical figures and events; and
(2) substantial knowledge and appreciation of Abraham Lincoln.
(c) TIME OF APPOINTMENT.—Each initial appointment of a member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.
(d) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as a Member of Congress, and ceases to be a Member of Congress, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress.
(e) TERMS.—Each member shall be appointed for the life of the Commission.
(f) VACANCIES.—A vacancy in the Commission shall not affect the powers of the Commission but shall be filled in the manner in which the original appointment was made.
(g) BASIC PAY.—Members shall serve on the Commission without pay.
(h) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.
(i) QUORUM.—Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.
(j) CHAIR.—The Commission shall select a Chair from among the members of the Commission.
(k) MEETINGS.—The Commission shall meet at the call of the Chair. Periodically, the Commission shall hold a meeting in Springfield, Illinois.

SEC. 6. DIRECTOR AND STAFF.
(a) DIRECTOR.—The Commission may appoint and fix the pay of a Director and such additional personnel as the Commission considers to be appropriate.
(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—
(L) PERSONNEL.—Any spending authority provided under this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 7. POWERS.
(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate.
(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.
(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.
(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

SEC. 8. REPORTS.
(a) INTERIM REPORTS.—The Commission may submit to Congress such interim reports as the Commission considers to be appropriate.
(b) FINAL REPORT.—The Commission shall submit a final report to Congress not later than the expiration of the 4-year period beginning on the date of the formation of the Commission. The final report shall contain—
(1) a detailed statement of the findings and conclusions of the Commission;
(2) the recommendations of the Commission; and
(3) any other information that the Commission considers to be appropriate.
(c) BUDGET ACT COMPLIANCE.
Any spending authority provided under this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 9. BUDGET ACT COMPLIANCE.
Any spending authority provided under this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 10. TERMINATION.
The Commission shall terminate 120 days after submitting the final report of the Commission pursuant to section 8.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated such sums as may be necessary to carry out this Act.

NATIONAL COLORECTAL CANCER AWARENESS MONTH

HATCH AMENDMENT NO. 2796
Ms. COLLINS (for Mr. HATCH) proposed an amendment to the resolution (S. 1348) resolving that the month of March each year as "National Colorectal Cancer Awareness Month"; as follows:
On page 2, line 5, strike "March of each year" and insert "March, 2000,".
FOSTER CARE INDEPENDENCE ACT OF 1999

COLLINS (AND OTHERS) AMENDMENT NO. 2797

Ms. COLLINS (for herself, Mr. ROTH, Mr. L. CHAFEE, and Mr. REED) proposed an amendment to the bill (H.R. 1802) to amend part II of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Foster Care Independence Act of 1999”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Programs

Sec. 101. Improved independent living program.

Sec. 102. Related Foster Care Provision.

Sec. 111. Increase in amount of assets allowable for children in foster care.

Sec. 112. Preparation of foster parents to provide for the needs of children in State care.

Sec. 113. Medicaid Amendments.

Sec. 121. State option of Medicaid coverage for adolescents leaving foster care.

Sec. 122. Adoptions Incentive Payments.

Sec. 131. Increased funding for adoption incentive payments.

TITLE II—SSI FRAUD PREVENTION

Subtitle A—Fraud Prevention and Related Provisions

Sec. 201. Liability of representative payees for overpayments to deceased recipients.

Sec. 202. Recovery of overpayments of SSI benefits from lump sum SSI benefit payments.

Sec. 203. Additional debt collection practices.

Sec. 204. Requirement to provide State prisoner information to Federal and federally assisted benefit programs.

Sec. 205. Treatment of assets held in trust under the SSI program.

Sec. 206. Discrepancy of resources for less than fair market value under the SSI program.

Sec. 207. Administrative procedure for imposing penalties for false or misleading statements.

Sec. 208. Exclusion of representatives and health care providers convicted of violations from participation in social security programs.

Sec. 209. State data exchanges.

Sec. 210. Study on possible measures to improve foster care in States.

Sec. 211. Annual report on amounts necessary to combat fraud.

Sec. 212. Computer matches with Medicare and Medicaid institutionalization data.

Sec. 213. Access to information held by financial institutions.

Subtitle B—Benefits For Certain World War II Veterans

Sec. 251. Establishment of program of special benefits for certain World War II veterans.

Subtitle C—Study

Sec. 261. Study of denial of SSI benefits for family farmers.

TITLE III—CHILD SUPPORT

Sec. 301. Narrowing of hold harmless provision to exclude proportion of distribution of collected child support.

TITLE IV—TECHNICAL CORRECTIONS

Sec. 401. Technical corrections relating to the Foster Care Independence Act of 1996.

SEC. 477. JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.

Subtitle A—Improved Independent Living Program

SEC. 101. IMPROVED INDEPENDENT LIVING PROGRAM.

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

(1) to identify children who are likely to remain in foster care beyond 18 years of age and to help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma or GED, career exploration, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention);

(2) to help children who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment;

(3) to help children who are likely to remain in foster care until 18 years of age prepare for and enter postsecondary training and educational institutions;

(4) to provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interaction with dedicated adults and therapists;

(5) to provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 16 and 21 years of age to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood.

(b) APPLICATIONS.—(1) IN GENERAL.—A State may apply for funds from its allotment under subsection (c) for a period of five consecutive fiscal years by submitting to the Secretary of Health and Human Services a plan that meets the requirements of paragraph (2) and the certifications required by paragraph (3) with respect to the plan.

(2) STATE PLAN.—A plan meets the requirements of this paragraph if the plan specifies which State agency or agencies will administer, supervise, or oversee the programs carried out under the plan, and describes how the State intends to do the following:

(A) Design and deliver programs to achieve the purposes of this title.

(B) Ensure that all program subdivisions in the State are served by the program, though not necessarily in a uniform manner.

(C) Ensure that the programs serve children of various ages and at various stages of achieving independence.

(D) Involve the public and private sectors in helping adolescents in foster care achieve independence.

(E) Use objective criteria for determining eligibility for benefits and services under the programs, and for ensuring fair and equitable treatment of benefit recipients.

(F) Cooperate in national evaluations of the efficacy of the programs in achieving the purposes of this section.

(3) CERTIFICATIONS.—The certifications required by this paragraph with respect to a plan are the following:

(A) A certification by the chief executive officer of the State that the State will provide assistance and services to children who have left foster care because they have attained 18 years of age, and who have not attained 21 years of age.

(B) A certification by the chief executive officer of the State that not more than 30 percent of the amounts paid to the State from its allotment under subsection (c) for a fiscal year will be expended for room and board for children who have left foster care because they have attained 18 years of age, and who have not attained 21 years of age.
(C) A certification by the chief executive officer of the State that the State will make every effort to coordinate the State programs with programs provided under part B of title III of the Juvenile Justice and Delinquency Prevention Act of 1974, abstinence education programs, local housing programs, programs for disabled youth (especially transitional living programs for youth), and other programs for youth (especially transitional living programs for youth). The plans and timetable for conducting the evaluations, directly or by contractors, shall be based on rigorous scientific measurement, and data collection activities related to this section, directly or through grants, contracts, or cooperative agreements with appropriate entities.

(d) The amount specified in subsection (h) for a fiscal year shall be expended by the State in the fiscal year or in the succeeding fiscal year.

(e) Penalties.—

(1) USE OF GRANT IN VIOLATION OF THIS PART.—If the Secretary is made aware, by an audit conducted under chapter 75 of title 31, United States Code, or by any other means, that a program receiving funds from an allotment under subsection (c) has been operated in a manner that is inconsistent with, or not disclosed in the State application approved under subsection (b), the Secretary shall report on the program to the State for the fiscal year and for the fiscal year beginning immediately after the fiscal year for which such information is available.

(2) PENALTIES BASED ON DEGREE OF NONCOMPLIANCE.—The Secretary shall assess penalties under this subsection based on the degree of noncompliance.

(f) DATA COLLECTION AND PERFORMANCE MEASUREMENT.—

(1) IN GENERAL.—The Secretary, in coordination with State and local governments to design methods for conducting the evaluations, directly or by contractors, shall—

(a) develop outcome measures (including measures of educational attainment, high school diploma, employment, avoidance of out-of-home placements, dependency, homelessness, nonmarital childbirth, incarceration, and high-risk behaviors) that can be used to assess the performance of States in operating independent living programs;

(b) identify data elements needed to track—

(i) the number and characteristics of children receiving services under this section;

(ii) the type and quantity of services being provided; and

(iii) State performance on the outcome measures; and

(c) develop and implement a plan to collect and submit the needed information beginning with the second fiscal year beginning after the date of the enactment of this section.

(2) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this section, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the plans and timetable for collecting from the States the information described in paragraph (1) and a proposal to impose penalties consistent with paragraph (e)(2) on States that do not report data.

(g) EVALUATIONS.—

(1) IN GENERAL.—The Secretary shall conduct evaluations of such State programs funded under this section as the Secretary deems to be innovative or of potential national significance. The evaluation of any such program shall include information on the effects of the program on education, employment, and personal development. To the maximum extent practicable, the evaluations shall be based on rigorous scientific standards including random assignment to treatment and control groups. The Secretary is encouraged to work with the States and local governments to design methods for conducting the evaluations, directly or by grant, contract, or cooperative agreement.

(2) FUNDING OF EVALUATIONS.—The Secretary shall reserve 1.5 percent of the amount specified in subsection (h) for a fiscal year to carry out, during the fiscal year, evaluation, technical assistance, performance measurement, and data collection activities related to this section, directly or through grants, contracts, or cooperative agreements with appropriate entities.

(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section and for payments to States under section 474(a)(4), there are authorized to be appropriated to the Secretary $140,000,000 for each fiscal year.

(1) PAYMENTS TO STATES.—Section 474(a)(4) of such Act (42 U.S.C. 674a(4)) is amended to read as follows:

(a) the lesser of—

(i) one percent of the amount (if any) upon which—

(1) the total amount expended by the State during the fiscal year in which the quantity of funds under such section was carried out, based on the amount of funds under such section for which the State application approval was made in accordance with the State application approved under section 474(b) for the fiscal year in which the quantity of funds under such section was carried out, and

(2) the Secretary shall assess penalties under this subsection based on the degree of noncompliance.
which the quarter occurs (including any amendments that meet the requirements of section 477(b)(5)); except that—

(1) the total amount of any penalties assessed against the State under section 477(e) during the fiscal year in which the quarter occurs;

(2) the amount allotted to the State under section 477 for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this paragraph for all prior quarters in the fiscal year.

(b) REGULATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue such regulations as may be necessary to carry out the amendments made by this section.

(e) SENSE OF THE CONGRESS.—It is the sense of the Congress that the States should provide medical assistance under the State plan approved under title XIX of the Social Security Act to 18-, 19-, and 20-year-olds who have been emancipated from foster care.

Subtitle B—Related Foster Care Provision

SEC. 111. INCREASE IN AMOUNT OF FUNDS AVAILABLE FOR CHILDREN IN FOSTER CARE.

Section 472(a) of the Social Security Act (42 U.S.C. 672(a)) is amended by adding at the end the following: “In determining whether a child who has received aid under a State plan approved under section 402 (as in effect on July 16, 1996), a child whose resources (determined pursuant to section 402(a)(7)(B), as so in effect on that date) have a combined value of not more than $10,000 shall be considered to be a child whose resources have a combined value of not more than $1,000 (or such lower amount as the State may determine for purposes of such section 402(a)(7)(B))’’.

SEC. 112. PREPARATION OF FOSTER PARENTS TO PROVIDE CARE FOR THE NEEDS OF CHIL- DREN IN STATE CARE.

(a) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking “and” at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting “; and”;

and

(3) by adding at the end the following: “(24) include a certification that, before a child is placed under the responsibility of the State is placed with prospective foster parents, the prospective foster parents will be prepared adequately with the appropriate knowledge and skills to provide for the needs of the child, and that such preparation will be continued, as necessary, after the placement of the child.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

Subtitle C—Medicaid Amendments

SEC. 121. STATE OPTION OF MEASBUYANCE FOR ADOLESCENTS LEAVING FOSTER CARE.

(a) IN GENERAL.—Subject to subsection (c), title XIX of the Social Security Act is amended—


(A) by striking “or” at the end of subclause (XIII);

(B) by adding “or” at the end of subclause (XIV); and

(C) by striking at the end the following new subclause: “(XVIII) who are independent foster care ado- lescents (as defined in section 1905(v)(1)), or who are within any reasonable categories of such adolescents specified by the State’’;

and

(2) by adding at the end of section 1905 (42 U.S.C. 1396d) the following new subsection: “(v)(1) For purposes of this title, the term ‘independent foster care adolescent’ means an individual—

(A) who is under 21 years of age;

(B) who, on the individual’s 18th birthday, was in foster care under the responsibility of a State; and

(C) whose assets, resources, and income do not exceed such levels (if any) as the State may establish consistent with paragraph (2).

(2) The levels established by a State under paragraph (1)(C) may not be less than the corresponding levels applied by the State under section 1931(b).

(3) A State may limit the eligibility of independent foster care adolescents under section 1902(a)(10)(A)(ii)(XV) to those individuals with respect to whom foster care maintenance payments or independent living services were furnished under a program funded under part E of title IV before the date the individuals attained 18 years of age.’’

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance for items and services furnished on or after October 1, 1999.

(c) CONTINGENCY IN ENACTMENT.—If the Ticket to Work and Work Incentives Improvement Act of 1999 is enacted (whether before, on, or after the date of the enactment of this Act)—

(1) the amendments made by that Act shall be executed as if this Act had been enacted after the enactment of such other Act;

(2) with respect to subsection (a)(1)(A) of this section, any reference to subclause (XIII) is deemed a reference to subclause (XV); and

(3) with respect to subsection (a)(1)(B) of this section, any reference to subclause (XIV) is deemed a reference to subclause (XVI).

(d) REGULATIONS.—Not later than 12 months after the date the individuals attained 18 years of age, the Secretary of Health and Human Services shall promulgate regulations to carry out the amendments made by this section.

(e) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary of Health and Human Services should take such actions as may be necessary to—in a timely manner—carry out the amendments made by this section.

Subtitle D—Adoption Incentive Payments

SEC. 131. INCREASED FUNDING FOR ADOPTION INCENTIVE PAYMENTS.

(a) SUPPLEMENTAL GRANTS.—Section 475A of the Social Security Act (42 U.S.C. 675A) is amended by adding at the end the following:

(1) by inserting “monthly” before “benefit payments”;

and

(2) by inserting ‘‘and in the case of an individual or eligible spouse to whom a lump sum is payable under this title (including under section 1616(a) of this Act or under an agreement entered into under section 222(a) of Public Law 93–66) shall, as at least one means of recovering such overpayment, or any overpayment that is a result of the lump sum payment in an amount equal to not less than the lesser of the amount of the overpayment or 50 percent of the lump sum payment, be executed as if this Act had been enacted after such date.’’

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 12 months after the date of the enactment of this Act and shall apply to amounts incorrectly paid which remain outstanding on or after such date.

SEC. 132. RECOVERY OF OVERPAYMENTS OF SSI BENEFITS FROM LUMP SUM SSI BENEFIT PAYMENTS.

(a) IN GENERAL.—Section 1616(b)(1)(B)(i) of the Social Security Act (42 U.S.C. 1336(b)(1)) is amended—

(1) by inserting “monthly” before “benefit payments”; and

(2) by inserting ‘‘If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual’s death, the represen- tative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to overpay- ments made 12 months or more after the date of the enactment of this Act.
standing on or after the date of the enactment
tributions from the trust.
established;
without regard to—
the individual's spouse).
utable to the assets of the individual (or of
transferred
established by the individual.
tor the individual.
may waive the application of this subsection
with respect to an individual if the Commis-
determines that such application would work an undue hardship (as deter-
the basis of criteria established by the
Commissioner) on the individual.
the subsection shall not apply to a trust
A) of (3) shall apply to a
inserting ‘‘shall’’.
\(\text{(3)(A) In the case of a revocable trust es-
\(\text{(2)(A) For purposes of this subsection, an
\(\text{(4)(A) With respect to any delinquent amount, the Commissioner of Social

(a) IN GENERAL.—Section 1631(b) of the So-
collection practices de-
3701, 3702, and 3718 of title 31, United States Code, and in section
5514 of title 5, United States Code, all as in effect immediately after the enact-
ment of the Debt Collection Improvement Act of 1996.
For purposes of subparagraph (A), the term ‘‘delinquent amount’’ means an

(ii) in excess of the correct amount of pay-
ment under this title;

(ii) paid to a person after such person has attained 18 years of age; and

(iii) any other payment or property to

\(\text{(i) any income excluded by section 1612(b)};
\(\text{(ii) any resource otherwise excluded by
this section}.

\(\text{A) the term ‘trust’ includes any legal
instrument or device that is similar to a trust;

\(\text{B) the term ‘corpus’ means, with respect to
a trust, all property and other interests held by the trust in which the earnings
and any other addition to the trust after its establishment (except that such
term does not include any such earnings or addition in which the earnings
or addition is credited or otherwise transferred to the trust); and

\(\text{C) the term ‘asset’ includes any income
or resources of the individual or of the
individual’s spouse, including—

\(\text{(i) any income excluded by section 1612(b);}
\(\text{(ii) any resource otherwise excluded by
this section};

\(\text{(iii) any other payment or property to
which the individual or the individual’s
spouse is entitled but does not receive or
have access to because of action by—

\(\text{A) the individual or spouse;

\(\text{B) a person or entity (including a court)
with legal authority to act in place of, or
on behalf of, the individual or spouse; or

\(\text{C) a person or entity (including a court)
acting at the direction of, or on the request
of, the individual or spouse}.

\(\text{Income.—Section 1612(a)(2) of such
Act (42 U.S.C. 1382a(a)(2)) is amended—
\(\text{(1) by striking ‘‘and’’ at the end of para-
graph (E);}

\(\text{(2) by striking the period at the end of sub-
paragraph (F) and inserting ‘‘; and’’};

\(\text{and}

\(\text{(3) by adding at the end the following:

\text{‘‘G) any earnings of, and additions to,
the corpus of a trust established by an
individual (within the meaning of section 1613(e)) of
which the individual is a beneficiary, to
which section 1613(e) applies, and, in the case
of an irrevocable trust, with respect to which
circumstances exist under which a payment
from the earnings or additions could be made to
or for the benefit of the individual.’’}}

\(\text{(c) COMFORMING AMENDMENTS.—Section}
1902(a)(10) of the Social Security Act (42
U.S.C. 1396a(a)(10)) is amended—
\(\text{(1) by striking ‘‘and’’ at the end of para-
graph (E);}

\(\text{(2) by adding ‘‘and’’ at the end of para-
graph (F);}

\(\text{and}

\(\text{(3) by inserting after subparagraph (F) the
following:

\text{‘‘G) that, in applying eligibility criteria of
the supplemental security income program
under title XVI for purposes of determining eligibility for medical assistance under
the State plan of an individual who is not receiv-
the supplemental security income program
under title XVI, the State plan of such an
individual will disregard the provisions of section
1613(e)’’}}

\(\text{(d) EFFECTIVE DATE.—The amendments
made by this section shall apply on or after
January 1, 2000, and shall apply to trusts es-
established on or after such date.}

SEC. 206. DISPOSAL OF RESOURCES FOR LESS
THAN FAIR MARKET VALUE UNDER
THE SSI PROGRAM.

(a) IN GENERAL.—Section 1613(c) of the So-
cial Security Act (42 U.S.C. 1382c(b)) is amended

(i) by striking ‘‘Notification of Medicaid Policy
Restricting Elig-
C) and institutionalized individuals for
Benefits Based on

(ii) in striking ‘‘title XIX’’ the first place
it appears and inserting ‘‘this title and title
XIX, respectively’’;

(iii) by striking ‘‘subsection (B)’’ and inser-
ting ‘‘clause (ii)’’;

(iv) by striking ‘‘paragraph (2)’’ and insert-
ting ‘‘paragraph (i)’’;

(b) CONFORMING AMENDMENTS.—Section
3701(d)(2) of title 31, United States Code, is amended by striking ‘‘3701(d)(2)’’ and
inserting ‘‘3701(d)(1)’’;

(c) TECHNICAL AMENDMENTS.—Section 204(f)
of the Social Security Act (42 U.S.C. 404(f)) is amended—

(1) by striking ‘‘3711(f)’’ and inserting
‘‘3711(f);’’ and

(2) by inserting ‘‘all’’ before ‘‘as in effect’’.

(d) EFFECTIVE DATE.—The amendments
made by this section shall take effect on
January 1, 2000, and shall apply to trusts es-
established on or after such date.
rounded, in the case of any fraction, to the nearest 6 months.

(2) In the case of a trust established by an individual or an individual's spouse (within the meaning of subsection (e), if from such portion of the trust, if any, that is considered a resource available to the individual pursuant to subsection (e)(3) or would be so considered but for the application of subsection (e)(4) or the residue of the portion on to another for trust—

(I) there is made a payment other than to or for the benefit of the individual; or

(II) no payment could under any circumstance be made to the individual, then, for purposes of this subsection, the payment described in clause (I) or the foreclosure of payment described in clause (II) shall be considered a transfer of resources by the individual or the individual's spouse at the date of the payment or foreclosure, as the case may be.

(3) An individual shall not be ineligible for benefits under this title by reason of the application of this paragraph to a disposal of resources by the individual or the spouse of the individual, to the extent that—

(I) the resources are a home and title to the home was transferred to—

(a) any person who is related to the transferor as the spouse, child, or sibling of the transferor;

(b) the spouse of the transferor;

(c) the transferor's child who is blind or disabled;

(d) a parent of the transferor who has not attained 65 years of age and who is blind or disabled;

(e) the transferor's child who is institutionalized, and

(f) the individual or the spouse of the individual after the individual or the individual's spouse becomes an institutionalized individual, and

(g) an individual who has been residing in the transferor's home for a period of at least 1 year immediately before the date the transferor becomes an institutionalized individual; or

(II) the transferor and the transferor's spouse as joint tenants, tenants in common, or similar arrangement, the resources (or the affected portion of such resources) shall be considered to be disposed of by the individual when any action is taken, either by the individual or by any other person, that reduces or eliminates the individual's ownership or control of such resources.

(4) For purposes of this paragraph—

(a) the term 'benefits under this title' includes payments of the type described in section 1616(a)(1) of this Act and of the type described in section 212(b) of Public Law 93-66;

(b) the term 'institutionalized individual' has the meaning given such term in section 1917(e)(3); and

(c) the term 'trust' has the meaning given such term in subsection (e)(6)(A) of this section.

SEC. 257. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

(a) In General.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), is amended by inserting after section 1129 the following:

"SEC. 1129A. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

"(a) In General.—Any person who makes, or causes to be made, a statement or representation of a material fact for use in determining any initial or continuing right to or the amount of—

(1) monthly insurance benefits under title II;

(2) benefits or payments under title XVI, that the person knows or should know is false or erroneous, shall be subject to a penalty imposed under section 1129A.

(b) PENALTY.—The penalty described in this subsection is—

(1) nonpayment of benefits under title II that would otherwise be payable to the person or

(2) ineligibility for cash benefits under title XVI,

for each month that begins during the applicable period described in subsection (c).

(c) DURATION OF PENALTY.—The duration of the applicable period, with respect to a determination described in subsection (a), shall be—

(1) six consecutive months, in the case of the first such determination with respect to the person;

(2) twelve consecutive months, in the case of the second such determination with respect to the person; and

(3) twenty-four consecutive months, in the case of the third or subsequent such determination with respect to the person.

SEC. 258. EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS.

(a) In General.—Part A of title XI of the Social Security Act is amended by inserting before section 1137 (42 U.S.C. 1320b–7) the following:
November 19, 1999

CONGRESSIONAL RECORD—SENATE

SEC. 1136. (a) IN GENERAL.—The Commissioner of Social Security shall exclude from participation in the social security programs any representative or health care provider—
(1) who is convicted of a violation of section 208 or 1632 of this Act;
(2) is convicted of any violation under title 18, United States Code, relating to an initial application for or continuing entitlement to, or amount of, benefits under title II of this Act or an initial application for or continuing eligibility for, or amount of, benefits under title XVI of this Act; or
(3) who the Commissioner determines has committed a offense described in section 1129(a)(1) of this Act.

(b) NOTICE, EFFECTIVE DATE, AND PERIOD OF EXCLUSION.—(1) An exclusion under this section shall be effective at such time, for such period, and upon such reasonable notice to the public and to the individual excluded as may be specified in regulations consistent with paragraph (2).
(2) Such an exclusion shall be effective with respect to services furnished to any individual on or after the effective date of the exclusion. This section may be construed to preclude, in determining disability under title II or title XVI, consideration of any medical evidence derived from services provided by a health care provider before the effective date of the exclusion of the health care provider under this section.

(c) **NOTICE:**—The Commissioner shall specify, in the notice of exclusion under paragraph (1), the period of the exclusion.

(d) **Subject to paragraph (C), the minimum period of exclusion shall be five years, except that the Commissioner may waive the exclusion in the case of an individual who is the sole source of essential services in a community. The Commissioner's decision whether to waive the exclusion shall not be reviewable.**

(e) **APPLICATION FOR TERMINATION OF EXCLUSION:**—The Commissioner shall specify, in the case of an exclusion under subsection (a), the minimum period of exclusion shall be not less than 10 years; and

(f) **APPLICATION FOR TERMINATION OF EXCLUSION:**—The Commissioner shall specify, in the case of an exclusion under subsection (a), the minimum period of exclusion shall be not less than the same extent as it is applicable with respect to title II.

(g) **APPLICATION FOR TERMINATION OF EXCLUSION:**—The Commissioner may terminate the exclusion if the Commissioner determines, on the basis of the conduct of the applicant or representative or health care provider in connection with services provided by a health care provider before the effective date of the exclusion or which was unknown to the Commissioner at the time of the exclusion, that—
(A) there is no basis under subsection (a) for a continuation of the exclusion; and
(B) there are reasonable assurances that the types of actions which formed the basis for the continuance of exclusion have not recurred and will not recur.

(h) **APPLICATION FOR TERMINATION OF EXCLUSION:**—The Commissioner shall promptly notify each State agency employed for the purpose of making disability determinations under section 221 or 1633(a)—
(1) of the fact and circumstances of each termination of exclusion made under this subsection;

(i) promptly notify the appropriate State or local agency or authority having responsi-

(2) the exclusion shall be not less than 10 years; and

SEC. 210. STUDY ON POSSIBLE MEASURES TO IMPROVE FRAUD PREVENTION AND ADMINISTRATIVE PROCESSING.

(a) **STATE TO THE COMMISSIONER OF SOCIAL SECURITY REQUESTS INFORMATION FROM A STATE FOR THE PURPOSE OF ASCERTAINING AN INDIVIDUAL'S ELIGIBILITY FOR BENEFITS (OR THE CORRECT AMOUNT OF SUCH BENEFITS) UNDER TITLE II OR XVI OF THE SOCIAL SECURITY ACT, THE STANDARDS OF THE COMMISSIONER PROMULGATED PERS-**

(b) **Notwithstanding the provisions of section 1136 of this Act or section 122(b) of Public Law 98-220, the Commissioner shall—**

(1) exclude the term ‘exclude’ from the provisions of this section means—

(A) in connection with a representative, to prohibit from engaging in representation of an individual, for or recipient of benefits, as a representative payee under section 205(j) or section 1631(a)(2)(A)(ii), or otherwise as a representative, in any hearing or other proceeding relating to entitlement to benefits;

(B) in connection with a health care pro-

(C) in connection with services provided by a health care provider before the effective date of the exclusion of the health care provider under this section.

(D) when a plea of guilty or no contest by the individual has been ac-

(E) in connection with services provided by a health care provider before the effective date of the exclusion of the health care provider under this section.

(F) the Commissioner determines, on the basis of the conduct of the applicant or representative or health care provider in connection with services provided by a health care provider before the effective date of the exclusion or which was unknown to the Commissioner at the time of the exclusion, that—
(A) there is no basis under subsection (a) for a continuation of the exclusion; and

(B) there are reasonable assurances that the types of actions which formed the basis for the continuance of exclusion have not recurred and will not recur.

(C) when a plea of guilty or no contest by the individual has been ac-

(D) when a plea of guilty or no contest by the individual has been ac-

(E) in connection with services provided by a health care provider before the effective date of the exclusion of the health care provider under this section.

(F) the Commissioner determines, on the basis of the conduct of the applicant or representative or health care provider in connection with services provided by a health care provider before the effective date of the exclusion or which was unknown to the Commissioner at the time of the exclusion, that—
(A) there is no basis under subsection (a) for a continuation of the exclusion; and

(B) there are reasonable assurances that the types of actions which formed the basis for the continuance of exclusion have not recurred and will not recur.
timely processing of reported income changes by individuals receiving such benefits.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report that contains the results of the Commissioner’s study under subsection (a). The report shall contain such recommendations for legislative and administrative changes as the Commissioner determines are necessary to combat fraud.

SEC. 211. ANNUAL REPORT ON AMOUNTS NECESSARY TO COMBAT FRAUD.

(a) IN GENERAL.—Section 704(b)(1) of the Social Security Act (42 U.S.C. 904(b)(1)) is amended—

(1) by inserting “(A)” after “(b)(1)”; and

(2) by adding at the end the following new subparagraph:

“(B) The Commissioner shall include in the annual budget prepared pursuant to subparagraph (A) an itemization of the amount of annual budget prepared pursuant to subparagraph:

amended—

Social Security Act (42 U.S.C. 904(b)(1)) is

contains the results of the Commissioner's

federated

in

resources are material to the determination

recipient of, benefits under this title to pro-

clause:

''(B)(i) The''; and

subparagraph:

substituted for the physician’s certification

agreement, such information as the Commissioner

person referred to in subclause (I)) refuses to

benefits under this title (or any such other

(b) EFFECTIVE DATE.—The amendments

made by this section shall apply with respect to annual budgets prepared for fiscal years after fiscal year 1999.

SEC. 212. COMPUTER MATCHES WITH MEDICARE AND MEDICAID INSTITUTIONALIZATION DATA.

(a) IN GENERAL.—Section 1611(e)(1) of the Social Security Act (42 U.S.C. 1395e(e)(1)) is amended by adding at the end the following:

(J) For the purpose of carrying out this paragraph, the Commissioner of Social

security shall conduct periodic computer matches with data maintained by the Secretary of Health and Human Services under title XVIII or XIX. The Secretary shall furnish to the Commissioner, in such form and manner and under such terms as the Commissioner and the Secretary shall mutually agree, all information relating to any financial record of any financial institution any financial

(b) CONFORMING AMENDMENT.—Section 1611(e)(1)(G) of such Act (42 U.S.C. 1395e(e)(1)(G)) is amended by striking “subparagraph (H)” and inserting “subparagraph (H) or (J)”.

SEC. 213. ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.

Section 1631(e)(1)(B) of the Social Security Act (42 U.S.C. 1383e(e)(1)(B)) is amended—

(1) by striking “(B)” and inserting “(BB)”;

(2) by adding at the end the following new clause:

“(B) The Commissioner of Social Security may require such applicant for, or recipient of, benefits under this title to provide information to the applicant or recipient (or by any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such benefits) for the Commissioner to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1501(2) of such Act) held by the institution with respect to the applicant or recipient (or any such other person) whenever the Commissioner determines the record is necessary in connection with such determination with respect to such eligibility or the amount of such benefits.

“(II) Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization pursuant to subparagraph (B)(i) (or any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient pursuant to subclause (I) of this clause shall remain effective until the earliest of—

(aa) the rendering of a final adverse decision on the applicant’s application for eligibility for benefits under this title;

(bb) the cessation of the recipient’s eligibility for benefits under this title; or

(cc) the express revocation by the applicant or recipient (or such other person referred to in subclause (I) of the authorization, in a written notification to the Commissioner.

“(III)(aa) An authorization obtained by the Commissioner of Social Security pursuant to this clause shall be considered to meet the certification requirements of the Right to Financial Privacy Act for purposes of section 1106(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1106(a) of such Act.

(bb) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the Commissioner of Social Security pursuant to an authorization provided under this clause.

(cc) A request by the Commissioner pursu-ant to an authorization provided under this clause is deemed to meet the require-ments of section 1104(a)(3) of the Right to Financial Privacy Act and the flush language of section 1102 of such Act.

“(IV) The Commissioner shall inform any person who provides authorization pursuant to this clause of the duration and scope of the authorization.

(V) If an applicant for, or recipient of, benefits under this title (or any such other person referred to in clause (I) refuses to provide, or revokes, any authorization made by the applicant or recipient for the Commissioner of Social Security to obtain from any financial institution any financial record, the Commissioner may, on that basis alone, determine that the applicant or recipient is ineligible for benefits under this title.”.

Subtitle B—Benefits For Certain World War II Veterans

SEC. 251. ESTABLISHMENT OF PROGRAM OF SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS.

(a) IN GENERAL.—The Social Security Act is amended by inserting after title VII the following new title:

“TITLE VIII—SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS

“Table of Contents;

“Sec. 801. Basic entitlement to benefits.

“Sec. 802. Qualified individuals.

“Sec. 803. Residence outside the United States.

“Sec. 804. Disqualifications.

“Sec. 805. Qualification of beneficiaries.

“Sec. 806. Applications and furnishing of information.

“Sec. 807. Representative payees.

“Sec. 808. Commissions and underpayments.

“Sec. 809. Hearings and review.

“Sec. 810. Other administrative provisions.

“Sec. 811. Use of information from Government agencies for combat fraud.

“Sec. 812. Definitions.

“Sec. 813. Appropriations.

“Section 801. Basic Entitlement to Benefits.

“Every individual who is a qualified individual under section 802 shall, in accordance with and subject to the provisions of this title, be entitled to a monthly benefit paid by the Commissioner of Social Security for each month for which he is entitled to such benefit (or such earlier month, if the Commissioner determines is administratively feasible) the individual resides outside the United States.

“Section 802. Qualified Individuals.

“Except as otherwise provided in this title, an individual—

(1) who has attained the age of 65 on or before the date of the enactment of this title;

(2) who is a World War II veteran;

(3) who is eligible for a supplemental security income benefit under title XVI for—

(A) the month in which this title is enacted; and

(B) the month in which the individual files an application for benefits under this title;

(4) whose total benefit income is less than 75 percent of the Federal benefit rate under title XVI;

(5) who has filed an application for benefits under this title; and

(6) who is in compliance with all requirements imposed by the Commissioner of Social Security under this title, shall be a qualified individual for purposes of this title.

“Section 803. Residence Outside the United States.

“For purposes of section 801, with respect to any month, an individual shall be regarded as residing outside the United States if, on the first day of the month, the individual so resides outside the United States.

“Section 804. Disqualifications.

“(a) IN GENERAL.—Notwithstanding section 802, an individual may not be a qualified individual for any month—

(1) that begins after the month in which the Commissioner of Social Security is notified by the Attorney General that the individual has fled, or is attempting to flee, the United States pursuant to section 237(a) or 212(a)(6)(A) of the Immigration and Nationality Act and before the month in which the individual so resides outside the United States.

(2) during any part of which the individual is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the United States or the jurisdiction within the United States from which the person has fled, for a crime, or an attempt to commit a crime, that is a felony under the laws of the place from which the individual has fled, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of each State of such individual.

(3) during any part of which the individual violates a condition of probation or parole imposed under Federal or State law; or

(4) during which the individual resides in a foreign country and is not a citizen or national of the United States if payments for such month to individuals residing in such country are withheld by the Treasury Department under section 3329 of title 31, United States Code.

“Section 805. Qualification of beneficiaries.

“For the purpose of carrying out subsection (a)(1), the Attorney General shall notify the Commissioner of Social Security as soon as practicable after any individual under section 237(a) or 212(a)(6)(A) of the Immigration and Nationality Act,
"SEC. 805. BENEFIT AMOUNT.

Social Security shall—

(a) IN GENERAL.—If the Commissioner of Social Security determines that the interest of any qualified individual under this title would not be best served thereby, payment of the qualified individual’s benefit under this title may be made, regardless of the legal competency or incompetency of the qualified individual, directly to the qualified individual, or for his or her benefit, to another person (the meaning of which term, for purposes of this section, includes an organization) with respect to whom the requirements of subsection (b) have been met (in this section referred to as the qualified individual’s ‘representative payee’). If the Commissioner of Social Security determines that the representative payee has misused any benefit paid to the representative payee pursuant to this section, section 206(j), or section 1831(a)(2)(A)(ii) by reason of misuse of funds paid as benefits under this title, title II, or XVI, respectively; and

(b) EXEMPTIONS.—

(1) Any determination under subsection (a) to pay the benefits of a qualified individual to a representative payee shall be made on the basis of—

(i) the person poses no risk to the qualified individual; or

(ii) the person is a creditor of the qualified individual whose benefits would be paid to the person pursuant to this section.

(2) EXEMPTIONS.—

(A) The Commissioner of Social Security may prescribe circumstances under which the Commissioner of Social Security may grant an exemption from paragraph (1) to any person on a case-by-case basis if the exemption is in the best interest of the qualified individual whose benefits would be paid to the person pursuant to this section.

(B) Paragraph (1)(C) shall not apply with respect to any person who is a creditor referred to in such paragraph if the creditor is—

(i) a relative of the qualified individual and the relative resides in the same household as the qualified individual; or

(ii) a representative payee or legal representative of the individual.

(C) The procedures referred to in subparagraph (B)(v) shall require the person who will serve as representative payee to establish, to the satisfaction of the Commissioner of Social Security, that—

(i) the person poses no risk to the qualified individual; or

(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

(iii) no other more suitable representative payee can be found.

(3) Time Limitation.—The notice required by paragraph (1) shall be for a period of not more than 1 month.

(4) In the case of inconsistency—Subparagraph (A) shall not apply in any case in which the qualified individual is (A) the date of the determination of Social Security’s determination, legally incompetent under the laws of the jurisdiction in which the individual resides.

(5) Payment of Indirect Benefits.—Payment of any benefits which are deferred or suspended pending the selection of a representative payee shall be made to the qualified individual or the representative payee as a single sum or over such period of time as the Commissioner of Social Security determines in the best interest of the qualified individual.

(f) HEARING.—Any qualified individual who is dissatisfied with a determination by the Commissioner of Social Security to make payment of the qualified individual’s benefit to a representative payee under subsection (a) of this section or with the designation of a particular person to serve as representative payee shall be entitled to a hearing by the Commissioner of Social Security to the same extent as is provided in section 809(a), and to judicial review of the Commissioner of Social Security’s final decision as is provided in section 809(b).

(g) NOTICE REQUIREMENTS.—

(1) In general.—In advance, to the extent practicable, of the payment of the qualified individual’s benefit to a representative payee under subsection (a), the Commissioner of Social Security shall provide written notice of the Commissioner’s initial determination to so make the payment. The notice shall be provided to the qualified individual, except
that, if the qualified individual is legally incompetent, notice shall be provided solely to the legal guardian or legal representative of the qualified individual.

"(2) SPECIFIC REQUIREMENTS.—Any notice required by paragraph (1) shall be clearly written in language that is easily understandable to the reader, shall identify the person to be designated as the qualified individual, and shall explain to the reader the right under subsection (f) of the qualified individual or of the qualified individual’s legal guardian or legal representative.

"(A) to appeal a determination that a representative payee is necessary for the qualified individual;

"(B) to designate the substitution of a particular person to serve as the representative payee of the qualified individual; and

"(C) to review the evidence upon which the decision is based and to submit additional evidence.

"(h) ACCOUNTABILITY MONITORING.—

"(1) IN GENERAL.—In any case where payment under this title is made to a person other than the qualified individual and individual is reported to the payment, the Commissioner of Social Security shall establish a system of accountability monitoring under which the person shall be required to furnish periodic reports with respect to the use of the payments. The Commissioner of Social Security shall establish and implement statistically valid procedures for reviewing the reports in order to identify instances in which persons are not properly using the payments.

"(2) SPECIAL REPORTS.—Notwithstanding paragraph (1), the Commissioner of Social Security may require a report at any time from any person receiving payments on behalf of a qualified individual, if the Commissioner of Social Security has reason to believe that the person receiving the payments is misusing the payments.

"(3) MAINTAINING LISTS OF PAYEES.—The Commissioner of Social Security shall maintain lists which shall be updated periodically of—

"(A) the name, address, and (if issued) the social security number, or other identification number of each person who is the representative payee of an individual in whom a legal determination has been made that the individual is entitled, or shall require the representative payee or his or her estate to refund the amount in excess of the correct amount, or, if recovery is not obtained under these 2 methods, seek to pursue recovery by means of reduction in tax refunds based on notice to the Secretary of the Treasury, as authorized under section 6726 of title 31, United States Code; or

"(B) under title II to recover the amount in excess of the correct amount, if the person is not currently eligible for payment under this title.

"(2) With respect to payment of less than the correct amount, the Commissioner of Social Security is prepared to take action with respect to the underpayment—

"(A) is living, the Commissioner of Social Security shall make payment to the qualified individual or, if the qualified individual’s representative payee is entitled, or shall require the overpaid person or his or her estate to refund the amount in excess of the correct amount, or, if recovery is not obtained under these 2 methods, shall seek to pursue recovery by means of reduction in tax refunds based on notice to the Secretary of the Treasury, as authorized under section 6726 of title 31, United States Code; or

"(B) is deceased, the balance of the amount due shall revert to the general fund of the Treasury.

"(b) NO EFFECT ON TITLE VIII ELIGIBILITY OR RECIPIENT AUTHORITY.—In any case in which the Commissioner of Social Security takes action in accordance with subsection (a)(1)(B) to recover an amount incorrectly paid to an individual, that individual shall not, as a result of such action—

"(1) become qualified for benefits under this title; or

"(2) if such individual is otherwise so qualified, become qualified for increased benefits under this title.

"(c) WAIVER OF RECOVERY OF OVERPAYMENT.—In any case, with respect to which the Commissioner of Social Security takes action in accordance with subsection (a)(1)(B) to recover an amount incorrectly paid to an individual, the Commissioner of Social Security shall not be held liable for any amount paid by the officer if the adjustment or recovery of the amount is waived under subsection (b), or adjustment under subsection (a) is not completed before the death of the qualified individual against whose benefits deductions are authorized.

"(d) LIMITED IMMUNITY FOR DISBURSING OFFICERS.—A disbursing officer may not be held liable for any amount paid by the officer if the adjustment or recovery of the amount is waived under subsection (b), or adjustment under subsection (a) is not completed before the death of the qualified individual against whose benefits deductions are authorized.

"(e) AUTHORIZED COLLECTION PRACTICES.—

"(1) IN GENERAL.—With respect to any delinquent amount, the Commissioner of Social Security may proper collection practices described in sections 3711(e), 3716, and 3718 of title 31, United States Code, as in effect on October 1, 1994.

"(2) DEFINITION.—For purposes of paragraph (1), the term ‘delinquent amount’ means an amount—

"(A) in excess of the correct amount of the payment made under this title; and

"(B) determined by the Commissioner of Social Security to be otherwise unrecov-
SEC. 811. PENALTIES FOR FRAUD.

"(a) IN GENERAL.—Whoever—
"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in an application for benefits under this title;
"(2) files an application for benefits under this title; or
"(3) submits any false statement or representation of a material fact for use in determining any right to the benefits;
"(B) knowing the occurrence of any event affecting—
"(A) his or her initial or continued right to the benefits; or
"(B) his or her initial or continued right to the benefits of any other individual in whose behalf he or she has applied for or is receiving the benefits, conceals or fails to disclose the event with intent fraudulently to secure the benefit either in a greater amount or quantity than is due or when no such benefit is authorized; or
"(4) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts the benefit or any part thereof to a use other than for the use and benefit of the other individual, shall be fined under title 18, United States Code, imprisoned not more than 5 years, or
"(B) discharged or released therefrom under a discharge or remission; or
"(i) after service of 90 days or more; or
"(ii) because of a disability or injury incured or aggravated in the line of active duty.
"(B) World War II.—The term ‘World War II’ means the period beginning on September 18, 1940, and ending on July 24, 1947.
"(C) SUPPLEMENTAL SECURITY INCOME BENEFIT UNDER TITLE XVI.—The term ‘supplemental security income benefit under title XVI’, except as otherwise provided, includes any State supplements which are paid by the Commissioner of Social Security pursuant to an agreement under section 1616(a)(3)(B) of this Act or section 212(b) of Public Law 93–66.

"(4) FEDERAL BENEFIT RATE UNDER TITLE XVI.—The term ‘Federal benefit rate under title XVI’ means, with respect to any month, the amount of the supplemental security income cash benefit (not including any State supplementary payment which is paid by the Commissioner of Social Security pursuant to an agreement under section 1616(a)(3) of this Act or section 212(b) of Public Law 93–66) payable under title XVI for the month to an eligible individual with no income.

"(5) Unemployment benefits.—The term ‘Unemployment benefits’ means, notwithstanding section 1101(a)(1), the 50 States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands.

"(6) BENEFIT INCOME.—The term ‘benefit income’ means any recurring payment received by a qualified individual as an annuity, pension, retirement, or disability benefit (including any veterans’ compensation or pension, workmen’s compensation payment, old-age, survivors, or disability insurance benefit, railroad retirement annuity or pension, and unemployment insurance benefit), but only if a similar payment was received by the individual from the same (or a related) source during the 12-month period preceding the month in which the individual files an application for benefits under this title.

"(7) RECOVERY OF SSI OVERPAYMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1396n(b)(1)(A)) is amended—
"(i) by inserting ‘‘or’’ before ‘‘1631(a)(2)’’; and
"(ii) by redesignating subparagraph (A) as subparagraph (B); and
"(B) in subsection (a), by striking ‘‘or’’ at the end of clause (i); and
"(i) by redesignating clause (i) as clause (ii); and
"(ii) by inserting after ‘‘and’’ the following new clause:
(1) by inserting ‘‘or’’ before ‘‘1631(a)(2)’’; and
(2) by inserting ‘‘or’’ at the end of clause (i); and
"(2) withholding for child support and alimony obligations.—Section 450(h)(1)(A) of such Act (42 U.S.C. 659(h)(1)(A)) is amended—
"(i) by striking ‘‘title VIII’’ and inserting ‘‘title VIII or XVI’’.

"(3) withholding for child support and alimony obligations.—Section 450(h)(1)(A) of such Act (42 U.S.C. 659(h)(1)(A)) is amended—
"(i) by striking ‘‘title VIII’’ and inserting ‘‘title VIII or XVI’’.

"(4) withholding for child support and alimony obligations.—Section 450(h)(1)(A) of such Act (42 U.S.C. 659(h)(1)(A)) is amended—
"(i) by striking ‘‘title VIII’’ and inserting ‘‘title VIII or XVI’’.

"(5) DELIVERY OF CHECKS.—Section 708 of such Act (42 U.S.C. 908) is amended—
"(a) in subsection (b), by inserting ‘‘title II’’ and inserting ‘‘title II, title VIII’’; and
"(b) in subsection (b), by striking ‘‘title II’’ and inserting ‘‘title II, title VIII’’.

"(6) CIVIL MONETARY PENALTIES.—Section 1129 of such Act (42 U.S.C. 1320a-4) is amended—
"(a) in the title, by striking ‘‘II’’ and inserting ‘‘II, VIII’’; and
"(b) in subsection (a)(1)—
"(i) by striking ‘‘or’’ at the end of subparagraph (A); and
"(ii) by redesigning subparagraph (B) as subparagraph (C); and
"(iii) by redesigning clause (i) as clause (ii); and
"(ii) by redesigning clause (ii) as clause (iii); and
"(iii) by redesigning clause (i) the following new clause:

"(7) RECOVERY OF SSI OVERPAYMENTS.—Section 1147 of such Act (42 U.S.C. 1320b-17) is amended—
"(a) in subsection (a)(1)—
"(i) by inserting ‘‘or’’ before ‘‘1631(a)(2)’’; and
"(ii) by striking ‘‘or’’ at the end of clause (i); and
"(b) in the heading, by striking ‘‘SOCIAL SECURITY’’ and inserting ‘‘OTHER’’.
(8) Recovery of Social Security Overpayments.—Part A of title XI of the Social Security Act is amended by inserting after section 1147 (42 U.S.C. 1320b–17) the following new section:

"SEC. 301. Narrowing of Hold-Harmless Provisions for Family Farmers."

SEC. 261. Study of Denial of SSI Benefits for Family Farmers. (a) In General.—The Commissioner of Social Security shall conduct a study of the extent to which family farmers who have been denied supplemental security income benefits under title XVI of the Social Security Act, including whether the denial of such benefits discriminates against family farmers who do not currently receive benefits under title II by disregarding the amount of family assets owned by family farmers during each of the preceding 10 years.

(b) Effective Date.—The amendment made by this section shall take effect as if included in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105).


(b) Section 409(a)(7)(B)(i)(II) of the Social Security Act (42 U.S.C. 609(a)(7)(B)(i)(II)) is amended by striking "part" and inserting "section".

(c) Section 413(g)(1) of the Social Security Act (42 U.S.C. 613(g)(1)) is amended by striking "Act" and inserting "section".

(d) Section 416 of the Social Security Act (42 U.S.C. 616) is amended by striking "Opportunity Act" and inserting "Opportunity Reconciliation Act" each place such term appears.

(e) Section 431(a)(6) of the Social Security Act (42 U.S.C. 626(a)(6)) is amended—

(1) by striking ", as in effect before August 22, 1986", and inserting ", as in effect before "422(1)(B)"; and

(2) by inserting ", as in effect after "422(1)(B)".

(f) Sections 452(a)(7) and 466(c)(2)(A)(1) of the Social Security Act (42 U.S.C. 652(a)(7) and 666(c)(2)(A)(1)) are each amended by striking "Social Security" and inserting "social security".

(g) Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) by striking "or", and at the end of each of paragraphs (19)(A) and (24)(A) and inserting "or";

(h) Section 454(24)(B) of the Social Security Act (42 U.S.C. 654(24)(B)) is amended by striking "Opportunity Act" and inserting "Opportunity Reconciliation Act".

(i) Section 344(b)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2236) is amended to read as follows:--

"(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

"(B) in paragraph (1) and inserting the following:


(j) Section 457(a)(2)(B)(i)(II) of the Social Security Act (42 U.S.C. 657(a)(2)(B)(i)(II)) is amended by striking "or" and inserting "or"."

(k) Section 457(a)(2)(B)(i)(III) of the Social Security Act (42 U.S.C. 657(a)(2)(B)(i)(III)) is amended by striking "or" and inserting "or".

(l) Section 457(a)(2)(B)(i)(IV) of the Social Security Act (42 U.S.C. 657(a)(2)(B)(i)(IV)) is amended by striking "or" and inserting "or".

(m) Sections 466(a)(7)(A) of the Social Security Act (42 U.S.C. 666(a)(7)(A)) are each amended by striking "Opportunity Act" and inserting "Opportunity Reconciliation Act".

(n) Section 466(b)(8)(A) of the Social Security Act (42 U.S.C. 666(b)(8)(A)) is amended by striking "or" and inserting "or".

(o) Section 471(a)(8) of the Social Security Act (42 U.S.C. 671(a)(8)) is amended by striking "Opportunity Act" and inserting "Opportunity Reconciliation Act".

(p) Section 1137(a)(3) of the Social Security Act (42 U.S.C. 12307–a(3)(a)) is amended by striking "Opportunity Act" and inserting "Opportunity Reconciliation Act".

(q) Except as provided in subsection (1), the amendments made by this section shall take effect as if included in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2205).

CARDIAC ARREST SURVIVAL ACT OF 1999

GORTON AMENDMENT NO. 2798

Ms. COLLINS (for Mr. GORTON) proposed an amendment to the bill (S. 1488) to amend the Public Health Service Act to provide guidelines to departments of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE

This Act may be cited as the "Cardiac Arrest Survival Act of 1999".
CONGRESSIONAL RECORD—SENATE

SEC. 2. FINDINGS.
The Congress finds as follows:

(1) Each year more than 250,000 adults suffer cardiac arrest, usually away from a hospital. More than 95 percent of them will die, in many cases because of heart attack or cardiac arrest or suspension ("CPR"), defibrillation, and advanced life support are provided too late to reverse the cardiac arrest. These cardiac arrests occur primarily from occult underlying heart disease and from drowning, allergic or sensitivity reactions, or electrical shocks.

(2) Every minute that passes before returning the heart to a normal rhythm after a cardiac arrest causes the chance of survival to fall by 10 percent.

(3) In communities where public access defibrillation programs have been implemented, survival from cardiac arrest has improved by as much as 20 percent.

(4) Survival from cardiac arrest requires successful early implementation of a chain of events, known as the chain of survival, which must be initiated as soon as the person sustains a cardiac arrest and must continue until the person arrives at the hospital.

(5) The chain of survival is the medical standard of care for treatment of cardiac arrest.

(6) A successful chain of survival requires the first person on the scene to take rapid and simple initial steps to care for the patient and to assure that the patient promptly enters the emergency medical system. These steps include:

(A) recognizing an emergency and activating the emergency medical services system;

(B) beginning CPR; and

(C) using an automated external defibrillator ("AED") if one is available at the scene.

(7) The first persons at the scene of an arrest are typically lay persons who are friends or family of the victim, fire services, public safety personnel, basic life support emergency medical services providers, teachers, coaches and supervisors of sports or other extracurricular activities, providers of day care, school bus drivers, lifeguards, attendants at public gatherings, cowokers, and other leaders within the community.

(8) The emergency medical services system should facilitate programs for the placement of AEDs in public buildings, including provisions regarding the training of personnel in CPR and AED use, integration with the emergency medical services system, and maintenance of the devices.

SEC. 3. RECOMMENDATIONS OF SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING PLACEMENT OF AUTOMATED EXTERNAL DEFIBRILLATORS IN BUILDINGS.

The Congress recommends that the Secretary of Health and Human Services make the following recommendations for the placement of automated external defibrillators in public buildings:

(1) Procedures for implementing appropriate nationally recognized training courses in performing cardiopulmonary resuscitation and the use of automatic external defibrillators.

(2) Procedures for proper maintenance and testing of such devices, according to the guidelines of the manufacturer of the devices.

(3) Procedures for ensuring direct involvement of a licensed medical professional and for providing medical services in the oversight of training and notification of incidents of the use of the defibrillator.

(4) Procedures for ensuring notification of an agent of the local emergency medical system dispatch center of the location and type of device.

(5) In making recommendations, the Secretary determines to be appropriate.

(6) Criteria for selecting the public buildings, facilities and other venues in which automatic external defibrillators should be placed, taking into account—

(A) the typical number of employees and visitors in the buildings, facilities or venues;

(B) the extent of the need for security measures regarding the buildings, facilities or venues;

(C) buildings, facilities or other venues, or portions thereof, in which there are special circumstances such as high electrical voltage or extreme heat or cold; and

(D) such other factors as the Secretary determines to be appropriate.

(7) Criteria regarding the maintenance of such devices consistent with the labeling for the device.

(8) Criteria for coordinating the use of the devices in public buildings, facilities or other venues with providers of emergency medical care, for the geographic areas in which the buildings, facilities or venues are located.

SEC. 4. IMMUNITY FROM CIVIL LIABILITY FOR USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

Part B of title II of the Public Health Service Act, as amended by this Act, is amended by adding at the end the following section:

"LIABILITY REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.—

"SEC. 248. (a) PERSONS USING AEDs.—Any person who provides emergency medical care through the use of an automated external defibrillator is immune from civil liability for personal injury or wrongful death resulting from the provision of such care, except as provided in subsection (c).

"(b) PERSONS INVOLVED WITH AEDs; SPECIAL RULES FOR ACQUIRERS.—

"(1) IN GENERAL.—With respect to a personal injury or wrongful death to which subsection (a) applies, in addition to the person who provided emergency medical care through the use of the automated external defibrillator, the person described in paragraph (2) is with respect to this section:

(A) the person who acquired the device for use at a medical facility (in this paragraph referred to as the "acquirer").

(B) any employee or agent of the acquirer, and the employee or agent of the acquirer expected would use the device.

(C) the person who used the device.

"(2) PERSON DESCRIBED.—A person described in this paragraph is the person who acquired the device for use at a medical facility (in this paragraph referred to as the "acquirer"). Such person shall be immune from liability as provided for in paragraph (1) if the following conditions are met:

(A) The acquirer notified local emergency response personnel of the most recent placement of the device within a reasonable period of time after the device was placed.

(B) The condition that, as of the date on which the emergency occurred, the device had been maintained and tested in accordance with the guidelines established for the device by the manufacturer of the device.

(C) Any condition that the person who provided emergency medical care through the use of the device was an employee or agent of the acquirer, and the employee or agent was within the class of persons who acquired the device as described in such subsections (a) and (b).

"(3) INAPPLICABILITY OF IMMUNITY.—Immunity under subsections (a) and (b) does not apply to a person if—

"(1) the person engaged in gross negligence or willful or wanton misconduct in the circumstances described in such subsections that apply to the person with respect to automated external defibrillators;

"(2) the person was a licensed or certified medical professional who was using the automated external defibrillator while acting within the scope of their license or certification, and within the scope of their employment as a medical professional.

"(4) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—The following applies with respect to the terms in this section:

(A) This section is not applicable in any State that, before, on, or after the date of the enactment of the Cardiac Arrest Survival Act of 1999, the Secretary shall assist in providing for an improvement in the survival rates of individuals who experience cardiac arrest in Federal buildings by publishing in the Federal Register for public comment the recommendations of the Secretary with respect to placing automatic external defibrillators in such buildings. The Secretary shall in add-
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 TWENTY-FIRST CENTURY RESEARCH LABORATORIES ACT

HARKIN AMENDMENT NO. 2799

Ms. COLLINS (for Mr. HARKIN) proposed an amendment to the bill (S. 1268) to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation; as follows:

Amendments Nos. 2799, 2800

EXPRESSING THE SENSE OF THE SENATE THAT JOSEPH JEFFERSON "SHOELESS JOE" JACKSON SHOULD BE APPROPRIATELY HONORED FOR HIS OUTSTANDING BASEBALL ACCOMPLISHMENTS

THURMOND AMENDMENT NO. 2800

Ms. COLLINS (for Mr. THURMOND) proposed an amendment to the resolution (S. Res. 134) expressing the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments; as follows:

SEC. 1. SENSE OF THE SENATE THAT "SHOELESS JOE" JACKSON SHOULD BE APPROPRIATELY HONORED FOR HIS OUTSTANDING BASEBALL ACCOMPLISHMENTS.

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

(1) In 1919, the infamous "Black Sox" scandal erupted when an employee of a New York gambler allegedly bribed 8 players of the Chicago White Sox, including Joseph Jefferson "Shoeless Joe" Jackson, to throw the 1919 World Series against the Cincinnati Reds.

(2) In 1921, a criminal court acquitted "Shoeless Joe" Jackson of charges brought against him as a result of the scandal at the conclusion of his participation in the 1919 World Series.

(3) Despite the acquittal, Commissioner Landis banned "Shoeless Joe" Jackson from playing Major League Baseball for life, thereby precluding his possibility of ever finding a forum to rebut the allegations, clearing a summary punishment that fell far short of due process standards.

(4) During the 1919 World Series, Jackson's play was outstanding—his batting average was .375, the highest of any player from either team; he had 12 hits, setting a World Series record; he did not commit any errors; and he hit the only home run of the Series.

(5) Not only was Jackson's performance during the 1919 World Series unmatched, but his accomplishments throughout his 13-year career in professional baseball were outstanding, including being the top Major League Baseball players to ever top the coveted mark of .400 batting average for a season, and he earned a lifetime batting average of .336, the third highest of all time.

(6) "Shoeless Joe" Jackson's career record clearly makes him one of our Nation's top baseball players of all time.

(7) Recognizing his lifetime ban from Major League Baseball, "Shoeless Joe" Jackson has been excluded from consideration for admission to the Major League Baseball Hall of Fame.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments.

GLACIER BAY FISHERIES ACT

BINGAMAN AMENDMENT NO. 2801

Mr. DASCHLE (for Mr. BINGAMAN) proposed an amendment to the bill (S. 501) to address resource management issues in Glacier Bay National Park, Alaska; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glacier Bay National Park Resource Management Act of 1999".

SEC. 2. DEFINITIONS.

As used in this Act—

(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; and

(2) the term "outer waters" means all of the marine waters within the park outside of the park's submerged lands.

(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. 3. 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 shall cooperate in the development of a management plan for the commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international agreements and management plans.

(c) SAVINGS.—(1) Nothing in this Act 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 106–277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

(2) Nothing in this Act 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 fisheries 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.

(A) the productivity, diversity, and sustainability of fishery resources in such waters;

and

(B) other 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 report on the results of the program to such Committees on a biennial basis.

SEC. 4. SEA GULL EGG COLLECTION STUDY

(a) STUDY.—The Secretary, in consultation with local residents, shall undertake a study of sea gull eggs living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the ecological sustainability of the sea gull population in the park.

(b) IN GENERAL.—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. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 1999

MURKOWSKI AMENDMENT NO. 2802

Mr. LOTT (for Mr. Murkowski) proposed an amendment to the bill (S. 348) to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes; as follows:

On page 2, after line 2, insert the following:

"TITLE I—NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 1999"

On page 6, after line 18, insert the following:

"(15) STATE.—The term "State" means the several states, except the State of Alaska.

On page 30, after line 11, insert the following:

"TITLE II—SMALL HYDROELECTRIC PROJECTS IN ALASKA"

"SEC. 201. 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) Definitions 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 habitats); and

"(C) the protection of recreational opportunities,

"(D) the preservation of other aspects of environmental integrity; and

"(E) the interests of Alaska Natives, and

"(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

"(G) requires, as a license for any project works—

"(A) the construction, maintenance, and operation of the project's own expenses on 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, 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.) and the fish and wildlife 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.); 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 subsection (c);

"(2) for which a preliminary permit, a license application, or an application for exemption from licensing has not been accepted for filing prior to the date of enactment of subsection (c) (unless such application is withdrawn at the election of the applicant); and

"(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 under this Part, 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 section.

"(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 license 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 a State of Alaska's regulatory program.

"(f) Application of Federal Laws.—Nothing in this section shall preempt the application of Federal environmental, natural resource, or cultural resources protection laws according to their terms.

"(g) Oversight by the Commission.—The State of Alaska shall submit to 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 retain 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 within 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 water-power development complies with the requirements of subsection (a).

"(3) If the Commission fails to issue a final order in accordance with subsection (2), the State of Alaska's regulatory program for water-power development shall be deemed to be in compliance with subsection (a).

"TITLE III—HYDROELECTRIC PROJECTS IN HAWAII"

"SEC. 201. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII.

"Section 4(k) of the Federal Power Act (16 U.S.C. 797(e)) is amended in the first sentence by striking "several States, or upon" and inserting "several States (except fresh waters in the State of Hawaii), unless a license would be required under subsection (2) or upon"

"TITLE IV—ARROWROCK DAM HYDROELECTRIC PROJECT"

"SEC. 201. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

"Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of the Commission's procedures under that section, extend until March 26, 2005, the time period during which the license is required to commence construction of the project.

"ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

KYL AMENDMENT NO. 2803

Mr. LOTT (for Mr. KYL) proposed an amendment to the bill (S. 1088) to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the city of Sedona, Arizona for a wastewater treatment facility, and for other purposes; as follows:

On page 5, line 15, strike the period at the end and insert "reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City of the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—"
OMNIBUS PARKS TECHNICAL CORRECTIONS ACT OF 1999

MURKOWSKI AMENDMENT NO. 2804

Mr. LOTT (for Mr. Murkowski) proposed an amendment to the bill (H.R. 149) to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, as follows:

To the bill as reported:
On page 6, strike lines 4 through 11 and reinsert the subsequent paragraphs accordingly.
On page 5 at the end of section 101 add the following:

BINGAMAN AMENDMENT NO. 2805

Mr. Daschle (for Mr. Bingaman) proposed an amendment to the bill (S. 1268) to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes; as follows:

COMMUNITY FOREST RESTORATION ACT

On page 28, line 20, strike “contract” and insert “contract.”

METHANE HYDRATE RESEARCH AND DEVELOPMENT ACT OF 1999

Mr. Daschle (for Mr. Akaka) proposed an amendment to the bill (H.R. 1753) to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes; as follows:

AKAKA AMENDMENT NO. 2806

SECTION 1. SHORT TITLE.
This Act may be cited as the “Methane Hydrate Research and Development Act of 1999.”

SEC. 2. DEFINITIONS.
In this Act:
(A) CONTRACT.—The term “contract” means a procurement contract within the meaning of section 6303 of title 31, United States Code.
(B) COOPERATIVE AGREEMENT.—The term “cooperative agreement” means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.
(C) DIRECTOR.—The term “Director” means the Director of the National Science Foundation.
(D) GRANT.—The term “grant” means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.
(E) INDUSTRIAL ENTERPRISE.—The term “industrial enterprise” means a private, non-governmental enterprise incorporated under Federal or State law that has an expertise or capability that relates to methane hydrate research and development.
(F) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” means an institution of higher education, within the meaning of section 102(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(1)).
(G) METHANE HYDRATE.—The term “methane hydrate” means:
(A) a methane clathrate that is in the form of a methane-water ice-like crystalline material and is stable and occurs naturally in deep-ocean and permafrost areas, and
(B) other natural gas hydrates found in association with deep-ocean and permafrost deposits of methane hydrate.

(H) SECRETARY.—The term “Secretary” means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.
(I) SECRETARY OF COMMERCE.—The term “Secretary of Commerce” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.
(J) SECRETARY OF DEFENSE.—The term “Secretary of Defense” means the Secretary of Defense, acting through the Secretary of the Navy.
(K) SECRETARY OF THE INTERIOR.—The term “Secretary of the Interior” means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Minerals Management Service.

SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM

(a) IN GENERAL.—
(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with subsection (b).

(2) DESIGNATIONS.—The Secretary of Energy, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(3) COORDINATION.—The individual designated by the Secretary of Energy shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

(4) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 270 days after the date of enactment of this Act, and not less frequently than every 120 days thereafter to:
(A) review the progress of the program under paragraph (1); and
(B) make recommendations on future activities to occur subsequent to the meeting.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—
(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this subsection, the Secretary may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises:

(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a source of energy;
(B) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;
(C) undertake research programs to provide safe means of transport and storage of methane produced from gas methane hydrates;
(D) promote education and training in methane hydrate resource research and resource development;
(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development);
(F) develop technologies to reduce the risks of drilling through methane hydrates; and
(G) conduct exploratory drilling in support of the activities authorized by this paragraph.


CONGRESSIONAL RECORD—SENATE

THREE NEW YORKERS RETIRING FROM THE NORTHEAST-MIDWEST INSTITUTE’S BOARD OF DIRECTORS

Mr. MOYNIHAN. Mr. President, for the past twelve and one-half years, I have served as the Democratic co-chairman of the Northeast-Midwest Senate Coalition. John Heinz was the Republican co-chairman until tragically he was killed in 1991; since then, I have been pleased to work with the junior Senator from Vermont, Jim Jeffords. We and other Coalition Members have worked closely with the Northeast-Midwest Institute, the premier non-partisan, not-for-profit regional policy research center. A superb board of directors guides the Institute. I rise this afternoon to commend three New Yorkers who are ending their terms on the Northeast-Midwest Institute’s Board of Directors. They have provided distinguished service and have helped to advance the region’s economic vitality and environmental quality.

Former Representative Frank Horton has been involved with the Northeast-Midwest organizations for almost 25 years. Indeed, he was one of the founders of the Northeast-Midwest Congressional Coalition, our House counterpart, and served as its Republican co-chairman until he retired from the House in 1992. Frank had a distinguished career spanning 30 years, representing Rochester and serving for many years as ranking member on the Government Operations Committee.

We—I speak now on behalf of the New York Congressional delegation—revered Frank and were grateful for his counsel. He was a veritable renaissance man and has recently been with the DC-based law firm of Venable, Baetjer, Howard & Civiletti.

Gerald Benjamin, another Northeast-Midwest Institute Board Member whose six-year term is ending, is dean of Liberal Arts & Sciences at the State University of New York at New Paltz. Jerry is a respected scholar, who has focused on Federalism—a subject near and dear to my heart—and public policy development. He has been active in New York politics, having served as county legislator and chairman in Ulster County. Jerry also was appointed as a member of the New York State Equalization and Assessment Panel and噱ent near

Thomas Mooney is president of the Greater Rochester Metro Chamber of Commerce. Tom has pulled together the business community and expanded that organization substantially. He has been a leader in numerous civic affairs, helping to coordinate public-private partnerships that have enhanced Rochester’s industrial infrastructure. Tom also served as city manager of Rochester and deputy county manager of the County of Monroe. He also serves on the Genesee Hospital Board of Trustees and the Rochester Philharmonic Board of Overseers.

Mr. President, these gentlemen have served on the Institute’s Board of Directors six years or more without fanfare or remuneration. They are busy men, with plenty of other responsibilities. But they have served, and served with distinction. House and Senate Coalition Members owe them a debt of gratitude for a job well done. I wish them well in their new endeavors.

TRIBUTE TO LISA LINDAHL

Mr. JEFFORDS. Mr. President, I rise today to pay tribute to an outstanding Vermonter, Lisa Lindahl. Ms. Lindahl is know to many as an artist, inventor and entrepreneur. She made her mark in the business world by designing the first sports bra and becoming the CEO of the company that successfully marketed the “Jogbra” until its sale in 1990 to a major corporation.

Ms. Lindahl is also know as a long-time advocate of people with epilepsy. Lisa is deeply committed to bringing to the forefront medical issues which are unique to women living with epilepsy. Her unwavering commitment to improve the health status of such individuals serves as a testament to us all. She is a stunning example of how one person can positively affect so many.
There are now over one million American women who have epilepsy. Lisa has brought national attention to the inequalities that exist in the field of research regarding men and women with epilepsy. She launched the National Epilepsy Foundation’s Women’s Health Campaign and chaired the Women and Epilepsy Task Force. Today, the Women’s Health Campaign is a major program for the Epilepsy Foundation in cities and states across the nation.

Lisa’s efforts have played a significant role on the local level as well. She is a long-standing board member of the Epilepsy Foundation of Vermont and the Epilepsy Foundation of America, where she has served as Chair of the Public Relations Committee, the Resource Development Committee, and as Executive Vice President.

Vermont has much to be grateful for when it comes to Lisa’s steadfast commitment to improving the quality of life for people living with epilepsy, not only in Vermont, but throughout the country. For that, we owe her our deepest gratitude. Thank you, Lisa.

THE PASSING OF PAULINE ISRAELITE

Mr. DODD. Mr. President, I rise today with profound sadness to discuss the passing from this life of a remarkable and beloved woman, Pauline Israelite of Norwich, Connecticut.

On the day of Pauline’s funeral at the Beth Jacob Synagogue in Norwich, some 1000 people arrived to pay their respects. Hundreds of them were required to stand throughout the service because there was not enough seating to accommodate all those in attendance. Politicians, clergy, and other attendees all agreed that they could not recall a funeral service held in that particular house of worship that was ever attended by more individuals.

Those of us privileged to know Pauline can well understand the outpouring of affection shown for her on that day. She was an extraordinary individual in so many ways: a devoted wife, a loving mother, a successful business owner, and not least, an extraordinarily generous and energetic community servant.

For many years, Pauline owned and operated the Norwichtown Mall Bookstore. The true business of her life, however, was not running a business, but serving others. She was an active member of Beth Jacob Synagogue. She served as President of Beth Jacob Sisterhood, and as an active member of Hadassah and a Hands of Healing honoree. She was a volunteer for Hospice; a member of and volunteer for the William W. Hackett Auxiliary; and a volunteer for the Adult Probation Department; and an ombudsman for the Agency Area on Aging. She served as a member of the board of the Jewish Federation of Eastern Connecticut, and of the Norwich Chamber of Commerce. In addition, she volunteered for We Care Delmar, Inc., and for the Literacy Volunteers of America.

I first met Pauline more than a quarter of a century ago. Her husband, Stanley, had just left a successful business career to become a member of my congressional staff. At Pauline’s funeral, I was introduced as someone for whom Stanley worked. I hastened to correct that mis-impression. It is I who work for Stanley, I said. And it was Stanley, I added, who worked for Pauline. Therefore, in a very real sense, I worked for Pauline.

Indeed, so many of us worked, in a manner of speaking, for Pauline. I recall numerous times over the years when Stanley and I would wrestle with a tough problem about how to best help someone in need, or how to bring about some positive result for our community or our state. On those occasions, we would invariably arrive at the same conclusion: “Ask Pauline.” Countless others no doubt uttered those same words over the years. And just as invariably, Pauline knew how to help. And those of us who worked with her—or, I should say again, for her—came to rely on her sound judgment, her instincts for doing the right thing, and her understanding of how to help others—concretely, discretely, and in a spirit of generosity and understanding.

Over the course of her rich and vibrant life, Pauline developed a deep love of books. She didn’t just sell them. She read them, and read them with the same passion she brought to the other facets of her life. It is appropriate, therefore, that I close these remarks by referencing two passages that I believe capture much about Pauline, her family, and how she mourned her unexpected passing, and who wish to celebrate the blessed achievement of her life.

The first passage comes from Seamus Heaney’s “Clearances”, a poem about the death of a mother that evokes how her spirit survives in those left behind:

In the last minutes he said more to her Almost than in all their life together. 'You’ll be in New Row on Monday night,' And I’ll come up for you and you’ll be glad When I walk in the door... Isn’t that right? His head was bent down to her propped-up head. She could not hear but we were overjoyed. He called her good and girl. Then she was dead.

The searching for a pulsebeat was aban doned And we all knew one thing by being there. The space we stood around had been emptied Into us to keep, it penetrated Clearances that suddenly stood open Rich doors were felled and a pure change happened.

The second passage is from “Tuesdays with Morrie,” a touching account of a beloved teacher’s last months. It serves as a reminder that our death, like our lives, is part of a larger scheme composed by the hand of a Creator whose purposes may not always be apparent to us, especially in times of sorrow:

“I heard a nice little story the other day,” Morrie says. He closes his eyes for a moment and I wait. “Okay. The story is about a little wave, bobbing along in the ocean, having a grand old time. He’s enjoying the wind and the fresh air—until he notices the other waves in front of him, crashing against the shore. “‘My God, this is terrible,’ the wave says. ‘Look what’s going to happen to me!’ “Then along comes another wave. It sees the first wave, looking grim, and it says to him, ‘Why do you look so sad?’ “The first wave says, ‘You don’t understand! We’re all going to crash! All of us waves are going to be nothing! Isn’t it terrible?’ “The second wave says, ‘No, you don’t understand. You’re not a wave, you’re part of the ocean.’”

I smile. Morrie closes his eyes again.

“Part of the ocean,” he says, “part of the ocean.” I watch him breathe, in and out, in and out.

Mr. President, Pauline Israelite is survived by a large and loving family: Stanley, her husband of 53 years; her son Michael and his wife Donna; her son Jon; her daughter Abby and her husband Bill Dolliver; her daughter Mindy and her husband Bill Wilkie; several siblings; and six wonderful grandchildren. I extend to them all my deepest sympathies, and my profound gratitude for granting me and so many others the opportunity to know and love Pauline Israelite.

CONGRATULATIONS TO DR. DEBORAH C. BALL

Mr. COVERDELL. Mr. President, I rise today to acknowledge one of Georgia’s outstanding citizens. On November 16, 1999, the Senate announced the appointment of Dr. Deborah C. Ball of Columbus, Georgia, to the Parents Advisory Council on Youth Drug Abuse. This group of 16 individuals serve as advisors to the Director of National Drug Control Policy on issues including drug prevention, education and treatment.

Not only does Dr. Ball bring to the group her knowledge as a parent of three sons, but also over 27 years experience as an educator and coach. In addition, she is very active in her community through her local church and anti-drug organizations. Dr. Ball has been nominated for, and won, numerous awards for her work as a coach in the sports of basketball, softball, tennis and cheerleading. This year, she has been nominated for the Channel One National Coach of the Year.

The youth drug problem in our nation has been an issue of major concern to me for quite some time, and it is my hope that Dr. Ball and the other members of the Parents Advisory Council
will bring their insight and innovation to the task of helping to end this epidemic.

I was proud to be a supporter of the legislation which established this group, and am pleased that such an eminently qualified Georgian has been selected to serve as a member. Mr. President, I congratulate Dr. Ball for this honor, and am confident that she will continue in her role as an outstanding servant and leader to the youth of Georgia, and our country.

IN COMMEMORATION OF NATIONAL BIBLE WEEK

Mr. LIEBERMAN. Mr. President, the week of Nov. 21–28 is an important time for houses of worship and individuals of all religions across the country—National Bible Week.

As this year's National Bible Week co-chair, it is my privilege to pay tribute to its remarkable influence on American life. As in past years, the National Bible Association is hosting the week-long salute to the Good Book. This year, the tribute happens to fall during the Thanksgiving holiday; this seems fitting, because we should be eternally thankful that we have the teachings of the Bible to help guide our daily lives.

And old maxim states that "A reformation happens every time you open the Bible." Indeed, no book over the course of human history has had a more profound effect on how we live and act. The Bible has influenced Western culture in myriad ways, shaping areas as diverse as government and art. John Wycliffe, the great religious reformer, once wrote, "The Bible is for the government of the people, by the people, and for the people. The writings found within it inspired many of our nation's founders' most cherished ideals—ideals that remain cornerstones of democracy today.

The Bible, for example, advocates faith in a greater good, the glory of freedom, the importance of family, and the sanctity of every human life. The Bible is at the heart of America's civic religion.

Far from archaic, the Bible is as important today as it has ever been, particularly as many Americans feel this country slipping into moral decline. Our best hope of rights our national ship is to instill in future generations the core values of love, truth, honor, and service enshrined in the Bible.

As an Orthodox Jew, my faith orders me in the sense of purpose, love, and direction, and provides comfort in uncertain or difficult times. The Old Testament or Torah serves as a constant reminder of my obligations to God, country, and family.

So as Thanksgiving approaches, I encourage every believer in this land to open the Bible, read a favorite passage or two, and give thanks to God for this wonderful, sacred Book.

A TRIBUTE TO ERIC HARNISCHFEGGER

Mr. GREGG. Mr. President, I want to mention the efforts of Special Agent Eric Harnischfeger, who has been on detail from the U.S. Secret Service to the Appropriations Subcommittee on Commerce, Justice, State, and Judiciary for the consideration of the fiscal year 2000 bill. Eric has been a considerable asset to the subcommittee, as not only handling some of our more difficult law enforcement accounts. His management of counterterrorism programs, office of justice programs, and state and local law enforcement accounts is greatly appreciated. Eric's ability to provide keen insight and a friendly manner toward any task he is asked to deal with assured a competent resolution.

Eric's professionalism, wit, and jovial manner will be missed. Agent Harnischfeger meets the high standards that the Secret Service is known for and has done an excellent job for us. I just want to thank him publicly for all his efforts over the past year. Based on his performance here, I am sure he has a bright future at the Service. We wish him the very best.

ON THE DEATH OF AKIO MORITA

Mr. MOYNIHAN. Mr. President, today I rise to note the passing of Akio Morita, the brilliant Japanese business leader who did so much to rebuild his country after World War II. I ask that his obituary that appeared in the October 4 New York Times be printed in the Record.

The obituary follows:

[From the New York Times, Oct. 4, 1999]

AKIO MORITA, FOUNDER OF SONY AND JAPANESE BUSINESS LEADER, DIES AT 78

(By Andrew Pollack)

Akio Morita, the co-founder of the Sony Corporation who personified Japan's rise from postwar rubble to industrial riches and became the unofficial ambassador of its business community to the world, died on Sunday in Tokyo. He was 78.

Mr. Morita died of pneumonia, according to Sony. He had been hospitalized in Tokyo since August, after returning from Hawaii, where he had spent most of his time since suffering a debilitating stroke in November 1998. More than anyone else, it was Mr. Morita and his Sony colleagues who changed the world's image of the term "Made in Japan" from one of paper parasols and shoddy imitations to one of high technology and high reliability in miniature packages.

Founded in bombed-out Tokyo department store after World War II, Sony became indisputably one of the world's most innovative companies, famous for products like the pocket-sized transistor radio, the video-cassette recorder, the Walkman and the compact disc.

And Mr. Morita, whose contribution was greater in marketing than in technology, made the Sony brand into one of the best respected in the world. A Harris poll last year showed Sony was the No. 1 brand name among American consumers, ahead of American companies like General Electric and Coca-Cola.

A tireless traveler who moved his family to New York in 1963 for a year to learn American ways, Mr. Morita also spearheaded the internationalization of business. Sony was the first Japanese company to offer its stock in the United States, in 1961, one of the first to build a factory in the United States, in 1972, and still one of the only ones to have even a couple of West-
School of Business at the City University of New York.

NEVER COMFORTABLE IN WEST'S BUSINESS WORLD

Mr. Morita entertained frequently and counted many American businessmen and politicians as his friends. "He not only made it Sony's business but his own personal business to become intimately acquainted with American society at all levels," said Peter Peterson, an investment banker who is on Sony's board of directors. "I can recall playing golf with Akio, watching him greet and interact with every American C.E.O. on the course, all of whom seemed to know him as a personal friend.

In his book "Sony: The Private Life" (Houghton Mifflin, 1999) John Nathan suggests that Mr. Morita, a Japanese traditionalist at home, was never really comfortable in the Western business world.

Mr. Nathan, a Japanese translator and University of California professor of Japanese culture who was granted free access to Sony executives, quotes Mr. Morita's eldest son, Hideo, as saying of his father, "He had to act—I'm sorry to use that word but I can't help it—to act as the most international-understanding businessman in Japan." But, Hideo adds, "It was never real."

And Sony's current president, Mr. Idei, is quoted as saying that Mr. Morita's personality was in between being comfortable with Americans before mine had an inferiority complex about foreigners. Akio Morita himself was a living inferiority complex.

Despite being very synonymous with Sony, especially outside Japan, Mr. Morita did not actually become the company's president until 1971 and its chairman and chief executive until 1976. Before that, he was the junior partner to Masaru Ibuka, an engineering genius who, while not as widely known in the West, is considered in Japan to be the main founder of Sony. Mr. Ibuka died in December 1997 at the age of 89.

AN EARLY FASCINATION LEADS TO A CAREER SHIFT

Akio Morita was born on Jan. 26, 1921, into a wealthy family in Nagoya, an industrial city in central Japan. As the eldest son, he was groomed from elementary school age to succeed his father as president of the sake brewery that had been in the family for 14 generations.

But in junior high school, Akio became fascinated by his family's phonograph, an appliance rare in Japan at that time. He became an avid electronics hobbyist, building his own crude phonograph and radio receiver. He studied physics at Osaka Imperial University as World War II was starting. Mr. Morita enlisted in the Navy under a program that allowed him to set up operations in Japan.

So Sony evolved into a company that, by Japanese standards at least, was very Westernized, though in many ways it was traditionally American. All Japanese company employees, from the president on down, wore corporate jack-ets, a common practice in Japan. But Sony's uniforms were created by the designer Issey Miyake, and there was a feeling that the company was following the West.

Mr. Morita's worst decision might have been with the Betamax, the first successful consumer VCR. Sony did not readily license its technology to other companies. So most of its Japanese rivals banded together behind the VHS system, which offered longer recording time. Eventually, the Betamax was out of the market.

Mr. Morita first criticized some of his own country's business practices in 1966, when he wrote a book published in Japanese, with a title that might lend itself to a documentary about the struggle of blacks for civil rights in the United States. In the late 1960's, Sony forged a temporary joint venture with Texas Instruments Inc., then the world's leading semiconductor company, allowing it to set up operations in Japan.

In 1972, Mr. Morita set up a subsidiary to export American products, like Regal cookware and Whirlpool refrigerators, to Japan.

"Selling pans and cookware and refrigerators was not our bag," said Akio in a 1995 interview. "We believed in being a world leader in one product, and that's what we did with the transistor radio. We must not change that."

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York showroom when it opened in 1962. He often told a story about how he was on his first trip to Germany in 1953. At a restaurant, he ordered ice cream, and it was served with a small paper parasol stuck in it. “This is from your country,” the waiter said.

In the 1980’s, when Japan seemed on top of the world, Mr. Morita was among the most vocal of the Japanese executives in criticizing American business and railing the success of the Japanese model. He said American managers were financial paper shufflers who “can see only 10 minutes ahead” and were not interested in building for the long run. He said that American companies were losing interest in manufacturing, the United States was abandoning its status as an industrial power. “Those factors, he said, and not trade barriers, were the reason for America’s trade deficit with Japan.

“There are few things in the United States that Japan wants to buy, but there are lots of things in Japan that Americans want to buy,” he wrote in 1989. “This is at the root of the trade imbalance. The problem arises in that American executives fail to understand this simple fact.”

In 1989, Mr. Morita was the co-author, along with a nationalistic politician, Shintaro Ishihara, of “The Sun That Came to Bay: A book that urged Japan to stand up to American trade demands, which it said were motivated partly by racism. The book also said Japanese business was not powerful enough to change the world balance of power by selling its advanced computer chips to the Soviet Union instead of the United States. Even New York City President remarks were generally in the chapters Mr. Ishihara wrote, the book created a stir when an unauthorized translation made its way around Washington. Mr. Morita frantically backpedaled, saying the book had not been intended for an American audience. And he refused to authorize an English translation.

$2 Billion Lost in Hollywood Venture

It was later that year that Sony paid $3.4 billion to buy Columbia Pictures, a purchase driven largely by Mr. Morita, who thought that if Sony had owned a studio issuing movies in the Beta format, it would not have lost the VCR wars.

Although Sony prided itself on being more Americanized than its Japanese rivals, the purchase became a lightning rod for American concern about a wave of Japanese acquisitions of American companies and real estate. “Japan Invades Hollywood” read the cover of Newsweek. In Japan as well, Sony came in for criticism for stirring up anti-Japanese feeling in the United States.

Mr. Morita had a simple answer. “If you don’t want Japan to buy it, don’t sell it.” He told New York Times reporter shortly after the purchase. Nevertheless, sensitive to concerns, he promised that the studio would be run by Americans and that he would be present in Tokyo so that Sony would not be confused with the studio's activity as Sony Pictures Entertainment, and appears to be turning it around.

The Morita name will live on at Sony because many members of Mr. Morita’s family are involved in the company.

Besides his wife, Mr. Morita is survived by his wife, Yoshiko Morita, whom he now runs the sake brewery and other family businesses: a younger son, Masao, an executive with Sony Music Entertainment in Japan; and a daughter, Naoko Okada, who also lives in Japan. He is also survived by his brother Kazuaki, who volunteered to take over the family sake brewery in Morita’s stead; another brother, Masaaki, a long-time Sony executive, and a sister, Kikuko Iwama, who was married to the late Kazuo Iwama, a former president of Sony.

A Longtime Outsider Is Embraced at Last

In the 1990’s, corporate Japan, worried about escalating trade tensions, turned to Mr. Morita, whom it once considered an arrogant maverick, to be its official leader. Mr. Morita was slated to become chairman of Kodanren, Japan’s most powerful business lobbying organization, a post that had always gone to the head of a company in an old-line heavy industry like steel.

But on Nov. 30, 1993, while playing his usual 7 A.M. Tuesday tennis game, Mr. Morita suffered a cerebral hemorrhage. A year later, just days after Sony announced its huge $13 billion write-down, Mr. Morita, in a wheelchair, attended a Sony board meeting in Tokyo and resigned as chairman.

He had spent much of his life since then undergoing rehabilitation at his beachfront home near Diamond Head on the Hawaiian island of Oahu. At first, Mr. Morita was able to speak a little, shake hands and hit back hard with tennis balls spit out by a machine, according to Mrs. Wada, the retired Sony government relations manager.

But more recently, Mr. Wada said, Mr. Morita had lost the ability to speak and communicated mainly through eye contact with his wife. The couple’s Christmas greeting card last year had a message from Mrs. Wada: “I love you, Kazu.”

Mr. Morita was still able to attend a Sony board meeting. In 1997, he turned 79. He spent much of the day in rehabilitation. “He may be overheating,” she said, mentioning his tendency to overdo it.

Until he was taken to the hospital in Tokyo in August, Mr. Morita had not returned to Japan for more than two years because of concerns that flying would further damage his health. He did not attend the 1997 funeral of Mr. Ibuka.

Sony officials still visited him in Hawaii to keep him up to date on the business and show him new products. In January 1998, some 200 executives, friends and dignitaries came to Hawaii to attend a party for Mr. Morita’s 77th birthday, considered a lucky age in Japan.

TRIBUTE TO SISTER ELIZABETH CANDON

- Mr. JEFFDORS, Mr. President, it is with great pleasure that I rise today in honor of an extraordinary Vermont woman, Sister Elizabeth Candon. On January 1, 2000, Sister Elizabeth will retire from her post as Professor of English at Trinity College, and from a long career in public service. Whether in the role of teacher, college President, or public servant, Sister Elizabeth has been a steadfast leader for women and a true advocate for those in need. She is and will remain a stunning example of how one person can positively affect so many.

In 1958, Sister Elizabeth Candon began her life of public service when she became a Religious Sister of Mercy. Educated at Trinity College and Fordham University, Sister Elizabeth started her career in 1954, when she returned to her alma mater as an Associate Professor of English and Director of Admissions. In 1966, she became a full Professor of English and Trinity College’s President, a post she would hold until 1976.

During this time, Sister Elizabeth left the world of academia to try her hand at state government. At the request of Vermont’s Governor, Richard Snelling, Sister Elizabeth took the helm of Vermont’s largest agency as Secretary of Human Services. It is in Vermont history to serve as Secretary and the only woman in the Governor’s cabinet, Sister Elizabeth quickly became a role model for Vermont women. Her tenure as Secretary also provided her with an opportunity to effect change and help those in need. Under her leadership, community based programs were developed and as a result, the Windsor State Prison and Vergennes’ Week’s School were both closed. This restructuring allowed the beneficial programs administered at these sites to be relocated throughout the state.

Sister Elizabeth was and continues to be tireless in her efforts to institute programs on behalf of those in need of proper health and developmental disabilities services. To this day she is remembered for her motto, “anything is possible if it matters not who gets the credit.” Consequently, this legacy has woven its way into the mission of the Agency of Human Services.

Since returning to teaching at Trinity as Professor of English in 1983, Sister Elizabeth has continued to bring the beauty and inspiration of Shakespeare and Chaucer to her students. In 2005, her steadfast leadership in community and public service has continued.

I should also acknowledge that throughout her career, Sister Elizabeth has served on many boards and Councils, further extending her influence on the issues important to her and to Vermonters. She sat on the Vermont Council on the Humanities and Public Issues, the Board of Directors for the United Community Service of Chittenden County and the Board of Directors of Howard Mental Health Services. She also served as Trustee of Middlebury College and as Chairperson of the State Task Force on Funding for
in the form of an electronic benefit transfer card that is issued to the household to purchase food at a retail food store or wholesale food concern approved to participate in the food stamp program.

**P. SETTLING.—**The term ‘settling’ means movement, and reporting such movement, of funds from an electronic benefit transfer card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

**G. SMART CARD.—**The term ‘smart card’ means an intelligent benefit card described in section 17(f).

**H. SWITCHING.—**The term ‘switching’ means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

**2. REQUIREMENT.—**Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the issuance, use, or redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

**3. COST.—**Transferring the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp retail store, or any wholesale food concern, approved to participate in the food stamp program.

**4. STANDARDS.—**Not later than 210 days after the date of enactment of this subsection, the Secretary shall promulgate regulations that—

**A. adopt a uniform national standard of interoperability and portability required under paragraph (2);** and

**B. require that any electronic benefit transfer contract that is entered into 30 days after the regulations are promulgated, by or on behalf of a State agency, provide for the interoperability and portability required under paragraph (2) in accordance with the national standard.**

**5. EXEMPTIONS.—**

**A. CONTRACTS.—**The requirements of paragraph (2) shall not apply to the transfer of benefits under an electronic benefit transfer contract before the expiration of the term of the contract if the contract—

**A(i) is entered into before the date that is 30 days after the regulations are promulgated under paragraph (4); and**

**A(ii) expires after October 1, 2002.**

**B. WAIVER.—**At the request of a State agency, the Secretary may provide 1 waiver to temporarily exempt, for a period ending on or before the date specified under clause (iii), the State agency from complying with the requirements of paragraph (2), if the State agency—

**A(i) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving by October 1, 2002, the interoperability and portability required under paragraph (2);** and

**A(ii) determines that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and**

**A(iii) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2).**

**C. SMART CARD SYSTEMS.—**The Secretary shall allow a State agency that is using smart cards for the delivery of food stamp program benefits to comply with the requirements of paragraph (2) at such time after October 1, 2002, as the Secretary determines that a practicable technological method is available for interoperability with electronic benefit transfer cards.

**6. FUNDING.—**

**A. IN GENERAL.—**In accordance with regulations promulgated by the Secretary, the Secretary shall pay 100 percent of the costs incurred by a State agency under this Act for switching and settling interstate transactions.

**B. LIMITATION.—**The amount paid to State agencies for each fiscal year under subparagraph (A) shall not exceed $500,000.

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

**1. The growth of electronic commerce and electronic government transactions represent a powerful force for economic growth, consumer choice, improved civic participation and wealth creation.**

**2. The promotion of growth in private sector electronic commerce through Federal legislation is in the national interest because that market is globally important to the United States.**

**3. A consistent legal foundation, across multiple jurisdictions, for electronic commerce will promote the growth of such transactions, and that such a foundation should be based upon a simple, technology neutral, nonregulatory, and market-based approach.**

**4. The Nation and the world stand at the beginning of a large scale transition to an information society which will require innovative legal and policy approaches, and therefore, States can serve the national interest by taking their proven role as laboratories of innovation for quickly evolving areas of public policy, provided that States...
also adopt a consistent, reasonable national baseline to obviate, to the extent possible, any such innovation which would not unduly burden interstate commerce in the impor-
tant burgeoning area of electronic com-
merce, the national interest is best served by Federal preemption to the extent necessary to promote the consistent, reasonable na-
tional baseline or eliminate said burden, but that absent such lack of consistent, reason-
able national baseline or such undue bur-
dens, the best legal system for electronic commerce will result from continuing ex-
perimentation by individual jurisdictions.

(6) With due regard to the fundamental need for a consistent national baseline, each jurisdiction that enacts such laws should have the right to determine the need for any exceptions to protect consumers and main-
tain consistent, reasonable laws among the Federal and State levels within existing juris-
dictions.

(7) Industry has developed several elec-
tronic signature technologies for use in elec-
tronic commerce and the public policies of the United States should serve to promote a dynamic marketplace within which these technologies can compete. Consistent with this Act, States should permit the use and development of any authentication tech-
nologies that are appropriate as practicable as between private parties and in use with State agencies.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to permit and encourage the continued expansion of electronic commerce through the operation of free market forces rather than proscriptive governmental mandates and regulations;

(2) to promote public confidence in the va-
dility, integrity and reliability of electronic commerce and online government under Fed-
eral law;

(3) to facilitate and promote electronic commerce by clarifying the legal status of electronic records and electronic signatures in the context of contract formation;

(4) to assure that private parties engaged in interstate transactions agree among themselves on the appropriate electronic signature technologies for their transactions, and

(5) to promote the development of a con-
sistent national legal infrastructure nec-
cessary to support electronic commerce at the Federal and State levels within existing areas of jurisdiction.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELECTRONIC.—The term “electronic” means relating to technology having elec-
trical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) ELECTRONIC AGENT.—The term “elec-
tronic agent” means a computer program or an electronic or other automated means used to initiate an action or respond to electronic records or transactions in whole or in part without review by an individual at the time of the action or response.

(3) ELECTRONIC RECORD.—The term “elec-
tronics record” means a record created, gen-
erated, sent, communicated, received, or
stored by electronic means.

(4) ELECTRONIC SIGNATURE.—The term “elec-
tronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and exe-
cuted or adopted by a person with the intent to sign that record.

(5) GOVERNMENTAL AGENCY.—The term “governmental agency” means an executive, legislative, or judicial agency, department, board, commission, authority, or institution of the Federal Government or of a State, county, municipality, or other political subdivision of a State.

(6) INCREASED RECORD” means infor-

tion that is inscribed on a tangible med-
ium or that is stored in an electronic or other medium and is retrievable in per-
manently recognizable form.

(7) TRANSACTION.—The term “transaction” means an action or set of actions relating to the conduct of commerce, between 2 or more persons, neither of which is the United States Government, a State, or an agency, department, board, commission, authority, or institution of the United States Government or of a State.

(8) UNIFORM ELECTRONIC TRANSACTIONS

ACT.—The term “Uniform Electronic Trans-
actions Act” means the Uniform Electronic Trans-
actions Act as provided to State legis-
atures by the National Conference of Com-
missioners on Uniform State Law in that form or any substantially similar variation thereof.

SEC. 5. INTERSTATE CONTRACT CERTAINTY.

(a) IN GENERAL.—In any commercial trans-
action affecting interstate commerce, a con-
tract may not be denied legal effect or en-
forceability solely because an electronic sig-
nature or electronic record was used in its

formation.

(b) PROMISES.—Parties to a transaction are

permitted to determine the appropriate elec-
tronic signature technologies for their trans-
action, and the means of implementing such tech-
nology.

(c) PRESENTATION OF CONTRACTS.—Notwith-
standing subsection (a), if a law requires

that a contract be in writing, the legal effect or enforceability of an electronic record of

such contract shall be denied under such law, unless it is delivered to all parties to such contract in a form that—

(1) can be examined by the parties for later reference; and

(2) can be used to prove the terms of the agreement.

(d) PROVINCIAL EXCLUSIONS.—The pro-
visions of this section shall not apply to a statute, regulation, or other rule of law governing any of the following:

(1) The Uniform Commercial Code, as in ef-
fect in a State, other than sections 1-107 and

1-206, Article 2, and Article 2A.

(2) Premarital agreements, marriage, adop-
tion, divorce or other matters of family law;

(3) Documents of title which are filed of record with a governmental unit until such time that a State or subdivision thereof chooses to accept filings electronically;

(4) Residential landlord-tenant relation-
ships.

(5) The Uniform Health-Care Decisions Act as in effect in a State.

(6) ELECTRONIC AGENTS.—A contract rel-
ting to a commercial transaction affecting interstate commerce may not be denied legal effect or enforceability solely because its formation involved—

(1) the interaction of electronic agents of the parties;

(2) the interaction of an electronic agent of a party and an individual who acts on that individual’s own behalf or as an agent for an-

other person;

(3) Insolvency.—It is the specific intent of the Congress that this section apply to the business of insurance.
commerce, it shall include a finding or findings, stating the reasons therefor, that such removal is impracticable or would be inconsistent with the implementation or enforcement of applicable laws.

TO AMEND THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

S. 961, passed during today's session, follows:

S. 961

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

SECTION 1. SHARED APPRECIATION ARRANGEMENTS.

(a) IN GENERAL.—Section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) is amended by striking paragraph (2) and inserting the following:

``(2) TERMS.—A shared appreciation agreement entered into by a borrower under this subsection shall—

``(A) have a term not to exceed 10 years;

``(B) provide for recapture based on the difference between—

``(i) the appraised value of the real security property at the time of restructuring; and

``(ii) that value at the time of recapture, except that that value shall not include the value of any capital improvements made to the real security property by the borrower after the time of restructuring; and

``(C) allow the borrower to obtain a loan, in addition to any other outstanding loans under this title, to pay any amounts due on a shared appreciation agreement, at a rate of interest that is not greater than the rate of interest on outstanding marketable obligations of the United States of a maturity comparable to that of the loan.''

(b) APPLICATION.—The amendment made by subsection (a) shall apply to a shared appreciation arrangement entered into under section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) that matures on or after the date of enactment of this Act.

ENERGY AND WATER RELATED MEASURES

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his work on this next group of bills. It involves a number of energy-related, water-related bills out of the Energy and Natural Resources Committee. I also want to recognize Senator MURkowski, the chairman of the committee.

These are—what is often considered to be small bills, but to a number of areas or States or Senators, they are very big in importance. Senator MURkowski and Senator BINGAMAN have worked extremely to try to get through a number of problems. It is one of those classic cases where you have one problem that develops with a bill; then it affects other bills. Senator DASCHLE took the time and the lead in working through some of these problems. I want to recognize the work he did.

I also comment publicly on the record to proceed to S. 1051, the Northern Marianas bill, by February 15. We would have liked to have been able to go ahead and get a complete unanimous consent about the total arrangements for it being handled, but Senators who did raise questions are now probably on airplanes headed halfway across the country. We will work together. I will make a commitment to bring this up by the 15th.

Does Senator DASCHLE want to make any comments about that?

Mr. DASCHLE. Mr. President, I appreciate the commitment made by the majority leader. I know Senator AKAKA is disappointed that it is not in this package of bills. He has worked, along with senator MURkowski who I think, may be a cosponsor of this legislation, to pass it tonight. That is impossible. But I think Senator AKAKA is certainly willing to accept the commitment made by the majority leader that by the 15th the amendments and the legislation and hopefully resolve it successfully in the not-too-distant future. This is an important bill, the Marianas. It is an important bill for Senator AKAKA, and I am appreciative of the commitment that is now part of the record that we will come back to this bill in a matter of months.

UNANIMOUS-CONSENT AGREEMENT—S. 744

Mr. LOTT. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Democratic leader, proceed to the consideration of S. 744, regarding conveying public lands to the University of Alaska, that immediately after the bill is reported, the committee amendment be agreed to as original text for the purpose of further amendment; and that the bill, as amended, be considered under the following limitations: That there be 4 hours of debate on the bill equally divided and controlled between the chairman and ranking member, with the only amendments in order as follows:

Bingaman, two relevant amendments; and Murkowski, one relevant amendment, and Murkowski, other first-degree or other first-degree amendments be in order, with debate time on the amendments limited to 60 minutes each, equally divided and controlled in the usual form; that upon disposition of all amendments, the use of any time yielding back of all time, the bill be read a third time and the Senate proceed to vote on passage of the bill.

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

THE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following reported bills by the Energy Committee:

S. 366, Calendar No. 49; S. 501, Calendar No. 238, with amendment 2801; S. 244, Calendar No. 242.

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

EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

The Senate proceeded to consider the bill (S. 366) to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail, which was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 366

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 “El Camino Real de Tierra Adentro National Historic Trail Act.”

SEC. 2. FINDINGS.

The Congress finds the following:

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballos (1568–1600), San Gabriel (1600–1609) and then Santa Fe (1610–1621).

(2) The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderlands;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) In 1598, Juan de Oñate led a Spanish military expedition along these trails to establish the northern portion of El Camino Real;

(6) During the Mexican National Period and part of the U.S. Territorial Period, El Camino Real de Tierra Adentro facilitated the emigration of people to New Mexico and other areas that would become the United States;

(7) The exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderlands was made possible by this route, whose historical period extended from 1598 to 1822;

(8) American Indians, Mexicans, and Americans;
(9) El Camino Real fostered the spread of Catholicism andministered an extensive network of commerce, agriculture, and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish laws.

SEC. 2. AUTHORIZATION AND ADMINISTRATION.

Section 5 (a) of the National Trails System Act (16 U.S.C. 1244 (a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

""(21) EL CAMINO REAL DE TIERRA ADENTRO.—

""(A) El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to present San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States (the Royal Road of the Interior) National Historic Trail', contained in the report prepared pursuant to subsection (b) entitled ‘National Historic Trail Eligibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico’, dated March 1997;

""(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 Interior;

""(C) ADMINISTRATION.—The Trail shall be administered by the Secretary of the Interior.

""(D) LAND ACQUISITION.—No lands or interests therein in the exterior boundaries of any federally administered area may be acquired by the Federal Government for El Camino Real de Tierra Adentro except with the consent of the owner thereof.

""(E) VOLUNTEER GROUPS; CONSULTATION.—The Secretary of the Interior shall—

(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

(ii) consult with other affected Federal, State, local governmental, and tribal agencies in the administration of the trail.

""(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academies, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.

GLACIER BAY FISHERIES ACT

The Senate proceeded to consider the bill (S. 501) to address resource management issues in Glacier Bay National Park, Alaska, which had been reported from the Committee on Energy and Natural Resources, with an amendment, to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Glacier Bay National Park Resource Management Act of 1999”.

SEC. 2. RESOURCE MANAGEMENT AND USE.

(a) Section 202(1) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 416h-1) is amended by adding at the end thereof the following new sentence: “Subsistence fishing and gathering by local residents shall be permitted in the park and preserve in accordance with the provisions of title VIII.”

(b) Within the boundaries of Glacier Bay National Park, the Secretary of the Interior shall not take any action that would adversely affect:

(1) subsistence fishing and gathering under title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.);

(2) management of the State of Alaska marine fisheries relating to subsistence and commercial fisheries, in accordance with the principles of sustained yield, except that commercial fishing for Dungeness crab shall be prohibited; and,

(3) subsistence gathering activities permitted under the Migratory Bird Treaty.

(c) Nothing in this section 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.

SEC. 3. CLAUSES FOR LOST EARNINGS.

Section 3(g) of Public Law 91–383 (16 U.S.C. 1a–2(g)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”;

and

(3) by inserting after paragraph (2) the following:

“(3) to pay an aggregate of not more than $2,000,000 per fiscal year in actual and punitive damages to persons who, at any time after January 1, 1999, suffered or suffered a loss in earning from commercial fisheries legally conducted in the marine waters of Glacier Bay National Park, due to any action by an officer, employee, or agent of the United States.”

Amendment No. 2801 was agreed to as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Glacier Bay National Park Resource Management Act of 1999”.

SEC. 2. DEFINITIONS.

As used in this Act—

(a) in this section—

(b) 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. 3. 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 Act 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 Act 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. 4. SEA GULL EGG COLLECTION STUDY.

(a) STUDY.—The Secretary, in consultation with local residents, shall undertake a study of sea gull populations 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. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.”.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 501), as amended, was read the third time and passed, as follows:

S. 501

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 “Glacier Bay National Park Resource Management Act of 1999”.

November 19, 1999 CONGRESSIONAL RECORD—SENATE 31149
SEC. 2. DEFINITIONS.

As used in this Act—

(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 National Park;

(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. 3. 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.


(2) Nothing in this Act 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 all 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 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. 4. 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 be carried out 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. 5. ALLOCATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 1999

The Senate proceeded to consider the bill (S. 244) to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lewis and Clark Rural Water System Act of 1999".

SEC. 2. DEFINITIONS.

In this Act—

(1) ENVIRONMENTAL ENHANCEMENT.—The term "environmental enhancement" means the wetland and wildlife enhancement activities that are carried out substantially in accordance with the environmental enhancement component of the feasibility study.

(2) ENVIRONMENTAL ENHANCEMENT COMPONENT.—The term "environmental enhancement component" means the component described in the report entitled "Wetlands and Wildlife Enhancement for the Lewis and Clark Rural Water System", dated December 1994.

(3) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Feasibility Level Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota", dated September 1993, that includes a water conservation plan, environmental report, and environmental enhancement component.

(4) INCREMENTAL COST.—The term "incremental cost" means the cost of the savings to the project were the city of Sioux Falls not to participate in the water supply system.

(5) MEMBERS.—The term "member entity" means a rural water system or municipality that meets the requirements for membership as defined by the Lewis and Clark Rural Water System, Inc., bylaws, dated September 6, 1990.

(6) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds needed for the construction of the water supply project, as contained in the feasibility study.

(7) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are necessary for the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines used in the operation of the water supply system to each member entity that distributes water at retail to individual users.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) WATER SUPPLY PROJECT.—

(A) IN GENERAL.—The term "water supply project" means the physical components of the Lewis and Clark Rural Water Project.

(B) INCLUSIONS.—The term "water supply project" includes—

(i) necessary pumping, treatment, and distribution facilities;

(ii) pipelines;

(iii) appurtenant buildings and property rights; and

(iv) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

(V) other pipelines, pumping plants, and facilities as the Secretary considers necessary and appropriate to meet the water supply, economic, public health, and environmental needs of the member entities (including water storage tanks, water lines, and other facilities for the member entities).

(10) WATER SUPPLY SYSTEM.—The term "water supply system" means the Lewis and Clark Rural Water System, Inc., a nonprofit corporation established and operated substantially in accordance with the feasibility study.

SEC. 3. FEDERAL ASSISTANCE FOR THE WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the planning and construction of the water supply project.

(b) SERVICE AREA.—The water supply system shall provide for the member entities safe and adequate municipal, rural, and industrial water supplies, environmental enhancement, mitigation of wetland areas, and water conservation in—

(1) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;

(2) Rock County and Nobles County, in southwestern Minnesota; and

(3) Lyon County, Sioux County, O'Brien County, Dickinson County, and Clay County, in northeastern Iowa.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the water supply system shall not exceed the amount of funds authorized under section 9.

(d) LIMITATION ON AVAILABLE OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply project until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met; and

(2) a final engineering report and a plan for a water conservation system are prepared and submitted to Congress not less than 90 days before the commencement of construction of the water supply project.

SEC. 4. FEDERAL ASSISTANCE FOR THE ENVIRONMENTAL ENHANCEMENT COMPONENT.

(a) INITIAL DEVELOPMENT.—The Secretary shall make grants and other funds available to the water supply system and other private, State, and Federal entities, for the initial development of the environmental enhancement component.

(b) NONREIMBURSEMENT.—Funds provided under subsection (a) shall be nonreimbursable and nonreturnable.

SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water supply project shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.
SEC. 6. USE OF PICK–SLOAN POWER.

(a) The power, designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the energy required to meet the pumping and incidental operational requirements of the water supply project during the period beginning May 1 and ending October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on a not-for-profit basis.

(1) The water supply system shall contract to purchase the entire electric service requirements of the project, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(2) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Missouri River Basin Program. Early discussion of the Western Area Power Administration in effect when the power is delivered by the Administration to the qualified preference power supplier.

(3) It is an express term of the contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2); and

(C) the power supplier of the entity described in subparagraph (B); and

(D) the water supply system;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 7. NO LIMITATION ON WATER PROJECTS IN STATES.

This Act does not limit the authorization for water projects in the States of South Dakota, Iowa, and Minnesota under law in effect on or after the date of enactment of this Act.

SEC. 8. WATER RIGHTS.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 9. COST SHARING.

(a) FEDERAL COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide funds equal to 80 percent of—

(A) the amount allocated in the total project construction budget for planning and construction of the water supply project under section 3; and

(B) such amounts as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after September 1, 1993.

(2) SIoux Falls.—The Secretary shall provide funds for the city of Sioux Falls, South Dakota, in an amount equal to 50 percent of the incremental cost to the city of participation in the project.

(b) NON-FEDERAL COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the non-Federal share of the costs allocated to the water supply system shall be 20 percent of the amounts described in subsection (a)(1).

(2) SIoux Falls.—The non-Federal cost-share for the city of Sioux Falls, South Dakota, shall be 50 percent of the incremental cost to the city of participation in the project.

SEC. 10. BUREAU OF RECLAMATION.

(a) AUTHORIZATION.—At the request of the water supply system, the Secretary may allow the Commissioner of Reclamation to provide project construction oversight to the water supply project and environmental enhancement component for the service area of the water supply system described in section 3(b).

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Commissioner of Reclamation for oversight described in subsection (a) shall not exceed the amount that is equal to 1 percent of the amount provided in the total project construction budget for the entire project construction period.

(2) OPERATION AND MAINTENANCE.—The water supply system shall be responsible for annual operation and maintenance of the project.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There is appropriated to carry out this Act $223,987,700, to remain available until expended, of which not more than $10,100,000 shall be used for the initial development of the environmental enhancement component under section 4.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 244), as amended, was read the third time and passed.

THE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following reported by the Energy Committee:


I further ask consent that H.R. 2079 be discharged from the Energy Committee and the Senate proceed to its consideration and H.R. 2889, which is at the desk.

I ask unanimous consent that any committee amendments, if applicable, be agreed to, with exception of calendar No. 367, H.R. 20, in which the committee amendments be withdrawn, and further, any amendments mentioned be agreed to, the bills be read the third time and passed, any title amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills appear at this point in the Record, with the above occurring en bloc.

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

STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL STUDY ACT OF 1999

The bill (H.R. 791) to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system, was considered, ordered to a third reading, read the third time, and passed.

MT. HOPE WATERPOWER PROJECT

The bill (H.R. 459) to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project, was considered, ordered to a third reading, read the third time, and passed.

ARIZONA STATEHOOD AND ENABLING ACT OF AMENDMENTS OF 1999

The bill (H.R. 747) to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds, was considered, ordered to a third reading, read the third time, and passed.

FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE VISITOR CENTER

The bill (H.R. 1104) to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center, was considered, ordered to a third reading, read the third time, and passed.

THOMAS COLE NATIONAL HISTORIC SITE ACT

The bill (H.R. 658) to establish the Thomas Cole National Historic Site in

November 19, 1999 CONGRESSIONAL RECORD—SENATE 31151 GATEWAY VISITOR CENTER AUTHORIZATION ACT OF 1999
the State of New York as an affiliated area of the National Park System, was considered, ordered to a third reading, read the third time, and passed.

WILDERNESS BATTLEFIELD LAND ACQUISITION

The bill (H.R. 1665) to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation, was considered, ordered to a third reading, read the third time, and passed.

CHATTAOOCHEE RIVER NATIONAL RECREATION AREA IMPROVEMENT

The bill (H.R. 2140) to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia, was considered, ordered to a third reading, read the third time, and passed.

PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1999

The bill (H.R. 970) to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota, was considered, ordered to a third reading, read the third time, and passed.

NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT OF 1999

The bill (H.R. 1528) to reauthorize and amend the National Geologic Mapping Act of 1992, was considered, ordered to a third reading, read the third time, and passed.

UPPER DELAWARE SCENIC AND RECREATIONAL RIVER MONGAUP VISITOR CENTER ACT OF 1999

The bill (H.R. 20) to authorize the Secretary of the Interior to construct and operate a visitor center for the upper Delaware Scenic and Recreational River on land owned by the State of New York, which had been reported from the Committee on Energy and Natural Resources, was considered, ordered to a third reading, read the third time, and passed.

WORLD WAR VETERANS PARK AT MILLER FIELD

The bill (H.R. 589) to designate a portion of gateway National Recreation Area as “World War Veterans Park at Miller Field,” was considered, ordered to a third reading, read the third time, and passed.

QUINABEAU AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION ACT OF 1999

The bill (H.R. 1619) to amend Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor, was considered, ordered to a third reading, read the third time, and passed.

TERRY PEAK LAND TRANSFER ACT OF 1999

The bill (H.R. 2979) to provide for the conveyance of certain National Forest System lands in the State of South Dakota, was considered, ordered to a third reading, read the third time, and passed.

AMENDING THE CENTRAL UTAH PROJECT COMPLETION ACT

The bill (H.R. 2899) to amend the Central Utah Project Completion Act to provide for acquisitions of water and water rights for Central Utah Project purposes, completion of Central Utah project facilities, and implementation of water conservation measures, was considered, ordered to a third reading, read the third-time, and passed.

THE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following reported by the Energy Committee:

1. Calendar No. 137, H.R. 154: calendar No. 142, S. 698; calendar No. 143, S. 748; calendar No. 172, S. 734; calendar No. 217, S. 345, with an amendment numbered 2902; calendar No. 222, S. 1988, with amendment numbered 2803; calendar No. 235, S. 711; calendar No. 236, H.R. 149, with an amendment 2804; calendar No. 245, S. 1329, calendar No. 246, S. 1330; calendar No. 298, S. 1236; calendar No. 302, S. 769; calendar No. 303, S. 986; calendar No. 304, S. 1030; calendar No. 305, S. 1211; calendar No. 306, S. 1288, with amendment numbered 2805; calendar No. 318, S. 710; calendar No. 319, S. 905; calendar No. 323, S. 1117; calendar No. 321, S. 1123; calendar No. 330, S. 1275; calendar No. 335, S. 624; calendar No. 349, H.R. 1753, with an amendment numbered 2806; calendar No. 361, S. 439; calendar No. 362, S. 977; calendar No. 363, S. 1296; calendar No. 365, S. 1569; calendar No. 366, S. 1599.

The President pro tempore. Without objection, it is so ordered.

FEE SYSTEM FOR COMMERCIAL FILMING ACTIVITIES ON FEDERAL LAND

The Senate proceeded to consider the bill (H.R. 154) to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause inserting in lieu thereof of the following:

SECTION 1. COMMERCIAL FILMING.

(a) COMMERCIAL FILMING FEE.—The Secretary of the Interior and the Secretary of Agriculture (hereinafter individually referred to as the “Secretary” with respect to lands under their respective jurisdiction) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. Such fee shall provide for the return to the Treasury and shall be based upon the following criteria:

(1) The number of days the filming activity or similar project takes place on Federal land under the Secretary’s jurisdiction.

(2) The size of the film crew present on Federal land under the Secretary’s jurisdiction.

(3) The amount and type of equipment present.

The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.

(b) RECOVERY OF COSTS.—The Secretary shall also collect any costs incurred as a result of filming activities or similar project, including but not limited to administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) STILL PHOTOGRAPHY.—IExcept as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on lands administered by the Secretary if such photography takes place at other locations where members of the public are generally not denied, or where additional administrative costs are likely.

The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site’s natural or cultural resources or administrative facilities.

(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines—

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public’s use and enjoyment of the site; or

(3) that the activity poses health or safety risks to the public.

(e) USE OF PROCEEDS.—(1) All fees collected under this Act shall be available to the Secretary for expenditure by the Secretary, without further appropriation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program (Public Law 104–134). All fees collected shall remain available until expended.

(2) All costs recovered under this Act shall be available for expenditure by the Secretary, without further appropriation, at the site where collected. All costs recovered shall remain available until expended.
EMERGENCY RESCUES AT DENALI NATIONAL PARK AND PRESERVE

The bill (S. 698) to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

SECTION 2. PILOT PROGRAM.

SEC. 2. 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 Senate, and the Committee on Resources of the House of Representatives.

(b) In implementing the programs, the Secretary shall—

(1) consult with Native Corporations, non-profit organizations, and Tribal entities in the immediate vicinity of such units and shall also, to the extent practicable, involve Native corporations, non-profit organizations, and Tribal entities in the development of interpretive materials and the pilot programs relating to such units.

(c) The objective of such programs shall be, to the extent possible, to establish cooperative arrangements, through contracts or other means, that will allow local communities and residents to assume administrative and management responsibilities for those units, or portions of those units, of the National Park System in a manner that will accomplish the purposes for which the units were established and consistent with policies set forth in the Act of August 23, 1916 (39 Stat. 535, 16 U.S.C. 1).

(d) PARK SERVICE EMPLOYEES.—(1) Any career employee of the National Park Service, employed at one of the Alaska northwest parks at the time of the transfer of an operation or program to a local Native entity by contract, shall be hired from the Service by reason of such transfer.

(2) Any career employee of the National Park Service employed at any one of the Alaska northwest parks at the time of the transfer of an operation or program to a local Native entity shall be given priority placement for any available position within the National Park Service, notwithstanding any priority reemployment lists, directives, rules, regulations or other orders from the Department of the Interior, the Office of Management and Budget, or other Federal agencies.

The committee amendment was agreed to.

The bill (S. 748), as amended, was passed, as follows:

S. 748

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

SECTION 1. REPORT.

(a) Within six months after the enactment of this Act the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall submit to the Committee on Energy and Natural Resources of the United States Senate, and the Committee on Resources of the House of Representatives a 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.

NATIVE HIRING BY THE FEDERAL GOVERNMENT IN ALASKA

The Senate proceeded to consider the bill (S. 748) to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

SECTION 1. REPORT.

(a) Within six months after the enactment of this Act 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 describe, in detail, the measures and actions that will be taken, along with a description of the anticipated results to be achieved during the fiscal year. 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 six months after the enactment of this Act the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall complete 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 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.

(c) The report shall be completed within six months after the enactment of this Act 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 describe, in detail, the measures and actions that will be taken, along with a description of the anticipated results to be achieved during the 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.

The Senate proceeded to consider the bill (S. 748), entitled “National Discovery Trails Act of 1999,” which had been reported from the Committee on
Energy and Natural Resources, with amendments; as follows:

(1) by re-designating the paragraph relating to the California National Historic Trail as paragraph (18); and

(2) by re-designating the paragraph relating to the Pony Express National Historic Trail as paragraph (19);

(Congressional Record—Senate  November 19, 1999)

S. 734

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 “National Discovery Trails Act of 1999.

SEC. 2. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

(a)(1) Section 3(a) of the National Trails System Act (16 U.S.C. 1242(a)) is amended by inserting after paragraph (4) the following:

“(5) National discovery trails, established as provided in section 5, which will be extended, continuous, interstate trails so located as to provide for outstanding outdoor recreation and travel and to connect representative examples of America’s trails and communities. National discovery trails should be an integral part of the conservation and enjoyment of significant natural, cultural, and historic resources associated with each trail and should be so located as to represent metropolitan and back country regions of the Nation. Any such trail may be designated on federal lands and, with the consent of the owner thereof, on any non-federal land.

(2) FEASIBILITY REQUIREMENTS; COOPERATIVE MANAGEMENT REQUIREMENT.—Section 5(b) of such Act (16 U.S.C. 1244) is amended by adding at the end the following new paragraph:

“(12) For purposes of subsection (b), a trail shall not be considered feasible and desirable for designation as a national discovery trail unless it meets all of the following criteria:

(A) The trail must link one or more areas within the boundaries of a metropolitan area (as those boundaries are determined under section 134(c) of title 23, United States Code). It should also join with other trails, connecting the National Trails System to significant recreation and resources areas.

(B) The trail must be supported by at least one competent trailwide volunteer-based organization. Where the designation of discovery trail is aligned with other units of the National Trails System, or State or local trails, the designation of a discovery trail shall not affect the existing authorities and end for the other trail or trails, nor shall the designation of a discovery trail diminish the values and significance for which those trails were established.

(b) DESIGNATION OF THE AMERICAN DISCOVERY TRAIL AS A NATIONAL DISCOVERY TRAIL.—Section 5(a) of such Act (16 U.S.C. 1244(a)) is amended by inserting after paragraph (a) the following:

“(1) by re-designating the paragraph relating to the California National Historic Trail as paragraph (18); and

“(2) by re-designating the paragraph relating to the Pony Express National Historic Trail as paragraph (19);

(3) by re-designating the paragraph relating to the American Discovery Trail as paragraph (20); and

(4) by adding at the end the following:

“(21) The American Discovery Trail, a trail of approximately 5,900 miles from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, extending westward through Delaware, Maryland, Washington, D.C., Pennsylvania, West Virginia, Ohio, and Kentucky, where near Cincinnati it splits into two routes. The Northern Midwest route traverses Ohio, Indiana, Illinois, Wisconsin, and Colorado, and the Southern Midwest route traverses Indiana, Illinois, Missouri, Kansas, and Colorado. After the two routes rejoin in Denver, Colorado, the route continues through Colorado, Utah, Nevada, and California. The trail is generally described in Volume 2 of the National Park Service feasibility study dated June 1966 which shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, the District of Columbia. The American Discovery Trail shall be administered by the Secretary of the Interior in cooperation with at least one competent trailwide volunteer-based organization and other federal, state, and local agencies and state and local governments, as appropriate. No lands or interests outside the exterior boundaries of federally administered areas are required by the Federal Government solely for the American Discovery Trail. The provisions of sections 7(e), 1(f), and 7(h) shall not apply to the American Discovery Trail.

(c) COMPREHENSIVE NATIONAL DISCOVERY TRAIL PLAN.—Section 5 of such Act (16 U.S.C. 1244) is further amended by adding at the end the following new subsection:

“(17) Within three complete fiscal years after the date of enactment of any law designating a national discovery trail, the administering Federal agency shall, in cooperation with at least one competent trailwide volunteer-based organization, submit a comprehensive plan that promotes the protection, management, development, and use of the federal portions of the trail, and that provides for technical and financial support for local units of government and private landowners, as requested, for non-federal portions of the trail. The appropriate Secretary shall submit a comprehensive plan to the appropriate agency, management, development, and use of the trail, to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The responsible Secretary shall ensure that the comprehensive plan for the entire trail does not conflict with existing agency direction and that the volunteer-based organization shall consult with the affected land managing agencies. The Governers of the affected States, affected county and local political jurisdictions, and local organizations maintaining components of the trail. Components of the comprehensive plan include:

(1) policies and practices to be observed in the administration and management of the trail, including the identification of any significant heritage and cultural resources to be preserved, model agreements necessary for joint trail administration among and between interested parties, and an identified list of critical segments of the trail and a plan for their implementation where appropriate;

(2) general and site-specific trail-related development and use policies.

(3) the process to be followed by the volunteer-based organization, in cooperation with the appropriate Secretary, to implement the plan, including the selection, in consultation with the Secretary, of the trail marking authorities in section 7(c) conforming to approved trail logo or emblem requirements.

(4) The appropriate Secretary shall ensure that the trail marking authorities shall be consistent with any non-federal lands without the consent of the owner thereof. Neither the designation of a National Discovery Trail nor any plan related thereto shall affect or be considered in the granting or denial of a right of way or any conditions relating thereto.

(d) AMENDMENTS.—Section 7 of the National Trails System Act is amended—

(1) in section (b) (16 U.S.C. 1241(b)), by striking “scenic and historic” and inserting “scenic, historic, and discovery”;

(2) in the section heading to section 5 (16 U.S.C. 1244), by striking AND NATIONAL HISTORIC, AND NATIONAL DISCOVERY’’ and inserting ’’AND NATIONAL HISTORIC, AND NATIONAL DISCOVERY’’

(3) in section 5(a) (16 U.S.C. 1244(a)), in the matter preceding paragraph (1)—

(A) by striking “and historic” and inserting “historic”, “historic, or national discovery”;

(B) by striking and “National Historic, and National Discovery’’ and inserting ’’National Historic, and National Discovery’’;

(4) in section 5(b) (16 U.S.C. 1244(b)), in the matter preceding paragraph (1), by striking “or historic” and inserting “historic, or national historic, or national discovery”;

(5) in section 5(b)(3) (16 U.S.C. 1244(b)(3)), by striking of “historic” and inserting “historic, or national historic, or national discovery”;

(6) in section 7(a)(2) (16 U.S.C. 1246(a)(2)), by striking “and historic” and inserting “historic, or national historic, or national discovery”;

(7) in section 7(b) (16 U.S.C. 1246(b)), by striking “or historic” each place such term appears and inserting “or historic, or national historic, or national discovery”;

(8) in section 7(c) (16 U.S.C. 1246(c))—

(A) by striking “scenic or historic” each place such term appears and inserting “scenic, historic, or national discovery”;

(B) by striking the second proviso, by striking “and historic” and inserting “and historic, or national historic, or national discovery”;

(C) by striking “scenic, or historic, or national historic” and inserting “scenic, historic, or national historic, or national discovery”;

(9) in section 7(d) (16 U.S.C. 1246(d)), by striking “or historic” and inserting “or historic, or national historic, or national discovery”;

(10) in section 7(e) (16 U.S.C. 1246(e)), by striking “& historic” each place such term appears and inserting “& historic, or national historic, or national discovery”;

(11) in section 7(f)(2) (16 U.S.C. 1246(f)(2)), by striking “National Scenic or Historic” and inserting “National scenic, historic, or discovery trail”;

(12) in section 7(h)(1) (16 U.S.C. 1246(h)(1)), by striking “or historic” and inserting “or historic, or national historic, or national discovery”;

(13) in section 7(i) (16 U.S.C. 1246(i)), by striking “or historic” and inserting “or historic, or national historic, or national discovery”.

The committee amendments were agreed to.

The bill (S. 734), as amended, was passed, as follows;

S. 734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
Cincinnati it splits into two routes. The Northern Route, which originates from Ohio, Indiana, Illinois, Iowa, Nebraska, and Colorado, and the Southern Midwest route traverses Indiana, Illinois, Missouri, Kansas, and Colorado. After the two routes rejoin in Denver, Colorado, the route continues through Colorado, Utah, Nevada, and California. The trail is generally described in Volume 2 of the National Park Service feasibility study published in June 1995 which shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, the District of Columbia.

The American Discovery Trail shall be administered by the Secretary of the Interior in cooperation with at least one competitive trailwide volunteer-based organization and other affected federal land managing agencies, and state and local governments, as appropriate. No lands or interests with the exterior boundaries of federally administered areas may be acquired by the Federal Government solely for the American Discovery Trail. The provisions of sections 5(e), 7(f), and 7(g) shall apply to the American Discovery Trail.''

(c) **COMPREHENSIVE NATIONAL DISCOVERY TRAIL PLAN.**—Section 5 of such Act (16 U.S.C. 1244) is further amended by adding at the end the following new paragraph:

(12) For purposes of subsection (b), a trail shall not be considered feasible and desirable for designation as a national discovery trail unless it meets all of the following criteria:

(A) The trail must link two or more areas within the boundaries of a metropolitan area (as those boundaries are determined under section 131(c) of the United States Code). It should also join with other trails, connecting the National Trails System to significant recreation and resources areas.

(B) The trail must be supported by at least one federal and local trailwide volunteer-based organization. Each trail should have extensive local and trailwide support by the public, by users groups, and by affected State governments.

(C) The trail must be extended and pass through one or more states. At a minimum, it should be a continuous, walkable route.

(13) The appropriate Secretary for each national discovery trail shall administer the trail in cooperation with at least one competitive trailwide volunteer-based organization. Where the designation of a discovery trail is aligned with other units of the National Trails System, or State or local trails, the designation of a discovery trail shall not affect the protections or authorities provided for the other trail or trails, nor shall the designation of a discovery trail diminish the values and significance for which those trails were established.''

(b) **DESIGNATION OF THE AMERICAN DISCOVERY TRAIL AS A NATIONAL DISCOVERY TRAIL.**—Section 5(a) of such Act (16 U.S.C. 1244(a)) is amended—

(1) by redesignating the paragraph relating to the California National Historic Trail as paragraph (19);

(2) by redesignating the paragraph relating to the Pony Express National Historic Trail as paragraph (19); and

(3) by inserting after the paragraph relating to the Selma to Montgomery National Historic Trail as paragraph (20); and

(4) by adding at the end the following:—

(21) **American Discovery Trail**:—a trail of approximately 6,000 miles extending from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, extending through, Delaware, Maryland, the District of Columbia, West Virginia, Ohio, and Kentucky, where near

SEC. 2. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

(a) (1) in section 2(b) (16 U.S.C. 1241(b)), by striking "scenic and historic" and inserting "scenic, historic, or national discovery";

(B) by striking "and National Historic" and inserting "and historic, or national discovery";

(2) in the heading of section 5 (16 U.S.C. 1244), by striking "AND NATIONAL DISCOVERY" and inserting "NATIONAL DISCOVERY, NATIONAL Historic, and NATIONAL Discovery"; and

(ii) in section 7(i) (16 U.S.C. 1246(i)), by striking "National Scenic or Historic" and inserting "National Historic, and National Discovery";

(ii) in section 7(e) (16 U.S.C. 1246(e)), by striking "or national historic" each place term appears and inserting "or national historic, or national discovery"; and

(ii) in section 7(f)(2) (16 U.S.C. 1246(f)(2)), by striking "National Scenic or Historic" and inserting "National historic, or national discovery";

"EXXON VALDEZ" OIL SPILL

The Senate proceeded to consider the bill (S. 711) to allow the investment of joint Federal and State funds from the civil settlement of damages from the Exxon Valdez oil spill, and for other purposes, which has been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. (a) Notwithstanding any other provision of law, none of the funds subject to the provisions of subsections (e) and (g), upon the joint motion of the United States and the State of Alaska and the issuance of an appropriate order by the United States District Court for the District of Alaska, the joint trust funds, or any portion thereof, including any interest accrued thereon, previously received or to be received by the United States and the State of Alaska pursuant to the Agreement and Consent Decree issued in United States v. Exxon Corporation, et al. (No. A91–082 CIV) and

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CONGRESSIONAL RECORD—SENATE
State of Alaska v. Exxon Corporation, et al. (No. A91–083 CIV) (hereafter referred to as the “Trustee Council and Koniag, Inc. which includes those lands which are presently subject to the Koniag Non-Development Easement, and includes projects proposed by the communities of the
EVOS Region or the fishing industry; consistent with the Consent Decree.
(f) The joint trust funds after the date of enactment of this Act shall expire on September 30, 2002, unless approved unanimously by the Trustees for such extension. Upon the expiration of the authorities granted in this Act all monies in the Fund or outside accounts shall be returned to the Court Registry or other account permitted by law.
The committee amendment in the nature of a substitute was agreed to. The bill (S. 711), as amended, was passed, as follows:
SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

The Secretary of the Interior to Convey Land to Nye County, Nevada

The Senate proceeded to consider the bill (S. 1329) to direct the Secretary of the Interior to convey certain land to Nye County, Nevada, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment on page 3, line 9, to strike “(b)”, and insert in lieu thereof “(c)”. The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

State of Alaska v. Exxon Corporation, et al. (No. A91–083 CIV) (hereafter referred to as the “Consent Decree”), may be deposited in—

(1) the Natural Resource Damage Assessment and Restoration Fund (hereafter referred to as the “Fund”) shall be returned to the Court Registry or other account permitted by law.

The committee amendment in the nature of a substitute was agreed to. The bill (S. 711), as amended, was passed, as follows:

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

The Secretary of the Interior to Convey Land to Nye County, Nevada

The Senate proceeded to consider the bill (S. 1329) to direct the Secretary of the Interior to convey certain land to Nye County, Nevada, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment on page 3, line 9, to strike “(b)”, and insert in lieu thereof “(c)”. The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE TO NYE COUNTY, NEVADA.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term “County” means Nye County, Nevada.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) PARCELS CONVEYED FOR USE OF THE NEVADA SCIENCE AND TECHNOLOGY CENTER.—

(1) IN GENERAL.—For no consideration and at no other cost to the County, the Secretary shall convey to the County, subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are as follows:

(A) The portion of Sec. 13 north of United States Route 95, T. 15 S., R. 49 E., Mount Diablo Meridian, Nevada.

(B) In Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(i) W 1/2 W 1/2 NW 1/4.

(ii) The portion of the W 1/2 W 1/2 SW 1/4 north of United States Route 95.

(C) USE.—

(A) IN GENERAL.—The parcels described in paragraph (2) shall be used for the construction and operation of the Nevada Science and Technology Center as a nonprofit museum and exhibition center, and related facilities and activities.

(B) REVERSION.—The conveyance of any parcel described in paragraph (2) shall be subject to reversion to the United States, at the discretion of the Secretary, if the parcel is used for a purpose other than that specified in subparagraph (A).

ARROWBACK DAM HYDROELECTRIC PROJECT

The bill (S. 1236) to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowback Dam Hydroelectric Project in the State of Idaho, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1236

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

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 825w) that would otherwise apply to the Federal Energy Regulatory Commission project number 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission’s procedures under that section, extend until March 26, 2005, the time period during which the licensee is required to commence construction of the project.

CONGRESSIONAL RECORD—SENATE

S. 1329

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

SECTION 1. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA.

Section 3 of Public Law 99-548 (100 Stat. 2346) is amended by adding at the end the following:

"(B) shall be disposed of by the Secretary as provided in section 4(e)(3) of that Act (112 Stat. 2346).

(i) SIXTH AREA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall convey to the city of Mesquite, Nevada, in accordance with section 47125 of title 49, United States Code, up to 2,500 acres of public land to be selected by the city from among the parcels of land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

(A) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

(i) The portion of sec. 28 south of Interstate Route 15 (except S 1/2 SE 1/4).

(ii) The portion of sec. 29 south of Interstate Route 15.

(iii) The portion of sec. 30 south of Interstate Route 15.

(iv) The portion of sec. 31 south of Interstate Route 15.

(B) In T. 14 S., R. 69 E., Mount Diablo Meridian, Nevada:

(i) Sec. 1.

(ii) Sec. 5.

(iii) Sec. 6.

(iv) Sec. 8.

(C) In T. 14 S., R. 68 E., Mount Diablo Meridian, Nevada:

(i) Sec. 1.

(ii) Sec. 12.

(3) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws."

AUTHORIZATION FOR MESQUITE, NEVADA TO PURCHASE PUBLIC LANDS IN THE CITY

The bill (S. 1330) to give the city of Mesquite, Nevada, the right to purchase at fair market value certain parcels of public lands in the city, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SEC. 2. FINDINGS.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contracts 9–07–60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

II. IN GENERAL.—In consultation with the City and the State of North Dakota, the Secretary shall reallocate responsibility for the operation and maintenance costs of the Dam and bascule gates.

SEC. 4. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9–07–60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

SEC. 5. DEFINITIONS.

In this Act:

(1) BASCULE GATES.—The term “bascule gates” means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) THE CITY.—The term “City” means the City of Dickinson, North Dakota.

(3) DAM.—The term “Dam” means Dickinson Dam on the Heart River, North Dakota.

(4) LAKE.—The term “Lake” means the reservoir known as “Patterson Lake” in the State of North Dakota.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 4. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contracts 9–07–60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

II. IN GENERAL.—In consultation with the City and the State of North Dakota, the Secretary shall reallocate responsibility for the operation and maintenance costs of the Dam and bascule gates.

SEC. 4. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9–07–60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

SEC. 5. DEFINITIONS.

In this Act:

(1) BASCULE GATES.—The term “bascule gates” means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) THE CITY.—The term “City” means the City of Dickinson, North Dakota.

(3) DAM.—The term “Dam” means Dickinson Dam on the Heart River, North Dakota.

(4) LAKE.—The term “Lake” means the reservoir known as “Patterson Lake” in the State of North Dakota.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 4. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contracts 9–07–60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

II. IN GENERAL.—In consultation with the City and the State of North Dakota, the Secretary shall reallocate responsibility for the operation and maintenance costs of the Dam and bascule gates.

SEC. 4. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9–07–60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

SEC. 5. DEFINITIONS.

In this Act:

(1) BASCULE GATES.—The term “bascule gates” means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) THE CITY.—The term “City” means the City of Dickinson, North Dakota.

(3) DAM.—The term “Dam” means Dickinson Dam on the Heart River, North Dakota.

(4) LAKE.—The term “Lake” means the reservoir known as “Patterson Lake” in the State of North Dakota.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 4. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contracts 9–07–60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

II. IN GENERAL.—In consultation with the City and the State of North Dakota, the Secretary shall reallocate responsibility for the operation and maintenance costs of the Dam and bascule gates.

SEC. 4. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9–07–60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

SEC. 5. DEFINITIONS.

In this Act:

(1) BASCULE GATES.—The term “bascule gates” means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) THE CITY.—The term “City” means the City of Dickinson, North Dakota.

(3) DAM.—The term “Dam” means Dickinson Dam on the Heart River, North Dakota.

(4) LAKE.—The term “Lake” means the reservoir known as “Patterson Lake” in the State of North Dakota.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.
and regulatory facilities, electric substations, and related rights of way and improvements listed pursuant to "Robert B. Griffith Water Project (Formerly Southern Nevada Water Project), Nevada: Southern Clark County, Lower Colorado Region Bureau of Reclamation", on file at the Bureau of Reclamation, and the rights of way established by subsection (b) have never left Federal ownership and are under the jurisdiction of the Bureau of Land Management.

The term "Public Land" means lands which have never left Federal ownership and are under the jurisdiction of the Bureau of Land Management.

The term "Withdrawn Land" means Federal lands which are withdrawn from settlement, sale, location of minerals, or entry under some or all of the general land laws and are reserved for a public purpose pursuant to Public Law 89–292, as amended, under the jurisdiction of the National Park Service.

SEC. 3. CONVEYANCE OF GRIFFITH PROJECT.

(a) IN GENERAL.—In consideration of the Authority assuming from the United States all liability for administration, operation, maintenance, sale, location of minerals, or entry under some or all of the general land laws and are reserved for a particular public purpose pursuant to Public Law 89–292, as amended, under the jurisdiction of the National Park Service.

(b) Pursuant to the authority of this section, from the effective date of conveyance of the Griffith Project, the Authority shall have a right of way at no cost across all Public Land and Withdrawn Land—

(1) on which the Griffith Project is situated; and

(2) across any Federal lands as reasonably necessary for the operation, maintenance, replacement, and repair of the Griffith Project, including existing access routes.

Rights of way established by this section shall be valid for as long as they are needed for municipal water supply purposes and shall not require payment of rental or other fee.

(c) Within twelve months after the effective date of this Act—

(1) the Secretary and the Authority shall agree upon a description of the land subject to the rights of way established by subsection (b) of this section; and

(2) the Secretary shall deliver to the Authority a document memorializing such rights of way.

(d) REPORT.—If the conveyance under subsection (a) has not occurred within twelve months after the effective date of this Act, the Secretary shall submit to Congress a report on the status of the conveyance.

SEC. 4. RELATIONSHIP TO EXISTING CONTRACTS.

The Secretary and the Authority shall modify Contract No. 7–07–30–W0004 and other contracts and land permits as necessary to conform to the provisions of this Act.

SEC. 5. RELATIONSHIP TO OTHER LAWS AND FUTURE BENEFITS.

(a) If the Authority changes the use or operation of the Griffith Project, the Authority shall notify the Secretary and the Secretary shall submit to Congress a report on the nature of a substitute was agreed to.

(b) On conveyance of the Griffith Project under section 3, subsection (a), and subsection (b) of the Boulder Canyon Act, the Act of June 17, 1902 (43 U.S.C. 391 et seq.), and all Acts amendatory thereof or supplemental thereto shall not apply to the Griffith Project. Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership of the conveyed property.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 986), as amended, was passed, as follows:

S. 986
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 ‘‘Griffith Project Prepayment and Conveyance Act’’.

SEC. 2. DEFINITIONS.

In this Act:

(1) the term ‘‘Authority’’ means the Southern Nevada Water Authority, organized under the laws of the State of Nevada;

(2) the term ‘‘Griffith Project’’ means the Robert B. Griffith Water Project, authorized by and constructed pursuant to the Southern Nevada Water Project Act, Public Law 89–292, as amended, (commonly known as the ‘‘Southern Nevada Water Project Act’’) (79 Stat. 1068), including pipelines, conduits, pumping plants, intake facilities, aqueducts, laterals, water storage and regulatory facilities, electric substations, and related works and improvements listed pursuant to ‘‘Robert B. Griffith Water Project (Formerly Southern Nevada Water Project), Nevada: Southern Clark County, Lower Colorado Region Bureau of Reclamation’’, on file at the Bureau of Reclamation, and the right, title, and interest of the United States in and to improvements and facilities of the Griffith Project and acquired interests in land under section 3 of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership of the conveyed property.

(3) the term ‘‘Secretary’’ means the Secretary of the Interior;

(4) the term ‘‘Acquired Land(s)’’ means all interests in land, including fee title, right(s)-of-way, and easement(s), acquired by the States from Federal water resources by purchase, donation, exchange, or condemnation pursuant to Public Law 89–292, as amended for the Griffith Project.

(5) The term ‘‘Public Land’’ means lands which have never left Federal ownership and are under the jurisdiction of the Bureau of Land Management.

(6) The term ‘‘Withdrawn Land’’ means Federal lands which are withdrawn from settlement, sale, location of minerals, or entry under some or all of the general land laws and are reserved for a particular public purpose pursuant to Public Law 89–292, as amended, under the jurisdiction of the Bureau of Reclamation, or are reserved pursuant to Public Law 86–639 under the jurisdiction of the National Park Service.

SEC. 3. CONVEYANCE OF GRIFFITH PROJECT.

(a) IN GENERAL.—In consideration of the Authority assuming from the United States all liability for administration, operation, maintenance, sale, location of minerals, or entry under some or all of the general land laws and are reserved for a particular public purpose pursuant to Public Law 89–292, as amended, under the jurisdiction of the National Park Service.

(b) On conveyance of the Griffith Project under section 3, subsection (a), and subsection (b) of the Boulder Canyon Act, the Act of June 17, 1902 (43 U.S.C. 391 et seq.), and all Acts amendatory thereof or supplemental thereto shall not apply to the Griffith Project. Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership of the conveyed property.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 986), as amended, was passed, as follows:
CONGRESSIONAL RECORD—SENATE
November 19, 1999

SEC. 5. RELATIONSHIP TO OTHER LAWS AND FUTURE BENEFITS.

(a) If the Authority changes the use or operation of the Griffith Project, the Authority shall comply with all applicable laws and regulations governing the changes at that time.

(b) On conveyance of the Griffith Project under section 3 of this Act, the Act of June 17, 1902 (43 U.S.C. 393 et seq.), and all Acts amendatory thereof or supplemental thereto shall not apply to the Griffith Project. Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Act of June 17, 1902, and all Acts amendatory thereof or supplemental thereto attributable to their status as a Federal Reclamation Project, and the Griffith Project shall no longer be a Federal Reclamation Project.

(c) Nothing in this Act shall transfer or affect Federal ownership, rights, or interests in Lake Mead National Recreation Area associated lands, nor affect the authorities of the National Park Service to manage Lake Mead National Recreation Area including lands on which the Griffith Project is located consistent with the Act of August 25, 1916 (39 Stat. 355), Public Law 88-639, October 8, 1964 (78 Stat. 1039), or any other applicable legislation, regulation, or policy.

(d) Nothing in this Act shall affect the application of Federal reclamation law to water delivered to the Authority pursuant to any contract with the Secretary under section 5 of the Boulder Canyon Project Act.

(e) Effective upon conveyance of the Griffith Project and acquired interests in land under section 3 of this Act, the United States shall be held harmless from any damages arising out of any act, omission, or occurrence based on its prior ownership of the conveyed property.

EXCHANGE OF PRIVATE LAND IN CAMPBELL COUNTY, WYOMING

The Senate proceeded to consider the bill (S. 1030) to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(The part of the bill intended to be inserted is printed in italic.)

S. 1030

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

SEC. 1. EXCHANGE OF LAND.

EXCHANGE OF PRIVATE LAND IN CAMPBELL COUNTY, WYOMING

The Senate proceeded to consider the bill (S. 1211) to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(The part of the bill to be inserted is printed in italic.)

S. 1211

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

SECTION 1. AMENDMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL ACT.

Section 208(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1588(c)) is amended—

(1) in the first sentence—

(A) by striking "$75,000,000 for subsection 202(a)" and inserting "$175,000,000 for section 202(a)"; and

(B) by striking "paragraph 202(a)(6)" and inserting "paragraph (6) of section 202(a)"; and

(2) in the second sentence, by striking "paragraph 202(a)(6)" and inserting "section 202(a)(6)".

SEC. 2. REPORT.

The Secretary of the Interior shall prepare a report on the status of implementation of the comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management directed by section 203(b)(3) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593). The report shall provide specific information on individual projects and funding allocations. The report shall be transmitted to the Committee on Energy and Natural Resources and the Committee on Resources of the House of Representatives no later than June 30, 2000.

The committee amendment was agreed to.

The bill (S. 1211), as amended, was passed, as follows:

S. 1211

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

SECTION 1. AMENDMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL ACT.

Section 208(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1588(c)) is amended—

(1) in the first sentence—

(A) by striking "$75,000,000 for subsection 202(a)" and inserting "$175,000,000 for section 202(a)"; and

(B) by striking "paragraph 202(a)(6)" and inserting "paragraph (6) of section 202(a)"; and

(2) in the second sentence, by striking "paragraph 202(a)(6)" and inserting "section 202(a)(6)".

SEC. 2. REPORT.

The Secretary of the Interior shall prepare a report on the status of implementation of the comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management directed by section 203(b)(3) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593). The report shall provide specific information on individual projects and funding allocations. The report shall be transmitted to the Committee on Energy and Natural Resources and the Committee on Resources of the House of Representatives no later than June 30, 2000.

VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS PRESERVATION ACT OF 1999

The Senate proceeded to consider the bill (S. 710) to authorize a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are situated along the Vicksburg Campaign Trail in the States of Mississippi, Louisiana, Arkansas, and Tennessee, including political subdivisions of those States.

(b) PURPOSE.—The purpose of this Act is to authorize a feasibility study to determine what measures should be taken to preserve certain Civil War battlefields along the Vicksburg Campaign Trail.

SEC. 3. DEFINITIONS.

In this Act:

(1) CAMPAIGN TRAIL STATE.—The term "Civil War battlefield'' includes the following sites (including related structures adjacent to or thereon):

(A) the battlefield 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) Pemberton's Headquarters at Big Black River Bridge, Hinds and Warren Counties, Mississippi;

(G) the battlefield at Champion Hill (including Coker House), Hinds County, Mississippi;

(H) the battlefield at Champion Hill (including Coker House), Hinds County, Mississippi;

(I) the battlefield at Grand Gulf, Claiborne County, Mississippi;

(J) the battlefield at Raymond (including Waverly, (the Peyton House)), Hinds County, Mississippi;

(K) the Union siege lines around Jackson, Hinds County, Mississippi;

(L) the Union fortifications at Bayou Bayou, Mississippi;

(M) the battlefield at Big Black River Bridge, Hinds and Warren Counties, Mississippi;

(N) the Union fortifications at Bayou Bayou, Mississippi;

(O) the battlefield at Chickasaw Bayou, 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 the Battle of Chickamauga, and other related sites, La Grange, Tennessee; and

(S) any other sites considered appropriate by the Secretary.

(b) COMPONENTS.—In completing the study, the Secretary shall—

(1) enter into contracts with entities to use advanced technology such as remote sensing, river modeling, and flow analysis to determine which property included in the Civil War battlefields should be preserved, restored, managed, maintained, or acquired due to the historical significance of the property;

(2) 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;

(3) 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—

(A) administers and manages the Civil War battlefields; and

(B) possesses the legal authority to—

(i) receive Federal funds and funds from other units of government or other nonprofit 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 for use in managing the Civil War battlefields;

(iv) acquire land or interests in land by gift, devise, purchase from a willing seller using donated or appropriated funds, or by donation.

(4) make recommendations to the Committee on Resources of the House of Representatives regarding which battlefields to preserve;

(5) make recommendations to the Committee on the Budgets of the Senate and House of Representatives.

SEC. 4. FEASIBILITY STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve certain Civil War battlefields along the Vicksburg Campaign Trail.

(b) PURPOSE.—The purpose of this Act 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) 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.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $1,500,000.

The committee amendments were agreed to.

The bill (S. 710), as amended, was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, in the Congress of the United States begun and held at Washington, on November 19, 1999;

SECTION 1. SHORT TITLE. This Act may be cited as the "Vicksburg Campaign Trail Battlefields Preservation Act of 1999".
LACKAWANNA VALLEY AMERICAN HERITAGE AREA ACT OF 1999

"The Senate proceeded to consider the bill (S. 905) to establish the Lackawanna Valley American Heritage Area, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(1) the Committee on Energy and Natural Resources; and
(2) the Committee on Resources of the House of Representatives.

[amendments; as follows:]

(3) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this Act $1,500,000.

LACKAWANNA VALLEY AMERICAN HERITAGE AREA ACT OF 1999

S. 905

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

SEC. 2. FINDINGS AND PURPOSES.

(a) PENNSYLVANIA.—Congress finds that—

(1) the industrial and cultural heritage of northeastern Pennsylvania, including Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, and the anthracite coal fields and anthracite-related industries, is nationally significant; and
(2) the industries referred to in paragraph (1) include and involve the mining, ironmaking, textiles, and rail transportation;

(b) MARYLAND.—The Secretary shall enter into an agreement with the State of Maryland for the purpose of preparing and implementing the management plan under this Act, and for the purpose of carrying out this Act $1,500,000.

SEC. 4. FEASIBILITY STUDY.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall, in consultation with the Federal, State, and local governments, and with the private nonprofit organization that—

(1) receive Federal funds and funds from other units of government or other organizations for use in managing the Civil War battlefields; and
(2) possess the legal authority to—

(i) 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;

(3) evaluate options for the establishment of a management entity for the Civil War battlefields, including the possibility of a unit of government or a private nonprofit organization that—

(A) administers and manages the Civil War battlefields; and
(B) 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;

(3) make recommendations to the Commission on behalf of the Federal government, State, and local governments, regional entities, and the private sector, including nonprofit organizations and the organizations known as the "Friends of the Vickesburg Campaign and Historic Trail," in furtherance of the purposes of this Act; and

(5) recommend methods of ensuring continued local government participation in the management, protection, and development of the Civil War battlefields.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report describing the findings of the study to—

(1) the Committee on Energy and Natural Resources; and
(2) the Committee on Resources of the House of Representatives.

SEC. 5. COMPACT.

(a) IN GENERAL.—To carry out this Act, the Secretary shall enter into a compact with the management entity for the Lackawanna Valley American Heritage Area that presents comprehensive plans and the parts of the bill intended to be inserted are shown in italic.)

S. 905

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

S. 905

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "Lackawanna Valley [American] National Heritage Area Act of 1999."
(B) involve residents, public agencies, and private organizations working in the Heritage Area; and

(C) include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area.

(3) SPECIFICATION OF FUNDING SOURCES.—

The management plan shall specify the existing and potential sources of funding available to protect, manage, and develop the Heritage Area.

(4) OTHER REQUIRED ELEMENTS.—The management plan shall include the following:

(A) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the purposes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its historical, cultural, natural, recreational, or scenic significance.

(B) A recommendation of policies for resource management that considers the details application of appropriate land and water management techniques, including development of intergovernmental cooperative agreements to protect the historical, cultural, natural, and recreational resources of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan by the management entity, including:

(i) plans for restoration and construction; and

(ii) specific commitments of the partners for the first 5 years of operation.

(D) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.

(E) An interpretation plan for the Heritage Area.

(5) SUBMISSION TO SECRETARY FOR APPROVAL.—

(A) In general.—Not later than the last day of the 3-year period beginning on the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(B) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the day referred to in subparagraph (A), the Secretary shall not, after that day, provide any grant or other assistance under this Act with respect to the Heritage Area until a management plan for the Heritage Area is submitted to the Secretary.

(c) DUTIES OF MANAGEMENT ENTITY.—The management entity shall:

(1) give priority to implementing actions specified in the compact and management plan, including steps to assist units of government and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government and nonprofit organizations in:

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) improving public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) repairing historic buildings that relate to the purposes of the Heritage Area;

(3) encourage economic viability in the Heritage Area consistent with the goals of the management plan;

(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(5) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs that areas of interest are located throughout the Heritage Area;

(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(7) conduct public meetings not less often than quarterly concerning the implementation of the management plan; and

(8) submit substantial amendments (including any increase of more than 25 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary’s approval; and

(9) for each year in which Federal funds have been received under this Act—

(A) submit a report to the Secretary that specifies—

(i) the accomplishments of the management entity; or

(ii) the expenses and income of the management entity; and

(iii) each entity to which any loan or grant was made;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(d) USE OF FEDERAL FUNDS.—

(1) FUNDS MADE AVAILABLE UNDER THIS ACT.—The management entity shall not use Federal funds received under this Act to acquire real property or any interest in real property.

(2) FUNDS FROM OTHER SOURCES.—Nothing in this Act precludes the management entity from using Federal funds obtained through laws other than this Act for any purpose for which the funds are authorized to be used.

SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.

(2) PRIORITY IN ASSISTANCE.—In assisting the management entity, the Secretary shall give priorities to actions that assist in—

(a) conserving the significant historical, cultural, and natural resources that support the purpose of the Heritage Area; and

(b) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under this Act not later than 90 days after receipt of the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—The Secretary shall approve or disapprove a revised management plan within 90 days after the date on which the revision is submitted to the Secretary.

(c) APPROVAL OF AMENDMENTS.—

(1) REVIEW.—The Secretary shall review substantial amendments (as determined under section 6(c)(8)) to the management plan for the Heritage Area.

(2) REQUIREMENT OF APPROVAL.—Funds made available under this Act shall not be expended to implement the amendments described in paragraph (1) until the Secretary approves the amendments.

SEC. 8. SUNSET PROVISION.

The Secretary shall not provide any grant or other assistance under this Act after September 30, 2012.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this Act for any fiscal year.

(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any grant made under this Act shall not exceed 50 percent.

Amend the title so as to read: “To establish the Lackawanna Valley National Heritage Area and for other purposes.”

The committee amendments were agreed to.

The bill (S. 905), as amended, was passed, as follows:

S. 905

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 “Lackawanna Valley National Heritage Area Act of 1999.”

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the industrial and cultural heritage of northeastern Pennsylvania, including Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, related directly to anthracite and anthracite-related industries, is nationally significant;
(2) the industries referred to in paragraph (1) included ironmaking; ironworks; iron and steel plants; coal and coke plants; and the railroad industry;

(3) the industrial and cultural heritage of the anthracite and anthracite-related industries in the Commonwealth of Pennsylvania, and local and governmental entities, programs and projects to conserve, protect, and interpret this heritage adequately for future generations, while providing opportunities for education and revitalization; and

(4) the Lackawanna Heritage Authority would be an appropriate management entity for a Heritage Area established in the region described in paragraph (1) that merit the involvement of the Federal Government to develop, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and local and governmental entities, programs and projects to conserve, protect, and interpret this heritage adequately for future generations, while providing opportunities for education and revitalization; and

(5) the Lackawanna Heritage Authority shall be an appropriate management entity for a Heritage Area established in the region described in paragraph (1) to foster a close working relationship among all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(6) the Lackawanna Valley National Heritage Area and this Act are

(a) to foster a close working relationship among all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(b) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region described in subsection (a)(1).

SEC. 2. DEFINITIONS. In this Act:

(1) HERITAGE AREA.—The term “Heritage Area” means the Lackawanna Valley National Heritage Area established by section 4.

(2) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area specified in section 4(c).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area developed under section 4(b).

(4) PARTNER.—The term “partner” means—

(A) a Federal, State, or local governmental entity; and

(B) an organization, private industry, or an individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. LACKAWANNA VALLEY AMERICAN HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Lackawanna Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of all or parts of Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, Pennsylvania, determined in accordance with the compact under section 5.
SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) PROVISION OF ASSISTANCE.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan. For purposes of this Act, the term "management plan" means a plan that—

(A) conserving the significant historical, cultural, and natural resources that support the purpose of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under this Act. The Secretary shall not later than 90 days after receipt of the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—In the case of a management plan that the Secretary disapproves, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—The Secretary shall approve or disapprove a revised management plan within 90 days after the date on which the revision is submitted to the Secretary.

(c) APPROVAL OF AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall approve or disapprove an amendment to the management plan for the Heritage Area.

(2) REQUIREMENT OF APPROVAL.—Funds made available under this Act shall not be expended to implement the amendments described in paragraph (1) until the Secretary approves the amendments.

SEC. 8. SUNSET PROVISION.

The Secretary shall not provide any grant or other assistance under this Act after September 30, 2006.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this Act for any fiscal year.

(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this Act shall not exceed 50 percent.

The title was amended so as to read: "To establish the Lackawanna Valley National Heritage Area and for other purposes:"

CORINTH BATTLEFIELD PRESERVATION ACT OF 1999

The Senate proceeded to consider the bill (S. 1117) to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes, which had been referred from the Committee on Energy and Natural Resources, with amendments; as follows:

( The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

SEC. 4. ESTABLISHMENT OF UNIT.

(a) IN GENERAL.—The Unit shall be established in the States of Mississippi and Tennessee the Corinth Unit of the Shiloh National Military Park.

(b) COMPOSITION OF UN'T.—The Unit shall be comprised of—

(1) the tract consisting of approximately 20 acres generally depicted as "Park Boundary Map, and containing—

(A) the Battery Robinett; and

(B) the site of the interpretive center authorized under section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 43f–5); and

(i) the tract consisting of approximately 20 acres generally depicted as "Battery Robinett Boundary Map on the Map; and

(ii) any additional land that the Secretary determines to be suitable for inclusion in the Unit that—

(A) is under the ownership of a public entity or nonprofit organization; and

(B) has been identified by the Siege and Battle of Corinth National Historic Landmark Study dated January 8, 1991.

(c) 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.

SEC. 5. LAND ACQUISITION.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundary of the Park as depicted on the Map, by—

(1) donation; or

(2) purchase with donated or appropriated funds; or

(3) exchange.

(b) EXCEPTION.—Land may be acquired only by donation from—

(1) the State of Mississippi (including a political subdivision of the State); or

(2) the State of Tennessee (including a political subdivision of the State); or

(3) the organization known as "Friends of the Siege and Battle of Corinth:"

SEC. 6. PARK MANAGEMENT AND ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the Unit in accordance with this Act and such other laws as are applicable to units of the National Park System, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) DUTIES.—In accordance with section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 43f–5), the Secretary shall—

(1) commemorate and interpret, for the benefit of visitors and the general public, the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth within the larger context of the Civil War and American history, including the significance of the Civil War Siege and Battle of Corinth in 1862 in relation to other operations in the western theater of the Civil War; and

(2) identify and preserve surviving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes that include—

(A) the role of railroads in the Civil War; and

(B) the story of the Corinth contraband camp; and

SEC. 3. DEFINITIONS.

In this Act—

(1) MAP.—The term "Map" means the map entitled "Corinth Unit Park Boundary Map Plainfield, Virginia," numbered 304-80-007, and dated October 1998.

(2) PARK.—The term "Park" means the Shiloh National Military Park.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) UNIT.—The term "Unit" means the Corinth Unit of Shiloh National Military Park established under section 4.
the development of field fortifications as a tactic of war.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—To carry this Act, the Secretary may enter into cooperative agreements with entities in the public and private sectors, including—

(A) colleges and universities;
(B) historical societies;
(C) state and local agencies; and
(D) nonprofit organizations.

(2) TECHNICAL ASSISTANCE.—To develop cooperative land use strategies and conduct activities that facilitate the conservation of the historic, cultural, natural, and scenic resources of the Unit, the Secretary may provide technical assistance, to the extent that a recipient of technical assistance is engaged in the protection, interpretation, or commemoration of historically significant Civil War resources in the area in and around the city of Corinth, to—

(A) the State of Mississippi (including a political subdivision of the State);
(B) the State of Tennessee (including a political subdivision of the State);
(C) a governmental entity;
(D) a nonprofit organization; and
(E) a private property owner.

(3) RESOURCES OUTSIDE THE UNIT.—Nothing in subsection (c)(2) authorizes the Secretary to own or manage any resource outside the Unit.

SEC. 7. AUTHORIZATION OF SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—To determine whether certain additional properties are appropriate for inclusion in the Unit, the Secretary shall conduct a special resource study of land in and around the city of Corinth, Mississippi, and nearby areas in the State of Tennessee that—

(1) have a relationship to the Civil War Siege and Battle of Corinth in 1862; and
(2) are under the ownership of—

(A) the State of Mississippi (including a political subdivision of the State);
(B) the State of Tennessee (including a political subdivision of the State);
(C) a nonprofit organization; or
(D) a private person.

(b) CONTENTS OF STUDY.—The study shall—

(1) identify the full range of resources and historic events related to the Civil War Siege and Battle of Corinth in 1862, including the relationship of the campaign to other operations in the western theater of the Civil War that occurred in—

(A) the area in and around the city of Corinth; and
(B) the State of Tennessee;
(2) identify alternatives for preserving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes involving—

(A) the role of the railroad in the Civil War;
(B) the story of the Corinth contraband camps; and
(C) the development of field fortifications as a tactic of war;
(3) identify potential partners that might support, fund, and assist the Secretary to carry out this Act, including—

(A) State entities and their political subdivisions;
(B) historical societies and commissions;
(C) civic groups; and
(D) nonprofit organizations.
(4) identify alternatives to avoid land use conflicts with the Goals.
(5) include cost estimates for any necessary activity associated with the alternatives identified under this subsection, including—

(A) acquisition;
(B) development;
(C) interpretation;
(D) operation; and
(E) maintenance.

(c) REPORT.—Not later than 1 year and 180 days after the date on which funds are made available to carry out this section, the Secretary shall submit a report describing the findings of the study under subsection (a) to—

(1) the Committee on Energy and Natural Resources of the Senate; and
(2) the Committee on Resources of the House of Representatives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including $3,000,000 for the construction of an interpretive center under section 602(d) of title VI of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f-5(d)).

The committee amendments were agreed to.

The bill (S. 1117), as amended, was passed, as follows:

S. 1117

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 "Corinth Battlefield Preservation Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1996, Congress authorized the establishment and construction of a center—

(A) to interpret the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth, Mississippi; and
(B) to enhance public understanding of the significance of the Corinth campaign and the Civil War relative to the western theater of operations, in cooperation with—

(i) State or local governmental entities;
(ii) private organizations; and
(iii) individuals;
(2) the Corinth Battlefield was ranked as a priority 1 battlefield having critical need for coordinated nationwide action by the year 2000 by the Civil War Sites Advisory Commission in its report on Civil War Battlefields of the United States;
(3) there is a national interest in protecting and preserving sites of historic significance associated with the Civil War; and
(4) the States of Mississippi and Tennessee and their respective local units of government—

(A) have the authority to prevent or minimize adverse uses of these historic resources; and
(B) can play a significant role in the protection of the historic resources related to the Civil War battles fought in the area in and around the city of Corinth.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish the Corinth Unit of the Shiloh National Military Park—

(A) in the city of Corinth, Mississippi; and
(B) in the State of Tennessee;
(2) to direct the Secretary of the Interior to manage, protect, and interpret the resources associated with the Civil War Siege and the Battle of Corinth that occurred in and around the city of Corinth, in cooperation with—

(A) the State of Mississippi; and
(B) the State of Tennessee;
(3) to ensure the City of Corinth, Mississippi, and the City of Corinth, Tennessee, are considered appropriate for designation as a unit of the National Park System; and
(C) are consistent with the themes of the Siege and Battle of Corinth;
(4) to meet the criteria for designation as a unit of the National Park System; and
(D) in the protection, interpretation, or commemoration of historically significant Civil War resources in the area in and around the city of Corinth that—

(A) are consistent with the themes of the Siege and Battle of Corinth;
(B) meet the criteria for designation as a unit of the National Park System; and
(C) are considered appropriate for inclusion in the Unit.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) MAP.—The term "Map" means the map entitled "Corinth and vicinity" on the Map; and
(2) any additional land that the Secretary determines to be suitable for inclusion in the Unit that—

(A) is under the ownership of a public entity or nonprofit organization; and
(B) has been identified by the Civil War Sites Advisory Commission in its report on Civil War Battlefields of the United States.

(2) COOPERATIVE AGREEMENTS.—

(C) the development of field fortifications; and
(D) civic groups; and
(3) the story of the Corinth contraband camp; and
(C) the city of Corinth, Mississippi.

(2) TECHNICAL ASSISTANCE.—

(D) the private sector; and
(E) other public entities; and
(3) to authorize a special resource study to identify other Civil War sites in and around the city of Corinth that—

(F) the private sector; and
(G) other public entities; and
(4) SECTION 5. LAND ACQUISITION.

(C) are consistent with the themes of the Siege and Battle of Corinth;

(1) to establish the Corinth Unit of the Shiloh National Military Park.

(2) PARK.—The term "Park" means the Shiloh National Military Park.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) UNIT.—The term "Unit" means the Corinth Unit of Shiloh National Military Park established under section 4.

SEC. 4. ESTABLISHMENT OF UNIT.

(a) IN GENERAL.—There is established in the States of Mississippi and Tennessee the Corinth Unit of the Shiloh National Military Park.

(b) COMPOSITION OF UNIT.—The Unit shall be comprised of—

(1) the tract consisting of approximately 20 acres generally depicted as "Battery Robinett Boundary" on the Map; and
(2) any additional land that the Secretary determines to be suitable for inclusion in the Unit.

SEC. 5. LAND ACQUISITION.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundary of the Park as depicted on the Map by—

(1) donation;
(2) purchase with donated or appropriated funds; or
(3) exchange.

(b) EXCEPTION.—Land may be acquired only by donation from—

(1) the State of Mississippi (including a political subdivision of the State);
(2) the State of Tennessee (including a political subdivision of the State); or
(3) the organization known as "Friends of the Siege and Battle of Corinth".

SEC. 6. PARK MANAGEMENT AND ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the Unit in accordance with this Act and the laws generally applicable to units of the National Park System, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and
(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) DUTIES.—In accordance with section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f-5), the Secretary shall—
(1) commemorate and interpret, for the benefit of visitors and the general public, the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth within the larger context of the Civil War era, including the significance of the Civil War Siege and Battle of Corinth in 1862 in relation to other operations in the western theater of the Civil War; and

(2) identify and preserve surviving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes that include—

(A) the role of railroads in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war.

(c) COOPERATIVE AGREEMENTS.—

(1) in general.—To carry this Act, the Secretary may enter into cooperative agreements with entities in the public and private sectors, including—

(A) colleges and universities;

(B) historical societies;

(C) State and local agencies; and

(D) nonprofit organizations.

(2) DEVELOPMENT OF FIELD FORTIFICATIONS.—To develop cooperative land use strategies and conduct activities that facilitate the conservation of the historic, cultural, natural, and scenic resources of the Unit, the Secretary may provide technical assistance, to the extent that a recipient of technical assistance is engaged in the protection, interpretation, or commemoration of historically significant Civil War resources in the area in and around the city of Corinth, to—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a governmental entity;

(D) a nonprofit organization; and

(E) a private property owner.

(d) RESOURCES OUTSIDE THE UNIT.—Nothing in subsection (c)(2) authorizes the Secretary to own or manage any resource outside the Unit.

SEC. 7. AUTHORIZATION OF SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—To determine whether certain additional properties are appropriate for inclusion in the Unit, the Secretary shall conduct a resource study of the area in and around the city of Corinth, Mississippi, and nearby areas in the State of Tennessee that—

(1) have a relationship to the Civil War Siege and Battle of Corinth in 1862; and

(2) are under the ownership of—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a nonprofit organization; or

(D) a private person.

(b) CONTENTS OF STUDY.—The study shall—

(1) identify the full range of resources and historic themes associated with the Civil War Siege and Battle of Corinth in 1862, including the relationship of the campaign to other operations in the western theater of the Civil War that occurred in—

(A) the area in and around the city of Corinth; and

(B) the State of Tennessee;

(2) identify alternatives for preserving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes involving—

(A) the role of the railroad in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war;

(3) identify potential partners that might support efforts by the Secretary to carry out this Act, including—

(A) State entities and their political subdivisions;

(B) historical societies and commissions;

(C) civic groups; and

(D) nonprofit organizations;

(4) identify alternatives to avoid land use conflicts;

(5) include cost estimates for any necessary activity associated with the alternatives identified under this subsection, including—

(A) acquisition;

(B) development;

(C) interpretation;

(D) operation; and

(E) maintenance.

(c) REPORT.—Not later than 1 year and 180 days after the date on which funds are made available to carry out this section, the Secretary shall submit a report describing the findings of the study under subsection (a) to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including $3,000,000 for the construction of an interpretive center under section 602(d) of title VI of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–5(d)).

GETTYSBURG NATIONAL MILITARY PARK

The bill (S. 1324) to expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1324

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Hoover Dam Miscellaneous Sales Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the sale and distribution of general public information about the use of public land and water areas for recreation, fish, wildlife, and other purposes serve significant public benefits;

(2) publications and other materials educate the public and provide general information about Bureau of Reclamation programs and projects;

(3) in 1997, more than 1,000,000 visitors, including 300,000 from foreign countries, toured the Hoover Dam;

(4) hundreds of thousands of additional visitors stopped to view the dam;

(5) visitors often ask to purchase maps, publications, and other items to enhance their experience or serve educational purposes;

(6) in many cases the Bureau of Reclamation is the sole source of those items;

(7) the Bureau is in the unique position to fulfill public requests for those items; and

(8) as a public agency, the Bureau should be responsive to the public by having appropriate items available for sale.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to authorize the Secretary of the Interior to offer for sale to members of the public that visit the Hoover Dam Visitor Center educational materials and memorabilia; and

(2) to use revenue from those sales to repay the costs relating to construction of the Hoover Dam Visitor Center.

SEC. 4. AUTHORITY TO CONDUCT SALES.

With respect to the Hoover Dam, the Secretary, acting through the Commissioner of Reclamation, may—

(1) conduct sales of—

(A) materials generated by the Bureau of Reclamation such as posters, brochures, photographs, and similar publications, videotapes, and computer information discs that are related to programs or projects of the Bureau; and

(B) memorabilia and other commemorative items that depict programs or projects of the Bureau;

(2) convert unneeded property or scrap material into Bureau memorabilia for sale purposes; and

(3) enter into agreements with nonprofit organizations, other Federal agencies, State and local governments, and commercial entities for—

HOOVER DAM MISCELLANEOUS SALES ACT

The bill (S. 1275) to authorize the Secretary of the Interior to produce and sell products and to sell publica-

tions relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1275

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Hoover Dam Miscellaneous Sales Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the sale and distribution of general public information about the use of public land and water areas for recreation, fish, wildlife, and other purposes serve significant public benefits;

(2) publications and other materials educate the public and provide general information about Bureau of Reclamation programs and projects;

(3) in 1997, more than 1,000,000 visitors, including 300,000 from foreign countries, toured the Hoover Dam;

(4) hundreds of thousands of additional visitors stopped to view the dam;

(5) visitors often ask to purchase maps, publications, and other items to enhance their experience or serve educational purposes;

(6) in many cases the Bureau of Reclamation is the sole source of those items;

(7) the Bureau is in the unique position to fulfill public requests for those items; and

(8) as a public agency, the Bureau should be responsive to the public by having appropriate items available for sale.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to authorize the Secretary of the Interior to offer for sale to members of the public that visit the Hoover Dam Visitor Center educational materials and memorabilia; and

(2) to use revenue from those sales to repay the costs relating to construction of the Hoover Dam Visitor Center.

SEC. 4. AUTHORITY TO CONDUCT SALES.

With respect to the Hoover Dam, the Secretary, acting through the Commissioner of Reclamation, may—

(1) conduct sales of—

(A) materials generated by the Bureau of Reclamation such as posters, brochures, photographs, and similar publications, videotapes, and computer information discs that are related to programs or projects of the Bureau; and

(B) memorabilia and other commemorative items that depict programs or projects of the Bureau;

(2) convert unneeded property or scrap material into Bureau memorabilia for sale purposes; and

(3) enter into agreements with nonprofit organizations, other Federal agencies, State and local governments, and commercial entities for—
The Senate proceeded to consider the bill (S. 624) to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

**SECTION 1. SHORT TITLE.** This Act may be cited as the “Fort Peck Reservation Rural Water System Act of 1999.”

**SEC. 2. FINDINGS AND PURPOSES.**

(a) Fort Peck...costs that—

1. there are insufficient water supplies available to residents of the Fort Peck Indian Reservation, and the water systems are not adequate to meet minimum health and safety standards and therefore pose a threat to public health and safety;

2. in carrying out its trust responsibilities, the United States that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Fort Peck Indian Reservation; and

3. the best available, reliable, and safe rural and municipal water supply to serve the needs of the Fort Peck Indian Reservation is the Missouri Basin.

(b) PURPOSES.—The purposes of this Act are—

1. to ensure a safe and adequate municipal, rural, and industrial water supply for the residents of the Fort Peck Indian Reservation in the State of Montana; and

2. to assist the citizens of Roosevelt, Sheridan, Daniels, and Valley Counties in the State, outside the Fort Peck Indian Reservation, in developing safe and adequate municipal, rural, and industrial water supplies.

**SEC. 3. DEFINITIONS.**

In this Act:

1. ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—The term “Assiniboine and Sioux Rural Water System” means the rural water system authorized by section 5 in the Roosevelt, Sheridan, Daniels, and Valley Counties of the State.

2. FORT PECK RESERVATION RURAL WATER SYSTEM.—The term “Fort Peck Reservation Rural Water System” means the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System.

3. FORT PECK TRIBES.—The term “Fort Peck Tribes” means the Assiniboine and Sioux Indian Tribes within the Fort Peck Indian Reservation.

4. PICK-SLOAN.—The term “Pick-Sloan” means the Pick-Sloan Missouri River Basin Program established by section 9 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved December 21, 1928 (43 U.S.C. 617a).

5. STATE.—The term “State” means the State of Montana.

6. SEC. 4. ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.

(a) AUTHORIZATION.—The Secretary shall plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the “Assiniboine and Sioux Rural Water System”, as generally described in the report required by subsection (g)(2).

(b) COMPONENTS.—The Assiniboine and Sioux Rural Water System shall consist of—

1. pumping and treatment facilities located along the Missouri River within the boundaries of the Fort Peck Indian Reservation;

2. pipelines extending from the water treatment plant throughout the Fort Peck Indian Reservation;

3. distribution and treatment facilities to serve the Assiniboine and Sioux Indian Reservation, including—

   a. public water systems in existence on the date of enactment of this Act that may be purchased, improved, and repaired in accordance with the cooperative agreement entered into under subsection (c); and

   b. water systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation;

4. appurtenant buildings and access roads;

5. all property and property rights necessary for the facilities described in this subsection;

6. electrical power transmission and distribution facilities necessary for services to Fort Peck Reservation Rural Water System facilities; and

7. such other pipelines, pumping plants, and facilities as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the Fort Peck Indian Reservation, including water storage tanks, water lines, and other facilities for the Fort Peck Tribes and the villages, towns, and municipalities in the Fort Peck Indian Reservation.

(c) COOPERATIVE AGREEMENT.—

1. IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Fort Peck Tribal Executive Board for planning, designing, constructing, operating, maintaining, and replacing the Assiniboine and Sioux Rural Water System.

2. MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Fort Peck Tribal Executive Board—

   a. the responsibilities of each party to the agreement for—

      i. needs assessment, feasibility, and environmental studies;

      ii. engineering and design;

      iii. construction;

      iv. water conservation measures; and

   b. the procedures and requirements for approval and acceptance of the design and construction for carriage and for completion of the activities described in subparagraph (A); and

   c. the rights, responsibilities, and liabilities of each party to the agreement.

(d) TRANSFER.—On execution of a cooperative agreement under paragraph (1), in accordance with the cooperative agreement, the Secretary may transfer to the Fort Peck Tribes, on a non-reimbursable basis, funds from the United States to the Fort Peck Tribes.

**TERMINATION.—**The Secretary may terminate a cooperative agreement under paragraph (1) if the Secretary determines that—

1. the quality of construction does not meet all standards established for similar facilities constructed by the Secretary; or

2. the operation and maintenance of the Assiniboine and Sioux Rural Water System does not meet conditions acceptable to the Secretary that are adequate to fulfill the obligations of the United States to the Fort Peck Tribes.

**CONFERENCE REPORT.**—The components of the Assiniboine and Sioux Rural Water System shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the service area of the Fort Peck Reservation Rural Water System.

**TITLES TO ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.**—Title to the Assiniboine and Sioux Rural Water System shall be held in trust by the United States for the Fort Peck Tribes and shall be conveyed in trust only if a transfer is authorized by an Act of Congress enacted after the date of enactment of this Act.

**LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.**—The Secretary shall not obligate funds for construction of the Assiniboine and Sioux Rural Water System until—

1. the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Assiniboine and Sioux Rural Water System;

2. on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary;

3. the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Assiniboine and Sioux Rural Water System that have been shown to be economically and financially feasible.

**TECHNICAL ASSISTANCE.—**The Secretary shall provide such technical assistance as is necessary to enable the Fort Peck Tribes to plan, design, construct, operate, maintain, and replace the Assiniboine and Sioux Rural Water System, including operation and management training.

**APPLICATION OF INDIAN SELF-DETERMINATION ACT.**—Planning, design, construction, operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System...
Water System within the Fort Peck Indian Reservation subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 5. DRY PRAIRIE RURAL WATER SYSTEM.

(a) Needs Assessment.—The Secretary shall—
(1) in general.—The Secretary shall—
(A) interconnect the Dry Prairie Rural Water System to the Assiniboine and Sioux Rural Water System; and
(B) provide for the delivery of water to the Dry Prairie Rural Water System from the Missouri River through the Assiniboine and Sioux Rural Water System.

(b) Charges.—The Secretary shall not charge for the water delivered.

(c) Limitation on use of Federal funds.—
(1) in general.—The operation, maintenance, and replacement expenses associated with water deliveries from the Assiniboine and Sioux Rural Water System to the Dry Prairie Rural Water System shall not be a Federal responsibility and shall be borne by the Dry Prairie Rural Water System.

(d) Recovery of expenses.—
(1) ammonium and sioux rural water system.—In the case of the Assiniboine and Sioux Rural Water System, expenses associated with power purchases under subsection (a) shall be recovered through a separate power charge, sufficient to cover expenses, applicable to the Assiniboine and Sioux Rural Water System’s operation and maintenance cost.

(2) dry prairie rural water system.—In the case of the Dry Prairie Rural Water System, expenses associated with power purchases under subsections (a) shall be recouped through a separate power charge, sufficient to cover expenses, applicable to the Dry Prairie Rural Water System’s operation and maintenance cost.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) in general.—From power designated for future irrigation and drainage pumping capacity and energy made available under subsection (a), the Western Area Power Administration may purchase the necessary additional power that in the case of the capacity and energy required to meet the pumping, treatment, and incidental operational requirements of the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System, except that in the case of the capacity and energy required to meet the pumping, treatment, and incidental operational requirements of the Fort Peck Reservation Rural Water System described in sections 4 and 5, the Administrator of the Western Area Power Administration may purchase the necessary additional power under such terms and conditions as the Administrator determines to be appropriate.

(b) Public participation.—Section 210(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 396c) shall apply to an activity authorized under this Act.

SEC. 7. WATER CONSERVATION PLAN.

(a) Title to dry prairie rural water system.—Title to the Dry Prairie Rural Water System shall be held by Dry Prairie Rural Water Association Incorporated.

(b) Conditions.—The capacity and energy described in subsection (a) shall be made available on the following conditions:
(1) the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System shall be operated on a not-for-profit basis.

(2) The Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System shall contract to purchase their entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the wholesale firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration.

(4) It shall be agreed by contract among—
(A) the Western Area Power Administration,
(B) the power supplier with which the water Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System contract under paragraph (2), and
(C) the Fort Peck Tribes, that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

(c) Additional power.—If power in addition to that made available under subsection (a) is required to meet the pumping requirements of the service area of the Fort Peck Reservation Rural Water System described in sections 4 and 5, the Administrator of the Western Area Power Administration may purchase the necessary additional power under such terms and conditions as the Administrator determines to be appropriate.
SEC. 2. FINDINGS AND PURPOSES.

(a) Finding.—Congress finds that—

(1) there are insufficient water supplies available to residents of the Fort Peck Indian Reservation and the water systems that are available do not meet minimum health and safety standards and therefore pose a threat to public health and safety; and

(2) in carrying out its trust responsibility, the United States should ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Fort Peck Tribal Executive Board; and

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the residents of the Fort Peck Indian Reservation in the State of Montana; and

(2) to assist the citizens of Roosevelt, Sheridan, Daniels, and Valley Counties in the State of Montana in planning, designing, constructing, operating, maintaining, and replacing the Assiniboine and Sioux Rural Water System.

SEC. 3. DEFINITIONS.

In this Act:

(A) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—The term "Assiniboine and Sioux Rural Water System" means the rural water system within the Fort Peck Indian Reservation authorized by section 4.

(B) DRY PRAIRIE RURAL WATER SYSTEM.—The term "Dry Prairie Rural Water System" means the rural water system authorized by section 5 in the Roosevelt, Sheridan, Daniels, and Valley Counties of the State.

(C) FORT PECK TRIBES.—The term "Fort Peck Tribes" means the Assiniboine and Sioux Indian Tribes within the Fort Peck Indian Reservation.

(D) FLOOD CONTROL ACT OF 1944.—The term "Flood Control Act of 1944" means the Pick-Sloan Missouri River Basin Program, approved December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891).

(E) SEC. 7.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.

(a) AUTHORIZATION.—The Secretary shall plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water supply for the Assiniboine and Sioux Tribal members and other residents of the Fort Peck Indian Reservation in the State of Montana.

(b) COOPERATIVE AGREEMENT.—(1) The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Fort Peck Tribal Executive Board—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of the funds appropriated to carry out the cooperative agreement under paragraph (1), in accordance with the cooperative agreement for—

(A) the quality of construction does not meet all standards established for similar facilities constructed by the Secretary; or

(B) the operation and maintenance of the Assiniboine and Sioux Rural Water System does not meet conditions acceptable to the Secretary that are adequate to fulfill the obligations of the United States to the Fort Peck Tribes.

(2) TRANSFER.—On execution of a cooperative agreement under paragraph (1), in accordance with the cooperative agreement, the Secretary shall transfer to the Fort Peck Tribes on a nonreimbursable basis, funds made available for the Assiniboine and Sioux Rural Water System under section 9.

(c) TITLE TO ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—Title to the Assiniboine and Sioux Rural Water System shall be in the Fort Peck Tribal Executive Board.

(d) SERVICE AREA.—The service area of the Assiniboine and Sioux Rural Water System shall be the area within the boundaries of the Fort Peck Indian Reservation and the Assiniboine and Sioux Rural Water System until—

(1) there are insufficient water supplies available to residents of the Fort Peck Indian Reservation in the State of Montana, and the water systems that are available do not meet minimum health and safety standards and therefore pose a threat to public health and safety; and

(2) in carrying out its trust responsibility, the United States should ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Fort Peck Tribal Executive Board; and

(e) CONSTRUCTION REQUIREMENTS.—The components of the Assiniboine and Sioux Rural Water System shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the service area of the Fort Peck Reservation Rural Water System.

(f) TITLE TO ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—Title to the Assiniboine and Sioux Rural Water System shall be held in trust by the United States for the Fort Peck Tribes and shall not be transferred unless a transfer is authorized by an Act of Congress enacted after the date of enactment of this Act.

(g) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The funds made available for the Assiniboine and Sioux Rural Water System until—

(1) there are insufficient water supplies available to residents of the Fort Peck Indian Reservation in the State of Montana, the water systems that are available do not meet minimum health and safety standards and therefore pose a threat to public health and safety; and

(2) in carrying out its trust responsibility, the United States should ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Fort Peck Tribal Executive Board; and

(3) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Fort Peck Indian Reservation is—

the purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the residents of the Fort Peck Indian Reservation in the State of Montana; and

(2) to assist the citizens of Roosevelt, Sheridan, Daniels, and Valley Counties in the State of Montana in planning, designing, constructing, operating, maintaining, and replacing the Assiniboine and Sioux Rural Water System.

(c) COOPERATIVE AGREEMENT.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Fort Peck Tribal Executive Board—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of the funds appropriated to carry out the cooperative agreement under paragraph (1), in accordance with the cooperative agreement for—

(A) the quality of construction does not meet all standards established for similar facilities constructed by the Secretary; or

(B) the operation and maintenance of the Assiniboine and Sioux Rural Water System does not meet conditions acceptable to the Secretary that are adequate to fulfill the obligations of the United States to the Fort Peck Tribes.

(2) TRANSFER.—On execution of a cooperative agreement under paragraph (1), in accordance with the cooperative agreement, the Secretary shall transfer to the Fort Peck Tribes on a nonreimbursable basis, funds made available for the Assiniboine and Sioux Rural Water System under section 9.

(c) TITLE TO ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—Title to the Assiniboine and Sioux Rural Water System shall be in the Fort Peck Tribal Executive Board.

(d) SERVICE AREA.—The service area of the Assiniboine and Sioux Rural Water System shall be the area within the boundaries of the Fort Peck Indian Reservation and the Assiniboine and Sioux Rural Water System until—

(1) there are insufficient water supplies available to residents of the Fort Peck Indian Reservation in the State of Montana, and the water systems that are available do not meet minimum health and safety standards and therefore pose a threat to public health and safety; and

(2) in carrying out its trust responsibility, the United States should ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Fort Peck Tribal Executive Board; and

(e) CONSTRUCTION REQUIREMENTS.—The components of the Assiniboine and Sioux Rural Water System shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the service area of the Fort Peck Reservation Rural Water System.

(f) TITLE TO ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—Title to the Assiniboine and Sioux Rural Water System shall be held in trust by the United States for the Fort Peck Tribes and shall not be transferred unless a transfer is authorized by an Act of Congress enacted after the date of enactment of this Act.

(g) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The funds made available for the Assiniboine and Sioux Rural Water System until—

(1) there are insufficient water supplies available to residents of the Fort Peck Indian Reservation in the State of Montana, and the water systems that are available do not meet minimum health and safety standards and therefore pose a threat to public health and safety; and

(2) in carrying out its trust responsibility, the United States should ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Fort Peck Tribal Executive Board; and

(3) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Fort Peck Indian Reservation is—

the purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the residents of the Fort Peck Indian Reservation in the State of Montana; and

(2) to assist the citizens of Roosevelt, Sheridan, Daniels, and Valley Counties in the State of Montana in planning, designing, constructing, operating, maintaining, and replacing the Assiniboine and Sioux Rural Water System.
(1) the requirements of the National Environ-
mental Policy Act of 1969 (42 U.S.C. 4231 et seq.) are met with respect to the Assiniboine and Sioux Rural Water System;
(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and
(3) the Secretary publishes a written find-
ing that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Assiniboine and Sioux Rural Water System that have been shown to be economically and financially feasible.

SEC. 6. USE OF PICK-SLOAN POWER.
SEC. 7. WATER CONSERVATION PLAN.
just the boundary of the Toiyabe National Forest, Nevada, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 439
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assem-led, That:

SEC. 1. ADJUSTMENT OF BOUNDARY OF THE
TOYABE NATIONAL FOREST, NE-VADA.

Section 4(a) of the National Forest and Public Lands Conservation Enhancement Act of 1988 (102 Stat. 2750) is amended—

(1) by striking "Effective" and inserting the following:

"(1) IN GENERAL.—Effective:"); and

(2) by adding at the end the following:

"(2) BOUNDARY ADJUSTMENT.—Effective on the date of enactment of this paragraph, the portion of the land transferred to the Secretary of Agriculture under paragraph (1) situated between the lines marked 'Old Forest Boundary' and 'Revised National Forest Boundary' on the Interchange "A", Change 1, and dated September 16, 1988, is transferred to the Secretary of the Interior.".

MIWALETA PARK EXPANSION ACT

The Senate proceeded to consider the bill (S. 977) to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a parcel of land within and contiguous to an area of land, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 977
Be it enacted by the Senate and House of Re-
presentatives of the United States of America in Congress assem-
bled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miwaleta Park Expansion Act".

SEC. 2. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT, LAND, DOUGLAS COUNTY, OREGON.

(a) IN GENERAL.—

(1) CONVEYANCE.—The Secretary of the Interior (referred to in this section as the "Secretary") shall convey, without consideration, to Douglas County, Oregon (referred to in this section as the "County"), all right, title, and interest in and to a parcel of land (including improvements on the land) described in subparagraph (B) and consisting of—

(A) Miwaleta Park, a county park managed by the County and maintained in place of land, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 977
Be it enacted by the Senate and House of Re-
presentatives of the United States of America in Congress assem-
bled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miwaleta Park Expansion Act".

SEC. 2. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT, LAND, DOUGLAS COUNTY, OREGON.

(a) IN GENERAL.—

(1) CONVEYANCE.—The Secretary of the Interior (referred to in this section as the "Secretary") shall convey, without consideration, to Douglas County, Oregon (referred to in this section as the "County"), all right, title, and interest of the United States in and to a parcel of land (including improvements on the land) described in subparagraph (B) and consisting of—

(A) Miwaleta Park, a county park managed by the County and maintained in place of land, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(t) USE OF LAND.—

(c) MODIFICATION OF THE TREATY.—Sections 2, 4, 5, and 6 of the Treaty of 1861 are hereby modified to read as follows:

"It is also agreed that the land hereafter ceded to the United States shall be disposed of by said Government and the proceeds thereof shall be applied in payment of money due from the United States to the said Assiniboine and Sioux Indians, and also in the purchase of such lands as may be needed for the purpose of carrying out the provisions of this treaty.

The Secretary shall take such action as he may deem proper to effect a carry out of the provisions of this treaty, and the proceeds of the sale of the land ceded to the United States shall be applied to the purpose aforesaid, and such further use and disposition of the proceeds of the sale of said land as the Secretary may deem proper, subject to such conditions and restrictions as the Congress of the United States shall deem advisable.

SEC. 8. WATER RIGHTS.

This Act does not—

(1) impair the validity of or preempt any provision of State water law or any interstate compact governing water; or

(2) alter the right of any State to any appropriated water right held or Indian water right described in section 505 of the Existing Water Rights Protection Act of 1966 (80 Stat. 1519) or in any case in which water is being administered by the Bureau of Reclamation.

(3) affect any right of the Fort Peck Tribes under the compact entered into by the Fort Peck Tribes and the State of Montana, or any right of the Assiniboine and Sioux Tribe under the compact entered into by the State of Montana, the United States, and the Assiniboine and Sioux Tribe.

(4) confer on any Indian or Federal entity the authority to exercise any Federal right to any ground water resources, with amendments; as follows:

SEC. 2. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT, LAND, DOUGLAS COUNTY, OREGON.

(a) IN GENERAL.—

(1) CONVEYANCE.—The Secretary of the Interior (referred to in this section as the "Secretary") shall convey, without consideration, to Douglas County, Oregon (referred to in this section as the "County"), all right, title, and interest in and to a parcel of land (including improvements on the land) described in subparagraph (B) and consisting of—

(A) Miwaleta Park, a county park managed by the County and maintained in place of land, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 977
Be it enacted by the Senate and House of Re-
representatives of the United States of America in Congress assem-
bled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miwaleta Park Expansion Act".

SEC. 2. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT, LAND, DOUGLAS COUNTY, OREGON.

(a) IN GENERAL.—

(1) CONVEYANCE.—The Secretary of the Interior (referred to in this section as the "Secretary") shall convey, without consideration, to Douglas County, Oregon (referred to in this section as the "County"), all right, title, and interest of the United States in and to a parcel of land (including improvements on the land) described in subparagraph (B) and consisting of—

(A) Miwaleta Park, a county park managed by the County and maintained in place of land, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 977
Be it enacted by the Senate and House of Re-
representatives of the United States of America in Congress assem-
bled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miwaleta Park Expansion Act".

SEC. 2. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT, LAND, DOUGLAS COUNTY, OREGON.

(a) IN GENERAL.—

(1) CONVEYANCE.—The Secretary of the Interior (referred to in this section as the "Secretary") shall convey, without consideration, to Douglas County, Oregon (referred to in this section as the "County"), all right, title, and interest of the United States in and to a parcel of land (including improvements on the land) described in subparagraph (B) and consisting of—

(A) Miwaleta Park, a county park managed by the County and maintained in place of land, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

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(A) Miwaleta Park, a county park managed by the County and maintained in place of land, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 977
Be it enacted by the Senate and House of Re-
representatives of the United States of America in Congress assem-
bled,
land managed by the Bureau of Land Management and (B) an adjacent tract of Federal land managed by the Bureau of Land Management.

(2) LEGAL DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel in the southeast 1/4 of the southeast 1/4 of sec. 27, T. 31 S., R. 4 W., W.M., Douglas County, Oregon, described as follows:

The property lying between the southerly right-of-way line of the relocated Cow Creek County Road No. 36 and contour elevation 1881.5 MSL, comprising approximately 28.50 acres.

(b) USE OF LAND.—

(1) IN GENERAL.—After conveyance of land under subsection (a), the County shall manage the land for public park purposes in a manner so as not to adversely affect attainment of the objectives of the adjacent Late Successional Reserve as described in the Northwest Forest Plan, and in accordance with a management plan for the area developed in cooperation with the United States Fish and Wildlife Service.

(2) REVERSIONARY INTEREST.—

(A) IN GENERAL.—If the Secretary determines that the land conveyed under subsection (a) is not being used for public park purposes, the Secretary—

(i) all right, title, and interest in and to the land, including any improvements on the land, shall revert to the United States; and

(ii) the land shall have the right of immediate entry onto the land.

(B) DETERMINATION ON THE RECORD.—Any determination of the Secretary under subparagraph (A) shall be made on the record.

(c) SURVEY.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and paid for by the County.

(d) IMPACT ON FERC WITHDRAWAL.—

(1) IN GENERAL.—The conveyance of land under subsection (a) shall have no effect on the conditions and rights provided in Federal Energy Regulatory Commission Withdrawal No. 761.

(2) CONFLICTS.—In a case of conflict between the use of the conveyed land as a park and the purposes of the withdrawal, the purposes of the withdrawal shall prevail.

(e) COSTS.—Costs, as provided in subsection (c), costs associated with the conveyance under subsection (a) shall be borne by the party incurring the costs.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

LOWER DELAWARE WILD AND SCENIC RIVERS ACT

The Senate proceeded to consider the bill (S. 1296) to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System, which was reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lower Delaware Wild and Scenic Rivers Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102–469 directed the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, to conduct a study of the eligibility and suitability of the lower Delaware River for inclusion in the Wild and Scenic Rivers System.

(2) The Secretary of the Interior, in cooperation with appropriate Federal, State, regional, and local agencies, with technical assistance and staff support, prepared the study pursuant to the direction of Public Law 104–333, as paragraph 159.

(3) The lower Delaware Wild and Scenic River Study Task Force and the National Park Service prepared a river management plan for the Delaware River (referred to as the “management plan”), which is the basis for the recommendations contained in the lower Delaware Wild and Scenic Rivers Act (16 U.S.C. 1274a) (the “Act”).

(4) The Act designates the lower Delaware River as a Wild and Scenic River within the Wild and Scenic Rivers System.

(5) The Act authorizes projects relating to any of the segments designated by the Act.

(6) The Act directs the Secretary to develop a comprehensive management plan for the study area entitled “Lower Delaware River Area Management Plan,” which is intended to ensure the long-term protection of the river’s outstanding and unique physical characteristics and the river’s water resources associated with the river.

SEC. 3. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274a(k)) is amended by adding at the end the following:

"(2) during the study, the lower Delaware Wild and Scenic River Study Task Force and the National Park Service prepared a river management plan for the Delaware River (referred to as the "management plan"), prepared by the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service, which establishes goals and actions that will ensure long-term protection of the river’s outstanding values and compatible management of the river and its water resources associated with the river; and

(2) in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the New Jersey Department of Environmental Protection;

(B) the Pennsylvania Department of Conservation and Natural Resources;

(C) the Delaware and Lehigh Navigation Canal Heritage Corridor Commission;

(D) the Delaware and Raritan Canal Commission; and

(E) the Delaware River Greenway Partnership.

(3) the Delaware River Greenway Partnership is authorized to provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

SEC. 4. MANAGEMENT OF RIVER SEGMENTS.

(1) IN GENERAL.—The river segments designated in section 3 shall be managed—

(a) in accordance with the river management plan entitled “Lower Delaware River Area Management Plan” and dated August 1997 (referred to as the “management plan”); prepared by the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service, which establishes goals and actions that will ensure long-term protection of the river’s outstanding values and compatible management of the river and its water resources associated with the river; and

(b) in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the New Jersey Department of Environmental Protection;

(B) the Pennsylvania Department of Conservation and Natural Resources;

(C) the Delaware and Lehigh Navigation Canal Heritage Corridor Commission;

(D) the Delaware and Raritan Canal Commission; and

(E) the Delaware River Greenway Partnership.

(2) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered as satisfying the requirements for a comprehensive management plan under the Wild and Scenic Rivers Act (16 U.S.C. 1274d).

(3) FEDERAL ROLE.—

(1) RESTRICTIONS ON WATER RESOURCE PROJECTS.—In determining under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) whether a proposed water resources project would have a direct and adverse effect on the value for which a segment is designated as part of the Wild and Scenic Rivers System, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall consider the extent to which the project is consistent with the management plan.

(2) COOPERATIVE AGREEMENTS.—Any cooperative agreements entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by this Act shall—

(A) be consistent with the management plan; and

(B) include provisions for financial or technical assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(3) SUPPORT FOR IMPLEMENTATION.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(4) LAND MANAGEMENT.—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the river segments designated by this Act.

(5) PLAN REQUIREMENTS.—After adoption of recommendations made in section 3(b) of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1274d).

(6) ADDITIONAL SEGMENTS.—

(1) IN GENERAL.—In this paragraph, the term “additional segment” means—

(A) the segment from the Delaware Water Gap to the Toll Bridge connecting Columbia, New Jersey, and Portland, Pennsylvania (approximately 9.2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;
pressed in resolutions concerning designation of an additional segment, shall be administered by the Secretary as a recreational river;

(4) by striking the fourth undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104-208, as paragraph 157;

(b) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered to satisfy the requirements for a management plan under section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) FEDERAL ROLE.

(1) RESTRICTIONS ON WATER RESOURCE PROJECTS.—In determining under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) whether a water resources project would have a direct and adverse effect on the value for which a segment is designated as part of the Wild and Scenic Rivers System, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall consider the extent to which the project is consistent with the management plan.

(2) COOPERATIVE AGREEMENTS.—Any cooperative agreements entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by this Act shall—

(A) be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(3) SUPPORT FOR IMPLEMENTATION.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(d) LAND MANAGEMENT.

(1) IN GENERAL.—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the river segments designated by this Act.

(2) PLAN REQUIREMENTS.—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(c)).

(e) ADDITIONAL SEGMENTS.

(1) IN GENERAL.—In this paragraph, the term “additional segment” means—

(A) the segment from the Delaware Water Gap to the ‘’Toll Bridge connecting Columbus, New Jersey, and Portland, Pennsylvania (approximately 9.2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(B) the segment from the Erie Lackawanna railroad bridge to the southern tip of Dilline Island (approximately 3.6 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(C) the segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey (approximately 2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(D) the segment from the southern border of the town of Philliesburg, New Jersey, to a point just north of Gilbert Generating Station (approximately 9.5 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(E) Paulinskill River in Knoviton Township (approximately 2.4 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(F) West Branch of the Lackawanna River in Lackawanna County, Pennsylvania (approximately 0.6 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(G) the segment from the point just south of the Delaware Water Gap to the ‘’Lamprey River, New Hampshire, and enacted by Public Law 104-313, as paragraph 158; and

(H) any of the additional segments as a recreational river or scenic river under this paragraph.

(2) PLAN REQUIREMENTS.—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(c)).

(i) Management Plan.—The river segments designated in section 3 shall be—

(A) be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(3) SUPPORT FOR IMPLEMENTATION.—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the river segments designated by this Act.

(4) PLAN REQUIREMENTS.—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(c)).

(e) ADDITIONAL SEGMENTS.

(1) IN GENERAL.—In this paragraph, the term “additional segment” means—

(A) the segment from the Delaware Water Gap to the ‘’Toll Bridge connecting Columbus, New Jersey, and Portland, Pennsylvania (approximately 9.2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(B) the segment from the Erie Lackawanna railroad bridge to the southern tip of Dilline Island (approximately 3.6 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(C) the segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey (approximately 2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(D) the segment from the southern border of the town of Philliesburg, New Jersey, to a point just north of Gilbert Generating Station (approximately 9.5 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(E) Paulinskill River in Knoviton Township (approximately 2.4 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(F) West Branch of the Lackawanna River in Lackawanna County, Pennsylvania (approximately 0.6 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(G) the segment from the point just south of the Delaware Water Gap to the ‘’Lamprey River, New Hampshire, and enacted by Public Law 104-313, as paragraph 158; and

(H) any of the additional segments as a recreational river or scenic river under this paragraph.

(2) PLAN REQUIREMENTS.—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(c)).

(i) Management Plan.—The river segments designated in section 3 shall be—

(A) be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(3) SUPPORT FOR IMPLEMENTATION.—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the river segments designated by this Act.

(4) PLAN REQUIREMENTS.—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(c)).
be administered by the Secretary as a recreational river;
(C) the segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey (approximately 2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;
(D) the segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of Gilbert Generating Station (approximately 1 mile), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;
(E) Paulinskill River in Knowlton Township (approximately 2.4 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river; and
(F) Cook’s Creek (approximately 3.5 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river.

3. DESIGNATION.—If the Secretary finds that there is adequate local support for designating any of the additional segments as a recreational river or scenic river under this paragraph, if there is adequate local support for the designation:
(A) the Secretary shall publish in the Federal Register a notice of the designation of the segment;
(B) the segment shall thereby be designated as a recreational river or scenic river, as the case may be, in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

4. CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of an additional segment as a recreational river or scenic river—
(1) the Secretary shall, in the case of segments designated under paragraphs (10) and (12), consider the preferences of local governments, area residents, and river users for a coordinated effort to manage the river in an productive and meaningful way.

5. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated such sums as are necessary to carry out this Act.

CONGRESSIONAL RECORD—SENATE
TAUNTON RIVER WILD AND SCENIC RIVER STUDY ACT OF 1999
The Senate proceeded to consider the bill (S. 1569) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(1) the Taunton River in the State of Massachusetts possesses important resource values (including wildlife, ecological, and scenic values), historic sites, and a cultural past important to the heritage of the United States;

SEC. 2. FINDINGS.
Congress finds that—
(1) the Taunton River in the State of Massachusetts possesses important resource values (including wildlife, ecological, and scenic values), historic sites, and a cultural past important to the heritage of the United States;

SEC. 1. SHORT TITLE.
This Act may be cited as the “Taunton River Wild and Scenic River Study Act of 1999”.

SEC. 2. FINDINGS.
Congress finds that—
(1) the Taunton River in the State of Massachusetts possesses important resource values (including wildlife, ecological, and scenic values), historic sites, and a cultural past important to the heritage of the United States;
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; and

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and 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 educational efforts, to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) the cooperative developmental, 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 health 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. 3. DEFINITIONS.

In this Act:

(1) ALLIANCE.—The term “Alliance” means a national oilheat research alliance established under section 4.

(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 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 section 5(c)(1)(F).

(5) NO. 1 DISTILLATE.—The term “No. 1 distillate” means fuel oil classified as No. 1 fuel oil 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 4052(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; and

(C) when used as fuel for nonindustrial commercial or residential space or hot water heating.

(8) OILHEAT INDUSTRY.—(A) 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 determined by the Secretary.

(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 an 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—

(i) produces No. 1 distillate or No. 2 dyed distillate;

(ii) imports No. 1 distillate or No. 2 dyed distillate;

(iii) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas; and

(iv) 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.

SEC. 4. 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 the wholesale distributor class, the Alliance shall be authorized to levy assessments under section 7.

(2) VACATION OF WHOLESALE DISTRIBUTOR.—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 of 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 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) 3 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 EMPLOYERS.—Other than the public members, Alliance members shall be full-time owners or employees of the oilheat industry, except that members described in subparagraphs (C), (D), and (E) of paragraph (1) may be employees of the qualified industry 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.

(f) 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. 5. MEMBERSHIP.

(a) SELECTION.—
(1) IN GENERAL.—Except as provided in subparagraph (B), 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.

(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Except as provided in 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 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 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.

(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Except as provided in 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 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.

(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 Act, 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 or qualified State association, the Alliance may terminate or suspend the Alliance.

(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND THE ALLIANCE.—Termination or suspension of the Alliance shall not take effect unless termination or suspension is approved by—
(A) persons representing more than one-half of the total volume of oilheat voted in the retail marketer class and more than one-half of the total volume of 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.
(B) persons representing more than two-thirds of the total volume of fuel voted in each class.

(d) CALCULATION OF OILHEAT SALES.—For the purpose of this section and section 5, 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.
(d) Administrative Expenses.—

(1) In general.—The Secretary may require the Secretary for costs incurred by the Federal Government relating to the Alliance.

(2) Limitation.—Reimbursement under subheading (1) 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.

SEC. 7. 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 or No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange. The amount due under this clause unless the Alliance requests is the amount of assessments collected in the State.

(2) 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.

(3) Importance of point of sale.—An 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 Alliace at the point at which the product enters the United States; and

(B) shall provide to the Alliance certification of the volume of fuel sold.

(4) 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.

(b) Authority to Restrict Activities.—If the Secretary of Commerce shall again conduct the oilheat price analysis described in subsection (a) and determine that the average price index exceeds the 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

(c) Authority to Restrict Activities.—If in any year the Secretary of Commerce shall use a 5-year rolling average price

(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.

(b) Authority to Restrict Activities.—If the Secretary of Commerce shall use a 5-year rolling average price

(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.

(b) Authority to Restrict Activities.—If the Secretary of Commerce shall use a 5-year rolling average price

SEC. 5. 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.

(b) Authority to Restrict Activities.—If the Secretary of Commerce shall use a 5-year rolling average price

SEC. 18.9. COMPLIANCE.

(a) General.—The Alliance may bring a civil action in United States district court to compel payment of an assessment under section 7.
(b) Costs.—A successful action for compliance with subsection (a) may also require payment by the defendant of the costs incurred by the Alliance in bringing the action.

SEC. 11. LOBBYING RESTRICTIONS.

No funds derived from assessments under section 7 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 Act or other laws that would further the purposes of this Act.

SEC. 12. DISCLOSURE.

Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities are undertaken to further the purposes of this Act.

SEC. 13. CESSION OF ACTIVITIES.

(a) IN GENERAL.—On receipt of a complaint under subsection (b), the complaining party shall cease that consumer education activity with respect to which the complaint is made.

(b) TRANSITIONAL PROVISIONS.

(A) IN GENERAL.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

(B) TRANSITIONAL PROVISIONS.

(A) IN GENERAL.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

(B) TRANSITIONAL PROVISIONS.

On receipt of a complaint under this section, 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—

(1) the complaint is withdrawn; or

(2) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

(c) RESOLUTION BY PARTIES.—

(A) IN GENERAL.—Not later than 180 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 cease that consumer education activity until—

(1) the complaint is withdrawn; or

(2) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

(d) JUDICIAL REVIEW.—Notwithstanding subsection (a), the complaining party may seek appropriate relief in any court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover attorney’s fees from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is filed.

(e) ATTORNEY’S FEES.—

(1) 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 attorney’s fees.

(2) SAVINGS CLAUSE.—Nothing in this section shall limit causes of action brought under any other law.

SEC. 14. SUNSET.

This Act shall cease to be effective as of the date that is 4 years after the date on which the Alliance is established.

Amendment No. 2342

(Purpose: To amend S. 348, as reported)

On page 2, after line 1, insert the following:

"TITLE I—NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 1999"

On page 6, after line 12, insert the following:

"(15) State.—The term ‘State’ means the several states, except the State of Alaska.

On page 30, after line 11, insert the following:

"TITLE II—SMALL HYDROELECTRIC PROJECTS IN ALASKA"

SEC. 201. 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) DISCONTINUATION 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 is ready to assume authority 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.); and

(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 habitats); and

(C) the protection of recreational opportunities,

(D) the preservation of other aspects of the environment;

(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 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 other conditions 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) the 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.) and 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 title;

(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 conserva- tion unit (as defined in section 1124(e) 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 Secretary of the Interior, the Secretary of Commerce, or the Governor of the State of Alaska may elect to make the project subject to licensing and regulation by the State of Alas- ka under this section.

(d) PROJECT WORKS ON FEDERAL LANDS.—With respect to projects located in whole or in part on a reservation, a conservation sys- tem unit, or the public lands, a State license 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 Com- merce 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 of a project not later than 30 days after making any signif- icant 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
Congress 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.

SEC. 101. SHORT TITLE.

Title II—DETERMINATION BY THE COMMISSION—

SEC. 102. FINDINGS.

SEC. 103. DEFINITIONS.

In this title:

(1) oilheat is an important commodity re-

(a) CREATION OF PROGRAM—

(2) oilheat equipment operates at effi-

(b) OILHEAT INDUSTRY.—The term

(3) the production, distribution, and mar-

(1) No. 1 dyed distillate means fuel oil cl

(4) the cooperative development, self-fi-

(2) EXCLUSION.—The term ''oilheat indus-

(5) P UBLIC MEMBER.—The term ''public

(6) OILHEAT INDUSTRY.—

-commerce or residential space or hot water

(7) OILHEAT.—The term ''oilheat'' means—

(8) OILHEAT.—The term ''oilheat'' means—

(9) NO. 1 DISTILLATE.—The term ''No. 1 dis-

(10) QUALIFIED INDUSTRY ORGANIZATION.—

(11) QUALIFIED STATE ASSOCIATION.—The
term ''qualified State association'' means the
industry trade association or other organi-
zation that the qualified industry organiza-
tion or the Alliance determines best rep-
resents retail marketers in a State.

(12) RETAIL MARKETER.—The term ''retail
marketer'' means a person engaged pri-
marily in the sale of oilheat to ultimate con-
sumers; and

(13) SECRETARY.—The term ''Secretary''
means the Secretary of Energy.

(14) WHOLESALE DISTRIBUTOR.—The term
''wholesale distributor'' means a person that—

(a) produces No. 1 distillate or No. 2 dyed
distillate; or

(b) imports No. 1 distillate or No. 2 dyed
distillate; or

(c) transports No. 1 distillate or No. 2 dyed
distillate across State boundaries or among local marketing areas.

(15) STATE.—The term ''State'' means the
everal States, except the State of Alaska.

(1) The bill (S. 348), as amended, was

(2) No contract or proceeding under this

(3) 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 tax-
ation under section 501 of that Code and is orga-
nized for the purpose of representing the
oilheat industry.

(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 of that Code and is orga-
nized for the purpose of representing the
oilheat industry.

(5) NO. 1 DISTILLATE.—The term ''No. 1 dis-
stillate'' means fuel oil classified as No. 1 dis-
tillate 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
by the American Society for Testing
and Materials.

(7) OILHEAT.—The term ''oilheat'' means—

(A) No. 1 dyed distillate; and

(B) No. 2 dyed distillate; that is used as a fuel for nonindustrial com-
mercial or residential space or hot water
heating.

(8) OILHEAT.—The term ''oilheat'' means—

(B) E XCLUSION.—The term ''oilheat indus-
try'' means the industry association or the
Alliance that the qualified industry organi-
ization or the Alliance determines best rep-
resents retail marketers in a State.

(10) QUALIFIED INDUSTRY ORGANIZATION.—

(11) QUALIFIED STATE ASSOCIATION.—The
term ''qualified State association'' means the
industry trade association or other organi-
zation that the qualified industry organiza-
tion or the Alliance determines best rep-
resents retail marketers in a State.

(12) RETAIL MARKETER.—The term ''retail
marketer'' means a person engaged pri-
marily in the sale of oilheat to ultimate con-
sumers; and

(13) SECRETARY.—The term ''Secretary''
means the Secretary of Energy.

(14) WHOLESALE DISTRIBUTOR.—The term
''wholesale distributor'' means a person that—

(a) produces No. 1 distillate or No. 2 dyed
distillate; or

(b) imports No. 1 distillate or No. 2 dyed
distillate; or

(c) transports No. 1 distillate or No. 2 dyed
distillate across State boundaries or among local marketing areas.

(15) STATE.—The term ''State'' means the
everal States, except the State of Alaska.
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 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.
(G) Full-time owners or employers.
(H) Other than the public members, Alliance members may include 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.

(c) Termination or Suspension.—

(1) In General.—On the initiative of the Alliance, the qualified industry organization or an industry trade 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).

(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. 105. 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 of 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:

(2) Determination 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.

(3) 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.

(4) Initial Appointments.—Initial appointments to the Alliance shall be made by the Secretary to provide the initial members for the first year of operation of the Alliance such that each member shall serve a term of 3 years, except that a member filling an unexpired term may serve a total of 7 consecutive years.

(5) Tenure Limit.—A member may serve no more than 2 full consecutive terms.

(6) Former Members.—A former member of the Alliance may be returned to the Alliance if the member was not a member for a period of 2 years.

(7) 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.

(b) Selection.—

(1) Programs, Projects, Contracts and Other Agreements.—The Alliance shall develop programs and projects to be funded by the Alliance.

(2) Advisory Committees.—The Alliance shall have 1 vote in matters before the Alliance.

(c) 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 107) 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 in connection with the Federal Government relating to the Alliance.

(B) Limitation.—Reimbursement under subparagraph (A) for any calendar year shall not exceed $100,000, and 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 107(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) CONFORMANCE 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. 107. 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 may be responsible for payment of an assessment to the Alliance on a quarterly basis; and

(B) shall provide to the Alliance certification of the amount of principal and interest by the United States.

(3) LATE PAYMENT CHARGE.—The Alliance may establish a late payment charge and assess the charge against any person who fails to remit or pay to the Alliance any amount due under this title.

(4) ALTERNATIVE COLLECTION RULES.—The Alliance shall establish rules to provide for a program coordinating the operation of the oilheat industry in a State for, an alternative means of collecting 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.

(5) LATE PAYMENT CHARGE.—The Alliance may establish a late payment charge and assess the charge against any person who fails to remit or pay to the Alliance any amount due under this title.

(6) ALTERNATIVE COLLECTION RULES.—The Alliance shall establish rules to provide for a program coordinating the operation of the oilheat industry in a State for, an alternative means of collecting 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.

(7) SALE FOR USE OTHER THAN OILHEAT.—No. 1 distillate and No. 2 dyed distillate sold for uses other than 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 or instrumentality 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 funds available to the qualified State association of each State an amount equal to 25 percent of the amount of assessments collected in the State.

(ii) ADDITIONAL AMOUNT.—

(I) IN GENERAL.—A qualified State association may request the Alliance to provide to the association any portion of the remaining 75 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; and

(bb) describe in detail the specific uses for which the requested funds are sought; and

(cc) include a commitment to comply with the use of funds in the remaining assessments; and

(dd) be made publicly available.

(II) 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. 108. 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 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 be based on an average price of consumer grade oilheat to a composite 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. 109. COMPLIANCE.

(a) IN GENERAL.—The Alliance may bring a civil action in United States district court to compel payment of an assessment under section 107.

(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. 110. LOBBYING RESTRICTIONS.

No funds derived by the Alliance from assessments under section 107 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. 111. DISCLOSURE.

(a) Any person or group consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities...
made.

concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

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—

(1) the complaint is withdrawn; or

(2) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

Resolution.—

(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 cease to 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.

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 the complaint 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).

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 or without merit, the prevailing party shall be entitled to recover an attorney's fee.

Savings Clause.—Nothing in this section shall limit causes of action brought under any other law.

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.

Title II—Small Hydroelectric Projects in Alaska

Small Hydroelectric Projects.

(a) Discontinuance of Regulation by the Commission.—Notwithstanding sections 4(e) and 29(b), the Commission shall discontinue exercising licensing and regulatory authority under this Park 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 of title 16, 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.); and

(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 habitats);

(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

(2) 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 suitable fish and wildlife mitigation and monitoring projects 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 the purposes of this section, the term qualifying project works means project works—

(1) that are not part of a project licensed under, or exempted from licensing under this part or section 406 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 ac-

cepted 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; and

(4) that are located entirely within the boundaries of the State of Alaska; and

(b) 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 license 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.

(l) 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 within one year of its receipt, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for water-power development shall be deemed to be in compliance with subsection (a).
TITLE III—HYDROELECTRIC PROJECTS IN THE STATE OF HAWAII

SEC. 301. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII.

Section 4(e) of the Federal Power Act (16 U.S.C. 799(e)) is amended in the first sentence by striking “several States, or upon” and inserting “several States (except fresh waters in the State of Hawaii, unless a license would be required under section 23), or upon”.

TITLE IV—ARROWROCK DAM HYDROELECTRIC PROJECT

SEC. 401. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 803) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4636, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission’s procedures under that section, extend until March 26, 2005, the time period during which the licensee is required to commence construction of the project.

ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

The Senate proceeded to consider the bill (S. 1088) to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona, for a wastewater treatment facility, and for other purposes.

S. 1088

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 “Arizona National Forest Improvement Act of 1999”.

SEC. 2. DEFINITIONS.

In this Act:

(a) IN GENERAL.—The term “City” means the city of Sedona.

(b) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any and all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled “Camp Verde Administrative Site”, dated April 12, 1997.

(2) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled “Payson Administrative Site”, dated April 12, 1997.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land or administrative site exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—

(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) REVOCATIONS.—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order withdrawing the land from any form of appropriation under the public land laws is revoked.

SEC. 4. CONVEYANCE TO CITY OF SEDONA.

(a) IN GENERAL.—The Secretary may sell to the city of Sedona, Arizona, by quitclaim deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled “Sedona Effluent Management Plan”, dated April 12, 1997, resulting from hazardous materials on the conveyed land.

(b) CONSIDERATION.—

(1) FAIR MARKET VALUE.—As consideration for the conveyance of land under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions.

(2) COST OF APPRAISAL.—The City shall pay all costs of the appraisal of the land.

(3) PAYMENT.—Payment of the amount determined under paragraph (1) (including any interest payable under paragraph (4)) shall be paid, at the option of the City—

(A) in full not later than 180 days after the date of the conveyance of the land; or

(B) in 7 equal annual installments commencing not later than January 1 of the first year following the date of the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST RATE.—Any payment due for the conveyance of land under this section shall be subject to the interest rate in effect on the date of the conveyance, interest at a rate equal to the current (as of the date of the conveyance) market yield on outstanding, marketable obligations of the United States with maturities of 1 year.

(b) RELEASE.—Subject to compliance with all Federal environmental laws by the Secretary before the date of conveyance of land under this section, on conveyance of the land, the City shall agree in writing to hold the United States harmless from any and all claims to the land, including all claims resulting from hazardous materials on the conveyed land.

(c) RIGHT OF REPRIEVE.—At any time before full payment is made for the conveyance of land under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the City has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is not used for disposal of treated effluent or other purposes related to the construction of an effluent disposal system in Yavapai County, Arizona.

SEC. 5. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established by section 484a (commonly known as the “Sisk Act”).

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest; or

(2) the acquisition of land and or an interest in land in the State of Arizona.

AMENDMENT NO. 2037

(Purpose: To reduce the amount of consideration to be paid by the City by the amount of special use permit fees paid by the City)

On page 5, line 15, strike the period at the end and insert “, reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City to the Forest Service during the period beginning on January 1, 1999, and ending on the date on which the first installment payment is made under paragraph (3)(B) or (D)”.

On page 5, lines 18 and 19, strike “the amount determined under paragraph (1)” and insert “the consideration required under paragraph (1)”.

The amendment (No. 2037) was agreed to.

The bill (S. 1088), as amended, was passed, as follows:

S. 1088

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 “Arizona National Forest Improvement Act of 1999”.

SEC. 2. DEFINITIONS.

In this Act:

(a) CITY.—The term “City” means the city of Sedona, Arizona.

(b) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.
SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITE.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any and all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 233.60 acres, as depicted on the map entitled “Camp Verde Administrative Site”, dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled “Cave Creek Administrative Site”, dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres, and the Fredonia Housing Site, comprising approximately 1.50 acres, as depicted on the map entitled “Fredonia Duplex Dwelling, Fredonia Ranger Dwelling”, dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled “Groom Creek Administrative Site”, dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled “Payson Administrative Site”, dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled “Sedona Administrative Site”, dated April 12, 1997.

(b) CONSIDERATION.—For a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, and improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws including regulations applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land or administrative site exchanged under subsection (a).

(e) CONDITIONS OF OFFERS.—(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) REVOCATIONS.—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order or agreement regarding the land form of appropriation under the public land laws is revoked.

SEC. 4. CONVEYANCE TO CITY OF SEDONA.

(a) IN GENERAL.—The Secretary may sell to the city of Sedona, Arizona, by quitclaim deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled “Sedona Effluent Management Plan”, dated August 1998, for construction of an effluent disposal system in Yavapai County, Arizona.

(b) DESCRIPTION.—A legal description of the land conveyed under subsection (a) shall be available for inspection in the office of the Chief of the Forest Service, Washington, District of Columbia.

SEC. 5. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the “Sisk Act”).

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tongass National Forest; and

(2) the acquisition of land and an interest in land in the State of Arizona.
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maturities suitable to the needs of the Trust and bearing interest at rates determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities, as the names under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or in any manner that may falsely suggest any connection with the United States.

(2) In section 105(c) (110 Stat. 4153), inserted ''inserting the “The contribution to our national heritage” and inserting “the contribution to our national heritage”.

SEC. 115. SHENANDOAH VALLEY BATTLEFIELDS.
Section 606 of division I of the Omnibus Parks Act (110 Stat. 4175; 16 U.S.C. 461 note) is amended as follows:

(1) in subsection (b)(1), by striking “this Act” and inserting “this section”.

(2) in subsection (d), by striking “section 6.” and inserting “plan developed and approved under section 6.”

(3) in subsection (e), by inserting a period after “implementation of the” in the first word in each of the subsections (a), (b), (c), (d), and (e), respectively.

SEC. 116. WASHITA BATTLEFIELD.
Section 607 of division I of the Omnibus Parks Act (110 Stat. 4181; 16 U.S.C. 461 note) is amended as follows:

(1) in subsection (b), by striking “local landowners” and inserting “local landowners”.

(2) in subsection (c), by striking “local landowners” and inserting “local landowners”.

SEC. 117. SKI AREA PERMIT RENTAL CHARGE.
Section 701 of division I of the Omnibus Parks Act (110 Stat. 4182; 16 U.S.C. 497c) is amended as follows:

(1) in subsection (b)(3), by striking “legislated by this Act” and inserting “required by this section”.

(2) in subsection (d)—
(A) in the matter preceding paragraph (1), by striking “formula of this Act” and inserting “formula of this section”;

(B) in paragraphs (1), (2), and (3) and in the sentence below paragraph (3), by striking “this Act” each place it appears and inserting “this section”;

(C) in the sentence below paragraph (3), by inserting “adjusted gross revenue for the” before “1994–1995 base year”;

(3) in subsection (f), by inserting inside the parenthesis “offered for commercial or other promotional purposes” after “complementary lift tickets”.

(4) in subsection (i), by striking “this Act” and inserting “this section”.

SEC. 118. GLACIER BAY NATIONAL PARK.
Section 3 of Public Law 91–383 (16 U.S.C. 1a–2), as amended by section 703 of division I of the Omnibus Parks Act (110 Stat. 4168), is amended as follows:

(1) in subsection (g), by striking “bearing the cost of such exhibits and demonstrations” after “bearing the cost of such exhibits and demonstrations”.

(2) By capitalizing the first letter of the first word in each of the subsections (a) through (f) (1) and inserting “Behaving the cost of such exhibits and demonstrations.”
SEC. 123. RECREATION LAKES.
(a) Technical Corrections.—Section 1021(a) of division I of the Omnibus Parks Act (110 Stat. 4210; 16 U.S.C. 460-106 note) is amended as follows:
(1) By striking “man-made lakes” both places it appears and inserting “man-made lakes”;
(2) By striking “for recreational opportunities at federally-managed and inserting “for recreational opportunities at federal managed”.
(b) Advisory Commission.—Section 13 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460-106, as added by section 1021(b) of the Omnibus Parks Act (110 Stat. 4210), is amended as follows:
(1) In subsection (b)(6), by striking “recreation related infrastructure,” and inserting “recreation related infrastructure.”;
(2) In subsection (e)—
(A) by striking “water related recreation” in the first sentence and inserting “water related recreation”;
(B) by striking “federally” and inserting “federally managed”;
(C) by striking “manmade lakes” each place it appears and inserting “manmade lakes”.
SEC. 124. FOSSIL FOREST PROTECTION.
Section 1023(c)(1)(A) of division I of the Omnibus Parks Act (110 Stat. 4210; 16 U.S.C. 460kkk) is amended as follows:
(1) In sections (b)(1) and (e)(1), by striking “Committee on Natural Resources” and inserting “Committee on Resources”;
(2) In subsection (e)(2), by striking “this Act” and inserting “this subsection”.
SEC. 125. OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.
Section 1023(c)(1)(A) of division I of the Omnibus Parks Act (110 Stat. 4210; 16 U.S.C. 460kkk) is amended as follows:
(1) In the section heading, by striking “recreational” and inserting “national recreation area”.
(3) In subsection (e)(3)(B), by striking “paragraphs (2) and (5)” and inserting “paragraphs (2)”;
(4) In subsection (f)(2)(A)(i), by striking “profit sector roles” and inserting “private sector roles”;
(5) In subsection (g)(1), by striking “and revenue raising activities” and inserting “and revenue raising activities.”;
(6) In subsection (h)(2), by striking “rationing” and inserting “rationing”. 
SEC. 127. NATCHEZ NATIONAL HISTORICAL PARK.
(a) Technical Amendment.—Section 3(b)(1) of Public Law 100–479 (16 U.S.C. 410cc-2(b)(1)), as added by section 1030 of the Omnibus Parks Act (110 Stat. 4238), is amended by striking “and visitors center” and inserting “and visitor center”.
(b) Amendment.—Section 1030 of the Omnibus Parks Act (110 Stat. 4238) is amended by striking “after ‘SEC. 3.’” and inserting “before ‘Except’.”

Section 8 of Public Law 92–155 (16 U.S.C. 277z–2, as added by section 2(o)(2) of the Arches National Park Expansion Act of 1998 (Public Law 105–329; 112 Stat. 3062), is amended as follows:

(1) In subsection (b)(2), by striking ‘‘described as lots 1 through 12 located in the S%2 of the N%2 of the E%2 of the W%2 of section 1, Township 25 South, Range 18 East, Salt Lake base and meridian, and more particularly described as follows:’’ and inserting ‘‘located in section 1, Township 25 South, Range 18 East, Salt Lake base and meridian, and more fully described as follows:’’

(A) Lots 1 through 12.

(B) The S%2 of such section.

(C) The N%2 of such section.

(2) By striking subsection (d).


(a) TRANSFER OF JURISDICTION.—Section 6(b) of the Dutch John Federal Property Disposition Act of 1996 (Public Law 105–329; 112 Stat. 3044) is amended as follows:

(1) By striking the subsection heading and inserting the following new paragraphs:

‘‘(1) TRANSFER FROM SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall transfer to the Secretary of Agriculture administrative jurisdiction over approximately 2,450 acres of lands and interests in land located in Duchesne and Wasatch Counties, Utah, that were acquired by the Secretary of the Interior for the Central Utah Project, as depicted on the maps entitled—’’.


‘‘(B) The ‘Dutch John Townsite, Ashley National Forest, Red Hollow (Diamond Properties),’’ dated February 1997; and


‘‘(2) TRANSFER FROM SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer to the Secretary of the Interior administrative jurisdiction over approximately 2,450 acres of lands and interests in lands located in the Ashley National Forest, as depicted on the map entitled ‘Ashley National Forest, Lands to be Transferred to the Bureau of Reclamation (BOR) from the Forest Service’, dated February 1997.’’

(b) TERMINATION.—The authorities in this section shall expire upon the termination of the Recreational Fee Demonstration Program.

SEC. 311. NATIONAL PARKS OBLIGATIONS ACT OF 1998.

Section 404 of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 112 Stat. 3508; 16 U.S.C. 3553) is amended by striking ‘‘contract terms and conditions,’’ and inserting ‘‘contract terms and conditions’’.

AMENDMENT NO. 2804

(Purpose: To make further amendments to H.R. 149, as reported by the Committee on Energy and Natural Resources)

On page 5, strike lines 4 through 11 and retitle the subsequent paragraphs accordingly.

On page 5 at the end of section 101 add the following new paragraphs:

‘‘(11) Section 103(c)(2) (110 Stat. 4099) is amended by striking ‘‘consecutive terms,’’ and inserting ‘‘consecutive terms, except that an appointed member may continue to serve until his or her successor has been appointed.’’

‘‘(12) Section 104(d) (110 Stat. 4102) is amended as follows:

‘‘(1) By inserting ‘‘after’’ after ‘‘Financial Authorities’’;

‘‘(2) By striking ‘‘(1) the authority’’ and inserting ‘‘in lieu thereof’’ ‘‘(A) The authority’’;

‘‘(3) by striking ‘‘(A) the terms’’ and inserting ‘‘in lieu thereof’’ ‘‘(1) the terms’’;

‘‘(4) by striking ‘‘(B) adequate’’ and inserting ‘‘in lieu thereof’’ ‘‘(ii) adequate’’;

‘‘(5) by striking ‘‘(C) such guarantees’’ and inserting ‘‘in lieu thereof’’ ‘‘(iii) such guarantees’’;

‘‘(6) by striking ‘‘(2) the authority’’ and inserting ‘‘in lieu thereof’’ ‘‘(B) the authority’’;

‘‘(7) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3) respectively;

‘‘(8) in paragraph (2) (as redesignated by the preceding amendment),’’

‘‘(A) by striking ‘‘The authority and inserting in lieu thereof ‘The Trust shall also have the authority’’;

‘‘(B) by striking ‘after determining that the projects to be funded from the proceeds thereof are creditworthy and that a repayment schedule is established and only’’ and inserting ‘with or subject to such terms and conditions, the words ‘including a review of the creditworthiness of the loan and establishment of a repayment schedule’’;

‘‘(9) in paragraph (3) (as redesignated by this section) by inserting before ‘this subsection’ the words ‘paragraph (2) of’.’’

On page 26, strike lines 10 through 13 and insert in lieu thereof the following: ‘‘as follows: ‘Monies reimbursed to either Department shall be retained and expended in accordance with the Historic Preservation Act, as amended.’’

On page 28, line 20, strike ‘‘contract’’ and insert ‘‘contract’’.

The amendment (No. 2804) was agreed to. The bill (H.R. 149), as amended, was passed.

COMMUNITY FOREST RESTORATION ACT

The Senate proceeded to consider the bill (S. 1288) to provide incentives for

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collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SEC. 1. SHORT TITLE.
This Act may be cited as the “Community Forest Restoration Act”.

SEC. 2. FINDINGS.
The Congress finds the following:
(1) After consulting with the technical advisory panel to evaluate the proposals for forest restoration grants and provide recommendations regarding which proposals would best meet the objectives of the Collaborative Forest Restoration Program, the Secretary shall select the proposals that will receive funding under this Act. The Secretary shall coordinate and fund the annual workshop. Stakeholders may use funding for projects authorized under this Act to pay for their travel and per diem expenses to attend the workshop.

SEC. 6. SELECTION PROCESS.
(a) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding under this Act. The Secretary shall coordinate and fund the annual workshop. Stakeholders may use funding for projects authorized under this Act to pay for their travel and per diem expenses to attend the workshop.

SEC. 7. MONITORING AND EVALUATION.
The Secretary shall establish a monitoring and evaluation process in order to assess the cumulative accomplishments and adverse impacts of the Collaborative Forest Restoration Program. The Secretary shall include any interested individual or organization in the monitoring and evaluation process. The Secretary shall convene a technical advisory panel to assess the short and long term ecological effects of the restoration treatments, if any, or a minimum of 15 years.

SEC. 8. REPORT.
No later than five years after the first fiscal year in which funding is made available for this program, the Secretary shall submit a 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. The report shall include an assessment on whether, and to what extent, the projects funded pursuant to this Act are meeting the purposes of the Collaborative Forest Restoration Program.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated $5,000,000 annually to carry out this Act.

The amendment (No. 2805) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1288), as amended, was passed, as follows:

S. 1288

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 “Community Forest Restoration Act”.

SEC. 2. FINDINGS.
The Congress finds the following:
(1) A century of fire suppression, logging, and livestock grazing has altered the ecological balance of New Mexico’s forests.
(2) Some forest lands in New Mexico contain an unnaturally high number of small diameter trees that are subject to large, high intensity wildfires that can endanger human lives, livelihoods, and ecological stability.
(3) Forest lands that contain an unnaturally high number of small diameter trees have reduced biodiversity and provide fewer benefits to human communities, wildlife, and watersheds.
(4) Healthy and productive watersheds minimize the threat of large, high intensity wildfires, provide abundant and diverse wildlife habitat, and provide food and timber products including better quality water and increased water flows.
(5) Some forest lands in New Mexico contain an unnaturally high number of small diameter trees that are subject to large, high intensity wildfires that can endanger human lives, livelihoods, and ecological stability.
(6) To improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity and provide fewer benefits to human communities, wildlife, and watersheds.
(7) To reduce the threat of large, high intensity wildfires and the negative effects of excessive competition between trees by restoring ecosystem functions, structures, and species composition, including the reduction of non-native species populations.

SEC. 3. PURPOSES.
The purposes of this Act are—
(1) to promote healthy watersheds and reduce the threat of large, high intensity wildfires, insect infestation, and disease in the forests in New Mexico;
(2) to improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity by reducing the unnaturally high number and density of small diameter trees on Federal, Tribal, State, County, and Municipal forest lands;
(3) to improve communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds in New Mexico;
(4) to improve the use of, or add value to, small diameter trees;
(5) to encourage sustainable communities and sustainable forests through collaborative partnerships, whose objectives are forest restoration and management of timber and non-timber products including better quality water and increased water flows.

SEC. 4. DEFINITIONS.
As used in this Act—
(1) the term “Secretary” means the Secretary of Agriculture acting through the Chief of the Forest Service;
(2) the term “stakeholder” includes: tribal governments, educational institutions, landowners, and other interested public and private entities.

SEC. 5. ESTABLISHMENT OF PROGRAM.
(a) The Secretary shall establish a cooperative forest restoration program in New Mexico in order to provide cost-share grants to stakeholders to develop such recommendations. The projects may be structured on any combination of Federal, Tribal, State, County, or Municipal forest lands. The Federal share of an individual project shall not exceed eighty percent of the project cost. The twenty percent matching may be in the form of cash or in-kind contribution.
(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive funding under this Act, a project shall—
(1) address the following objectives—
(A) reduce the threat of large, high intensity wildfires and the negative effects of excessive competition between trees by restoring ecosystem functions, structures, and species composition, including the reduction of non-native species populations;
(B) re-establish fire regimes approximating those that shaped forest ecosystems prior to fire suppression;
(C) preserve old and large trees;
(D) replant trees in deforested areas if they exist in the proposed project area; and
(E) improve the use of, or add value to, small diameter trees;
(2) comply with all Federal and State environmental laws;
(3) include a diverse and balanced group of stakeholders as well as appropriate Federal, Tribal, State, County, and Municipal government representatives in the design, implementation, and monitoring of the project;
(4) incorporate current scientific forest restoration information; and
(5) include a multi-party assessment to—
(A) identify both the existing ecological condition of the proposed project area and the desired future condition; and
(B) report, upon project completion, on the positive or negative impact and effectiveness of the project including improvements in local management skills and on the ground results;
(6) create local employment or training opportunities within the context of accomplishing restoration objectives, that are consistent with the purposes of this Act, including summer youth jobs programs such as the Youth Conservation Corps where appropriate;
(7) not exceed four years in length;
(8) not exceed a total annual cost of $150,000, with the Federal portion not exceeding $120,000 annually, or not exceeding $500,000 for the project, with the Federal portion of the total cost not exceeding $300,000;
(9) leverage Federal funding through in-kind or matching contributions; and
(10) include an agreement by each stakeholder to attend an annual workshop with other stakeholders for the purpose of discussing the cooperative forest restoration program and projects implemented under this Act. The Secretary shall coordinate and fund the annual workshop. Stakeholders may use funding for projects authorized under this Act to pay for their travel and per diem expenses to attend the workshop.

SEC. 6. SELECTION PROCESS.
(a) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding under this Act. The report shall include an assessment on whether, and to what extent, the projects funded pursuant to this Act are meeting the purposes of the Collaborative Forest Restoration Program.

SEC. 7. MONITORING AND EVALUATION.
The Secretary shall establish a monitoring and evaluation process in order to assess the cumulative accomplishments and adverse impacts of the Collaborative Forest Restoration Program. The Secretary shall include any interested individual or organization in the monitoring and evaluation process. The Secretary shall convene a technical advisory panel to assess the short and long term ecological effects of the restoration treatments, if any, or a minimum of 15 years.

SEC. 8. REPORT.
No later than five years after the first fiscal year in which funding is made available for this program, the Secretary shall submit a 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. The report shall include an assessment on whether, and to what extent, the projects funded pursuant to this Act are meeting the purposes of the Collaborative Forest Restoration Program.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated $5,000,000 annually to carry out this Act.

The amendment (No. 2805) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1288), as amended, was passed, as follows:

S. 1288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to promote healthy watersheds and reduce the threat of large, high intensity wildfires, insect infestation, and disease in the forests in New Mexico;

(2) to improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity by reducing the unnaturally high number and density of small diameter trees on Federal, Tribal, State, County, and Municipal forest lands;

(3) to improve communication and joint problem solving among individuals and groups interested in restoring the diversity and productivity of forested watersheds in New Mexico;

(4) to improve the use of, or add value to, small diameter trees;

(5) to encourage sustainable communities and sustainable forests through collaborative partnerships, whose objectives are forest restoration; and

(6) to develop, demonstrate, and evaluate ecologically sound forest restoration techniques.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term “Secretary” means the Secretary of Agriculture acting through the Chief of the Forest Service; and

(2) the term “stakeholder” includes: tribal governments, educational institutions, landowners, and other interested public and private entities.

SEC. 5. ESTABLISHMENT OF PROGRAM.

(a) The Secretary shall establish a cooperative forest restoration program in New Mexico designed to encourage and provide cost-sharing to stakeholders for experimental forest restoration projects that are designed through a collaborative process (hereinafter referred to as the “Collaborative Forest Restoration Program”). The projects may be entirely on, or on any combination of, Federal, Tribal, State, County, or Municipal forest lands. The Federal share of an individual project cost shall not exceed eighty percent of the total cost. The twenty percent matching may be in the form of cash or in-kind contributions.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive funding under this Act, a project shall—

(1) address the following objectives—

(A) reduce the threat of large, high intensity wildfires and the negative effects of excessive competition between trees by restoring ecosystem structure and species composition, including the reduction of non-native species populations;

(B) re-establish fire regimes approximating those of intact forest ecosystems prior to fire suppression;

(C) preserve old and large trees;

(D) replant trees in deforested areas if they exist in the proposed project area; and

(E) improve the use of, or add value to, small diameter trees;

(2) comply with all Federal and State environmental regulations;

(3) include a diverse and balanced group of stakeholders as well as appropriate Federal, Tribal, State, County, and Municipal government representatives in the design, implementation, and monitoring of the project;

(4) incorporate current scientific forest restoration information; and

(5) include a multi-party assessment to—

(A) identify both the existing ecological condition of the proposed project area and the desired future condition; and

(B) report on the positive or negative impact and effectiveness of the project including improvements in local management skills and on the ground results;

(c) The Secretary shall establish a multi-party advisory panel to evaluate the proposals for projects authorized under this Act to pay for their travel and per diem expenses to attend the workshop.

(d) SELECTION PROCESS.

(1) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding through the Collaborative Forest Restoration Program and projects implemented under this Act. The Secretary shall coordinate and fund the annual workshop. Stakeholders may include Tribal, State, County, or Municipal forest service representatives in the design, implementation, and monitoring of the project including improvements in local management skills and on the ground results.

(e) SEC. 6. MONITORING AND EVALUATION.

The Secretary shall establish a multi-party monitoring and evaluation process. The Secretary also shall determine the monitoring program used to evaluate the short and long term ecological effects of the restoration treatments, if any, or a minimum of 15 years.

SEC. 7. REPORT.

No later than five years after the first fiscal year in which funding is made available for this program, the Secretary shall submit a 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. The report shall include an assessment on whether, and to what extent, the projects funded pursuant to this Act are meeting the purposes of the Collaborative Forest Restoration Program.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

The Secretary is authorized to appropriate $5,000,000 annually to carry out this Act.

GAS HYDRATE RESEARCH AND DEVELOPMENT ACT OF 1999

The Senate proceeded to consider the bill (H.R. 1753) to promote research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes.

H.R. 1753

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 “Gas Hydrate Research and Development Act of 1999.”

SEC. 2. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term “contract” means a procurement contract within the meaning of section 8303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term “cooperative agreement” means a cooperative agreement within the meaning of section 8303 of title 31, United States Code.

(3) DIRECTOR.—The term “Director” means the Director of the National Science Foundation.

(4) GRANT.—The term “grant” means a grant awarded under a grant agreement, within the meaning of section 8304 of title 31, United States Code.

(5) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” means an institution of higher education, within the meaning of section 1229(a) of the Higher Education Act of 1965 (20 U.S.C. 1141a).

(6) SECRETARY.—The term “Secretary” means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

(7) SECRETARY OF COMMERCY.—The term “Secretary of Commerce” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(8) SECRETARY OF DEFENSE.—The term “Secretary of Defense” means the Secretary of Defense, acting through the Secretary of the Navy.

(9) SECRETARY OF THE INTERIOR.—The term “Secretary of the Interior” means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Minerals Management Service.

SEC. 3. GAS HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—
November 19, 1999

CONGRESSIONAL RECORD—SENATE

31191

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the enactment of this Act, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of gas hydrate research and development.

(2) DESIGNATIONS.—The Secretary, the Secretary of the Interior, acting through the Director of the National Science Foundation, the Secretary of Defense, the Secretary of Commerce, and the Director shall designate individuals to carry out this section.

(3) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 120 days after the date on which all such individuals are designated and not less frequently than every 120 days thereafter to—

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to occur subsequent to the meeting.

(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUND TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

(1) ASSISTANCE AND COORDINATION.—The Secretary shall, in coordination with Government, industry, and institutions of higher education and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop gas hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of gas hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of gas produced from gas hydrates;

(D) promote education and training in gas hydrate resource research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development); and

(F) develop technologies to reduce the risks of drilling through gas hydrates.

(2) COMPETITIVE MERIT-BASED REVIEWS.—Funds made available under paragraph (1) shall be made available based on a competitive merit-based process.

(c) CONSULTATION.—The Secretary shall establish an advisory panel consisting of experts from industry, institutions of higher education, and Federal agencies to—

(1) advise the Secretary on potential applications of gas hydrate;

(2) assist in developing recommendations and priorities for the gas hydrate research and development program carried out under subsection (a)(1); and

(3) report to the Congress within 2 years after the date of the enactment of this Act, or at such later date as the Secretary considers advisable, on the impact on global climate change of gas hydrate gas extraction and consumption.

(d) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program carried out under subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(e) RESPONSIBILITIES OF THE SECRETARY.—

In carrying out subsection (b)(1), the Secretary shall—

(1) facilitate and develop partnerships among Government, industry, and institutions of higher education to research, identify, assess, and explore gas hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in gas hydrate resources as an energy source;

(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for gas hydrate resource development; and

(5) report annually to Congress on accomplishments under this section.


Section 201 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 1901) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (3) the following:

"(4) The term ‘gas hydrate’ means a gas clathrate that—

(A) is in the form of a gas-water ice-like crystalline material; and

(B) is stable and occurs naturally in deep-ocean and permafrost areas;"

and

(3) in paragraph (7), as so redesignated by paragraph (1) of this section—

(A) in subparagraph (F), by striking ‘and’ at the end;

(B) by redesignating subparagraph (G) as subparagraph (H); and

(C) by inserting after subparagraph (F) the following:

"(G) for purposes of this section and sections 202 through 205 only, gas hydrate; and"

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy to carry out this Act—

(1) $5,000,000 for fiscal year 2000;

(2) $7,500,000 for fiscal year 2001;

(3) $11,000,000 for fiscal year 2002;

(4) $12,000,000 for fiscal year 2003; and

(5) $12,000,000 for fiscal year 2004.

Amounts authorized under this section shall remain available until expended.

SEC. 6. SUNSET.

Section 3 of this Act shall cease to be effective after the end of fiscal year 2004.

SEC. 7. REPORTS AND STUDIES.

The Secretary shall simultaneously provide to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate appropriate copies of any report or study that the Department of Energy prepares at the direction of any committee of the Congress.

AMENDMENT NO. 2806

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Methane Hydrate Research and Development Act of 1999’’.

SEC. 2. DEFINITIONS.

In this Act—

(1) CONTRACT.—The term ‘‘contract’’ means a procurement contract within the meaning of section 8303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term ‘‘cooperative agreement’’ means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) GRANT.—The term ‘‘grant’’ means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(4) INDUSTRIAL ENTERPRISE.—The term ‘‘industrial enterprise’’ means a private, non-federal entity under Federal or State law that has an expertise or capability that relates to methane hydrate research and development.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ‘‘institution of higher education’’ means an institution of higher education, within the meaning of section 102(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(1)).

(6) M ETHANE HYDRATE.—The term ‘‘methane hydrate’’ means—

(A) a methane clathrate that is in the form of a methane-water ice-like crystalline material and is stable and occurs naturally in deep-ocean and permafrost areas; and

(B) other natural gas hydrates found in association with deep-ocean and permafrost deposits of methane hydrate.

(7) SECRETARY OF ENERGY.—The term ‘‘Secretary of Energy’’ means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

(8) SECRETARY OF COMMERCE.—The term ‘‘Secretary of Commerce’’ means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(9) SECRETARY OF DEFENSE.—The term ‘‘Secretary of Defense’’ means the Secretary of Defense, acting through the Secretary of the Navy.

(10) SECRETARY OF THE INTERIOR.—The term ‘‘Secretary of the Interior’’ means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Minerals Management Service.

SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with subsection (b).

(b) DESIGNATIONS.—The Secretary of Energy, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(c) COORDINATION.—The individual designated by the Secretary of Energy shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

(d) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 270 days after the date of enactment of this Act, and not less frequently than every 120 days thereafter to—

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to the Secretary in connection with the meeting.

(2) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—
shall be made available based on a competitive
Funds made available under paragraph (1)
of the activities authorized by this para-
risks of drilling through methane hydrates;
commercial development);
identify and mitigate the environmental im-
source development;
methane hydrate research and re-
production from gas methane hy-
provide safe means of transport and storage of
produced from gas methane hy-
(D) promote education and training in
methane hydrate resource research and re-
vironmental impacts of hydrate degassing (including both
and mitigating associated with commercial development);
velops to reduce the risks of drilling through methane hydrates; and
conduct exploratory drilling in support of the activities authorized by this para-
paragraph.
(2) COMPETITIVE MERIT-BASED REVIEW.—
Funds made available under paragraph (1)
be made available based on a competitive
consultation.
(A) IN GENERAL.—The Secretary of Energy
shall establish and advisory panel consisting of
higher education, and Federal agencies to—
advise the Secretary of Energy on potential
the as methane hydrate research
and priorities for the as methane hydrate
and priorities for the as methane hydrate
resources; and
and conduct exploratory drilling in support of the activities authorized by this para-
paragraph.
(iii) not later than 2 years after the date of
enactment of this Act, and at such later
dates as the panel considers advisable, sub-
mit to the Secretary of Energy a report on the anticipated
impact on global climate change from—
(I) methane hydrate formation;
(II) methane hydrate degassing (including
naturally occurring hydrates and hydrates
associated with commercial development); and
(III) the consumption of natural gas pro-
duced from methane hydrates.
(B) in no case shall be more than twenty-
five percent of the individuals serving on the
advisory panel shall be Federal employees.
(2) ADMINISTRATIVE EXPENSES.—Not more than five percent of the amount made available
carry out this section may be used by the Secretary of Energy for
associated with the administration of the program carried out under subsection (a)(1); and
(3) CONSTRUCTION COSTS.—None of the funds
made available to carry out this section may be used for the construction of a new
building or the acquisition, expansion, remodeling, or modernization of an existing building
(including site grading and improvement and architect fees).
Responsibilities of the Secretary of Energy.—In carrying out subsection (b)(1), the Secretary of Energy, shall—
facilitate and develop partnerships among
government, industry, and institutions of higher education to research, iden-
tify, assess, and explore methane hydrate re-
undertake programs to develop basic in-
formation necessary for promoting long-
term interest in methane hydrate resources
as an energy source; and
ensure that the data and information
developed through the program are accoun-
table and widely disseminated as needed and
appropriate;
undertake cooperation among agencies that are developing technologies that may
hold promise for methane hydrate resource development; and
report annually to Congress on accomplishments under this section.

SEC. 4. AMENDMENTS TO THE MINING AND MIN-
ERALS POLICY ACT OF 1970.
Section 201 of the Mining and Minerals
Policy Act of 1970 (30 U.S.C. 1901) is amend-
ed—
(i) in paragraph (6)—
(A) in subparagraph (F), by striking "and"
at the end;
(B) by redesignating subparagraph (G) as
subparagraph (H); and
(C) by inserting after subparagraph (F) the
following:
"(G) for purposes of this section and sections
202 through 205 only, methane hydrate; and"
and
"(H) by redesignating paragraph (7) as para-
graph (8); and
"(i) the term "methane hydrate" means—
"(A) a methane clathrate that is in the
form of a methane-water ice-like crystalline
material and is stable and occurs naturally
in deep-ocean and permafrost areas; and
"(B) other natural gas hydrates found in
association with deep-ocean and permafrost
deposits of methane hydrate.

SEC. 5. REPORTS AND STUDIES.
The Secretary of Energy shall simulta-
nuously provide to the Committee on Science and the Committee on Resources of
and priorities for the as methane hydrate

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the
Secretary of Energy to carry out this Act—
$5,000,000 for fiscal year 2000;
$7,500,000 for fiscal year 2001;
$11,000,000 for fiscal year 2002;
$12,000,000 for fiscal year 2003;
$12,000,000 for fiscal year 2004;
thereafter such sums as are necessary.

Amend the title to read as follows: "An act
to promote the research, identification, as-
seSSment, exploration, and development of
methane hydrate resources, and for other
purposes.

Amend the amendment (No. 2806) to read as follows:
"An act to promote the research, identification, as-
seSSment, exploration, and development of
methane hydrate resources, and for other
purposes.

The amendment (No. 2806) was agreed
to.

The bill (H.R. 1753, as amended, was
passed.

SENATOR COLLINS FROM MAINE
Mr. LOTT. Mr. President, I also want to
thank the Senator from Maine who
is on the floor and waiting to assist
with the closing of the Senate for the
year.

The hour is late on Friday night, but
she has agreed to be here. And she also
does a magnificent job presiding in the
Chair. I thank her for being here and
being prepared to help us with the closing
actions that are necessary in order
for the Senate to complete this session of
the Congress.

LEWIS AND CLARK NATIONAL
HISTORIC TRAIL LAND
Mr. LOTT. Mr. President, I ask unan-
 
Consent that the bill
be
revised
pass
the
Motion to re-
consider be laid upon the table, with no
intervening action.

The PRESIDING OFFICER. Without

The legislative clerk read as follows:
A bill (H.R. 2737) was read the third
time, and passed.

JACKSON MULTI-AGENCY CAMPUS
ACT OF 1999
Mr. LOTT. Mr. President, I ask unan-

Mr. President, I ask unan-

The bill (H.R. 2737) was read the third
time, and passed.

The bill (H.R. 2737) was read the third
time, and passed.

This Act may be cited as the "Jackson Multi-
Agency Campus Act of 1999."
CONGRESSIONAL RECORD—SENATE

November 19, 1999

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(E) Teton County, Wyoming;
(F) the town of Jackson, Wyoming;
(G) the Jackson Chamber of Commerce; and
(H) the Jackson Hole Historical Society; and
(2) it is desirable to locate the administrative offices for several of the agencies and entities described in paragraph (1) on 1 site to—
(A) facilitate communication between the agencies and entities involved in the land exchange and construction project; and
(B) reduce costs to the Federal, State, and local governments; and
(C) better serve the public.

(b) Purposes. The purposes of this Act are—
(1) to authorize the Federal agencies specified in subsection (a)—
(A) to develop and maintain the Project in Jackson, Wyoming, in cooperation with the other agencies and entities specified in subsection (a); and
(B) to provide resources and enter into such agreements as are necessary for the planning, design, construction, operation, maintenance, and fixture modifications of all elements of the Project;
(2) to direct the Secretary to convey to the town of Jackson, Wyoming, certain parcels of federally owned land located in Teton County, Wyoming, in exchange for construction of facilities for the Bridger-Teton National Forest by the town of Jackson;
(3) to direct the Secretary to convey to the Game and Fish Commission of the State of Wyoming certain parcels of federally owned land in the town of Jackson, Wyoming, in exchange for approximately 1.35 acres of land, also located in the town of Jackson, to be used in the construction of the Project; and
(4) to relinquish certain reversionary interests of the United States in order to facilitate the development described in paragraphs (1) through (3).

SEC. 3. DEFINITIONS.

In this Act:
(1) COMMISSION.—The term ‘‘Commission’’ means the Game and Fish Commission of the State of Wyoming.
(2) CONSTRUCTION COST.—The term ‘‘construction cost’’ means any cost that is—
(A) associated with building improvements to Federal standards and guidelines; and
(B) open to a competitive bidding process approved by the Secretary.
(3) FEDERAL PARCEL.—The term ‘‘Federal parcel’’ means—
(A) the parcel of land, and all appurtenances to the parcel, comprising approximately 15.3 acres, depicted as ‘‘Bridger-Teton National Forest’’ on the Map; and
(B) the parcel comprising approximately 80 acres, known as the ‘‘Cache Creek Administrative Site’’, located adjacent to the town.
(4) MAP.—The term ‘‘Map’’ means the map entitled ‘‘Multi-Agency Campus Project Site’’, dated March 31, 1999, and on file in the offices of—
(A) the Bridger-Teton National Forest, in the State of Wyoming; and
(B) the Chief of the Forest Service.
(5) MASTER PLAN.—The term ‘‘master plan’’ means the document entitled ‘‘Conceptual Master Plan’’, dated July 14, 1998, and on file at the offices of—
(A) the Bridger-Teton National Forest, in the State of Wyoming; and
(B) the Chief of the Forest Service.
(6) PROJECT.—The term ‘‘Project’’ means the proposed project for construction of a multi-agency campus, to be carried out by the town of Jackson in cooperation with the other agencies and entities described in section 2(a)(1), to provide, in accordance with the master plan—
(A) administrative facilities for various agencies and entities involved in the land exchange and construction project; and
(B) interpretive, educational, and other facilities for visitors to the greater Yellowstone area.

(7) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Agriculture (including a designee of the Secretary).
(8) STATE PARCEL.—The term ‘‘State parcel’’ means the parcel of land comprising approximately 3.2 acres, depicted on the Map as ‘‘Parcel One’’, in the town of Jackson, Wyoming, in cooperation with the other agencies and entities specified in paragraph (1) on 1 site to—
(A) an offer by the town to construct the administrative facility is accepted by the Secretary;
(B) a memorandum of understanding between the town and the Secretary outlining the roles and responsibilities of each party involved in the land exchange and construction project; and
(C) a final building design and construction cost estimate is approved by the Secretary.
(9) TOWN.—The term ‘‘town’’ means the town of Jackson, Wyoming.

SEC. 4. MULTI-AGENCY PROJECT, JACKSON, WYOMING.

(a) CONSTRUCTION FOR EXCHANGE OF PROPERTY.

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the town may construct, as part of the Project, an administrative facility to be owned and operated by the Bridger-Teton National Forest, if—
(A) an offer by the town to construct the administrative facility is accepted by the Secretary;
(B) a memorandum of understanding between the town and the Secretary outlining the roles and responsibilities of each party involved in the land exchange and construction project; and
(C) a final building design and construction cost estimate is approved by the Secretary.

(2) ACCEPTANCE AND AUTHORIZATION TO CONSTRUCT.—The Secretary, on receipt of an acceptable offer from the town under paragraph (1), shall authorize the town to construct the administrative facility described in paragraph (1) in accordance with this Act.

(3) CONVEYANCE.—
(A) Secrecy.—The Secretary shall convey all right, title, and interest in and to the Federal land described in section 5(a)(1) to the town in simultaneous exchange for, and on satisfactory completion of, the administrative facility.
(B) Town.—The town shall convey all right, title, and interest in and to the administrative facility constructed under this section in exchange for the land described in section 5(a)(1). (b) OFFER TO CONVEY STATE PARCEL.—
(1) IN GENERAL.—The Commission may offer to convey a portion of the State parcel, depicted on the Map as ‘‘Parcel Three’’, to the United States for construction of an administrative facility for the Bridger-Teton National Forest.
(2) CONVEYANCE.—If the offer described in paragraph (1) is made not later than 5 years after the date of enactment of this Act, the Secretary shall convey the Federal land described in section 5(a)(2) to the Commission, in exchange for the portion of the State parcel described in paragraph (1), in accordance with this Act.

SEC. 5. CONVEYANCE OF FEDERAL LAND.

(a) IN GENERAL.—In exchange for the consideration described in section 3, the Secretary shall convey—
(1) to the town, in a manner that values equalize the Federal parcel exchanged for the conveyance of Parcel Two, an appropriate portion of the parcel of the Federal land comprising approximately 80 acres, known as the ‘‘Cache Creek Administrative Site’’ and located adjacent to the town; and
(2) to the Commission, the portion of the Federal parcel, comprising approximately 3.2 acres, depicted on the Map as ‘‘Parcel One’’, in the town of Jackson, Wyoming, in exchange for construction of facilities for the Bridger-Teton National Forest.

(b) REVERSIONARY INTERESTS.—As additional consideration for acceptance by the United States of any offer described in section 4, the United States shall relinquish all reversionary interests in the State parcel, as set forth on the deed to the United States and the State of Wyoming, dated February 19, 1957, and recorded on October 2, 1967, in Book 14 of Deeds, Page 382, in the records of Teton County, Wyoming.

SEC. 6. EQUAL VALUE OF INTERESTS EXCHANGED.

(a) VALUATION OF LAND TO BE CONVEYED.—
(1) IN GENERAL.—The fair market and improved value of the Federal land and the State parcel may be adjusted under this Act.

(b) OFFER TO CONVEY STATE PARCEL.—The offer by the Town to convey the State parcel described in section 5(a)(2) shall be equal to the value of the State parcel conveyed to the United States under section 5(b).

(b) BOUNDARIES.—The boundaries of the Federal land and the State parcel may be adjusted to equalize values.

(c) PAYMENT OF CASH EQUALIZATION.—Notwithstanding subsections (b) and (c), the value of the Federal land and the State parcel may be equalized by payment of cash to the Secretary, the Commission, or the town, as appropriate, in accordance with section 26(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), if the values cannot be equalized by adjusting the size of parcels to be conveyed or by conveying additional land, without compromising the design of the Project.

SEC. 7. ADDITIONAL PROVISIONS.

(a) CONSTRUCTION OF FEDERAL FACILITIES.—The construction of facilities on Federal land within the boundaries of the Project shall be—
(1) supervised and managed by the town, in accordance with the memorandum of agreement referred to in section 4(a)(1)(A); and
(2) carried out to standards and specifications approved by the Secretary.

(b) ACCESS.—The town (including contractors and subcontractors of the town) shall have access to the Federal land until completion of construction for all purposes related to construction of the Project.

(c) ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.—Land acquired by the United States under this Act shall be governed by all laws applicable to the administration of national forest sites.

(d) WETLAND.
Mr. LOTT. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill read a third time and passed, the motion to reconsider laid aside, and that any statements relating to the bill be printed in the RECORD.

Mr. PRESIDENT. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill read a third time and passed, the motion to reconsider laid aside, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1374), as amended, was read the third time, and passed, as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the management of public land and natural resources and the service of the public in the area of Jackson, Wyoming, are responsibilities shared by—

(A) the Department of Agriculture;

(B) the Forest Service;

(C) the Department of the Interior, including—

(i) the National Park Service; and

(ii) the United States Fish and Wildlife Service;

(D) the Game and Fish Commission of the State of Wyoming;

(E) Teton County, Wyoming;

(F) the town of Jackson, Wyoming;

(G) the Jackson Chamber of Commerce; and

(H) the Jackson Hole Historical Society;

and

(2) it is desirable to locate the administrative offices of several of the agencies and entities specified in paragraph (1) on a site to—

(A) facilitate communication between the agencies and entities;

(B) reduce costs to the Federal, State, and local governments; and

(C) better serve the public.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize the Federal agencies specified in subsection (a)—

(A) to develop and maintain the Project in Jackson, Wyoming, in cooperation with the other agencies and entities specified in subsection (a); and

(B) to provide resources and enter into such agreements as are necessary for the planning, design, construction, operation, maintenance, and fixture modifications of all elements of the Project;

(2) to direct the Secretary to convey to the town of Jackson, Wyoming, certain parcels of federally owned land located in Teton County, Wyoming, in exchange for construction of facilities for the Bridger-Teton National Forest by the town of Jackson; and

(3) to direct the Secretary to convey to the Game and Fish Commission of the State of Wyoming certain parcels of federally owned land in the State of Wyoming in exchange for approximately 1.35 acres of land, also located in the town of Jackson, to be used in the construction of the Project; and

(4) to establish certain reversionary interests of the United States in order to facilitate the transactions described in paragraphs (1) through (3).

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Game and Fish Commission of the State of Wyoming.

(2) CONSTRUCTION COST.—The term "construction cost" means any cost that—

(A) associated with building improvements to Federal standards and guidelines; and

(B) open to a competitive bidding process approved by the Secretary.

(3) FEDERAL PARCEL.—The term "Federal parcel" means—

(A) the parcel of land, and all appurtenances to the land, comprising approximately 15.3 acres, depicted as "Bridger-Teton National Forest" on the Map, and

(B) the parcel comprising approximately 80 acres, known as the "Cache Creek Administrative Site", to be conveyed to the town.

(4) MAP.—The term "Map" means the map entitled "Multi-Agency Campus Project Site", dated March 31, 1999, and on file in the offices of—

(A) the Bridger-Teton National Forest, in the State of Wyoming; and

(B) the Chief of the Forest Service.

(5) MASTER PLAN.—The term "master plan" means the document entitled "Conceptual Master Plan", dated July 14, 1998, and on file in the offices of—

(A) the Bridger-Teton National Forest, in the State of Wyoming; and

(B) the Chief of the Forest Service.

(6) PROJECT.—The term "Project" means the proposed project for construction of a multi-agency campus, to be carried out by the town of Jackson in cooperation with the other agencies and entities described in section 2(a)(1), to provide, in accordance with the master plan—

(A) administrative facilities for various agencies and entities; and

(B) interpretive, educational, and other facilities for visitors to the greater Yellowstone area.

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture (including a designee of the Secretary).

(8) STATE PARCEL.—The term "State parcel" means the parcel of land comprising approximately 9.3 acres, depicted as "Wyoming Game and Fish" on the Map.

(9) TOWN.—The term "town" means the town of Jackson, Wyoming.

SEC. 4. MULTI-AGENCY CAMPUIS PROJECT, JACKSON, WYOMING.

(a) CONSTRUCTION FOR EXCHANGE OF PROPERTY.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the town of Jackson, Wyoming, shall—

(A) construct the administrative facility described in section 5(a)(1) to the extent the Town has an acceptable offer from the town under paragraphs (2) and (3) and

(b) APPRAISAL.—Each appraisal report shall be written to Federal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

(2) ACCEPTANCE AND AUTHORIZATION TO CONSTRUCT.—The Secretary, on receipt of an acceptable offer from the town under paragraphs (1) shall authorize the town to construct the administrative facility described in section 5(a)(1) in accordance with this Act.

(3) CONVEYANCE.—(A) SECRETARY.—The Secretary shall convey all right, title, and interest in and to the Federal land described in section 5(a)(1) to the United States in order to facilitate the transactions described in paragraphs (1) through (3).
Amendment to the Pacific Electric Power Planning and Conservation Act

Amendment to the Act That Established the Keweenaw National Historical Park

Mr. LOTT. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 397, and H.R. 748, and the Senate then proceed to their immediate consideration.

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

The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 397) to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

A bill (H.R. 748) to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission.

There being no objection, the Senate proceeded to consider the bills.

Mr. LOTT. Mr. President, I am very pleased that the Senate is about to approve H.R. 748, legislation to repair a constitutional defect in the way the advisory commission was structured in the Act which established the Keweenaw National Historical Park.

The Act instructed the Secretary of the Interior to select an Advisory Commission from a list of nominees provided by state and local officials. The Justice Department has taken the position that this provision violates the Appointment Clause of the Constitution (Article II, Section 2).

Mr. President, I have worked hard to pass this legislation in the Senate which has already passed the House of Representatives. With the President's signature, this legislation can now become law, relieving the uncertainty and ambiguity relative to the commission which has lasted too long by permitting the appointment of the advisory commission to move forward. This will greatly benefit citizens and those of the many supporters and admirers of this beautiful and historic park.

Along with the money being appropriated today for the park, we are giving a major boost to the preservation of this significant part of Michigan's and America's history.

Mr. LOTT. Mr. President, I ask unanimous consent that the bills be read a third time and passed, as follows:

S. 397, approved July 1, 1999.

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

Section 1. Section 5(b) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c(b)) is amended by adding at the end the following:

(3) No effect on value of reversionary interest.—An appraisal of the State parcel shall not take into consideration any reversionary interest held by the United States in the State parcel as of the date on which the appraisals are conducted.

(4) Value of Federal land greater than construction costs.—If the value of the Federal land to be conveyed to the town under section 5(a)(1) is greater than the construction costs to be paid by the town for the administrative facility described in section 4(a), the Secretary shall reduce the acreage of the conveyed land so that the value of the Federal land conveyed to the town closely approximates the construction costs.

(5) Value of Federal land equal to value of State parcel.—

(a) In general.—The value of any Federal land conveyed to the Commission under section 5(a)(2) shall be equal to the value of the State parcel conveyed to the United States under section 4(b).

(b) Boundaries.—The boundaries of the Federal land and the State parcel may be equalized by payment of cash to the Secretary, the Commission, or the town, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), if the values cannot be equalized by adjusting the size of the parcels to be conveyed or by conveying additional land, without compromising the design of the Project.

(c) Value of Federal land conveyed to value of State parcel—

(1) In general.—The value of any Federal land conveyed to the United States under section 5(a)(2) shall be equal to the value of the State parcel conveyed to the United States under section 4(b).

(2) Deeds and conveyance documents.—A deed or other conveyance document executed by the Secretary in carrying out this Act shall contain such reservations as are necessary to preclude development of wetland on any portion of the Federal parcel.

Amendment to the Pacific Electric Power Planning and Conservation Act

Amendment to the Act That Established the Keweenaw National Historical Park

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(2) Deeds and conveyance documents.—A deed or other conveyance document executed by the Secretary in carrying out this Act shall contain such reservations as are necessary to preclude development of wetland on any portion of the Federal parcel.
Let me also thank the distinguished Senator from Oregon, Mr. Smith, and the Senator from Alaska, Mr. Murkowski, for the help and effort in getting us to this point.

It would not have happened without them as well.

This is a great day for my State. It is a great day for those in other States as well.

I, again, congratulate especially Senator Johnson for his leadership and his effort in getting us to this point.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

SENATOR HOLLINGS

Mr. BYRD. Mr. President, on occasion I have noted the birthdays of some of my colleagues by sharing a few observations about them. But, like those poor schoolchildren whose birthdays fall in the middle of the summer vacation, thus denying them the pleasure of a day's special recognition at school, one of my colleague's birthday falls on a day when the Senate can be virtually guaranteed not to be in session. I do not wish to let the whim of the calendar prevent me from honoring a man whose many sterling qualities compare to his more nataliacous brethren.

Senator Ernest F. "Fritz" Hollings was born on January 1, 1922, denying by just a few hours an extra year's tax deduction to his hardworking parents. That may have been the only disappointment caused by their overachieving son, however. Young Ernest went on to do his parents proud by graduating as a member of the highest honor society at The Citadel in 1942, then serving proudly for thirty-three months in World War II, attaining the rank of captain. Upon returning home, he again took up the scholar's mantle, earning his law degree at the University of South Carolina in 1947, followed by his doctorate of law from The Citadel in 1959. He excelled as a lawyer, being admitted to practice before the South Carolina Supreme Court, the U.S. District Court, the U.S. Circuit Court of Appeals, U.S. Tax Court, U.S. Customs Court, and the U.S. Supreme Court. He was first elected to public office at the tender age of 26, in 1948, to the South Carolina General Assembly, and subsequently served with distinction as lieutenant governor, South Carolina's youngest Governor in this century, and as Senator. I feel sure his parents must have been proud of him. I know that I am proud to have served with him in the United States Senate for the last thirty-two, almost thirty-three, years.

The rolling, sonorous cadences of this rich Carolina drawl soften the edges of Senator Hollings's sometimes acerbic observations and acid analysis of bills and treaties. I know of few Members who can so decisively carve up sloppy legislation with so few trenchant observations, so mellifluous delivered, that one still feels that the afternoon is as sunny and pleasant as his background in tax and customs law. Senator Hollings has long been a force on the Commerce Committee, and his energy is felt on the Senate Floor any time trade legislation or treaties are considered. As the member of the Appropriations and Budget Committees, he is well versed in the intricacies of fiscal policy-making. And on telecommunications matters few would dare tangle with him without first arm ing themselves with unassailable arguments at one's trigger finger, for fear of being completely done in by his quick-draw ripostes!

We have been on opposite ends of main street legislative shoot-outs over constituencies end and legislation. Budget Amendment and the nefarious Line Item Veto, but never has courtesy or friendship fallen victim to our philosophical disagreements. To the contrary, we have found common ground in our opposition to unfair trade practices and unequal trade agreements that hurt Americans. On the whole, I must admit I prefer to have Senator Hollings on my side, rather than against, as he is such a formidable foe. I have highlighted a few of my distinguished colleague's many honors, but there is one that still eludes him. For though he continues to make his parents proud in heaven, and his family and constituents proud here on Earth, he remains the most senior junior Senator in our nation's history. At 32 years and 10 months, Senator Hollings has surpassed even the legendary Senator John C. Stennis, who served 31 years and 2 months of his impressive 42 years of service as a Senator from Mississippi, and who at the time of his death was the equally legendary Senator James O. Eastland. This record is a testament to both the performance and the endurance of Senator Hollings and his distinguished senior Senator, Strom Thurmond. I know that Senator Hollings wears his title with pride and good humor, and his home state of South Carolina is all the better for it.

As these last weeks of this congressional session come to a clattering and confusing end and legislation, floor debates, and appropriations conferences, I am proud to keep a resolution I made last New Year's day to remember and pay tribute to a good friend and a remarkable, well talented Senator. I hope during his next birthday, come January 1, the year 2000, hidden among the hoopla and hyperbole surrounding the year 2000, that Senator Hollings and his lovely wife, Peatsy, can celebrate his birthday knowing that it is not passed unnoticed or unacknowledged by his friends here in the Senate.

So, on behalf of my wife Erma, I say to Senator Hollings these words:

SAY YOUR BIRTHDAY, SENATOR BYRD

Ms. COLLINS. Mr. President, first I thank the distinguished Senator from West Virginia for his very kind comments. I also want to bring to my colleagues' attention the fact that the

HAPPY BIRTHDAY, SENATOR BYRD

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...
to keep her life together under very difficult circumstances.

This simply should not occur. This bill will go a long way to prevent such awful situations by making sure we are helping these teenagers, these young adults as they transition from foster care to independent living.

The Foster Care Independence Act will provide much needed support to vulnerable teenagers as they make the critical and always difficult, under the best circumstances, transition from adolescence to adulthood. It will greatly improve the lives of hundreds of thousands of young people who will move through the foster care system in future years. As such, it serves as a tremendous living tribute to the late Senator John Chafee, who was so committed to their care.

I urge my colleagues to join me in supporting this very important legislation.

Mr. ROTH. Mr. President, I rise in support of the bill now before the Senate, the Foster Care Independence Act of 1999.

Before I describe this bill, let me point out that this measure is a tribute to the late Senator John Chafee. This legislation was Senator Chafee’s last child welfare initiative in the Finance Committee. As members know, the well being of the nation’s youth, particularly the most disadvantaged, was very important to John.

This legislation will provide important assistance to the nation’s foster care children. Each year about 20,000 teenagers must leave foster care because they have reached the age of 18. They are then left to their own devices, to make a life for themselves, often with no one to rely on for emotional and financial support. Not surprisingly, these young people are more likely to quit school, be unemployed, have children out of wedlock, and end up on welfare or in jail.

With this bill, we show that this country has not forgotten these young people. As parents, we do certainly not cut off our children at 18. Indeed, children in foster care have more need than most for a helping hand if they are to succeed in adulthood. It is simply common sense and good policy to make a small investment to ensure that these young people become productive taxpayers citizens who can make contributions to society.

The Foster Care Independence Act doubles the money available to the States for the independent living program, from $70 million to $140 million per year. This program helps young people make the transition from foster care to self-sufficiency. The bill expands the program by providing former foster children between 18 and 21 assistance in preparing for further education, planning a career, or training for a job. These programs also offer personal support through mentors, as well as financial assistance and housing.

This bill encourages, but does not require, States to provide Medicaid to young adults who have left foster care. The bill also increases the amount foster children may save and still be eligible for foster care. Such savings will help prepare these young people for the day when they will be on their own.

Lastly, the bill includes a number of reforms that will reduce fraud in the Supplemental Security Income program. The SSI program is on GAO’s list of high risk programs.

A bill spent in foster care is an important challenge. Let us help these children find a brighter future. I urge my colleagues to support this legislation in the memory of John Chafee.

Mr. ROCKEFELLER. Mr. President, I would like to join with my colleagues in support of the John H. Chafee—Foster Care Independence Act of 1999.

My friend and colleague John Chafee will be honored numerous times in the coming weeks, and I am proud of a public service to both the state and country that he so loved. He should be. There will be many fitting ways to pay him tribute by advancing the many causes important to him.

Enacting the fundamental principles of his bill into law today will be one small way that we can all honor a man who was an outstanding member and statesman in a way that I think he would appreciate because it helps some of our citizens who are most in need.

Senator Chafee has been a tireless champion for children and young people who need a voice, and occasionally some muscle, for many years. I had the privilege to work with him on just such a reform, the Adoption Act, moving children more swiftly to the desired outcomes of the 1997 Adoption Act, moving children more swiftly from foster care into permanent homes, has begun to become a reality. Adoptions throughout the country are up dramatically, far exceeding expectations.

In addition to Senator Grassley’s concerns, there are other issues in child welfare that need continued work. That is why I have also worked with Senators DeWine, Landrieu, and others on a bill that will strengthen our child abuse and neglect courts, and another that will ensure that all abused and neglected children with special needs are eligible for adoption subsidy. These are just a few of the steps we need to take in 2000 and beyond.

While we still have much to do, we have made some progress. I am pleased to learn that one of the desired outcomes of the 1997 Adoption Act, moving children more swiftly from foster care into permanent homes, has begun to become a reality.

Yet, at the same time, it’s disturbing to know that approximately 20,000 young people each year who turn 18 and “age out” of the foster care system suddenly lose their medical coverage and no system of support in place. In my own state of West Virginia, only 185 of the more than 1000 foster children over the age of 16 were able to get additional help through the state’s Independent Living program.

A Wisconsin study tells us that 18 months after leaving foster care, over one-third of the teens leaving foster care had not graduated from high

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school, half were unemployed, nearly half had no access to or coverage for health care, and many were homeless or victims of victimization or violence. These are not just numbers, each of these statistics represents a real person, like the young people who testified before the Finance Committee, Terry and Percy.

Terry turned 18 when she was still in high school. She quickly became homeless, and shared with us the horrifying stories of sleeping in alleys, laundry-mats and hospital waiting rooms, brushing her teeth in MacDonald’s restrooms so she could complete high school. She developed several medical problems including chicken pox and kidney problems for which she had no access to health care. Her problems worsened, and today, she has permanent kidney damage as a result of the lack of care.

Like Terry, Percy aged out of foster care while still in high school. He did not become homeless, thanks to the support of a local Independence Living program where he was assisted in obtaining an apartment and a job. Still, it was a big challenge to be totally on his own while still finishing school. He graduated and was motivated to go to college, but soon had to drop out because of his lack of health care coverage. Today, Percy is a successful and popular police officer, who still has a dream of finishing college one day.

This legislation before the Senate will provide resources and incentives to states so that fewer of our young people will become stories as horrific as Terry’s, and more will receive the types of support that Percy received.

One of the most significant provisions of the 1997 Adoption Act was the assured access to health care coverage for all children with special needs who move from foster care to adoption. This bill will establish the John H. Chafee Foster Care Independence Program, as the essential next step to expand vital access to health care for vulnerable youth. This important legislation will make it possible for health care coverage for our foster care youth not to end when they turn 18. Young people who have survived the many traumas that led to their placement into foster care, and their journey through the foster care system often have special health care needs, especially in the area of mental health. Providing transitional health coverage at this crucial juncture in their lives can make the difference between successfully moving on to accomplish their goals, or becoming stuck in an unsatisfying and unhealthy way of life.

Another key focus of the 97 Adoption Act is on moving children from foster care to families, rather than putting the focus on maximizing possible adoption. Older teens in foster care have a great need for a permanent family. Although we propose to improve the Independent Living program and increase eligibility for services to the age of 21, it does end at that time. And yet a youth’s need for a family does not end at any particular age. Each of us can clearly recall times when we have had to turn to our own families for advice, comfort or support long after our 18th or 21st birthdays. Many of us are in the position of providing such support to our own children who are in their late teens or 20s.

Therefore, an important provision in this Foster Care Independence Act states that Independent Living (IL) programs are not attempts to permanency planning—young people of all ages need and deserve every possible effort made towards permanence, including adoption. It would be counter-productive to create any disincentive for adoption of teenagers. Therefore, our legislation would allow any enhanced independent living services to be carried out concurrent with adoption services for older teens, and involves adoptive parents in assisting these teens in becoming successfully independent.

Independent Living programs were designed to provide young people with training, skill-development and support as they make the transition from foster care to self-sufficiency. In some states, with creativity and innovation, these programs have seen remarkable success in that effort. In other localities, the programs have provided minimal support, and young people have faced an array of challenging life decisions and choices without the skills or support to make them successfully. This bill will provide the resources to improve Independent Programs so that they can achieve goals. Funding is provided for national evaluation and for technical assistance to states to promote quality, and reports back to Congress so we can follow the progress of the bill.

These will be valuable steps in our efforts to more effectively address the needs of our Nation’s most vulnerable young people, on the brink of adulthood. I urge my colleagues to join us in passing this bill for foster teens and in memory of John Chafee’s long career dedicated to the children and others in need of his immense dedication and caring heart.

Mr. MONNIHAN. Mr. President, some 4 months ago I was proud to cosponsor this legislation when it was introduced by the late Senator John Chafee. I am prouder today that we are passing it. I am saddened, though, that he is not here with us to see it happen.

This legislation is typical of the work of Senator Chafee. It helps disadvantaged, often forgotten, children—those who are victims of abuse and neglect and have to be taken into foster care. The bill is far more than that. It is a personal, individual, and will help expand small-scale efforts already on the ground. And it is bipartisan, representing a consensus on how to move forward now.

In particular, this bill will help a group of our children in dire circumstances—foster children who leave foster care because they are not adopted, because they are reunified with their birth families or are adopted. About 20,000 children a year “age out” of the foster care system. They reach 18 and we, in large part, abandon them to the world. Many make their way successfully. But far too many, alas, do not, and these children are more likely to become homeless or end up on public assistance.

More than a decade ago, we recognized that these children needed additional help in preparing for life on their own. I am proud to have helped create the Independent Living program, which provided Federal support for efforts that prepare teenagers for the transition from foster care to independence. The bill will double funding for the Independent Living program and increase the use of the funds to assist former foster care children until they reach 21, including, for the first time, help with room and board. As any parent knows, many 18- and 20-year-olds remain in need of family support from time to time. For children who have “aged out” of foster care by turning 18, the government is, in effect, their parent and we should do more to help them become independent and self-sufficient, just as other parents do.

This legislation has widespread support, including from the administration and key members of both parties. I would like to particularly thank the First Lady for her leadership in working on behalf of these children, Senator Rockefeller and Chairman Roth have been important as well. But, above all, I thank the late Senator Chafee.

Mr. REED. Mr. President, I rise to join Senators Specter, Chafee, Moynihan, and others in support of the Foster Care Independence Act.

The Foster Care Independence Act, a top priority of the late Senator John Chafee, addresses the needs of children aging out of the foster care system who are facing the loss of critical support and benefits at a point when they most need them.

Nationally, an estimated 20,000 foster care children “age out” of the system each year. In my home state of Rhode Island, approximately 30 percent of all children currently in foster care are older and will soon be leaving the system.

When these young people leave the foster care system, they often find themselves on their own with few financial resources; limited education, training and employment options; no place to live; and little or no support when needed.
Along with my father, your efforts will provide assistance to one of our nation's most vulnerable groups: older children and youth in foster care. Currently, Independent Living Programs for older foster children end at their 18th birthday, abandoning these teens in the middle of a critical transition period from adolescence to adulthood. Sadly, these young people are left to negotiate the rough waters of adulthood without vital health and mental health resources and critical life-skills.

However, this legislation will cushion this usually abrupt transition by funding Independent Living Programs for foster children through their 21st birthday. It also provides states the option to extend health and mental health care benefits to these youngsters until age 21. The bill also specifies a minimum grant of $500,000 for smaller states like Rhode Island to provide such benefits.

Before he died, my father learned first-hand of the need for this legislation when several older foster care children who had "aged-out" of the system testified before his Finance Subcommittee. These youngsters told moving stories; sleeping outdoors, eating out of dumpsters, and accepting the charity of their teachers to pay for medical bills became their harsh reality because they were too old to remain in an Independent Living Program or a foster family. As a result, many of his Senate colleagues and First Lady Hillary Clinton cheered him on in his efforts to enact this legislation.

Indeed, ensuring that the most vulnerable members of our society retained basic human dignity guided my father's actions during his years of public service. Bipartisanship was also compassion both of these noble qualities and I know he would be honored by the passage of this legislation today. I urge my colleagues to join me in supporting this important measure.

Mr. Grassley. Mr. President, I rise today to discuss the critical issue of foster care. Today, there are more than 500,000 children and teens in our nation's foster care system. These children are vulnerable segments of our population: Children who have been taken from unsafe homes, and children who have suffered from abuse and neglect. This group of children deserves all the love and attention of a loving, caring and permanent family. Foster care is not permanency. I repeat, foster care is and should not be viewed as permanency for children.

Unfortunately, some youth in foster care—estimated at 20,000 each year—are not placed in a permanent, safe home before they are graduated from the child welfare system. These youth are expected to be self-sufficient, in many States at the age of eighteen. Foster care independent living programs, also known as ILPs, were initiated in 1985 in an attempt to provide this segment of the foster care population with the skills necessary for self-sufficiency. States have flexibility in the type of services they provide to their older foster youth; some options include assistance in locating employment, help in completing high school, or training in budgeting and other living skills.

The results of ILPs have been, at best, mixed. Two weeks ago, the Government Accounting Office released a report entitled "Effectiveness of Independent Living Services Unknown." GAO conducted a study of ILPs at the request of House Ways and Means Subcommittee on Human Resources Chairman John Johnson. This report reveals that only one national study has been completed to date, and the study determined that ILPs have the "potential to improve outcomes for youths." The study went on to say that "while ILPs are funded with substantial implementation of ILP, it has done little to determine program effectiveness and has no established method to review the states' progress in helping youths in the transition from foster care." The GAO report recommends that the Secretary of HHS develop "a uniform set of data elements and a report format for state reporting... and concrete measures of effectiveness of assessing state ILPs.

I have, for a number of years, been concerned about the issue of accountability within the child welfare system. And, the GAO report supports my belief that more explicit information is needed from the States and HHS in order to ensure that Federal money is being spend in a manner that truly benefits the lives of our nation's troubled youth.

Today, the Senate passed legislation that will double the amount of money provided to States to conduct independent living programs. And, I am highly disappointed in the lack of specificity and accountability measures within the bill. Yes, the Secretary of HHS will be required to develop outcome measures and identify data elements in an attempt to collect uniform data from the States. However, there is great leeway provided the Secretary in developing such measures and States are not required to improve upon their own past performance. The Foster Care Independence Act, as passed by the Senate, does require the Secretary to report within 12 months her plans and timetable for collecting data and developing standards for the States. Rest assured, I will be watching. And, I will do whatever is required of me to ensure that our nation's foster youth are provided
with the most effective and worthwhile services their State agencies can pro-
vide.
Accountability is critical in any human undertaking. It provides an en-
vIRONMENT for those doing well to be commended and recognized. And, it
sheds light on those acting irrespon-
sibly. We in Congress have the respon-
sibility to see that taxpayer money is
spent wisely. I see a no more critical
responsibility than in ensuring States
are responsibly spending money on vul-
nerable youth in foster care.
November is National Adoption Month. Earlier this month, I joined my
colleagues with the Congressional Cola-
Kition on Adoption in celebrating those
who have made a difference through
adoptive care. I was able to honor three
wifty individuals from the great State of Iowa: Ruth Ann Gaines and
Jef. and Earletta Morris. Ruth Ann
adopted an autistic boy more than 14
years ago, and the Morrises adopted a
teenager just over a year ago. I am
grateful to their efforts and heart-felt
belief in the value of family, and I am
glad to announce them "Angels in Adop-
In closing, I want to reaffirm my
commitment to finding permanent,
loving families for each boy and girl
currently without a loving and safe
home. I am disappointed the Foster
Care Independence Act did not contain
more provisions supporting perma-
cy. However, I will continue my ef-
forts in support of permanency for chil-
dren in foster care. Among others, Con-
gresswoman NANCY JOHNSON has given
me her word that she will work with
me to improve accountability in the child
welfare system. I look forward to
working with all my colleagues in the
next session to that end.
Ms. COLLINS. Mr. President, I ask
unanimous consent the bill be read a
third time and passed, as amended, the
motion to reconsider be laid upon the
bill be printed in the RECORD.
The PRESIDING OFFICER. Without
objection, it is so ordered.

AUTHORITY TO MAKE
APPOINTMENTS
Ms. COLLINS. Mr. President, I ask
unanimous consent that, notwithstanding
the adjournment of the Senate, the
President of the Senate, the President
of the Senate pro tempore, the major-
ity leader of the Senate, and the mi-
nority leader of the Senate be, and
they are hereby authorized, to make
appointments to commissions, commit-
tees, boards, conferences, and inter-
apparliamentary conferences authorized
by law or action of the two
Houses, or by order of the Senate.
The PRESIDING OFFICER. With ob-
jection, it is so ordered.

AUTHORITY FOR COMMITTEES TO
FILE REPORTED LEGISLATIVE
AND EXECUTIVE MATTERS
Ms. COLLINS. Mr. President, I ask
unanimous consent that, notwithstanding
the adjournment of the Senate, committees have from 11 a.m.
uti 1 p.m. on Tuesday, December 7,
and on Friday, January 7, in order to
file reported legislative and executive
matters.
The PRESIDING OFFICER. Without
objection, it is so ordered.

CONVENING THE SECOND SESSION
OF THE 106TH CONGRESS
Ms. COLLINS. Mr. President, I ask
unanimous consent that the Senate
turn to the resolution convening the
second session of the 106th Congress,
House Joint Resolution 85, that the
resolution be read a third time and
passed and the motion to reconsider be
laid upon the table, all without any in-
tervening action or debate.
The PRESIDING OFFICER. Without
objection, it is so ordered.
The joint resolution (H.J. 85) was
read the third time and passed, as fol-
lows:
H.J. Res. 85
Resolved by the Senate and House of Rep-
presentatives of the United States of America in
Congress assembled,
SECTION 1. DAY FOR CONVENING OF SECOND
SESSION OF ONE HUNDRED SIXTH CONGRESS.
The second regular session of the One Hun-
dred Sixth Congress shall begin at noon on
SEC. 2. ADDITIONAL SESSION PRIOR TO CON-
VENING.
If the Speaker of the House of Representa-
tives and the Majority Leader of the Senate,
acting jointly after consultation with the
Minority Leader of the House of Representa-
tives and the Minority Leader of the Senate,
determine that it is in the public interest for
the Members of the House of Representatives
and the Senate to reassemble prior to the
convening of the second regular session of
the One Hundred Sixth Congress as provided
in section 1—
(1) the Speaker and Majority Leader shall
so notify their respective Members; and
(2) Congress shall reassemble at noon on
the second day after the Members are so no-
tified.

MEASURE PLACED ON THE
CALENDAR—S. 1982
Ms. COLLINS. Mr. President, I ask
unanimous consent that S. 1982 be
placed on the Calendar.

31201
As Steve leaves his many friends and admirers in the Senate, we wish him a long retirement filled with many hours playing golf and enjoying his grandchildren.

Ms. COLLINS. 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 this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it so ordered.

The resolution (S. Res. 240) was agreed to. The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. Res. 240

Whereas the Senate has been advised that its Keeper of the Stationery, Stephen G. Bale, will retire on December 31, 1999;

Whereas Steve Bale was an employee of the Senate of the United States on November 13, 1969, and since that date has ably and faithfully discharged the high standards and traditions of the Senate for a period that included sixteen Congresses;

Whereas Steve Bale has served with distinction as Keeper of the Stationery, and at all times has discharged the important duties and responsibilities of his office with dedication and excellence; and

Whereas his exceptional service and his unflagging dedication have earned him our esteem and affection: Now, therefore, be it

Resolved, That the United States Senate commends Stephen G. Bale for his exceptional service to the Senate and the Nation; wishes to express its deep appreciation for his long, faithful and outstanding service; and extends its very best wishes upon his retirement.

S. C. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Stephen G. Bale.

MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3419.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3419) to amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, today the Senate will consider H.R. 3419, the Motor Carrier Safety Improvement Act of 1999. H.R. 3419 reflects a negotiated compromise between the House and Senate on two bills (S. 1501 and H.R. 2679). I want to extend my appreciation to Senators Hutchison, Hollings, and Breaux, along with Congressmen Shuster and Oberstar, for their bipartisan effort in developing this comprehensive motor carrier safety legislation. I also want to acknowledge the recommendations by the Office of the Department of Transportation (DOT) Inspector General, Ken Mead and his staff, as well as the highway safety advocates, truck drivers, industry officials, and safety enforcement officials for their suggestions on improving truck and bus safety.

During the past year, significant attention has been directed toward truck safety issues in both chambers. Following a comprehensive analysis on the federal motor carrier safety program by the DOT Inspector General, the Commerce Committee held two hearings on truck safety concerns. The House Transportation and Infrastructure Committee also conducted a number of oversight hearings and DOT initiated its own programmatic review. Based on these efforts, a consensus on the need to enact legislation to improve truck safety developed leading to the bipartisan legislation before the Senate today.

The Motor Carrier Safety Improvement Act would establish a separate Federal Motor Carrier Safety Administration within the DOT to carry out motor carrier safety responsibilities. I clearly do not desire to expand the size of the federal government. I know my view is shared by many of my colleagues. However, the near unanimous views voiced by all the interested parties involved in motor carrier safety agree that a separate agency is needed to remedy a severe lack of leadership over motor carrier safety enforcement and regulatory responsibilities at DOT. This legislation addresses this serious safety lapse, but guards against increasing the already bloated Federal bureaucracy by capping employment and funding for the new agency for Fiscal Year 2000.

This legislation provides additional motor carrier safety funding and we fully expect those resources to be dedicated toward increased motor carrier safety enforcement and inspection activities. The cost for unnecessary head-quarters administrative or overhead positions, including public affairs officers, congressional liaison representatives and other nonsafety related positions, is not a proper use of the additional authorized funding. Therefore, the Administration is required to provide a detailed justification to the Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure before increasing any administrative or overhead positions beyond the current level.

Mr. President, this legislation includes numerous provisions to remedy truck and bus safety problems. I believe one of the most important items in the bill is the provision directing the Department to implement all of the safety recommendations issued by the IG's April 1999 audit report. DOT has indicated it will act on some of the recommendations, but it has been more than six months since the release of
the IG’s report and DOT has yet to articulate a definitive action plan to implement all of the IG’s recommendations. I do not believe we can risk the consequences of ignoring any of these recommendations and accordingly, H.R. 3419 would require concrete action to eliminate the identified safety gaps at DOT. It also gives DOT authority to establish all of the advisory committees to assist the Secretary in the timely completion of rulemakings and other matters.

This legislation is also designed to improve the Commercial Driver’s License program. It would ensure a commercial motor vehicle driver has only one driver record. This uniform driving record would include all traffic violation convictions, whether these violations are committed in a passenger vehicle or a commercial vehicle. This legislation would also require DOT to initiate a rulemaking to combine driver medical records with the commercial licenses.

Mr. President, the legislation also initiates several actions to remedy inaccurate and incomplete safety data. We must have accurate data if we are going to be able to target enforcement action against unsafe carriers and get them off our roads. Consequently, H.R. 3419 directs the Secretary to carry out a program to improve the collection and analysis of commercial motor vehicle crash data, including accident causation. The National Highway Traffic Safety Administration (NHTSA), in cooperation with the newly established Motor Carrier Safety Administration, would administer the data improvement program.

The legislation also addresses problems identified by the DOT Inspector General concerning foreign truck companies. The legislation would prohibit the admission of foreign motor carriers from operating or leasing equipment anywhere within the United States outside the boundaries of a commercial zone along the U.S.-Mexico Border unless such foreign carriers have DOT authority to operate beyond the zones.

Mr. President, this comprehensive safety legislation includes many other important provisions. I urge my colleagues to support passage of this important safety legislation. I ask unanimous consent a detailed Joint Explanatory Statement of the bill be printed in the RECORD immediately following my remarks. This Joint Statement will provide legislative history interpreting this important motor carrier safety legislation.

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

JOINT EXPLANATORY STATEMENT ON H.R. 3419
MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999

SECTION 1. SHORT TITLE; TABLE OF CONTENTS
The provision provides that this Act may be cited as the “Motor Carrier Safety Improvement Act of 1999.” The section also includes a table of contents for the bill.

The provision defines the term “Secretary” to mean the Secretary of Transportation.

SEC. 3. FINDINGS
The provision makes eight findings on motor safety. Among other findings, Congress finds that the current rate, number, and severity of crashes involving motor carriers are unacceptable; the number of Federal inspections and compliance reviews and commercial motor vehicle and operator inspections is insufficient; civil penalties for violations must be utilized to deter future violations; and meaningful measures to improve safety must be implemented expeditiously to prevent increases in motor carrier crashes, injuries, and fatalities. Congress further finds that proper use of Federal resources is essential to the Department of Transportation’s ability to improve its research, rulemaking, oversight, and enforcement efforts.

SEC. 4. PURPOSES
The provision lists the purposes of this Act as improving the administration of the Federal motor carrier safety program by establishing a Federal Motor Carrier Safety Administration in the Department of Transportation and by enacting measures to reduce the number and severity of large truck-involved crashes through increased inspections and compliance reviews, stronger enforcement measures, expedited rulemakings, scientifically sound research, and improvements to the commercial driver’s license program.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 101. ESTABLISHMENT OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
Subsection 101(a) adds a new section 113 to title 49, United States Code, to establish, as a separate administration within the Department of Transportation, the Federal Motor Carrier Safety Administration (FMCSA).

The managers note that Section 101 provides that “in carrying out its duties, the Administrator shall consider the assignment and disposition of personnel to meet the highest priority.” This subsection is modeled on provisions which govern the activities of the Federal Aviation Administration and the Secretary of Transportation’s responsibilities for the regulation of air transportation. See 49 U.S.C. 40101(a)(1) and (d) and 49 U.S.C. 47101(a)(1). The Managers intend that new section 101 be interpreted and implemented in the same manner as the above-listed provisions in the laws governing aviation.

The Administration is headed by a Presidentially-appointed, Senate-confirmed Administrator with professional experience in motor carrier safety; a Deputy Administrator appointed by the Secretary with the approval of the President; and a Chief Safety Officer appointed in the competitive service. In addition to any duties and powers prescribed by the Secretary, the Administrator shall carry out those powers related to motor carriers and motor carrier safety set forth in chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, 315, and 317 of title 49, United States Code.

Subsection (b) provides dedicated funding for the administrative and research expenses of the FMCSA. This subsection increases the minimum amount of Federal funding for the FMCSA allocated from the Highway Trust Fund to the level currently provided within the Federal Highway Administration, to improve the motor carrier safety research, rulemaking, and enforcement activities transferred to the FMCSA.

Subsections (c) and (d) make conforming amendments to titles 5 and 49, United States Code.

Subsection (e) caps the employment level currently at the Office of Motor Carrier Safety at its headquarters location in fiscal year 2000, except for staff transferred to the Office from the Federal Highway Administration, for fiscal year 2000. The cap includes Office of Motor Carrier Safety staff and FHWA staff who were already dedicated to motor carrier safety matters when the Office of Motor Carrier Safety was established in October 1999. It does not preclude further transfers from the FHWA to the FMCSA during fiscal year 2000.

The Congress has provided additional motor carrier safety funding and expects those resources to be dedicated toward increased motor carrier safety enforcement and inspection activities and to expedite rulemakings. The cost of unnecessary headquarter administrative positions, including public affairs officers, congressional liaison representatives and other non-safety related positions, is not a proper use of the additional funding.

These headquarters’ officials are not involved in carrying out safety responsibilities such as developing policies and regulations to enforce motor carrier laws.

Subsection (e) requires the Secretary to report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the specific FMSCA personnel requested for each of fiscal years 2001, 2002, and 2003. The Secretary’s justifications for any additional FMSCA headquarters’ administrative or overhead positions shall include detailed descriptions of the specific needs to be addressed by the additional personnel. Such justifications must be submitted to allow sufficient time for the Committees to review the Secretary’s request.

Subsection (f) provides the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is vested in the Secretary of Transportation and may be delegated.

Subsection (g) requires the Secretary to comply with the requirements of a discrepant departmental executive order 12866, 48 C.F.R. 1252.209-70, concerning the disclosure of conflicts of interest in research contracts, and to include the text of such regulation in each such contract. This requirement is Department wide. This subsection also calls for a study to determine the effectiveness of this requirement. Eliminating or mitigating conflicts of interest will increase the likelihood that the research results will be more widely accepted and therefore be a more acceptable basis for policy decisions.

The managers note that the bill does not establish any specific offices of the FMCSA because the Secretary is best positioned to determine the specific organizational structure of the administration. The Congress authorizes the Secretary to organize the new agency in a manner and structure that adequately reflects the unique demands of passenger vehicle safety, pipelines, international trade, and consumer affairs.

SEC. 102. REVENUE ALIGNED BUDGET AUTHORITY
Subsection 102(a) amends section 110 of title 23, United States Code, concerning revenue aligned budget authority. To include the motor carrier safety assistance program (MSCAP) in the group of programs for which
Subsection (b) makes a number of technical and conforming amendments, including the relocation of a second section 118, concerning uniform transferability of Federal-aid highway programs, to section 126 of title 23, United States Code.

SEC. 103. ADDITIONAL FUNDING FOR MOTOR CARRIER SAFETY GRANT PROGRAM

Subsection 103(a) authorizes an additional $75 million from the Highway Trust Fund for each of fiscal years 2001 through 2003 for the motor carrier safety assistance program.

Subsection (b) amends section 4003 of the Transportation Equity Act for the 21st Century (TEA 21) to increase the amount of guaranteed funding provided in TEA 21 for the motor carrier safety assistance program by the following amounts: $65 million for each of fiscal years 2001 through 2003. This subsection also amends section 1102 of TEA 21 to reduce the obligation ceiling for federal-aid highway programs by $65 million for each of fiscal years 2001 through 2003.

Subsection (c) establishes a maintenance requirement of 49 U.S.C. 31311, concerning compliance programs, (3) identifying and reducing the number and rates of crashes, included in the strategy. The goals are: (1) existing federally required strategic plan- section.

Subsection (d) establishes that for each of the fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements between: (1) the Secretary and the Federal Motor Carrier Safety Administrator; (2) the Administrator and the Deputy FMCSA Administrator; (3) the Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration; and (4) the Administrator and the regulatory ombudsman designated by the Administrator. Each of these officials shall enter into a performance agreement that incorporates non-nu- meric or measurable goals of the Administration’s motor carrier safety strategy.

The provision requires that the Secretary assess the progress of the officials toward achieving their respective goals, and that the Secretary convey the assessments to the officials, identifying possible future performance improvements. An official of the FMCSA to continue the functions and per- formance of the FMCSA, and deficiencies identified. The Secretary is required to report to the Congress the results of the individual and Administration progress assessments annually.

Subsection (f) requires the Administrator of the FMCSA to designate a regulatory omb- budsman to expedite rulemakings in order to meet statutory and internal departmental deadlines.

SEC. 105. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE

The provision permits the early establishment of a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of commercial motor vehicle regulations. Individuals are appointed by the Secretary and include representatives of industry, drivers, safety ad- vocates, manufacturers, safety enforcement officials, representatives of late enforcement agencies, and individuals affected by rulemakings. No one in- terest may constitute a majority. If the Sec- retary establishes the advisory committee, it should provide advice to the Secretary on commercial motor vehicle safety regulations and functions of the Federal Motor Carrier Safety Administration. The committee will re- main in effect until September 30, 2003.

SEC. 106. SAVINGS PROVISION

The savings provision is intended to pro- vide for the orderly transfer of personnel and property from the Office of Motor Carrier Safety to the FMCSA. The provision is also intended to ensure that legal documents and requirements that had been in effect on the date that the bill is enacted by the Congress will continue as if the Act had not been enacted. The savings provision also provides that such documents that had been enacted on the date that the bill is enacted by the Congress will continue as if this Act had been enacted. Further, the provision assures the authority of officials of the FMCSA to impose new regulations and per- formances that had been previously per- formed by officials of the Office of Motor Carrier Safety, and deems any reference to the Office of Motor Carrier Safety, or its predecessors, to apply to the FMCSA.

SEC. 107. EFFECTIVE DATE

Subsection 107(a) provides that this Act shall take effect on the date of its enactment; except that the provision by section 101 which establish the Federal Motor Carrier Safety Administration, shall take effect on January 1, 2000.

Subsection (b) requires that the Presi- dent’s budget submission for fiscal year 2001 and each fiscal year thereafter reflect the est- imates of the Federal Motor Carrier Safety Administration in accordance with this Act.
if a State is not substantially complying with Federal safety regulations. The section permits a CDL holder or applicant to go to another State for licensing or renewal if his/her home state program has been shut down for noncompliance. This provision does not invalidate or interfere with a commercial driver’s license issued by a State before that State’s CDL program was found to be non-compliant and shut down.

Subsection (d) adds a new paragraph 31311(a)(19) to title 49 for a non-CDL holder of a CDL to require a State, when notifying the Secretary, the operator of CDLIS, and the issuing State of the disqualification, revocation, suspension, or cancellation of such individual. The provision also adds a new paragraph 31311(a)(20) to title 49 to prohibit both commercial and non-commercial motor carriers from operating in interstate commerce outside commerce. This provision does not apply to certain small passenger vans referred to as “camionetas”—carriers providing international transportation between points in Mexico and points in the United States—and to commercial vans operating in interstate commerce outside commercial zones that have been determined to pose serious safety risks. In no case should the rulemaking be concluded to exempt all small commercial passenger carrying vans.

The managers note there have been a number of fatal accidents involving small passenger vans known as camionetas particularly in the Southern border States. In an effort to address this safety problem, the Congress has acted on two occasions during the past several years to require the Secretary to apply Federal motor carrier safety regulations to these passenger vans.
vans. First, the definition of passenger vans was amended as part of the IG report. The 1965 Act of 1995 with the intent of applying safety regulations to these carriers. However, the Department took no action based on this statutory requirement. Due to the lack of action by the Department to regulate these items, the Congress again directed the Department to apply certain motor carrier safety regulations to vans in the Transportation Equity Act for the 21st Century (TEA 21). The TEA 21 provision required that all commercial vans carrying more than 8 passengers be covered by Federal motor carrier safety rules by June 1999, except to the extent DOT exempted operations as it determined appropriate through rulemaking. The provision has been included in this bill directing the Secretary to finally address this identified safety problem.

SEC. 213. 24-HOUR STAFFING OF TELEPHONE HOTLINE
The provision amends section 4017 of TEA 21 to require that the Department’s toll-free telephone hotline for reporting safety violations be staffed 24 hours a day, 7 days a week, by individuals knowledgeable in Federal motor carrier safety regulations and procedures. This section also increases the funding authorization for the hotline to the level of the Department of Transportation’s estimate of the cost of 24-hour coverage.

SEC. 214. CDL SCHOOL BUS ENDORSEMENT
The provision requires the Secretary to conduct a rulemaking to establish a special CDL endorsement for drivers of school buses. The provision requires, at a minimum, that the endorsement (1) include a driving skills test in a school bus, and (2) address proper safety procedures for avoiding dangerous situations, using emergency exits, and traversing highway grade crossings.

SEC. 215. MEDICAL CERTIFICATE
The provision requires the Secretary to implement all the DOT Inspector General’s recommendations contained in the IG’s April 1999 report assessing the effectiveness of DOT’s motor carrier safety program, except to the extent to which such recommendations are specifically addressed in sections 206, 208, 217, and 222 of this Act. These recommendations, found on pages 17, 18, 26, and 27 of the IG report, are as follows:

Recommendations to Improve the Effectiveness of Motor Carrier Safety Enforcement:
1. Strengthen its enforcement policy by establishing written policy and operating procedures to take strong action against motor carrier safety violations of the same acute or critical regulation. Strong enforcement actions would include assessing fines at the statutory maximum amount, the issuance of written orders, and, where necessary, placing motor carriers out of service.
2. Remove all administrative restrictions on fines under the Federal Motor Carrier Safety Assurance Program and increase the maximum fines to the level authorized by TEA–21.
3. Establish stiffer fines that cannot be considered unreasonably large and, if necessary, seek appropriate legislation raising statutory penalty ceilings.
4. Implement new rules that remove the operating authority from motor carriers that fail to pay civil penalties within 90 days after final orders are issued or settlement agreements are obtained.
5. Establish criteria for determining when a motor carrier poses an imminent hazard.
6. Require the Secretary to conduct investigations of those motor carriers with a less-than-satisfactory safety rating, at varying intervals, to ensure that safety improvements are sustained, or if safety has deteriorated that appropriate sanctions are invoked.
7. Establish a control mechanism that requires written justification by the OMC State Director when compliance reviews of high-risk carriers are not performed.
8. Establish a written policy and operating procedures for reviewing and responding to traffic violations, frames for closing enforcement cases, including the current backlog.

Recommendations for Data Enhancement:
1. Require applicants requesting operating authority to provide the number of commercial vehicles they operate and the number of drivers they employ and require motor carriers to periodically update this information.
2. Revise the grant formula and provide incentives through MSCAP grants for states to provide accurate, complete and timely commercial vehicle crash reports, vehicle and driver inspection reports and traffic violation data.
3. Withhold funds from MSCAP grants for those States that continue to report inaccurate, incomplete and untimely commercial vehicle crash data, vehicle and driver inspection data and traffic violation data within a reasonable notification period such as one year.
4. Initiate a program to train local enforcement agencies for reporting of crash, roadside inspection data including associated traffic violations.
5. Standardize OMC and NHTSA crash data requirements, crash data collection procedures, and reporting.
6. Obtain and analyze crash causes and fault data as a result of comprehensive crash evaluation and safety improvements.

The provision requires that every 90 days, beginning 90 days after enactment, the Secretary provide status reports on the implementation of recommendations. The IG would also be directed to provide the Committees with assessments of the Secretary’s progress. The IG report shall include an analysis of the number of citations cited by safety inspectors, the level of fines assessed and collected for such violations, the number of cases in which there are findings of extraordinary circumstances under section 222(c) of the Act, and the circumstances in which such findings are made.

SEC. 217. PERIODIC REFILEING OF MOTOR CARRIER IDENTIFICATION REPORTS
The provision requires periodic updating, but not more frequently than once every two years, of the Motor Carrier Identification Report. Form 221, STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA
The provision requires the Secretary to develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

Subsection (b) lists the factors to be considered in developing the staffing standards. These include the volumes of traffic, hours of operation of the border facilities, types of commercial motor vehicles (including passenger vehicles) and cargo in the border area, and the responsibilities of Federal and State inspectors.

Subsection (c) prohibits the United States and any State from reducing its respective motor carriers safety operations in an international border area below the level of such inspectors in fiscal year 2000.

Subsection (d) provides that if, by October 1, 2001, and each fiscal year thereafter, the Secretary has not ensured that appropriate levels of staffing consistent with the staffing standards are deployed in international border areas, the Secretary should allocate five percent of motor carrier safety assistance program funds for border commercial motor vehicle and safety enforcement programs.

SEC. 218. BORDER STAFFING STANDARDS
Subsection 219(a) provides for civil penalties and disqualifications for foreign motor carriers that operate, before implementation of the land transportation provisions of NAFTA without authority outside of a commercial zone.

Subsection (b) provides that the civil penalty for an intentional violation shall not be more than $25,000; the carrier shall be disqualified from operating in the U.S., and that such disqualification may be permanent.

Subsection (d) prohibits any foreign motor carrier from leasing its motor vehicles to any other carrier to transport property in the U.S. during any period in which the suspension, condition, restriction, or limitation imposed under 49 U.S.C. 13902(c) applies to the foreign carrier.

Subsection (e) provides that no provision may be enforced if inconsistent with international agreements.

Subsection (f) provides that any person or entity that obtains knowledge of the carrier or committed unintentionally are not grounds for penalty or disqualification.

SEC. 220. TRAFFIC LAW INITIATIVE
The provision permits the Secretary to carry out a program with one or more States to develop innovative methods of improving motor carrier traffic law compliance, including the use of photography and other imaging technologies.

SEC. 221. STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA
The provision requires the Secretary to develop a uniform system to support the electronic transmission of data State-to-State on violations of all motor vehicle traffic control laws by individuals possessing a commercial driver’s license.

SEC. 222. MINIMUM AND MAXIMUM ASSESSMENTS
Subsection 222(a) directs the Secretary to ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver’s licensing programs.

Subsection (b) recommends the Secretary establish and assess minimum civil penalties
for Federal motor carrier safety and CDL violations. The Secretary is required to submit the results of the study to Congress, assessing the maximum civil penalty for repeat offenders or a pattern of violations.

Subsection (c) recognizes that extraordinary circumstances arise that limit the assessment of civil penalties at a level lower than any level established under subsection (b) of this section. If the Secretary assesses such low civil penalties, the Secretary must document the justification for them.

Subsection (d) requires the Secretary to conduct and submit to Congress a study of the effectiveness of the civil penalties established in TEA 21 and this Act in ensuring compliance with Federal motor carrier safety and commercial driver’s license laws.

SEC. 224. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION

Subsection 224(a) requires the Secretary to conduct a comprehensive study to determine the relationship of contributing factors to crashes involving commercial motor vehicles, including vehicles defined in section 31331(a)(b) of title 49, United States Code, and to identify the data requirements needed to improve the Department’s and the States’ ability to evaluate crashes and crash trends, identify crash causes and contributing factors, and develop safety measures to reduce such crashes.

Subsection (b) addresses the design of the study, requiring that it yield information to help the Department and the States identify activities likely to lead to significant reductions in commercial motor vehicle-involved crashes including crashes by commercial vans.

Subsection (c) lists the areas of expertise of the people with whom the Secretary is required to consult in conducting the study.

Subsection (d) requires the Secretary to provide for public comment on various aspects of the study.

Subsection (e) requires the Secretary to submit the results of the study to Congress, review the study at least once every five years, and update the study and report as necessary.

Subsection (f) provides $5 million in contract authority to carry out this section.

SEC. 225. DATA COLLECTION AND ANALYSIS

This provision directs the Secretary to carry out a program to improve the collection and analysis of data on commercial motor vehicle crashes, including crash causation. NHTSA, in cooperation with the new Federal Motor Carrier Safety Administration, is required to administer the program. It requires NHTSA to integrate driver citation and conviction information and provide $5 million from the DOT’s administrative takedown to fund this program. This section also provides $5 million in contract authority for information systems under 49 U.S.C. 31106.

SEC. 226. DRUG TEST RESULTS STUDY

Subsection 226(a) directs the Secretary to conduct a study on the feasibility and merits of having medical review officers or employers report positive drug tests of CDL holders to the State that issued the CDL and requiring all prospective employers, before hiring any driver, to query the State that issued the driver’s CDL on whether the State has on record any verified positive controlled substances test on such driver.

Subsection (b) lists factors to be considered in the study. They are: safeguarding the confidentiality of test results; ensuring benefits and safety impacts; and whether a process should be established to allow drivers to correct erroneous and expunge information from their records at any time.

Subsection (c) requires the Secretary to issue a report to Congress on the study within two years.

SEC. 227. APPROVAL OF AGREEMENTS

Section 227 amends section 13703 of title 49, United States Code, by adding a new requirement to require the Surface Transportation Board to review every five years any agreement under section 13703. The provision also provides for the continuation of any pending cases before the Board, but prohibits certain nationwide agreements.

SEC. 228. DOT AUTHORITY

This section clarifies Congressional intent with respect to the criminal investigative authority of the Department of Transportation Inspector General.

When the Office of Motor Carrier Safety finds evidence of egregious criminal violations of motor carrier safety regulations through their regulatory efforts, it refers these cases to the IG’s Office of Investigations. Recently, a U.S. District Court concluded that an investigation undertaken by the IG exceeded its jurisdiction, see In the Matter of the Search of Northland Trucking Inc. (D.C. Arizona), finding that the motor carrier involved was not a grantee or contractor of the Department, nor was there evidence of collusion with DOT employees. This narrow construction of the IG’s authority is not well grounded in law, and the managers are concerned about the adverse impacts the Order could have on IG operations. This provision, therefore, clarifies Congressional intent with respect to the authority of the IG, reaffirming the IG’s ability and authority to continue to conduct criminal investigations of parties subject to DOT laws or regulations, whether or not such parties receive Federal contracts.

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 3419 the Motor Carrier Safety Improvement Act of 1999. This bill creates a separate modal administrative, the Federal Motor Carrier Safety Administration, to administer the commercial motor vehicle safety laws and make needed improvements to our highway safety programs. To secure enactment of this important legislation, Senator MCCAIN and I worked with our colleagues in the House to craft a compromise bill. I would like to commend Chairman SHUSTER and Ranking Democrat OBERSTAR of the House Transportation and Infrastructure Committee for their efforts on this compromise proposal. The Administration supports this legislation and the Secretary of Transportation has requested that the Senate complete consideration of this legislation prior to the adjournment of the first session of the 106th Congress.

As many of you may know, I introduced legislation in the 1980s to establish a separate modal administration within the Department of Transportation for the motor carrier industry. Since safety oversight was moved from the Interstate Commerce Commission in 1966, truck and bus safety oversight has been a part of the Federal Highway Administration. H.R. 3419 addresses the bifurcation of motor carrier economic and safety regulation. The economic regulatory authority will still be vested at the Surface Transportation Board, and the safety regulatory authority will be designated to the new Administration. Under the current regulatory structure there is a separate regulatory authority for rail, transit, air, and maritime transportation, but no primary agency for the largest mode of commercial transportation—the trucking industry. Establishing a separate agency with the stated responsibility for making the highways safer would be an important step forward in highlighting the importance of truck and bus safety as well as improving regulatory efficiency. I am pleased that members of the Senate and House have agreed to establish a new modal administration; we have high expectations this change will lead to tougher standards, more expeditious rule makings, and a greater degree of enforcement than has been the norm in recent years.

The trucking industry generates over 80% of the revenues derived from the domestic transportation of cargo. The industry has undergone fantastic growth in the past five years. The number of carriers operating in the trucking industry has come to double since 1994 alone. Overall, the volume of truck traffic on the highways in this country is astounding, and clearly has an impact on safety. As many of you know, I was not a supporter of deregulating the trucking industry, and I question whether this policy has contributed to our present safety concerns. The Senate Commerce, Science, and Transportation Committee has held several hearings on the subject of motor carrier safety in the last year. These hearings have included testimony from a number of organizations, including the Department of Transportation’s Inspector General, the Chairman of the National Transportation Board and consumer groups all expressing concern about the Office of Motor Carriers and stating the need for reform. Chairman McCAN and I have worked to incorporate many of the recommendations by these groups into the legislation we are considering today.

I would like to briefly summarize some of the major provisions and important consequences of H.R. 3419. This legislation undoubtedly will increase the overall number of safety inspections by requiring that all new entrants to the truck and bus industry undergo a safety review. The bill also requires a comprehensive set of Federal regulations with motor carrier safety regulations and undergo a safety review in order to obtain operating authority. Currently 25,000 to 40,000 new carriers enter into...
interstate commerce annually. In order to obtain operating authority under the present system, new operators must provide evidence of insurance and submit a form attesting that they are familiar with safety regulations. This new provision would require that new carriers be designated as “new entrants” until the completion of a safety review. The intent of this provision is to make sure that new operators have basic safety management practices in place. During their first eighteen months of operation, they would need to show that they have critical safety elements in place—for example, drug testing, maintenance plans, and driving records such as logbooks. This safety review is not intended to be a time consuming investigation of the property and drivers, nor is it intended to be a barrier to entry. Our expectation is that in fact we have stipulated that the Secretary should take into consideration the needs of small businesses when conducting the rulemaking on new entrant safety reviews. However, there is broad consensus among industry and labor that it is necessary to conduct the initial safety reviews of the new carriers and are likely to lead to an increasing number of inspections and audits overall. These auditors will be certified by DOT to perform safety audits and inspections, however DOT will retain the authority to grant operating authority and issue ratings—we have no plans to delegate this vital enforcement authority to the private sector. The Secretary is directed to complete a rulemaking to establish how third party inspectors are to be certified and their role is to assist with the collection of data, not supersede the existing authority of the DOT.

This legislation authorizes an additional $140 million a year for motor carrier safety and data improvements. As a result of TEA–21, the federal safety transportation bill that was passed in the last year. Of that money $65 million is guaranteed under the budgetary firewalls established in TEA–21. The bulk of this funding will go directly to the states through the Motor Carrier Safety Assistance Program (MCSAP). This grant program to the states is the underpinning for the enforcement of commercial motor vehicle safety laws and I am pleased that we are more than doubling the funding authorized for this important safety program. I look forward to working the Department Transportation to ensure this new agency will have adequate personnel to achieve the important safety objectives set forth in this bill.

H.R. 3419 also requires many data improvements, including periodic refilling of motor carrier information, which means that safety statistics on trucks and buses are soon to be more up to date and that improvement data will be available to the public. Currently, only twenty percent of the carriers operating in interstate commerce have been inspected or audited in relation to the safety of the Department of Transportation—this number is insufficient. In order to increase the number of safety rated carriers, accurate data is required. H.R. 3419 directs the National Highway Traffic Safety Administration (NHTSA), in cooperation with the Federal Motor Carrier Safety Administration, to carry out a program to improve the collection and analysis of data on commercial motor vehicle crashes, including crash causation and requires NHTSA to integrate driver citation and conviction information. In addition, the Secretary is directed to conduct a crash causation study to determine the causes of, and contributing factors to, crashes involving commercial motor vehicles—all interested parties, including victims and safety groups, should be consulted in designing the study. The legislation also requires the Department of Transportation to disclose potential conflicts of interest, and report on enforcement practices not to allow conflicts of interest. Proper safety regulation is dependent on thorough and impartial research.

H.R. 3419 also toughens Commercial Drivers’ License (CDL) requirements. It will require that medical qualification certificates be part of all CDLs. It will prohibit the masking of convictions on CDL’s, thereby ending the practice of erasing convictions for increased fines and plea bargaining down convictions, and making convictions in exchange for attending bypass or educational programs. The legislation also will provide access to driver records for safety enforcement and hiring purposes—driver records would be made available to employees, current employers, future employers and law enforcement personnel on request. This language will address concerns about inaccurate driver records and ensure that the practice of masking convictions or records is ended. This provision lists parties which should have access to the driving records of commercial motor vehicle operators, however, the exception is that parties such as insurers which currently have access to this information will continue to do so.

Although this legislation now includes a separate school bus CDL endorsement. By requiring the Secretary to establish a rule making for a CDL endorsement, which includes at a minimum, a driving skills test in the bus, as well as procedures for loading and unloading, using emergency exits and traversing highway rail grade crossings, this bill places a greater emphasis on the safety of transporting our children.

H.R. 3419 also includes recommendations from the DOT IG’s report. These recommendations call for the strengthening of enforcement policy by increasing fines, requiring greater monitoring of carriers and standardizing data. The IG’s report clearly indicates that we need to improve the safety of the interstate highway system. The DOT and the IG’s recommendations address the enforcement of civil penalties to ensure greater compliance with Federal motor carrier safety and commercial drivers’ license laws. Section 222 of H.R. 3419 includes provisions establishing minimum, as well as maximum, penalties for violations. Because situations arise when the Secretary may choose to exercise discretion in the assessment of maximum penalties, a provision was included to allow assessment of penalties at a lower level than established by this provision in extraordinary circumstances. The goal of this provision is to provide administrative flexibility while ensuring that the previous abuses in motor carrier safety enforcement practices are not perpetuated by the new agency. In assessing penalties for violations, the Secretary’s exercise of discretion under extraordinary circumstances to reduce or eliminate fines should only be used in rare and unusual conditions and this legislation requires that the Secretary document the justification for such a situation. In addition, the bill will require the Secretary of Transportation and the IG to periodically report to the Congress on their progress implementing not only the adoption of civil penalties but all of the IG’s recommendations.

Additionally, the legislation addresses the issue concerning truck inspections at the US-Mexico border. Currently, far too few trucks are being inspected at the US-Mexico border and far too few inspected trucks comply with U.S. safety standards. I should note that I do not support Mexican truckers operating in the United States, because this policy ultimately threatens public safety. For example, according to the DOT Inspector General, at the border crossing in El Paso, Texas, an average of 1,300 trucks enter...
Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1932, which is at the desk.

The PRESIDING OFFICER. The bill will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1932) to authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contributions to individual freedom and opportunity in America and the global community.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. 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. 1932) was read the third time and passed.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1996, introduced by Senators Jeffords, Kennedy, and Frist.

The PRESIDING OFFICER. The bill will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1996) to amend the Public Health Service Act to clarify provisions relating to the content of petitions for compensation under the vaccine injury compensation program.

There being no objection, the Senate proceeded to consider the bill.

Mr. JEFFORDS. Mr. President, in 1986, the Vaccine Injury Compensation Act was signed into law. The act created the National Vaccine Injury Compensation program which serves two important functions: it provides timely and fair compensation to those few children who are injured from routine vaccination, and it sets aside funds to support the development of vaccines.

There is no provision in the Vaccine Injury Compensation Act that would allow for the recovery of attorneys' fees by an injured child or his or her family. The children who have been injured have no way to recover attorneys' fees from the United States Government. The inability to recover attorneys' fees is a significant barrier to the children who seek to obtain compensation.

The amendments to the bill provide that the children who have been injured and who have met the legal requirements for compensation under the Vaccine Injury Act will be able to recover attorneys' fees from the United States Government.

The amendments also provide that the children who have been injured and who have met the legal requirements for compensation under the Vaccine Injury Act will be able to recover costs incurred by the child and his or her family in pursuing a claim for compensation under the Vaccine Injury Act.

The amendments also provide that the children who have been injured and who have met the legal requirements for compensation under the Vaccine Injury Act will be able to recover the costs of treatment and medical care that were incurred by the child and his or her family in pursuing a claim for compensation under the Vaccine Injury Act.

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immunization and it reduces the adverse effect of the tort system on vaccine supply and cost. Prior to enactment, the number of U.S. manufacturers of children’s vaccines dropped from seven to two due to a flood of lawsuits filed in response to a network television broadcast claiming that vaccine causes brain injuries. This program has been very successful. However, it has come to our attention that the act requires an amendment which I, and the Senator from Massachusetts and the Senator from Tennessee offer today.

A vaccine becomes part of the compensation program if it is recommended for routine use in children by the Centers for Disease Control. At such time, the Congress must also enact a Federal excise tax on the vaccine (and any purveyor of the vaccine). The excise tax revenues are housed in a Federal trust fund, the sole purpose of which is to pay claims and administer this program. The program and the fund is jointly administered by the Department of Health and Human Services (HHS) and the Department of Justice.

HHS publishes a table listing all covered vaccines and events that may be associated with those vaccines as determined by valid scientific studies. Events that are listed on the table, if they occur within the listed time frame, are automatically compensated by the program unless there is demonstration that some other circumstances created the injury. For an event/injury not listed on the table, the claimant must prove causation.

If a vaccine is covered under the Vaccine Injury Compensation Program, all claims against it must first be filed and processed through the program. Once a claim is filed and either a settlement (and either the settlement is accepted and the award is made or the claim denied), a claimant can reject the program’s determination and opt to file a lawsuit.

Since the benefit of taking a vaccine accrues not only to the recipient but to society as a whole, the Congress decided that it was also society’s responsibility to compensate those who are injured by creating a no-fault program that removes the costliness and uncertainty of the tort system. At the time this bill was enacted, parameters were established to permit claims for those serious adverse events that were known to be associated with those vaccines that were then available. The statutory proxy for a serious injury is that the residual effect from the injury must be of six months’ duration or longer.

Recently, however, a new situation has developed that was not foreseeable at the time of enactment of this law. In October, ACIP, after a review of scientific data from several sources, concluded that intussusception occurs with significantly increased frequency in the first 1-2 weeks after vaccination for rotavirus, particularly after the first dose. The ACIP voted to recommend for vaccination of infants for rotavirus in the United States.

While most cases of intussusception require only minimal treatment, a few cases require hospitalization and surgery. Under the current law, these cases would not be compensable by the United States Claims Court under the Vaccine Injury Compensation Program, since the statute grants jurisdiction to resolve vaccine cases only in instances in which claimants have suffered the residual effects or complications of a vaccine-related injury for at least six months, or died from the administration of a vaccine.

For this reason, we are offering this bill to amend the law and grant jurisdiction to the Claims Court to resolve compensation cases under the Program in cases in which both hospitalization and surgical intervention were required to correct the disability, injury or condition caused by the vaccine. Mr. President, this language has been shared with, and is supported by officials at the American Academy of Pediatrics.

To our knowledge, the amendment would only apply to circumstances under which a vaccine recipient suffered from intussusception as a result of administration of the rotavirus vaccine. The amendment is not intended to expand jurisdiction to other vaccines listed in the Program’s Vaccine Injury Table.

We note that this amendment does not address the issue of whether the condition is in fact caused by the vaccine; this is a matter for resolution under the existing rules of the no-fault compensation law. Among these are the requirement that the condition either be listed in the Vaccine Injury Table or be established to have been caused in fact by the vaccine. Determinations of this type should only be made after thorough consideration of the scientific evidence by experts in the field; the law commits this issue to the Secretary for consideration in the context of changes to the Vaccine Injury Table through rulemaking, and to the Claims Court for determinations of causation in fact.

Mr. KENNEDY. Mr. President, I join the Senator from Vermont and the Senator from Tennessee in proposing legislation to amend the Vaccine Injury Compensation Program.

This program is an important part of the nation’s public health strategy. In order to encourage the development and use of effective vaccines, the program provides compensation to the few children who are injured by routine immunization.

Recent evidence suggests that some children may suffer vaccine-related injuries that are not covered under the current criteria used to determine eligibility for compensation. To continue the expansion under the program, we must assure that the system is responsive to new developments in medical science. We need to be certain that any child who suffers a severe injury as a result of routine vaccination is eligible for compensation under the program.

My colleague from Vermont has concisely summarized the current status of the program and the importance of amending the statute. Families and physicians need to know that public health procedures are capable of a rapid and appropriate response to scientific developments. It is a privilege to join my colleagues in offering this legislation to improve the Vaccine Injury Compensation Program.

Ms. COLLINS. 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 statements relating to the bill be printed in the Record.

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

The bill (S. 1996) was read the third time and passed, as follows:

8. 1996

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

SECTION 1. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 2111(c)(1)(D) of the Public Health Service Act (42 U.S.C. 300aa-11(c)(1)(D)) is amended by striking “and” at the end and inserting “or (iii) suffered such illness, disability, injury or condition from the vaccine which resulted in inpatient hospitalization and surgical intervention to correct such illness, disability, injury or condition, and”.

CLINICAL RESEARCH ENHANCEMENT ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent that HELP Committee be discharged from further consideration of S. 1813 and the Senate 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 (S. 1813) to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. 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. 1813) was read the third time and passed, as follows:
Congressional Record—Senate 31211
November 19, 1999
S. 1813
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.
This Act may be cited as the "Clinical Research Enhancement Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.
(a) FINDINGS.—Congress makes the following findings:
(1) Clinical research is critical to the advancement of scientific knowledge and to the development of cures and improved treatment for disease.
(2) Tremendous advances in biology are opening doors to new insights into human physiology, pathophysiology and disease, creating extraordinary opportunities for clinical research.
(3) Clinical research includes translational research which is an integral part of the research process leading to general human applications. It is the bridge between the laboratory and new methods of diagnosis, treatment, and prevention and is thus essential to progress against cancer and other diseases.
(4) The United States will spend more than $1,200,000,000 on health care in 1999, but the Federal budget for health research at the National Institutes of Health was $15,600,000,001 only 1 percent of that total.
(5) Studies by the Institute of Medicine, the National Research Council, and the National Academy of Sciences have all addressed the current problems in clinical research.
(6) The Director of the National Institutes of Health has recognized the current problems in clinical research and appointed a special panel, which recommended expanded support for access to the most modern clinical and research facilities and technologies.
(7) The current level of training and support for health professionals in clinical research is fragmented, undervalued, and under-funded.
(b) PURPOSE.—The purpose of this Act is to provide additional support for and to expand clinical research programs.

SEC. 3. INCREASING THE INVOLVEMENT OF THE NATIONAL INSTITUTES OF HEALTH IN CLINICAL RESEARCH.
Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:
"SEC. 496C. CLINICAL RESEARCH.
"(a) IN GENERAL.—The Director of National Institutes of Health shall undertake activities to support and expand the activities of the National Institutes of Health in clinical research.
"(b) REQUIREMENTS.—In carrying out subsection (a), the Director of National Institutes of Health shall—
"(1) consider the recommendations of the Division of Research Grants Clinical Research Study Group and other recommendations for enhancing clinical research; and
"(2) establish intramural and extramural clinical research programs directed specifically at medical and dental students and continuing education clinical research training program at the National Institutes of Health.
"(c) SUPPORT FOR THE DIVERSE NEEDS OF CLINICAL RESEARCH.—The Director of National Institutes of Health, in cooperation with the Directors of the Institutes, Centers, and Divisions of the National Institutes of Health, shall support and expand the resources available for the diverse needs of the clinical research community, including impatient, outpatient, and critical care research.
"(d) PEER REVIEW.—The Director of National Institutes of Health shall establish peer review mechanisms to evaluate applications for the awards and fellowships provided for in subsection (b)(2) and section 480D. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research training and research grant proposals.

SEC. 4. GENERAL CLINICAL RESEARCH CENTERS.
(a) GRANTS.—Subpart I of part B of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:
"SEC. 481C. GENERAL CLINICAL RESEARCH CENTER.
"(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers.

(b) ACTIVITIES.—In carrying out subsection (a), the Director of the National Institutes of Health shall—
"(1) APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.
"(2) ENHANCEMENT AWARDS.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 3, is further amended by adding at the end the following:
"SEC. 496D. ENHANCEMENT AWARDS.
"(a) ENHANCEMENT AWARDS.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Enhancement Awards') to support individual careers in clinical research at general clinical research centers or other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.
"(b) USE.—Grants under subparagraph (A) shall be used to support clinical investigators in the early phases of their independent careers, providing for an appropriate support for a period of supervised study.
"(c) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.
"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.
"(e) MID-CAREER INVESTIGATOR AWARDS IN PATIENT-ORIENTED RESEARCH.
"(1) GRANTS.—
"(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mid-Career Investigator Awards in Patient-Oriented Research') to support individual clinical research projects at general clinical research centers or other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.
"(B) USE.—Grants under subparagraph (A) shall be used to provide support for mid-career level clinicians to allow such clinicians to devote time to clinical research and to act as mentors for beginning clinical investigators.
"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.
"(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.
"(f) GRADUATE TRAINING IN CLINICAL INVESTIGATION AWARD.
"(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants...
For the purpose of carrying out this sub-
section, the term ‘advanced degree programs in clinical investigation’ means programs that award a master’s or Ph.D. degree in clinical investigation after 2 or more years of training in areas such as the following:

(A) Analytical methods, biostatistics, and study design.

(B) Principles of clinical pharmacology and pharmacokinetics.

(C) Clinical epidemiology.

(D) Computer data management and medical informatics.

(E) Ethical and regulatory issues.

(F) Biomedical writing.

(5) AUTHORIZATION OF APPROPRIATIONS.—

For the purpose of carrying out this sub-
section, there are authorized to be appro-
priated such sums as may be necessary for each fiscal year.

(d) CLINICAL RESEARCH CURRICULUM AWARDS.—

(1) IN GENERAL.—The Director of the Na-
tional Institutes of Health shall make grants (to be referred to as ‘Clinical Research Cur-
iculum Awards’) to institutions for the de-
velopment and support of programs of core curricula for training clinical investigators, including fellows, whose content includes one or more of the subjects listed in subpart II of part D of title III.

(2) PREFERENCES.—Of the amounts authorized and available for such awards, at least 75 percent shall be used for programs to train individuals in areas such as the following:

(A) Analytical methods, biostatistics, and study design.

(B) Principles of clinical pharmacology and pharmacokinetics.

(C) Clinical epidemiology.

(D) Computer data management and medical informatics.

(E) Ethical and regulatory issues.

(F) Biomedical writing.

(2) APPLICATION OF PROVISIONS.—The pro-
visions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to such grants in the same manner as such provi-
sions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

(2) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year following after the fiscal year for which the amounts were made available.

SEC. 6. DEFINITION.

Section 409 of the Public Health Service Act (42 U.S.C. 286e) is amended—

(1) by striking “For purposes” and insert-
ing “(a) HEALTH SERVICE RESEARCH.—For purposes’’; and

(2) by adding at the end the following:

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) Analytical methods, biostatistics, and

(B) Clinical epidemiology.

(C) Computer data management and

(D) Ethical and regulatory issues.

(E) Biomedical writing.

(2) REIMBURSEMENT.—An application for a grant under this subsection shall be sub-
mitted by an individual institution or a con-
sortium of institutions at such time as the Director may require. An institution may submit only 1 such application.

(3) LIMITATIONS.—Grants under this sub-
section shall be for terms of up to 5 years

(4) AUTHORIZATION OF APPROPRIATIONS.—

For the purpose of carrying out this sub-
section, there are authorized to be appro-
priated such sums as may be necessary for each fiscal year.”.

SEC. 5. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 487E (42 U.S.C. 288–5) the following:

SEC. 487G. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

(a) IN GENERAL.—The Secretary, acting through the Director of the National Insti-
tutes of Health, shall establish a program to be known as the ‘‘Clinical Investigators for the Public Health Service Corps Loan Repayment Program’’ (to be referred to as the ‘‘program’’), to provide educational loans of such health profes-
sionals who experience cardiac arrest in such Federal facilities. (to be referred to as ‘‘Clinical Investigators’’) to institutions for the de-
velopment of programs of core curricula for training clinical investigators, including fellows, whose content includes one or more of the subjects listed in subpart II of part D of title III.

The legislative clerk read as follows:

A bill (S. 1488) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Serv-
ces regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individual-

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2798

Ms. COLLINS. Mr. President, I ask unanimous consent that the HELP Corps Loan Repayment Program be discharged from further consideration of S. 1488, and that the Senate proceed to its immediate con-

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. 1488) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Serv-
ces regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individual-

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. Collins] for Mr. Gorton, proposes an amendment num-
bered 2798.

The (text of the amendment is print-
ed in today’s RECORD under “Amend-
ments Submitted.”)

Mr. Gorton, I am pleased that the Senate will pass the Cardiac Arrest Survival Act before the end of this ses-

This bill helps to fight this killer by

AMENDING THE PUBLIC HEALTH SERVICE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1693, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

The amendment to the bill reported in the RECORD under ‘‘Amendments Submitted,’’ Mr. Gorton, proposes an amendment num-
bered 2798.

The Senate (H.R. 1693) would be discharged from further consideration of this bill by title.

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

The bill (H.R. 1693) was read the third time and passed.
November 19, 1999

CONGRESSIONAL RECORD—SENATE

This bill also provides important gap-filling Good Samaritan immunity for the few states that have yet to pass AED laws. It will help protect those that people who respond to an emergency and use an AED to help cardiac arrest victims needn’t fear frivolous lawsuits. It also provides reinsurance to nonmedical facilities such as adult day care centers, the florist stand in a shopping mall, casinos, fitness clubs, sports stadiums, a health clinic in a business, an airport, ambulance, firetruck or other locations where AEDs may be beneficial that they can make these lifesaving devices available.

I want to thank Senators Jeffords and Frist for their help in moving this bill forward. I am also grateful to the American Heart Association, the American Red Cross and the thirty-three other health organizations that have worked so hard to ensure passage of this bill. This is a good bill, it will help save lives and I look forward to working with my colleagues in the House to ensure that it is signed into law.

Mr. Kennedy. Mr. President, Senator Gorton and I have worked closely with Chairman Jeffords and Chairman Frist to prepare this substitute amendment to S. 1488, the Cardiac Arrest Survival Act. I particularly commend my colleague from Washington, Senator Gorton, for his leadership on this issue. Promoting the use of defibrillators is good public policy. The substitute amendment is supported by the American Heart Association, the American Red Cross and the American Heart Association, the American Red Cross and the American Red Cross. I am hopeful that the recommendations to be developed by the Secretary of Health and Human Services will encourage decision makers at the federal, state and local levels to make the most effective use of automated external defibrillators. I believe that this legislation will save lives. The “Good Samaritan” provisions contained in the legislation are targeted, and there is no need for additional categories. I urge the Senate to approve it now, and the House to pass it in the next session. It is a solid proposal, and it deserves prompt enactment.

Mr. Gordon. I couldn’t agree more with my colleagues from Massachusetts and the thirty-three other health organizations that have worked so hard. This is a good bill, it will help save lives and I look forward to working with my colleagues in the House to ensure that it is signed into law.

Mr. Jeffords. Mr. President, exactly one year ago today, Mike Tighe of Barnard, Vermont boarded a commercial aircraft for a flight to Los Angeles, California. As the plane cruised at about 35,000 feet, Mr. Tighe suffered a deadly heart attack. To make a long story short, Mike is alive and well today, because the aircraft in which he was a passenger had only two days before been equipped an Automated External Defibrillator for use in such an emergency. Today, Mr. President, I am proud to say that the Senate has passed a bill, the Cardiac Arrest Survival Act of 1999, that will make it much easier for federal, state, and local government to place these lifesaving devices in public buildings and emergency response units. Automated External Defibrillators, known as AEDs, are small, easy-to-use, laptop size devices that can analyze heart rhythms to determine if a shock is necessary and, if warranted, prompt the user to deliver a life-saving shock to the heart. Research shows us that for every minute that passes before a cardiac arrest victim is defibrillated, the chance of survival falls by as much as ten percent. Research also shows that 250 lives can be saved each day from cardiac arrests by using the AED. This legislation will help reduce unnecessary and life-threatening minutes delay, ensuring that public access to defibrillation programs are implemented in the hundreds of thousands of federal buildings.

The Cardiac Arrest Survival Act of 1999, which was introduced by Senator Gorton and referred to the committee that I chair, the Committee on Health, Education, Labor and Pensions, has broad bipartisan support, as well as the strong support of the American Heart Association, American Red Cross, and representatives of thousands of first response units across America. I would like to congratulate and thank all my colleagues for passing this legislation today, and especially Senator Gorton, who introduced this bill in August, and has worked tirelessly to get it completed before adjournment.

But most of all, Mr. President, I would like to congratulate Mike Tighe as he celebrates the one year anniversary of the deadly heart attack that he survived because the airplane that he was traveling in was equipped with an Automated External Defibrillator. I hope the bill we passed today moves through the legislative process and is signed into law just as soon as possible. And, I believe that in the next year, so that the estimated 1000 Americans who suffer from sudden cardiac arrest each day will have the same chance that Mr. Tighe did.

Mr. Frist. Mr. President, I applaud the Senate passage of S. 1488, the Cardiac Arrest Survival Act, a bill which I believe will save lives by examining the appropriate placement of automated external defibrillators (AEDs) in federal buildings and extending protection for those who supply and administer these devices.

Each year, over 250,000 Americans suffer sudden cardiac arrest with only 5% surviving. Sudden cardiac arrest is a common cause of death in which the heart suddenly lapses into a chaotic rhythm known as ventricular fibrillation and stops pumping blood. As a result, people stop breathing and have no pulse. Often the heart can be shocked back into a normal rhythm with the aid of a defibrillator. This is exactly what happened when I resuscitated a patient with cardiopulmonary resuscitation (CPR) and electrical cardioversion in the Dirksen Senate Office Building in 1995. I am pleased to report that he is doing well now four years later.

When a person goes into cardiac arrest, time is of the essence and every second counts. For every minute that passes without defibrillation, a person’s chance of survival decreases by about 10 percent. Thus, having an automated external defibrillator (AED) in public access to defibrillation programs are implemented in the hundreds of thousands of federal buildings.

The Cardiac Arrest Survival Act requests that the Secretary of the Department of Health and Human Services make recommendations to be developed by the Secretary of Health and Human Services will encourage decision makers at the federal, state and local levels to make the most effective use of automated external defibrillators. I believe that this legislation will save lives. The “Good Samaritan” provisions contained in the legislation are targeted, and there is no need for additional categories. I urge the Senate to approve it now, and the House to pass it in the next session. It is a solid proposal, and it deserves prompt enactment.

Mr. Gordon. I couldn’t agree more with my colleagues from Massachusetts and the thirty-three other health organizations that have worked so hard to ensure passage of this bill. This is a good bill, it will help save lives and I look forward to working with my colleagues in the House to ensure that it is signed into law.

Mr. Kennedy. Mr. President, Senator Gorton and I have worked closely with Chairman Jeffords and Chairman Frist to prepare this substitute amendment to S. 1488, the Cardiac Arrest Survival Act. I particularly commend my colleague from Washington, Senator Gorton, for his leadership on this issue. Promoting the use of defibrillators is good public policy. The substitute amendment is supported by the American Heart Association, the American Red Cross and the thirty-three other health organizations that have worked so hard to ensure passage of this bill. This is a good bill, it will help save lives and I look forward to working with my colleagues in the House to ensure that it is signed into law.

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The Cardiac Arrest Survival Act of 1999, which was introduced by Senator Gorton and referred to the committee that I chair, the Committee on Health, Education, Labor and Pensions, has broad bipartisan support, as well as the strong support of the American Heart Association, American Red Cross, and representatives of thousands of first response units across America. I would like to congratulate and thank all my colleagues for passing this legislation today, and especially Senator Gorton, who introduced this bill in August, and has worked tirelessly to get it completed before adjournment.

But most of all, Mr. President, I would like to congratulate Mike Tighe as he celebrates the one year anniversary of the deadly heart attack that he survived because the airplane that he was traveling in was equipped with an Automated External Defibrillator. I hope the bill we passed today moves through the legislative process and is signed into law just as soon as possible. And, I believe that in the next year, so that the estimated 1000 Americans who suffer from sudden cardiac arrest each day will have the same chance that Mr. Tighe did.

Mr. Frist. Mr. President, I applaud the Senate passage of S. 1488, the Cardiac Arrest Survival Act, a bill which was ultimately signed into law. This bill directed the Federal Aviation Administration to decide whether to require AEDs on aircraft and in airports. As a result of this new law, many airplanes now carry AEDs on board, and some airports have placed AEDs in their terminals. At Chicago O’Hare, just 4 months after AEDs were placed in that airport, 4 victims were resuscitated using the publicly available AEDs.

Currently, there is a movement in the Senate to expand the availability of AEDs by expressly extending Good Samaritan liability protection to users and providers of the devices. However, in federal jurisdictions such as court houses, federal agencies, and parks, there has been no coordinated effort to determine where AEDs ought to be placed and how an effective training program should occur. In addition, agencies that seek to obtain AEDs for high-risk populations report facing numerous due diligence concerns about litigation and liability.

To help address this problem, the Cardiac Arrest Survival Act requests that the Secretary of the Department of Health and Human Services make recommendations for public access to defibrillation programs in federal buildings and extends Good Samaritan protection for automated external defibrillator users and providers in States that have not yet passed state laws.

The bill does not require purchase of the devices, it simply asks for the Secretary of Health and Human Services to develop recommendations as to how
best to develop these programs. The Good Samaritan portion of the bill is drafted so as not to pre-empt existing State laws, as well as to encourage States to continue to act on this issue in the future. In a matter of two or three years, 43 states have passed some form of AED Good Samaritan protection, which this bill will not pre-empt.

Mr. President, I am pleased that the Senate has taken action on this important piece of legislation and I look forward to its ultimate enactment into law. I want to thank my colleague, Senator Harkin, for his leadership on this life saving proposal. I also would like to thank the American Heart Association and the American Red Cross for their help in drafting this legislation.

Ms. COLLINS. Mr. President, I ask unanimous consent that the substitute amendment be agreed to.

The amendment (No. 2798) was agreed to.

Ms. COLLINS. 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 related to the bill be printed in the RECORD.

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

The bill (S. 1268), as amended, was read the third time and passed.

Ms. COLLINS. Mr. President, I note I am very pleased to be a cosponsor of the legislation that was just passed by the Senate.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1299, and that the Senate 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 (S. 1298) to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2799

(Purpose: To modify the authorization of appropriations.

Ms. COLLINS. Mr. President, Senator Harkin has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] for Mr. Harkin, proposes an amendment numbered 2799.

The amendment is as follows:

On page 16, lines 14 and 15, strike "$250,000,000 for fiscal year 2000, $500,000,000" and insert "$350,000,000,000".

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 2799) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 1268), as amended, was read the third time and passed, as follows:

S. 1268

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 "Twenty-First Century Research Laboratories Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the National Institutes of Health is the principal source of Federal funding for medical research at universities and other research institutions in the United States;

(2) the National Institutes of Health has received a substantial increase in research funding from Congress for the purpose of expanding the national investment of the United States in behavioral and biomedical research;

(3) the infrastructure of our research institutions is central to the continued leadership of the United States in medical research;

(4) as Congress increases the investment in cutting-edge basic and clinical research, it is critical that Congress also examine the current quality of the laboratories and buildings where research is being conducted, as well as the quality of laboratory equipment used in research;

(5) many of the research facilities and laboratories in the United States are outdated and inadequate;

(6) the National Science Foundation found, in a 1998 report on the status of biomedical research facilities, that over 59 percent of research-performing institutions indicated that they had an inadequate amount of medical research space;

(7) the National Science Foundation reports that academic institutions have deferred nearly $11,000,000,000 in renovation and construction projects because of a lack of funds; and

(8) future increases in Federal funding for the National Institutes of Health must include increased support for the renovation and construction of extramural research facilities in the United States and the purchase of state-of-the-art laboratory instrumentation.

SEC. 3. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Section 481A of the Public Health Service Act (42 U.S.C. 286a-2 et seq.) is amended to read as follows:

"SEC. 481A. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES."

"(a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—"

"(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants or contracts to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

"(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms ‘construction’ and ‘cost of construction’ include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects’ fees, but do not include the cost of acquisition of land or off-site improvements.

"(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—"

"(1) IN GENERAL: APPROVAL AS PRECONDITION TO GRANTS.—"

"(A) ESTABLISHMENT.—There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (referred to in this section as the ‘Board’).

"(B) REQUIREMENT.—The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

"(2) DUTIES.—"

"(A) ADVICE.—The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (in this section referred to as the ‘Advisory Council’) in carrying out this section.

"(B) DETERMINATION OF MERIT.—In carrying out subparagraph (A), the Board shall make a determination that the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

"(C) AMOUNT.—In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director of the Center for the amount that should be provided under the grant.

"(D) ANNUAL REPORT.—In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—"

"(i) summarize and analyze expenditures made under this section;

"(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

"(iii) contain the recommendations of the Board for any changes in the administration of this section.

"(3) MEMBERSHIP.—"

"(A) IN GENERAL.—Subject to subparagraph (B), the Board shall be composed of 15 members to be appointed by the Director of the Center and such ad-hoc or temporary members as the Director of the Center determines to be appropriate. All members of the Board, including temporary and ad-hoc members, shall be voting members.

"(B) LIMITATION.—Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

"(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for
membership on the Board, the Director of the Center shall ensure that the members are individuals who, by virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals, which may include the Director of the Center shall ensure that the members of the Board collectively—

(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

(B) are knowledgeable in making determinations of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

(D) are experienced with emerging centers of excellence, as described in subsection (c)(2).

(5) Certain Authorities.—

(A) Workshops and Conferences.—In carrying out paragraph (2), the Board may convene workshops or conferences, and collect data as the Board considers appropriate.

(B) Subcommittees.—In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

(6) Terms.—

(A) In General.—Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member’s predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

(B) Staggered Terms.—Members appointed to the Board shall serve staggered terms specified by the Director of the Center when making the appointments.

(C) Reappointment.—No member of the Board shall be eligible for reappointment to the Board if a vacancy has elapsed after the end of the most recent term of the member.

(7) Compensation.—Members of the Board who are not officers or employees of the United States shall receive for each day during which they are engaged in the performance of the functions of the Board compensation at a rate when received by members of other national advisory councils established under this title.

(8) Reimbursements for Grants.—

(I) In General.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

(B) The applicant provides assurances satisfactory to the Director that—

(i) for not less than 20 years after completion of the construction involved, the facility will be used for the purposes for which the research for which it is to be constructed;

(ii) sufficient funds will be available to meet the non-Federal share of the cost of construction for such facility;

(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is constructed; and

(iv) the proposed construction will expand the applicant’s capacity for research, or is necessary to improve or maintain the quality of the applicant’s research.

(C) The applicant meets reasonable qualifications established by the Director with respect to—

(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

(ii) the quality of the research or training, or both, to be carried out in the facility involved;

(iii) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

(iv) the age and condition of existing research facilities.

(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

(2) Institutions of Emerging Excellence.—From the amount appropriated under subsection (a) that is not in excess of $50,000,000, the Director of the Center shall make available up to 25 percent of such amount, and from the amount appropriated under such subsection that is over $50,000,000, the Director of the Center shall make available up to 25 percent of such amount, for grants under subsection (a) to applicants to improve teaching and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

(F) The applicant has been productive in research or research development and training.

(G) The applicant—

(i) has been designated as a center of excellence under section 739;

(ii) is located in a geographic area whose population includes a significant number of individuals who are disabled, and the applicant provides health services to such individuals; or

(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect the health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

(D) Requirement of Application.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

(1) Amount.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

(2) Reservation of Amounts.—On the approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available for such grants, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate.

(G) Guidelines.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

(b) Report to Congress.—The Director of the Center shall prepare and submit to the appropriate committees of Congress a biennial report concerning the status of the biomedical and behavioral research facilities and the availability and condition of technologically sophisticated laboratory equipment in the United States. Such reports shall be developed in concert with the reports prepared by the National Science Foundation on the needs of research facilities of universities as required under section 108 of the National Science Foundation Authorization Act for Fiscal Year 2001.

(1) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated for fiscal year 2002 and 2003:—

(2) Reservations of Amounts.—On the approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available for such grants, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of any amount by the Director under this paragraph may be by the approval of an amendment to the application or on the revision of the estimated cost of construction of the facility.

(3) Exclusion of Certain Costs.—In determining the amount of any grant under subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction of the Federal grant facility; and

(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant or project.

(4) Waiver of Limitations.—The limitations imposed under paragraph (1) may be waived by the Director in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so; the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought by the United States in court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

(5) Recapture of Payments.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

(I) the applicant or other owner of the facility shall cease to be a public or nonprofit private entity; or

(II) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so; the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought by the United States in court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

(6) Guidelines.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

(b) Report to Congress.—The Director of the Center shall prepare and submit to the appropriate committees of Congress a biennial report concerning the status of the biomedical and behavioral research facilities and the availability and condition of technologically sophisticated laboratory equipment in the United States. Such reports shall be developed in concert with the reports prepared by the National Science Foundation on the needs of research facilities of universities as required under section 108 of the National Science Foundation Authorization Act for Fiscal Year 2001.
SEC. 4. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTERS.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a-3(a)) is amended by striking "$5,000,000" and inserting "$20,000,000 through 2002, reserve from the amounts appropriated under section 481A(i) such sums as may be necessary for each subsequent fiscal year, to enable the Secretary of Health and Human Services, acting through the Director of the National Center for Research Resources, to provide for the continued operation of the Shared Instrumentation Grant Program (initiated in fiscal year 1992 under the authorization of the Shared Instrumentation Grant Resources, to provide for the continued operation of the program described in subsection (a) of section 417B(c) of the Public Health Service Act (42 U.S.C. 286a-8(c)) is amended by striking "1998" and inserting "2004".

SEC. 5. SHARED INSTRUMENTATION GRANT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated $100,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year, to enable the Secretary of Health and Human Services, acting through the Director of the National Center for Research Resources, to provide for the continued operation of the Shared Instrumentation Grant Program (initiated in fiscal year 1992 under the authority of section 417B of the Public Health Service Act (42 U.S.C. 287a et seq.).

(b) REQUIREMENTS FOR GRANTS.—In determining whether to award a grant to an applicant under the program described in subsection (a), the Director of the National Center for Research Resources shall consider—

(1) the extent to which an award for the specific instrument involved would meet the scientific needs and enhance the planned research endeavors of the major users by providing an instrument that is unavailable or to which availability is highly limited;

(2) with respect to the instrument involved, the availability and commitment of the applicant to the overall research community for use of the instrumentation;

(3) the adequacy of the organizational plan for the use of the instrument involved and the internal advisory committee for oversight of the applicant, including sharing arrangements if any;

(4) the applicant's commitment for continued support of the utilization and maintenance of the instrument; and

(5) the extent to which the specified instrument will be shared and the benefit of the proposed instrument to the overall research community to be served.

(c) PROFESSIONAL EXPERIENCE.—In awarding grants under the program described in subsection (a) Director of the National Center for Research Resources shall comply with the peer review requirements in section 492 of the Public Health Service Act (42 U.S.C. 286a).

AMENDING THE PUBLIC HEALTH SERVICE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1243, and that the Senate 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 (S. 1243) to amend the Public Health Service Act to revise and extend the prostate cancer preventive health program.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. 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. The bill (S. 1243) was read the third time and passed, as follows:

S. 1243

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 “Prostate Cancer Early Detection and Education Act”.

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) PREVENTION MEASURES.—Section 317D of the Public Health Service Act (42 U.S.C. 247b-5) is amended—

(1) by striking subsection (a) and inserting...

(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and departments to carry out programs that may include the following:

(1) To identify factors that influence the attitudes or levels of awareness of men and health care practitioners regarding screening for prostate cancer;

(2) To evaluate, in consultation with the Agency for Health Care Policy and Research and the National Institutes of Health, the effectiveness of screening strategies for prostate cancer.

(3) To identify, in consultation with the Agency for Health Care Policy and Research, issues related to the quality of life for men after prostate cancer screening and follow-up.

(4) To develop and disseminate public information and education programs for prostate cancer, including appropriate messages about the risks and benefits of prostate cancer screening for the general public, health care providers, policy makers and other appropriate individuals.

(5) To improve surveillance for prostate cancer.

(6) To address the needs of underserved and minority populations regarding prostate cancer.

(7) Upon a determination by the Secretary, who shall take into consideration recommendations by the United States Preventive Services Task Force and shall seek input, where appropriate, from professional societies and other private and public entities, that there is sufficient consensus on the effectiveness of prostate cancer screening—

(A) to screen men for prostate cancer as a preventive health measure;

(B) to provide appropriate referrals for the medical treatment of men who have been screened under subparagraph (A) and to ensure, to the extent practicable, the provision of appropriate followup services and support services such as case management;

(C) to establish mechanisms through which State and local health departments can monitor the quality of screening procedures for prostate cancer, including the interpretation of such procedures; and

(D) to improve, in consultation with the Health Resources and Services Administration, the education, training, and skills of health practitioners (including appropriate allied health professionals) in the detection and control of prostate cancer.

(8) To evaluate activities conducted under paragraphs (1) through (7) through appropriate surveillance or program monitoring activities.

(b) NATIONAL INSTITUTES OF HEALTH.—Section 417B(c) of the Public Health Service Act (42 U.S.C. 286a-8(c)) is amended—

(1) by striking subsection (a) and inserting...

(b) MAKING A TECHNICAL CORRECTION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H. Con. Res. 239, which is at the desk.

The PRESIDING OFFICER. The bill will be reported the concurrent resolution by title.

The legislative clerk read as follows: A concurrent resolution (H. Con. Res. 239) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3394.

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

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

The concurrent resolution (H. Con. Res. 239) was agreed to.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2886, and that the Senate 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. 2886) to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted after a sibling who is a child under such Act.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. 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. 2886) was read the third time and passed.

AMENDING TITLE 18, UNITED STATES CODE

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of H.R. 1887, which is at the desk.

The PRESIDING OFFICER. The bill will be reported the bill by title.

The legislative clerk read as follows: A bill (H.R. 1887) to amend title 18, United States Code, to punish the depiction of animal cruelty.
There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, I rise in strong support of H.R. 1887, legislation that overwhelmingly passed the House to ban interstate commerce in videos depicting acts of cruelty against animals. Specifically, this legislation would ban the interstate shipment of videos that record women, often wearing stillette heel shoes, slowly crushing live animals to death. Animal victims include hamsters, kittens, puppies, and even monkeys. Viewers purchase these videos for $15 to $300 and apparently derive some sexual gratification from watching these horrifying acts of animal cruelty.

The Humane Society of the United States, which brought this issue to the attention of law enforcement agencies, has discovered that there are more than 2,000 video titles that include crushing. One such business in California has labeled itself Steponit.

I really have never heard of more bizarre, more perverse, and more sickening acts that this. This goes way beyond the bounds of even of our most wild imaginations.

The people in this industry should face serious penalties for their sick acts of cruelty. Fines and jail time are appropriate societal responses.

State anti-cruelty statues are not adequate in addressing this problem. It has been difficult for enforcement agents to determine when the acts occurred, where they occurred, and who has been involved, since feet and the crushing of the animals are the only images on the video.

Here is a case where a restriction on interstate commerce in these products—the age of the Internet, which facilitates this trade—is absolutely necessary. We have to stop the purveyors of this filth, indecency and cruelty.

This is not the harmless act of few incidents and the occasional offender on this industry. There is a well-established link between acts of violence against animals and later acts of violence perpetrated against people. People sometimes rehearse their violence on animals before turning to acts of violence against people. The FBI and other law enforcement agencies have long recognized this linkage.

What sort of message do we send to children to allow these videos to be commercially distributed and then viewed? It has to be desensitizing for children and adults to see these destructive images. There surely is a major impact on society when people lose their empathy and express their violent impulses on a larger social scale.

Mr. President, H.R. 1887 passed the House by an overwhelming vote of 372 to 42. I understand that it is currently being held at the desk. It is my hope that Senate will stop this industry in its tracks by passing this legislation.

Mr. KYL. Mr. President, I rise in support of H.R. 1887, a bill by Representative GALLEGGY which would prohibit, and set penalties for, knowingly creating, selling, or possessing a depiction of animal cruelty with the intention of placing that depiction in interstate or foreign commerce for commercial gain.

I would first like to thank the advocacy groups and individuals who testified at the House Subcommittee on Crime hearing and helped publicize the need for legislation to combat this form of animal cruelty. I would also like to thank Senator HATCH, chairman of the Senate Judiciary Committee, for his help in the passage of H.R. 1887.

I recently was informed by Representative GALLEGGY of a growing problem in California involving "crush" videos. Much of the material graphically features women stepping on and killing a variety of small animals. The animals are bound to the floor or other materials and are slowly tortured and crushed. When this deplorable practice came to light, Representative GALLEGGY introduced H.R. 1887, which targets the market for these disturbing videos.

While the acts of animal cruelty featured in these videos may violate many state animal cruelty laws, they can be difficult to prosecute. For example, prosecutors often cannot prove the date when the acts were performed or the identity of the individual committing the act of cruelty because the perpetrator's face is covered or filed.

The purpose of H.R. 1887 is to prohibit individuals from profiting from videos depicting animal cruelty if the act depicted is illegal under federal or state law. This bill provides federal law enforcement officials with a tool to prosecute the individuals making profits from these videos, which can be sold via the Internet and through catalogs for $30 to $100 a piece. Eliminating the videos' commercial incentive will hopefully stem the creation of "crush" videos.

This bill is important because many studies have shown that abusing animals is often a prosecutor for committing violence against other people. H.R. 1887 may not solve that problem, but it will at least eliminate the market for a truly reprehensible product.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed.

The PRESIDING OFFICER. The bill (H.R. 1887) was read the third time and passed.

NATIONAL AMERICAN INDIAN HERITAGE MONTH

Ms. COLLINS. 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 this resolution be printed in the RECORD.

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

The resolution (S. Res. 216) was agreed to.

The resolution, with its preamble, reads as follows:

A resolution (S. Res. 216) designating the Month of November 1999 as "National American Indian Heritage Month".
governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

AMENDING THE STATUTORY DAMAGES PROVISIONS OF TITLE 17, UNITED STATES CODE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3456.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3456) to amend statutory damages provisions of title 17, United States Code.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. 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. 3456) was read the third time and passed.

HONORING JOSEPH JEFFERSON
“SHOELESS JOE” JACKSON

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. Res. 134 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. 134) expressing the sense of the Senate that Joseph Jefferson “Shoeless Joe” Jackson should be appropriately honored for his outstanding baseball accomplishments.

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

Mr. HARKIN. Mr. President, I am very pleased that the Senate has given its approval to Senate Resolution 134. With passage of this resolution, which I introduced earlier this year with Senators THURMOND and HOLLINGS, the Senate has gone on record to right a wrong perpetrated against one of the greatest American baseball players of all time—Joseph Jefferson “Shoeless Joe” Jackson. And I want to commend Senators THURMOND and HOLLINGS for their good work on this.

“Shoeless Joe” has been an inspiration to baseball players and fans for decades. Even the legendary Babe Ruth was said to have copied Jackson’s swing. I was touched by Jackson’s story through the movie “Field of Dreams,” which recounted his story. The movie was filmed in Dyersville, Iowa. Thousands of Iowans, young and old alike, have come to embrace

“Shoeless Joe.” In fact, there is an annual Shoeless Joe Jackson celebration and baseball game in Dyersville. This year it was attended by a cast of baseball greats, including Bob Feller.

Jackson’s career statistics and accomplishments throughout his thirteen years in professional baseball clearly earn him a place as one of baseball’s all-time greats.

His career batting average of .356 is the third highest of all time. In addition, Jackson was one of only seven Major League Baseball players to top the coveted mark of a .400 batting average for a season. Despite all this, in 1920 “Shoeless Joe” Jackson was banned from the game of baseball, the game he loved. He was banned from Major League baseball for allegedly taking part in a conspiracy to throw the 1919 World Series, in what has become known as the “Black Sox” scandal.

While “Shoeless Joe” did admit that he received $5,000 from his roommate, Lefty Williams, to participate in the scheme, when the fix, evidence suggests that Jackson did everything in his power to stop the fix from going through. He twice tried to give the money back. He offered to sit out the World Series in order to avoid any appearance of impropriety. And, he tried to inform White Sox owner Charles Comiskey of the fix. All of these efforts fell on deaf ears.

Perhaps the most convincing evidence of Jackson’s withdrawal from the conspiracy was his performance on the field during the series. During the 1919 World Series—which he was accused of conspiring to fix—“Shoeless Joe” Jackson’s batting average was .375, the highest of any player from either team. He had twelve hits, a World Series record. He led his team in runs scored and runs batted in. And, he hit the only home run of the series. On defense, Jackson committed no errors and had no questionable plays in thirty chances.

When criminal charges were brought against Jackson in trial, the jury found him “not guilty.” White Sox owner Charles Comiskey and several sports writers testified that they say no indication that Jackson did anything to indicate he participated in the fix. And, he offered to sit out conducting a hearing, receiving evidence and hearing testimony. But, restoring the good name and reputation of a single American is important. This resolution has given us the opportunity to right an old wrong. It has given us the opportunity to honor one of the all-time great players of America’s pastime, “Shoeless Joe” Jackson.

I thank my colleagues for supporting this resolution.

AMENDMENT NO. 2800

(Purpose: To amend certain findings of the Resolution)

Ms. COLLINS. Mr. President, Senator THURMOND has a substitute at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senate from Maine [Ms. COLLINS], for Mr. THURMOND, proposes an amendment number 2800.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. SENSE OF THE SENATE THAT “SHOELESS JOE” JACKSON SHOULD BE RECOGNIZED FOR HIS BASEBALL ACCOMPLISHMENTS.

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

(1) In 1919, the infamous “Black Sox” scandal erupted when an employee of a New York gambler allegedly bribed 8 players of the Chicago White Sox, including Joseph Jefferson “Shoeless Joe” Jackson, to throw the 1919 World Series against the Cincinnati Reds.

(2) In 1921, a criminal court acquitted “Shoeless Joe” Jackson of charges brought against him as a consequence of his participation in the 1919 World Series.

(3) Despite the acquittal, Commissioner Landis banned “Shoeless Joe” Jackson from playing Major League Baseball for life without conducting a hearing, receiving evidence of Jackson’s alleged activities, or giving Mr. Jackson a forum to rebut the allegations, issuing a summary punishment that fell far short of due process standards.
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(4) During the 1919 World Series, Jackson’s play was outstanding—his batting average was .375, the highest of any player from either team; he had 12 hits, setting a World Series record; he did not commit any errors; and he hit the only home run of the Series. Bucky Harris, who had seen Jackson’s performance during the 1919 World Series unmatched, but his accomplishments throughout his 13-year career in professional baseball were outstanding as well—he was 1 of only 7 Major League Baseball players to ever top the coveted mark of a .400 batting average for a season, and his lifetime batting average of .356 the third highest of all time.

(5) “Shoeless Joe” Jackson’s career record clearly makes him one of our Nation’s top baseball players of all time.

(6) Because of his lifetime ban from Major League Baseball, “Shoeless Joe” Jackson has been excluded from consideration for admission to the Major League Baseball Hall of Fame.

(8) “Shoeless Joe” Jackson passed away in 1951, and 80 years have elapsed since the 1919 World Series, so a resolution can be considered on his behalf.

(9) Recently, Major League Baseball Commissioner Bud Selig took an important step by agreeing to investigate whether “Shoeless Joe” Jackson was responsible for the outcome of the 1919 World Series and whether he should be eligible for inclusions in the Major League Baseball Hall of Fame.

(10) Courts have exonerated “Shoeless Joe” Jackson, the 1919 World Series box score stands as a witness of his record setting play, and 80 years have passed since the scandal erupted; therefore, Major League Baseball should appropriately honor the outstanding baseball accomplishments of Joseph Jefferson “Shoeless Joe” Jackson.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Joseph Jefferson “Shoeless Joe” Jackson should be appropriately honored for his outstanding baseball accomplishments.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to consider the joint resolution.

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

The joint resolution (H.J. Res. 46) was read the third time and passed.

DIRECTING SENATE COMMISSION ON ART TO RECOMMEND PAINTINGS FOR SENATE RECEPTION ROOM

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 241, submitted earlier by Senator LOTT.

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

The legislative clerk reads as follows:

A resolution (S. Res. 241) to direct the Senate Commission on Art to recommend to the Senate two outstanding individuals whose paintings shall be placed in two of the remaining unfilled spaces in the Senate Reception Room.

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

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution 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 (S. Res. 241) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 241

Whereas the reception room in the Capitol outside the Senate Chamber was originally designed to contain medallion likenesses of outstanding Americans;

Whereas there are at present 6 unfilled spaces in the Senate reception room for such medallions; and

Whereas it is in the public interest to accomplish the original objective of the design of the Senate reception room by selecting individuals who were outstanding Senate legislators with a deep appreciation for the Senator who will serve as role models for future Americans: Now, therefore, be it

Resolved, That (a) the Senate Commission on Art, established under section 901 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188b) (referred to as the “Commission”) shall 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.

(b) The Commission shall select individuals from among Senators, without consideration to party affiliation, who will serve as role models for future Americans. The Commission shall consider individuals whose contributions to the nation have made them outstanding Americans.

SEC. 2. The Commission shall make its selections and recommendations pursuant to the first section no later than the close of the second session of the 106th Congress.

SEC. 3. For purposes of making the recommendations required by this resolution, a member of the Commission may designate another Senator to act in place of that member.

SEATTLE, WASHINGTON, WTO MEETING

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now turn to H. Con. Res. 190, regarding the Seattle, WA, WTO meeting, the resolution be considered agreed to, and the motion to reconsider be laid upon the table, all without any intervening action or debate.

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

The concurrent resolution (H. Con. Res. 190) was agreed to.

Mr. ROTH. Mr. President, I am pleased that the Senate has unanimously supported this concurrent resolution. As the United States prepares for the World Trade Organization meeting in Seattle, it is important that Congress send this message—that electronic commerce should be free of tariffs and non-tariff barriers, and of multiple and discriminatory taxation. At this time, I do want to make one clarification.

The resolution urges a permanent international ban on tariffs on electronic commerce. It is my understanding that, in this context, this phrase really urges a permanent international ban on tariffs on electronic transmissions. Electronic commerce is a more exact phrase, which more clearly reflects the findings of this resolution and the current negotiating position of the United States.

Ms. COLLINS. Mr. President, I suggest the use of the quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
AMENDING PART E OF TITLE IV OF THE SOCIAL SECURITY ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3443, 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. 3443) to amend part E of title IV of the Social Security Act to provide States more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 3443) was read the third time and passed.

THANKS TO THE STAFF

Ms. COLLINS. Mr. President, we are awaiting one final legislative measure that we expect to clear tonight. In the meantime, I thank the floor staff for all of their assistance with this legislative flurry this evening and earlier today. I also express my thanks to the staff of the Senate for their ongoing assistance to me and to other Senators.

I take this opportunity to also praise my own staff, which has worked so hard during this last legislative session. It has been a very productive one, and I feel very fortunate to have such a talented and hard-working staff to support me in my efforts to serve the people of Maine. I thank the presiding officer for his patience as we have proceeded to the immediate consideration of legislation. We can be proud of the fact that we have been able to clear a great deal of legislation today that will make a real difference for the families of America.

LAND CONVEYANCE

Ms. COLLINS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on S. 416, an act to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

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

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3443, 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. 3443) to amend part E of title IV of the Social Security Act to provide States more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 3443) was read the third time and passed.

Con. Res. 235 until the hour of 12 noon on Monday, January 24, 2000, for the opening of the second session of the 106th Congress.
I deeply thank all of my colleagues for their patience and cooperation in the final hours of the first session of the 106th Congress. I think we are very fortunate to have the leaders that we have in the Senate. On their behalf, and on my own behalf, I wish everyone a safe and happy holiday season.

ADJOURNMENT SINE DIE
Ms. COLLINS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 235.

There being no objection, at 8:49 p.m., the Senate adjourned sine die.

NOMINATIONS
Executive nominations received by the Senate November 19, 1999:

DEPARTMENT OF JUSTICE
E. Douglas Hamilton, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years. Vice Brian Scott Howard resigned.

NATIONAL MEDIATION BOARD
Francis J. O’Donnell, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2003. (Reappointment)

PUBLIC HEALTH SERVICE
The following candidates for personnel action in the regular component of the Public Health Service, commissioned corps subject to qualifications therefor as provided by law and regulations:

1. FOR APPOINTMENT:
   - To be medical director
     - EDWIN L. JONES III
     - ROBERT R. WITTE
   - To be surgeon
     - LAURA J. FEHR
     - BARBARA L. HIRALD
     - JOSHDUP
     - CAROLYN V. LEE
   - To be assistant surgeon
     - M. MILES BROWN
     - MARIE F. KEOWN
     - STEPHEN E. KASER
   - To be assistant surgeon
     - ERIC C. RUSSELL
     - ROBERT W. THOMPSON
     - TERRY L. BOLEN
   - To be assistant surgeon
     - JOHN M. FRAMSTAD
     - ROBBIN K. WILLIAMS
     - JAMES B. REED
   - To be consultant
     - CAROL L. MILLER
     - NANCY L. MILLER
     - JAY W. KELLER
   - To be assistant consultant
     - MICHAEL J. CRISTY
     - SCOTT BINGHAM
     - ROBERT S. BETZ
   - To be assistant consultant
     - NANCY A. BOYD
     - JOHN S. MOTTER
     - ROMAN L. KUPCZYNSKI

2. FOR APPOINTMENT:
   - To be medical director
     - RICHARD A. BARTZ
   - To be surgeon
     - DONALD L. BRANSON
     - BRIEN C. COYE
     - KATHRYN M. DORSEY
     - MELISSA A. SAPIER
     - SHARON J. MCCOT
   - To be assistant surgeon
     - TERRY L. BOLLEN
     - CAROL A. COLEY
     - KATHRYN K. HOLCOMBE
     - JOHN J. BRUNNING
     - STEVEN K. ROHRS
   - To be assistant surgeon
     - NINA F. DOZORETZ
     - STEVEN A. SMITH
     - CAROL A. COLEY
     - TERRY L. BOLEN
     - RICHARD A. BARTZ
   - To be consultant
     - MICHAEL J. CRISTY
     - SCOTT BINGHAM
     - ROBERT S. BETZ
     - NANCY A. BOYD
     - JOHN S. MOTTER
     - ROMAN L. KUPCZYNSKI

3. FOR APPOINTMENT:
   - To be medical director
     - RICHARD A. HATCH
   - To be surgeon
     - DONALD L. BRANSON
     - BRIEN C. COYE
     - KATHRYN M. DORSEY
     - MELISSA A. SAPIER
     - SHARON J. MCCOT
   - To be assistant surgeon
     - TERRY L. BOLLEN
     - CAROL A. COLEY
     - KATHRYN K. HOLCOMBE
     - JOHN J. BRUNNING
     - STEVEN K. ROHRS
   - To be assistant surgeon
     - NINA F. DOZORETZ
     - STEVEN A. SMITH
     - CAROL A. COLEY
     - TERRY L. BOLEN
     - RICHARD A. BARTZ

CONGRESSIONAL RECORD—SENATE
November 19, 1999
31221
**CONGRESSIONAL RECORD—SENATE**

**November 19, 1999**
CONFIRMATIONS

Executive nominations confirmed by the Senate November 19, 1999:

DEPARTMENT OF ENERGY

IVAN ITKIN, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY.

DEPARTMENT OF THE TREASURY

NEAL S. WOLIN, OF ILLINOIS, TO BE GENERAL COUNSEL, FOR THE DEPARTMENT OF THE TREASURY.

UNITED STATES INSTITUTE OF PEACE


EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PAUL STEVEN MILLER, OF CALIFORNIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2004 (RE-APPOINTMENT).

DEPARTMENT OF LABOR

HASEMA GARE, OF MARYLAND, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR.

T. MICHAEL KERR, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ANTHONY MUSCIC, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

DEPARTMENT OF STATE

ALAN PHILLIP LARSON, OF IOWA, TO BE UNDER SECRETARY OF STATE (ECONOMIC, BUSINESS, AND AGRICULTURAL AFFAIRS).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JOSEPH R. Schoenhals, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUSAN M. WCACETTER, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on November 19, 1999, withdrawing from further Senate consideration the following nominations:

UNITED STATES PAROLE COMMISSION

TIMOTHEY EARL JONES, JR., OF GEORGIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS. VICK GEORGE MACHER, JR., REINED, WHICH WAS SENT TO THE SENATE ON JULY 19, 1999.

UNITED STATES INTERNATIONAL TRADE COMMISSION

MADELENA G. JACOBSEN, OF IOWA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING JUNE 18, 2008. THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO QUESTIONS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

NATIONAL LABOR RELATIONS BOARD


NATIONAL MEDIATION BOARD


THE JUDICIARY

RICHARD L. NICHOLS, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

RICHARD B. GAINES, 0000

Mr. Speaker, reform of the 1962 Act is vitally necessary, as technological innovation and marketplace competition have dramatically changed the satellite industry over the past 30 years. Indeed, the arrival and rapid advance of undersea and underground fiber-optic cable systems has forced the industry to move beyond what many policymakers have thought to be its only role: universally providing telecommunications services to broad audiences. While the industry will certainly continue to lead efforts to develop new markets, satellites are now highly sought after to provide the capacity and redundancy necessary to continue the explosion in telecommunications usage, data transmission, and e-commerce. In other words, we have now learned that not only are cable systems unstable and, in some cases, unwilling to reach everyone, they may not be able to service even the large companies.

As the landscape of the marketplace continues to change more cable and satellite systems find themselves in direct competition for customers, and we have been forced to reconsider our assumptions regarding the average satellite services user. No longer are these users simply interested in access to services; satellite customers want exactly what other telecommunications customers want. They want choice in the marketplace. They want the option of different transmission systems. They want broadband services over the Internet. They want high quality and highly dependable services. And they want it now.

This change in consumer demand, coupled with the exponential increase in Internet usage, interactive data and direct-to-home satellite services fuels much of the growth in the satellite services industry today. The result is a dynamic and highly competitive marketplace. How competitive? One need look no further than the 116 filings of Iridium and ICO to understand that you won’t be around long in this business if you’re only resting on your laurels.

Mr. Speaker, I believe we can make this market even better for consumers. As the conference committee moves forward, we need to ensure that legislation intending to direct the future of the satellite industry is consistent with the telecommunications customers want. They want broadband services over the Internet. They want choice in the marketplace. They want the telecommunications customers want. They want the satellite customers want exactly what other users simply interested in access to services.

In the wake of a telecommunication boom that has met a reality of US technological infrastructure that is not prepared for the huge increases in consumer demand, the Senate and House must ensure that the telecommunications industry is able to meet this challenge. The future of the satellite industry is consistent with our legislative forebear the 1962 Communications Satellite Act of 1962 Act. The United States is now highly sought after to provide the capabilities that have already received regulatory approval for their merger. In this regard we should work to ensure that any action of the Congress should not diminish the value of current investments or ongoing business activities. We should also ensure that no single competitor in the satellite services industry is advantaged or disadvantaged by our actions. In our effort to create a more dynamic marketplace, we should endeavor ourselves to provide even more consumer choice. Any limitation on services that any one company should offer should be seen as an outcome that reduces consumer choice.

I am optimistic that we will produce legislation in the conference committee that is genuinely pro-competitive and offers customers around the world more choices. I look forward to working with Chairman BILIEY and Senator BURN to produce legislation that meets these objectives.

TRIBUTE TO MANUEL MONTOYA

HON. TOM UDALL
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. UDALL of New Mexico. Mr. Speaker, it makes me very proud to rise before the House of Representatives to recognize Manuel Montoya from Mora, NM. Just a few weeks ago Manuel began his studies at Oxford, England as a Rhodes Scholar. Manuel is a graduate of the University of New Mexico and is one of only 32 students nationwide to earn the much coveted scholarship named in honor of philanthropist Cecil Rhodes. And just last year Manuel also earned the distinguished Truman Scholarship. I want to recognize Manuel for bringing honor to his family, his community and to New Mexico.

Manuel was born and raised in Rainsville, in the county of Mora. He lost his father at an early age. Through his faith and his gifts, he has overcome tragedy into inspiration and misfortune into strength, both for himself and for those around him. The County of Mora is one of the most economically disadvantaged counties in our country. The county confronts all of the challenges that affect rural America today. Although stricken by poverty, Mora is one of the wealthiest counties in the nation in our country, rich in culture and history with its Hispanic Heritage, rich in beauty with its mountains, valleys and rivers, rich in people that place the highest value on family, honor and respect. And Mora is rich in faith and rich in hope. The best of Mora is personified in Manuel Montoya and he has made our State and his community very proud.

Mr. Speaker, I believe we can make this market even better for consumers. As the conference committee moves forward, we need to ensure that legislation intending to direct the future of the satellite industry is consistent with the telecommunications customers want. They want broadband services over the Internet. They want choice in the marketplace. They want the telecommunications customers want. They want the satellite customers want exactly what other users simply interested in access to services; satellite customers want exactly what other telecommunications customers want. They want choice in the marketplace. They want the option of different transmission systems. They want broadband services over the Internet. They want high quality and highly dependable services. And they want it now.

This change in consumer demand, coupled with the exponential increase in Internet usage, interactive data and direct-to-home satellite services fuels much of the growth in the satellite services industry today. The result is
Montoya always had shown promise. He learned both English and Spanish at an early age but preferred to speak Spanish before he began school. Neighbors would trope into his grandmother's house to watch him stand on the coffee table, wave his little guitar, and sing Spanish church hymns.

“I can remember he was a voracious reader,” says Quirinita Martinez, his third-grade teacher. “He could read and read and read.”

By the time Montoya was in high school, he understood clearly the educational opportunities he missed growing up in a rural community. His high school did not offer calculus or an honors English program because of the lack of demand. His school library did not have Machiavelli, Aristotle’s Ethics as standard texts.

The more people held Montoya up as an anomaly, the more he believed that he was ordinary. He was the anomaly.

“I saw them struggling through a system where they said, ‘If you don’t do this or that,
you’re a loser,’’ he says. ‘‘That’s unacceptable to me.’’

In college, Montoya spent a summer writing a proposal to the Mora School Board that would implement a general honors program at the high school. The program would set up independent studies for students who had exhausted the school district’s traditional options.

Montoya wrote in his proposal that an instructor would craft semester-long lesson plans for each student. A student who needed to leave before they realized the value of their upbringing, he says, ‘‘is unacceptable.’’

Communities, they have to leave before they realize the value of their upbringing,’’ he says. ‘‘The facts can exist without human experience, but the world cannot.’’

The truth, Montoya says, is that he is a culmination of many lives and many lessons, the embodiment of a town. He is his uncle, the Vietnam veteran and his Godmother, a shy and humble woman; he is his father, hardworking and unapologetic, and the viejo who plants a tree at the chapel each year.

He says that one of the first things they discussed was Montana’s proposal that an independent studies for students who had exhausted the school district’s traditional options.

Montoya also has worked diligently on another long-term project—to build an archive and museum that would house the town’s family and cultural histories. He envisions a Plaza where the community could gather; Mora no longer has one.

Montoya, who has been accepted to Stanford Law School, says he also dreams of the day when each person is appreciated for his or her potential, when their brothers are held up for their talents, just as he has been celebrated for his.

‘‘One time, my grandfather made a china cabinet with no nails, structurally sound,’’ he says. ‘‘My brother (Francisco) can do it, too. It’s something that I envy in him. The feeling for things and for people, but in addition to that, he uses reason. He’s able to balance that very well.’’

Friends and family, those who have influenced Montoya, say that despite his rigorous intellect, he is stripped of pretention. Montoya’s dream is to return to Mora and practice law with his closest confidant, Cyrus Martinez, also a Mora High School graduate.

The Rev. Tim Martinez, who was once a pastor in Mora, explains it this way:

‘‘For a lot of people that grow up in rural communities, they have to leave before they realize the value of their upbringing,’’ he says. ‘‘He realized the value long before he left his community. He carries that with him, always.’’

DATE AT THE WHITE HOUSE

Montoya will participate in a White House ceremony before he leaves to study jurisprudence philosophy in England. He will meet President Clinton and members of the U.S. Supreme Court.

Even then, Montoya says he will be ‘‘the farm boy from Mora making messes in my mother’s kitchen.’’ And for that, he is immensely proud. He says that one day learning can take its place in the symphony of change.

ADDRESSING A GENERATION

Manuel-Julian Rudolpho Montoya’s speech for The University of New Mexico’s general commencement ceremony in May:

What then, I ask myself, shall we do this fine morning to give praise to our education and our light?

I say we shout.

Shout in honor of the gathering. Give voice to the battles that you fought and the lyrical hands on that talent. Form a song, without words and without beat save the rhythm of the many standing alongside you. Hear the rhyme of one language in unison as we shout in shades of Black, Yellow, Brown, White and Red. Shout in colors, shout in creeds. Shout in praise of the legacies that brought you here. Shout to the other. Remember that they do not betray each other, they simply approach your soul from one end to the other.

Dance.

Dance in honor of your celebration. Give voice to the presence of our smiles and our laughter. In our dancing, let us love the greatness of this day, for it is a day that we recognize the trials of wisdom and knowledge that brought us to the present.

Cry.

Cry in honor of your suffering. Give it a voice so that it may surrender to the echoes of healing among our communities. Give it to the ignorant, so they may have heard that pain of their brothers and sisters.

Fight.

Fight with your minds. Gather your faculties in honor of the shouting, the dancing and the crying. Give them reason for existing. Validate them. Look to your minds and recognize the great unifier within you. Recapture your pain with the promise of a better day because you fought with your mind. Know that you have learned all you can so that one day learning can take its place in the symphony of change.

Fight with your heart. Fight with kindness and do not resist when the wits of the many sway against the singular revolt of your heart. Cherish your passion and let it bleed for your neighbor. In this lies the hand that picks up our enemies and cares for them.

Let us now be called forth and have our names announced to the community. Call my name, for in it you evoke the legacy of my grandmothers and grandfathers. My beloved father and mother. My brothers. My friends. My family. My friends. My happiness and strength. Let it be called because our name shall ring the truth of my veneration for my community. Mora, New Mexico. Mi tierra y vida.

Let us call the names of our graduates. Let their names ring forever in the past. So today, as we call names and hand diplomas, let us celebrate the world that lives alive and well within us.

Bless you all.

CREDIT CARD CONSUMER PROTECTION ACT

HON. DARLENE HOOLEY
OF OREGON

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Ms. HOOLEY of Oregon. Mr. Speaker, credit card late fees are becoming an increasing burden on consumers. More and more of my constituents are telling me that credit card companies are charging them $30 late fees when they shouldn’t be. I believe some companies are abusing their ability to charge late fees. In fact, just recently, First USA, a company that has millions of customers, was caught charging its customers late fees regardless of when they set their payment in.


In addition, many companies are shortening grace periods and imposing early morning deadlines for when a payment is due. One of the worst things they are doing is sending bills out just a few days before they’re due, which makes it very difficult to get the payment in on time.

Obviously, these practices do not help credit card customers maintain good credit ratings. Additionally, these practices can cost customers hundreds of dollars in charges each year. In order to address some of the problems that people are encountering with late fees, today I am introducing the ‘‘Credit Card Customers Protection Act of 1999.’’ This legislation would require credit card companies charging late fees to clearly disclose a date by which if your payment is postmarked, it cannot be considered late. Right now, most companies charge you based on when your payment arrives. But with passage of this legislation, if you mail your credit card payment in before the postmark date, you’ll be okay.

This is similar to what the IRS does with your tax return. Regardless of when your return arrives at the IRS, if it is postmarked by April 15, it is not late. To me, this makes perfect sense, since we do not control the internal bill collecting processes of the credit card companies, nor do we want to. And we do not control the time it takes for a letter to be delivered.

This bill will put the balance of power back into the hands of credit card customers. I ask my colleagues for their support for this important legislation.

BELUGA WHALE

HON. DANNY K. DAVIS
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to recognize the John G. Shedd
The belugas reside in the Shedd’s Oceanarium, a re-creation of the Pacific Northwest. Throughout the Oceanarium, large underwater viewing windows give Shedd visitors the opportunity to see the whales from the vantage point of their environment. Whales, dolphins, sea otters, harbor seals and penguins are some of the marine life on display.

The birth of the beluga is a milestone for the Shedd because the Oceanarium was built for the purpose of breeding marine mammals. The knowledge gained from the birth will provide Shedd staff with a better understanding of belugas and in turn that information will be used to help educate the public and contribute to the conservation of wild populations.

The birth of the beluga also is significant to the general beluga population as the National Marine Fisheries Service plans to list the beluga whales in Alaska’s Cook Inlet as a depleted population. The 1998 Cook Inlet beluga census, counted 347. In 1994, about 675 belugas were counted; it is believed that 1,000 whales were in the inlet in 1980.

Mr. Speaker, please join me in congratulating the John G. Shedd Aquarium on the successful birth and continued health of Iimmiaiyuk’s beluga calf.

Mr. Speaker, telecommuting has many positives for employers and to encourage employers to adopt a pilot program to raise awareness about telecommuting among small business employers. Telecommuting is quickly becoming a standard business practice. High-tech industries have employed telecommuting with great success for many years. In addition, the Federal Government has embraced telecommuting as well. This legislation will encourage and aid our nation’s small business owners to embrace telecommuting.

Telecommuting in the small business community is a critically important tool, because it would allow small employers to retain valued employees with irreplaceable skills and institutional memory when their lives no longer allow them to be in the office daily.

Mr. Speaker, all around us we see remarkable strides being made in the use of technology to improve our quality of life and allow us to work more efficiently. I believe the Small Business Telecommuting Act will allow our nation’s small business owners to also reap the benefits of these technological strides.

H.R. 2, The Students Results Act

HON. CHARLES A. GONZALEZ OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. GONZALEZ. Mr. Speaker, on October 21, 1999, the U.S. House of Representatives overwhelmingly passed H.R. 2, the Students Results Act, which revamped Title I of the Elementary and Secondary Education Act. Title I provides funding to local education agencies to help educationally disadvantaged children learn the core subjects, like math and reading, and authorizes other programs to assist low-achieving students.

As Director of the Project, Megan has diligently advocated for resources to create the Lead Safe House, which provides transitional housing for lead poisoned children and their families while their homes are undergoing abatement. Megan also co-founded the New York City Coalition to End Childhood Lead Poisoning, bringing together environmentalists,
TRIBUTE TO CHRIS WEAVER

HON. SCOTT McINNIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I now rise to pay tribute to the life of a friend and great civic leader, Chris Weaver. Sadly, the world lost Chris earlier this month when he died of an apparent heart attack. While mourning the passing of this great American, I would like to take this opportunity to honor the esteemed life of this great American.

A dyed-in-the-wool Republican his whole life, Chris left an indelible mark on the Pueblo community as a city councilman. As an at-large council member, Weaver was widely acclaimed for his leadership and vision on a wide range of issues, including HARPs, the Pueblo Convention Center, and increased benefits for retired firemen. In his time on the council, Chris served with great distinction leaving a lasting legacy that will long benefit Pueblo.

At age 6, Chris moved to Pueblo with his parents, the late Dr. John Weaver and his wife Frances, from Concordia, Kansas. Following his graduation from Centennial High School in 1966, Chris studied briefly at the Colorado School of Mines and later transferred to the University of Southern Colorado where he graduated in 1982.

A certified public accountant, Chris was an active member in the Kiwanis Club, the Private Industry Council, and the National Association of Accountants.

I am hopeful that Chris’ family—including his wife Mary, his children Andrew, Donald, and Jill, his mother Frances, and his siblings Ross, Matthew and Allison Swift—will all find solace in the remarkable life that he led. Indeed, like myself and the many others that counted him a friend, Chris’ family should find peace in the knowledge each is a better person for having known him.

TRIBUTE TO MS. JILL COCHRAN

HON. JACK QUINN
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. QUINN. Mr. Speaker, I want to join Chairman STUMP and Ranking Member EVANS in acknowledging and saying thank you to Ms. Jill Cochrane, long-time Democratic staff director for the Subcommittee on Beneficiary Assistance. She will retire next month following 25 years of dedicated service to the Committee on Veterans’ Affairs.

Jill’s contributions to the enactment of legislation such as the Montgomery GI bill, on which she worked with our distinguished former chairman for 7 years, vocational rehabilitation, veterans employment and training, homeless veterans, and transition assistance issues—just to name a few—I believe, are unsurpassed.

Jill personifies selfless public service in her commitment to America’s sons and daughters who have served our Nation. We’ll miss her compassion, her great spirit of cooperation, her expertise, and most of all—her exceptional leadership.

Jill, our kindest wishes and godspeed.

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EXTENSIONS OF REMARKS

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. UDALL of Colorado. Mr. Speaker, for the past decade, the Center for Human Rights Advocacy (CHRA), a public interest law firm based in my congressional district, has been monitoring and analyzing social, economic, political, and ethnic anti-Semitic activities in Russia and the former Soviet Union. The organization’s President and Chief Counsel, Mr. William Cohen, is frequently called upon in the United States, Canada, and the United Kingdom to provide expert information and testimony pertaining to human rights and anti-Semitism in Russia and the former Soviet Union. Mr. Cohen also serves on the board of the executive committee of the Union of Councils for Soviet Jews.

The primary focus of Mr. Cohen’s advocacy “is to make sure the doors remain open for Jews and all persecuted minorities.” His recent report, “The Escalation of Anti-Semitic Violence in Russia,” demonstrates the level of danger facing Russian Jews in light of the increased frequency of anti-Semitic activity.

The report documents the chronology of the latest anti-Semitic events in Russia and the former Soviet Union. Anti-Semitic violence has never been reported in the media. Mr. Cohen has gleaned most of this information from clients seeking asylum or refugee status.

Following is the summary of Mr. Cohen’s report. I urge my colleagues to contact my office or the Center for Human Rights Advocacy in Boulder, Colorado, for a copy of the full report.

THE ESCALATION OF ANTI-SEMITIC VIOLENCE
IN RUSSIA

(By William M. Cohen)

1. SUMMARY: ANTI-SEMITISM AND PERSECUTION
OF JEWS IN RUSSIA HAS DRAMATICALLY ACCELERATED.

The Center for Human Rights Advocacy (CHRA) has been monitoring and analyzing social, economic, political, and ethnic anti-Semitism developments in Russia since the former Soviet Union (FSU) since its inception in early 1991. In addition, because of the persistent evidence and reports of anti-Semitism in the Union of Councils for Soviet Jews (UCSJ), Mr. Cohen served as a member of the Executive Committee of the Board of Directors, has steadily increased its monitoring and reporting on human rights abuses against Jews in Russia. In cooperation with the Moscow Helsinki Group, and aided by a grant from the United States Agency for International Development, trained monitors located throughout Russia now regularly report to UCSJ and CHRA on this growing phenomenon.

The persistent pattern of anti-Semitism in the pernicious practice of persecution of Jews in Russia was identified and summarized by CHRA in March of 1996:

This phenomenon (i.e., steadily growing anti-Semitism) is an atmosphere of economic hardship following the breakup of the FSU) is exploited by politicians and elected officials for political gain. It is manifested by acts of discrimination, insults, threats, and violence against Jews, Jewish property, and Jewish institutions. It is aimed, in substantial part, at driving Jews out of Russia to make room for Russians in a time of scarcity, economic distress, and political instability arising out of the destruction of the Soviet Empire. Moreover, it is clear that there now exist governmental and non-governmental groups in Russia that are willing or able to protect Jews from persecution because of their nationality or religion. The absence of any meaningful deterrent to such persecution given to anti-Semites by leading politicians and elected officials to engage in such conduct encourages those who would persecute Jews to do so with impunity.

Since the economic crisis and the collapse of the ruble which struck Russian in August 1998, anti-Semitic expressions by leading politicians and elected officials, aimed at denouncing and scapegoating Jews, and ultimately, at driving them out of Russia, have dramatically accelerated. This increase in anti-Semitic rhetoric has been accompanied by a concurrent increase in the number of violent acts targeting Jews, Jewish property, and Jewish institutions. Such violence is now frequent and widespread throughout the vast number of Russia’s regions as well as in the major city centers of Moscow, St. Petersburg, and Nizhny Novgorod, the location of the three largest populations of Jews in Russia.

The frequency and ferocity of the various anti-Semitic violent acts appears to be accelerating. At the same time, the governmental institutions upon which Jews and other targeted minorities must rely for protection against extremist violence are either unwilling or unable to effectively provide that protection.

In addition, during the political and economic crises which continue today in Russia following the August 1998 collapse, anti-Semitism has dramatically accelerated. At the same time, the governmental institutions upon which Jews and other targeted minorities must rely for protection against extremist violence are either unwilling or unable to effectively provide that protection.

Indeed, the risk to Jews in Russia today is greater than at any time since the breakup of the Soviet Union. The Russian government has now demonstrated that it is both unwilling and unable to deter growing anti-Semitism against Jews. Anti-Semitism violence against Jews is persistent and increasing, and the Russian government at any level of protection for Jews is not effective in the major city centers.

Faced with escalating anti-Semitic violence combined with indifference to these attacks by the general Russian populace, political exploitation of the phenomenon and government impotence to protect them, the Jewish community has resorted to funding its own security for Jewish institutions, and turned to Western governments and non-governmental human rights organizations for help.

Increasingly more Jews are also leaving the FSU permanently for Israel, the United States, and other countries where they will be free from persecution because of their Jewish religion and nationality.

Absent a dramatic change in the social, political and economic climate in Russia, it is highly unlikely that the current atmosphere of open anti-Semitism will diminish any time soon. To the contrary, the escalating incidents combined with government silence and ineffective law enforcement indicate that Jews are at great risk in Russia today and for the foreseeable future.

This report will first document the chronology of recent anti-Semitic events which demonstrate both the increased frequency and level of danger which accompanies them.
as well as the Russian Jewish Community’s reaction. Next it catalogues the Western governmental and non-governmental organizations (NGO)’s response to this growing problem. Finally, it outlines the less than adequate, largely rhetorical response by the Russian Government to this problem.

HONORING PEGGY BRAVERMAN
HON. ELIOT L. ENGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. ENGEL. Mr. Speaker, the Bronx is losing one of its most distinguished public servants and a woman who has done more for her borough and her community than we can ever thank her for. Peggy Braverman is retiring after more than 15 years as Deputy County Clerk for the Bronx where she oversaw a staff or more than 80 people as they helped residents secure business certificates, passports, and other significant documents while answering questions about jury duty and other matters.

She was always active in her community and the political arena. She was an administrative assistant in the Bronx Borough President’s office from 1979 to 1985 and before that she served as an administrative assistant for then Councilman, now Assemblyman Stephen Kaufman. She was also Democratic District Leader for the 81st Assembly District.

At least as extensive was her work in the voluntary area. She was an active member of the Educational Jewish Center, the Morris Park Community Association, the Allerton Avenue Homeowners Association and the 49th Precinct Community Council. She also served as President of the PTA of Christopher Columbus High School and Vice President of JHS 135. She was also a scout leader.

Peggy Braverman is that rare person who serves her neighborhood and her fellow citizens in so many capacities, someone, who by their service, does so much to make government work and the community prosper. The people of the Bronx will miss her in government; let us hope we can keep her helping in the community. I want to join her legion of friends and admirers in wishing her in retirement what she has learned—the very best from life.

TRIBUTE TO DR. KENNETH MAURICE MATCHETT, JR.—A GREAT AMERICAN AND FRIEND
HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to ask that we pause for a moment in honor of one of the finest people that I have ever had the pleasure of knowing. Dr. Kenneth Matchett, Jr. was a dedicated family man, a hard working physician and a model American. He gave selflessly to provide for his family and to help his community. Tragically, Ken died in a horse riding accident while competing in Phoenix, Arizona.

EXTENSIONS OF REMARKS

After graduating from Stanford with a degree in Biochemistry in 1963, he attended Cornell Medical College. There he was elected to Alpha Omega Alpha, the medical honorary society. It was not long until he realized his true passion, Internal Medicine. During 1967–1972, he completed his residency in Internal Medicine and a fellowship in Hematology/Oncology at Duke University. Soon after that he returned to his hometown of Grand Junction, Colorado, where he set up his own practice.

In addition to working tirelessly in his practice, he also maintained an active role in Saint Mary’s Hospital. There Ken served as President of the Medical Staff and as a member of the Board of Directors. As if these accolades are not enough, he also went on to found the Oncology Unit for the care of cancer patients at Saint Mary’s Hospital. The fine Doctor had a special reassuring warmth with his patients. Ken is survived by his wife Sally, their three daughters, Nancy Jean, Sarah Mary and Emily Ruth, three sons-in-law and two grandchildren. His family was precious to him. It is with this, Mr. Speaker, that I pay tribute to the life of Ken Matchett. I wish that every one of us could have had the pleasure of knowing this man. He was a great American and a friend of many.

TRIBUTE TO THE LATE SURESH KWATRA
HON. JACK QUINN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. QUINN. Mr. Speaker, before the first session of the 106th Congress adjourns, I want to pay tribute to Mr. Suresh Kwatra, a dedicated 25-year career employee of the United States Department of Veterans’ Affairs, who died unexpectedly on June 21, 1999.

Mr. Kwatra was indeed an inspiring individual. He was an accounting graduate of DePaul University. He immigrated to the United States from his native India in 1969 and served in the United States Army during the Vietnam conflict, shortly after gaining his American citizenship.

Mr. Kwatra began his career with the former Veterans Administration in 1974. He served as a veterans benefits counselor, strategic planner with VA’s national cemetery system, and statistician and analyst in the Office of VA’s Assistant Secretary for Policy and Planning. Because of his exceptional initiative and professionalism, the Congressional Veterans’ Claims and Adjudication Commission selected Mr. Kwatra to be an analyst and project manager. In my role as chairman of the Subcommittee on Benefits, Committee on Veterans’ Affairs, I have read his insightful analysis in the commission’s report.

Mr. Speaker, Suresh Kwatra came to America, served proudly and honorably in our military, and then committed his life to serving fellow veterans for a quarter of a century. To Suresh’s former co-workers, members of his church and to his family, his three sisters, Sunita, Suresh and Subha and his wife Oke Oweingeh four hundred years ago, we, the descendents of our respective peoples and nations, are meeting to reflect upon the past and present, and together chart a new HISTORIC ENCOUNTER BETWEEN SAN JUAN PUEBLO AND SPAIN
HON. TOM UDALL
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. UDALL of New Mexico. Mr. Speaker, on October 31, 1999, the headline of the Sunday Journal North edition of the Albuquerque Journal read: “Pueblos, Spain Forging Ties.” That headline and the accompanying article recognized ground-breaking events whose importance extends beyond the Third Congressional District of New Mexico. Events that are living proof that centuries-old wounds to the dignity of our Native American communities, particularly our New Mexico Indian Pueblos, can be healed through good will on the parts of the leaders of those Pueblos and the government. In this case, that government is the government of Spain.

Students of American history know that four and a half centuries ago our American Southwest was explored by the government of Spain, which eventually led to Spanish settlement here four centuries ago. The 1598 Spanish colonists led by Don Juan de Oñate did not find themselves alone: they settled in the midst of Indian Pueblos that had been thriving, vital established communities since time immemorial.

The relationship between the Spanish settlers and the original Pueblo Indian inhabitants were filled with conflict and occasional violence. Through it all, the Pueblo Indian communities, including the Pueblo of San Juan where Juan de Oñate established the first Spanish capitol of New Mexico, struggled endured and held on to their culture, their traditions and even their internal government.

On April 3, 1998, acting on behalf of the 19 Indian Pueblos that comprise the All Indian Pueblo Council of New Mexico, San Juan Pueblo Governor Earl N.Disposable Thomas became the first tribal official in the history of New Mexico and the United States to invite an official representative of the Government of Spain, its Vice President Francisco Alvarez-Cascos, to visit San Juan Pueblo in commemoration of the four-hundredth anniversary of the permanent meeting of the two cultures. That invitation was made because in the view of the San Juan Tribal Council after four hundred years, reconciliation and healing were important. In the words of one San Juan Pueblo spiritual leader, “it was not right to teach our children to hate.” What an incredible and brave statement that was!

As a result of Governor Salazar’s invitation, on April 26, 1998, the Governors of New Mexico’s 19 Pueblos, led by this remarkable young man, Governor Salazar, met with Vice President Francisco Alvarez-Cascos, to visit San Juan Pueblo in commemoration of the four-hundredth anniversary of the permanent meeting of the two cultures. That invitation was made because in the view of the San Juan Tribal Council after four hundred years, reconciliation and healing were important. In the words of one San Juan Pueblo spiritual leader, “it was not right to teach our children to hate.” What an incredible and brave statement that was!

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course of the relationship of our children and their future." Speaking for the Spanish delegation, Vice President Alvarez-Cascos stated it is in the best interest of the United States and Spain for the two cultures to know each other better, who want to build a new friendship.

Subsequently, Governor Salazar, his wife Rebecca, Governor Gary Johnson of New Mexico and First Lady Dee Johnson were extended an official invitation to visit Spain. The objective of the visit was to build on the foundation established during the April 26, 1998 meeting hosted by Governor Salazar and the nineteen New Mexican Indian Pueblos. The official visit to Spain, which became known as "Re-encuentro de Tres Culturas" or the "Re-encounter of Three Cultures"—referring to the Indian, Spanish and American cultures—took place on November 18 through 23, 1998. The United States Ambassador to Spain, Ed Romero, a descendant of those first Spanish colonists in New Mexico, also took part in the meetings and events. At the official reception, Governor Salazar, whose mother Maria Ana Salazar is full blooded San Juan Tewa Indian and whose father is State Representative Nick L. Salazar, a Hispanic elected official in New Mexico, delivered a blessing in Tewa. The essence of that blessing was "Now it is time for all of us to sit down and establish a framework for how we will work with each other to establish an enduring relationship based on honor, trust, mutual respect, love and compassion."

During the Re-encuentro de Tres Culturas, the Prince of the Asturias, His Royal Majesty, Felipe Bourbon, made a special visit to meet Governor Salazar, Governor Johnson and the rest of the New Mexico delegation which included State Representative Nick L. Salazar, Española Mayor Richard Lucero and Rio Arriba County Commissioner Alfredo Montoya. The King, along with other high-ranking Spanish government officials, performed the Sacred Buffalo Dance performed my Pueblo Indian members of the delegation from New Mexico. In appreciation for his courageous leadership, His Majesty presented Governor Salazar with a medal making him a member of the Order of Isabel De la Catolica, grade of encomienda. The medal is awarded to individuals whose "Pure Loyalty" by deeds and actions have helped to foster better relations between Spain and America. Governor Salazar is the first Indian Governor upon who this honor has bestowed.

As noted in the October 31, 1999 Albuquerque Journal article, the courage of Governor Salazar and the rest of the New Mexico's Pueblo Indian leaders is beginning to bear fruit beyond the reconciliation of these traditional peoples of the United States and Spain. The New Mexican Pueblos and Spanish government representatives have now entered into an agreement creating an exchange program for teachers and students. The agreement, in the form of a Memorandum of Understanding, was signed by the Indian Pueblo governors, the Spanish Ministry of Culture, Spanish Vice President Alvarez-Cascos, the New Mexico Office of Indian Affairs and the Santa Fe Indian School. As Governor Salazar indicated, Pueblo Indian history is tied to Spain. As a consequence, the Pueblos "decided to renew the relationship that has long-term interests for both sides." He also noted that the Memorandum of Understanding is a first step toward forming more agreements with Spain in the future, such as trade and commerce pacts.

Governor Salazar's efforts deserve recognition because they have now become an important part of the history of New Mexico and our country. And because they demonstrate that, as Elizabeth Kubler-Ross once said, "there is nothing that cannot be healed." All it takes is people with courage and a commitment to justice and reconciliation. Governor Salazar never planned for all of this to happen. He simply followed the path of his spirit in an effort to work for the people of his Indian Pueblo and for his Hispanic citizens in the surrounding Española Valley who have said, "there is no holler place than that where an ancient hatred has yielded to forgiveness." For creating such a place in the heart of our American Southwest, he deserves our thanks and deepest appreciation.

LEWIS AND CLARK HISTORIC TRAIL TECHNICAL CORRECTNESS ACT OF 1999

HON. BRIAN BAIRD OF WASHINGTON IN THE HOUSE OF REPRESENTATIVES Thursday, November 18, 1999

Mr. BAIRD. Mr. Speaker, today I rise to introduce legislation that will correct a longstanding historical inaccuracy dealing with the Lewis and Clark National Trail System. Currently, the Lewis and Clark National Trail designation reads that the expedition traveled "from Wood River, Illinois to the mouth of the Columbia River in Oregon." My colleagues, unfortunately, this does not tell the whole story. My legislation would amend the designation to include Washington State along with Oregon as the recipient of this important journey in American history.

The journey of Lewis and Clark is one of the most important events in American history. That is why it is imperative not only that the story of Lewis and Clark be told, but that their story be told with accuracy and historical correctness. Unfortunately, the current Lewis and Clark Historic Trail designation fails to recognize the important events that took place in Washington State during the expedition.

When President Thomas Jefferson sent Meriwether Lewis, and William Clark on their famous expedition, he sent them with many goals in mind. Over the next four years, the Corps of Discovery would travel thousands of miles, experiencing lands, rivers and peoples that no Americans ever had before. But the single overriding imperative of the entire enterprise was to find a navigable water route to the Pacific Ocean.

Mr. Speaker, I am proud to say that the Corps of Discovery accomplished that objective on November 15, 1805—and they did so in one of the most beautiful places on earth, Pacific County, Washington.

There was not an easy journey; it took great skill, tremendous perseverance and immense dedication. There are hundreds of events that took place along the way that testing each of these attributes. One of the most important of these events took place on the Washington State side of the Columbia River, on November 24, 1805.

With little food, rotten clothes, and winter soon approaching, the group huddled to decide where to camp for the winter. The pressing question: should they stay on the north side of the river in what would later become my home state of Washington, or should they risk a tricky river crossing to find a more sheltered spot on the south side of the river? Because there were these two different ideas about where to spend the winter, Captain Lewis and Captain Clark allowed the entire party to vote on where to camp. What is important to remember is that among those who were allowed to vote was York, a African-American slave, and Sacajawea, a young Native-American woman.

This exercise of democracy took place more than 50 years before the abolition of slavery and the passage of the Thirteenth Amendment, more than 100 years before the ratification of the Nineteenth Amendment which gave women the right to vote, and nearly 160 years before the passage of the Voting Rights Act which extended these liberties to even more Americans.

Mr. Speaker, as I am sure you are aware, the bicentennial Lewis and Clark's famous journey is rapidly approaching. The bicentennial is going to be of great importance both culturally and economically to my home state, and those impacts will be felt in many small towns and big cities all along the Lewis and Clark trail.

Knowing the important part that Southwest Washington played almost 200 years ago in this journey, I want to make sure that the National Park Service documents are historically accurate and complete. My legislation will help ensure that outcome. Therefore, Mr. Speaker, I urge my colleagues to join me in supporting this legislation of the Lewis and Clark Historic Trail Technical Corrections Act of 1999.

SECOND GENERATION OF ENVIRONMENTAL IMPROVEMENT ACT OF 1999

HON. JAMES C. GREENWOOD OF PENNSYLVANIA IN THE HOUSE OF REPRESENTATIVES Thursday, November 18, 1999

Mr. GREENWOOD. Mr. Speaker, today I am introducing, along with my colleagues, Mr. DOOLEY, Mr. BOEHLERT and Ms. TAUSCHER, the "Second Generation of Environmental Improvement Act of 1999." This bipartisan bill will build upon the "First Generation of Environmental Improvement Act of 1990." It takes a performance-based system of environmental protection—a system that will do a better job of protecting the environment, while providing greater flexibility to companies and states to determine how to meet tough, clear
INTRODUCTION OF STEWARDSHIP EDUCATION, RECREATION, AND VOLUNTEERS FOR THE ENVIRONMENT ("SERVE") ACT OF 1999

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. UDALL of Colorado. Mr. Speaker, to¬gether with my colleague and cousin, Mr. Udall of New Mexico, I am introducing a bill to encourage greater cooperation between the public—especially young people—and the federal government to enhance the stewardship of the natural and cultural resources of the federal lands and the recreational, educational, and other experiences they provide for so many people.

The bill is called the Stewardship Education, Recreation, and Volunteers for the Environment Act—the "SERVE" Act for short.

Mr. Speaker, this bill reflects the joint effort of my office and that of my cousin and colleague, Mr. Udall of New Mexico. It is truly a Udall-Udall bill, and it's only at my cousin's suggestion that my name is listed first—for once, I decided to accept one of his ideas.

Mr. Speaker, the lands that belong to the American people—the National Parks, national forests, wildlife refuges, recreation areas, and the lands managed by the Bureau of Land Management—are enjoyed by literally millions upon million of visitors each year. People visit them for sightseeing, wildlife watching, hunting, fishing, hiking, and camping opportunities. In Colorado alone visitors can experience a wide range of outdoor recreation and education opportunities. From the isolated tundra and towering peaks of Rocky Mountain National Park to the city-surrounded greenery of the Two Ponds National Wildlife Refuge, to the sparkling mesas and sandstone arches of BLM lands on the western slope and all the wonderful areas in between, we are blessed with an incomparable heritage that we gladly share with people from across the country and around the world.

But the visitors often don't realize how much they owe to the efforts of the many volunteers who have selflessly given their time and expertise to help the professional personnel of the land-managing agencies. Without the hard work, dedication, and sacrifice of these volunteers, it would be impossible for the Federal agencies to come as close as they do to meet the demands for adequate maintenance and sound management of these lands.

We think it's in the national interest to properly recognize their contributions, and our bill is intended to do that. It's also intended to provide greater authority for the land-managing agencies to cooperate with volunteers, and to encourage those agencies to reach out to young people to help them learn about the resources and values of the federal lands as well as about the importance of proper stewardship of those resources and values and the opportunities for careers with agencies concerned with the management of natural or cultural resources.

There were some efforts along these lines in the past. Some of the land-managing agencies have been given authority to recruit and recognize individuals who donated their energy, time and expertise to enhance our federal and public lands for all Americans to enjoy. However, there is more that can and should be done.

Our bill would direct the Secretary of Agriculture and the Secretary of the Interior to establish a national stewardship award program to recognize and honor individual organizations and communities who have distinguished themselves by volunteering their time, energy, and commitment to enhancing the Nation's parks, forest refuges and other public lands.

As a minimum, the program would include a system of special passes for free admission to and use of federal lands that would be awarded to recognize volunteers for their contributions.

The bill would also encourage an attitude of stewardship and responsibility towards public lands by promoting the participation of individuals, organizations and communities in developing and fostering a conservation ethic towards the lands, facilities and the natural and cultural resources. Specifically, it calls on the Federal land managing agencies to enter into cooperative agreements with academic institutions, State or local government agencies or any partnership organization. In addition, the Secretaries would be empowered to provide matching funds to match non-Federal funds, services or materials donated under the cooperative agreement.

Further, the bill encourages each Federal land management agency to cooperate with States, local school districts and other entities to (1) promote participation by students and other young people in volunteer programs of the Federal land management agencies, (2) promote a greater understanding of our Nation's natural and cultural resources, and (3) to provide information and assistance to other agencies and organizations concerned with the wise use and management of our Nation's natural and cultural resources.

Mr. Speaker, I am proud to have this opportunity to extend my own appreciation to the Federal land managing agencies and the many volunteers who assist them. The point of this bill is to extend that recognition on a formal and national basis, and to build on the sound foundation that they have laid. I hope we can send it to the President for signing into law soon after we reconvene next year.
Mr. VISCLOSKY. Mr. Speaker, I would like to pay tribute to an outstanding American, an outstanding soldier, and an outstanding officer who has contributed immeasurably to the good relations between the Army and the House of Representatives. On December 31, 1999, Colonel Carl J. Leininger retires after over 28 years of dedicated service to America, and our great Army. Throughout his career, Carl Leininger has provided forward-looking leadership characterized by a unique intellect and strategic vision. He has served with distinction in positions of increasing responsibility from platoon leader to the Office of the Secretary of Defense, always demonstrating the highest degree of leadership and professionalism, while making lasting contributions to Army readiness and mission accomplishment.

As we honor his retirement, we note that Colonel Leininger's distinguished career has stretched nearly three decades, culminating in his service as Chief of the Army's Congressional Activities Division. In this position, Colonel Leininger has served as principal advisor to the Army's senior leaders for their personal meetings with Members of Congress, and for their testimony before committees of this House. He has ensured that the Army's senior leaders provide a coherent, cohesive and meaningful message to the Congress. Colonel Leininger has also contributed to the increasingly effective relations between the Army and the House with his active sponsorship of an annual Congressional Briefing Conference for the Army's Congressional Actions Contact Officers, allowing Members to connect with those managing the planning and programming of Army resources.

Colonel Carl Leininger was born in Pennsylvania, but grew up Indiana. Carl and I graduated together from Andrean High School in 1967. There our paths diverged, I staying home to attend Indiana University, and Carl heading to the banks of the Hudson to attend the United States Military Academy. While there, he played basketball for someone who has since become an Indiana institution, Coach Bob Knight. Graduating from West Point in 1971, Carl was commissioned a second lieutenant of infantry. After receiving his airborne wings and ranger tab, Carl's first assignment was as an infantry platoon leader in the 4th Infantry Division at Fort Carson, Colorado.

Colonel Leininger then transferred to Military Intelligence, serving in intelligence assignments at battalion, division, the Army's Intelligence Threat and Analysis Center, and Supreme Headquarters, Allied Powers Europe. Carl also received a masters in political science from Yale, taught social science at West Point, and served as an Army congressional fellow to another Indiana legend, Representative Lee Hamilton.

For the last decade, Carl Leininger has served at the highest levels of the North Atlantic Treaty Organization, the Army, and the Defense Department. He served as a speech writer to the SACEUR, the Army Chief of Staff, and the Secretary of Defense. He also served as Chief of the Army's Congressional Activities Division. In these positions, Carl has exhibited that rare combination of Midwestern-bred common sense, Ivy League-sponsored scholarship, and West Point-forged sense of Duty, Honor and Country in making extremely complicated issues readily understandable for senior Defense and Army officials, Members of Congress, and the public at large.

Mr. Speaker, I ask that you and all of my colleagues join me in congratulating Colonel Leininger on a productive and happy retirement. I offer my personal thanks to my long-time friend, a soldier whose selfless service has truly made a difference, Colonel Carl Leininger.

Mr. Speaker, the members of the Coyote Valley Band of Pomo Indians and residents of Mendocino County celebrate the Office of Tribal Affairs. She will be sorely missed, though still around us there are continual reminders of her loving and caring nature.

I join the community and family and friends in mourning Doris' passing and celebrating her life and I extend my heartfelt condolences to all whose lives were touched by her.
Mr. ENGEL. Mr. Speaker, Sylvia "Sally" Stahl, a dedicated wife, mother, and grandmother is celebrating her 80th birthday and I want to take this occasion to join her family and her many friends in wishing her a happy birthday.

She has lived all of her 80 years in the Bronx where her parents instilled in her the virtues and ethics she has lived by and which she passed on to her children and grandchildren. Her parents, Max and Sarah, came to America from Eastern Europe so they and their children could enjoy the America's freedom.

She and her twin sister, Miriam, and her brother, Sydney, were raised in the Bronx.

Mr. Speaker, I wish him only the best of luck and I thank Mike Perry for his service and leadership in the Columbia Gorge Discovery Center and Wasco County Historical Museum in The Dalles area.

While saddened that Mike will no longer be a part of our community, I know that western Colorado is a better, more culturally vibrant place because of his service. Our loss is, clearly, The Dalles’ gain.

As Mike moves on to this new challenge, Mr. Speaker, I wish him only the best of luck in all of his personal and professional endeavors. We are thankful for his service over the past 15 years and wish him all the best in the future.

Mr. Speaker, I would like to take this brief moment to congratulate and thank Mike Perry for his service and leadership on behalf of the Grand Valley over the past 15 years. In that time, Mike has overseen the opening of the now widely renowned Dinosaur Valley, served as the Director of the Museum of Western Colorado, and, for the last nine years, worked as the Executive Director of the Dinamation International Society. In that time, Mike has distinguished himself greatly. What's more, he has made our community a better place in which to live.

Unfortunately for western Colorado, Mike will be leaving the Grand Valley next month to pursue an outstanding professional opportunity in The Dalles, Oregon. Mike has taken the job of Director at the Columbia Gorge Discovery Center and Wasco County Historical Museum in The Dalles area.

Mr. Speaker, I wish him only the best of luck in all of his personal and professional endeavors. We are thankful for his service over the past 15 years and wish him all the best in the future.

Honoring Sylvia Stahl

HONORING SYLVIA STAHL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
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TRIBUTE TO MICHAEL TERRELL

HON. ANNE M. NORTHPUR
OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. NORTHPUR. Mr. Speaker, I rise today to congratulate and honor a Kentucky teacher from my district who has achieved national recognition for his exemplary role in educating young students. Michael Terrell of Louisville is one of 29 teachers from across the country selected for USA TODAY’S 1999 ALL-USA Teacher Team. He should be extremely proud to have been both nominated by a colleague and to have received an award conferred on him by a national newspaper.

Michael Terrell has achieved a distinguished career as a primary teacher for 27 years, including 18 years at Cochran Elementary School where he currently teaches first and second grades. Through his hard work and dedication to making schools better and improving the lives of his students, both encourages parents to get involved and sets an example for all teachers to follow. He is one of the people who helps create the vitality of Cochran Elementary School and his enthusiasm creates a can-do attitude. He is responsible for the many successes there which, in turn, positively affect our entire community’s well-being.

Mr. Terrell is a teacher who knows how to get the job done. He knows it takes hard work, it takes flexibility, and it takes a commitment to each child. I was proud to hear that Michael Terrell supports what this Congress is trying to do—give schools and teachers the ability to make the choices which best reflect their students needs. We are all in agreement that such changes will help improve education—for Michael Terrell and his students. Because of all he does, I salute Michael Terrell for working so hard to make our schools a flourishing environment for our children to learn, grow and play.

TRIBUTE TO RABBI GERSHON AND SHARENE JOHNSON

HON. BRAD SHERMAN
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Rabbi Gershon and Sharene Johnson in honor of their “Silver Celebration” at Temple Beth Haverim in Agoura Hills, California. This loving couple has spent 25 years as leaders in the Jewish community, both spiritually and educationally.

Rabbi Gershon Johnson has served as Rabbi at Temple Beth Haverim since 1988. He is described by many as the temple’s incomparable spiritual leader. His devotion and expertise as a Rabbi are evident in his presence as a chaplain for the Southern California Board of Rabbis. He has always been extremely interested in passing on his love for and knowledge of Judaism. The Elderhostel program at the Brandeis Bardin Institute has benefited from Rabbi Gershon’s knowledge, and he is one of their most popular teachers. He also has been instrumental in introducing religion to beginners through his “Introduction to Judaism” class sponsored by the University of Judaism.

Sharene Johnson is the wife of Rabbi Gershon, and has worked for the betterment of the Jewish community in many different ways. She has taught at several Jewish day schools throughout the United States, and has been involved in programming at Jewish resource centers as well. Her leadership has shone through as chairperson on the Principal’s Council at the Bureau of Jewish Education. For the past 11 years, she has passed on her wealth of experience and knowledge as Director of Education at Temple Ner Marel in Encino, California. The Jewish community also enjoys her teaching through adult workshops and her conducting of a women’s Torah Study class at Temple Beth Haverim.

In addition to their devotion to the temple, they have become a model of excellent family life and values. Rabbi Gershon teaches the “Making Marriage Work” program at the University of Judaism. Sharene leads several family workshops each year, and has spent much of her time working with families and children. They have been happily married for 27 years and have raised 3 wonderful children—Gavi, Rachel, and Aliza.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Rabbi Gershon and Sharene Johnson. They are both deserving of our utmost respect and praise.

HONORING EDWARD WEISS

HON. ELIOT L. ENGEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. ENGEL. Mr. Speaker, public service, when performed wisely and well, is the most noble of callings. I speak today to honor a man who has been in public service and who performed in just those ways. Edward Weiss is retiring from the United States Department of Justice, Immigration and Naturalization Service, after 30 years of service.

In his many capacities with the Department, Ed has received outstanding performance ratings from every United States Attorney General under whom he has served since 1981. He is well known for his ability to prepare and litigate cases. He also coordinated the Criminal Alien Program for the New Jersey District.
Ed received his BA degree from Syracuse University and graduated from Brooklyn Law School. He is a member of the Massachusetts School of Law at Andover. His wife, Robyn, is a pre-doctorate program in Religion at Hebrew University, and Karen, studying law at George Washington University.

Ed is retiring to follow his other passions, hiking and traveling. He is a dedicated professional of who we can all be proud, I join his many friends and his family many happy years in his retirement.

CAL BIO SUMMIT CEO SATELLITE CONFERENCE WITH MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES ON OCTOBER 26, 1999

HON. BRIAN P. BILBRAY OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Thursday, November 18, 1999

Mr. BILBRAY. Mr. Speaker, I insert the following for the RECORD:

RICHARD WILLIAMS. Good morning, I am Richard Williams, the President of ComDis Co. Laboratory and Scientific Services. We are delighted to participate in this first ever BIOCOM Satellite CEO Conference. I think it is a compelling measure of the progress that is being made by so many dedicated people here in this business in San Diego over the past few years. ComDis Co. has a strong presence and a long presence in San Diego. The short commercial is that we offer services ranging from venture finance for early stage entities through to life cycle management services for companies in business. We have a local representative here, Gail Obley who is presently working with many of you. Again, we are delighted to participate as a sponsor and wish you well in this activity. Thank you.

NARRATOR. Welcome to the Satellite CEO Conference with the Commerce Committee of the U.S. House of Representatives. In San Diego, on today's panel are: President and COO, Alliance Pharmaceutical Company, Ted D. Roth, President and CEO, IDUN Pharmaceuticals, Inc. Steven J. Mento, Ph.D., Chairman, President and CEO, IDEC Pharmaceuticals. William H. Rastetter, Ph.D., Chairman, President and CEO, BIOCOM/San Diego, Joe Panetta, President and CEO, California Healthcare Institute, David L. Gollacher, Ph.D., Chairman, President and CEO, IDEC Pharmaceutical, William H. Rastetter, Ph.D, Founder and CEO, INNERCOOL Therapies, Inc., John Dobak, M.D., and your moderator for today, Chairman and CEO, Alliance Pharmaceutical Company, Duane Roth.

DUANE ROTH. Let me start and just briefly introduce our panel members: First, Ted Roth who is President of Alliance Pharmaceutical, Bill Rastetter, who is Chairman, President and CEO of IDEC Pharmaceutical, Steven Mento who is President and CEO of IDUN Pharmaceuticals, David Gollacher who is President and CEO of the California Healthcare Institute, John Dobak who is the Founder and CEO of INNERCOOL Therapies, and Joe Panetta who is President and CEO of San Diego's BIOCOM. Let me suggest that we go into the issues, that's OK with you, that we would like to have a discussion or a dialogue, and for that we've got a moderator for each topic. Congressman, did you want to say anything?

Congressman BILBRAY. I need to inform you, before we get started, that the transcript of this panel will be entered into the congressional record. So don't say anything that you don't want your grandchildren to read. But, seriously, I want to go on to reflect the fact that these are issues that the biotech industry needs to have addressed and wants to have addressed. So you have been duly warned.

DUANE ROTH. We have been warned, and I guess that changes just about everything. However, let me turn to Ted and let him get the first issue on the table.

TED ROTH. Good morning Congressman, or afternoon I guess out there. Thank you for participating in this program. The issue that we would be addressing access to capital as the issue we are facing right now. As you know, San Diego has about 250 companies that are engaged in the various aspects of bioscience. We employ nearly 25,000 people. And spend over a billion dollars a year in research and development. We are the third largest concentration of biotech companies in the nation, or the world for that matter. All of these companies are similar in their issues to the roughly 1,300 other biotech companies in the United States.

Yesterday, I think you got to witness the briefing of analysts who talked about the financing environment, both in the public and private markets. As most of us know, they talked about the difficulties that all of our companies are having valuations under approximately between 750 and a billion dollars. I think it is interesting to know that the only company in San Diego that has a market valuation in excess of a billion dollars, it is greater than two billion, is IDEC Pharmaceuticals. So the vast majority, virtually all of the companies in San Diego are under this level that they talk about being difficult to finance. Most of these companies have less than two years of cash, and many have less than 12 months. And you can still buy about 75 products that are at a late stage clinical development. And as this development continues, the need for capital to make it through the clinical trials and prepare for commercialization will only make the financing issue more dramatic. Therefore, what we have is a situation where companies that are running out on cash and are facing a dubious financing environment.

The federal government can take steps to help biotech companies get through this. Most of us remember what it was like in 1993 and 94 with the Clinton Health Care Plan where what was going on in Washington had quite a dramatic effect upon us. While we don't expect that there is anything that can be done now to have that kind of effect on the positive side, we think it is important for the legislators to understand that what you do in Washington really does matter to us.

What I want to do is put three issues on the table. The first is the R&D Tax Credit. And I guess that I would ask that you comment on what you think the chances are that it will either be extended or made permanent during this Congress?

The second issue is Capital Gains and taxation on increases in capital investment. Do you expect, or should we look for any legislation changes on that in the future?

The final area and the one which is relatively recent. We heard this morning about the New Jersey model whereby the biotech companies in New Jersey are able to transfer a part of their state NOLs to the larger pharmaceutical companies under certain circumstances. This is something that the California Legislature would like to work on, and we would be interested in doing the same thing. We don't know how you feel about that. And that that will either be extended or made permanent during this Congress.

The one thing we've got to watch out for, as you've seen in the last couple weeks, there is posturing of let's use the availability of drugs and pharmaceuticals to the public as some kind of political ping-pong ball which really hurts you guys right on the front line. And let's face it, on the other hand, you've got to help us get the breakthrough drugs and major investment, so I am glad that you bring that up because it brings credibility to the discussion on both sides.

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The capital gains issue: I think right now, as long as the economy is still strong, no, we won't see that move forward. I think that the Capital Gains, as the Chairman of the Committee of the Senate Finance Committee has said, is something that will be used if we see a softening of the economy. It is the adrenaline we'll give the patient, that will stimulate the patient to get the economy moving again. So that will be incremental and will be based on when we need to stimulate the economy. What I think it is also is that we are seeing as you've seen in the last couple weeks, there is much more discussion coming out of DC will effect the latest numbers on inflation. So I see that as being sort of a negative.

DUANE ROTH. Would you like to make another comment about Net Operating Loss? No? OK. Then let's move on. If we can we will move on to our second topic, and that is the Food and Drug Administration. You have been very much involved in the past in helping us with some issues with the FDA and the 1997 legislation. I'd like to turn to Bill Rastetter and ask him to make some comments regarding user fees and the modernization act. Maybe we can discuss that and then we have a second part that we'd like to talk about, Steve Mento will talk about the R&D Tax Credit, and that discussion coming up, when we have the discussion coming out of DC will effect the latest numbers on inflation. So I see that as being sort of a negative.

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BILBRAY. Congressman BILBRAY. Well I think first of all, let me comment on the fact that you pointed out appropriately the problems that, while we may be talking politics in Washington, things like the changes made about the first lady's health care plan—the damage that does. Coming from you, it just shows that this is not a partisan issue, but that all of us in Washington have to be sensitive to the fact that there are more than just political games in Washington. The stake here. We want to see the breakthrough drugs and major investment, so I am glad that you bring that up because it brings credibility to the discussion on both sides.

The one thing we've got to watch out for, as you've seen in the last couple weeks, there is posturing of let's use the availability of drugs and pharmaceuticals to the public as some kind of political ping-pong ball which really hurts you guys right on the front line. And let's face it, on the other hand, you've got to help us get the breakthrough drugs and major investment, so I am glad that you bring that up because it brings credibility to the discussion on both sides.

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helps with the hiring of reviewers and the review process. PDUFA is the FDA Modernization Act of 1997.

Congressman, I’d like to give you a little feedback from the sector. We think that PDUFA has really been an unqualified success; both for the industry and for bio-tech companies. It has provided for very substantial funding and fast track reviews of products. I know that our own company, IDEC, has certainly benefited from that, with the 9 month approval that we obtained for Rituxan.

I think the metrics really speak for themselves. We are on record in fiscal ’92, and in that year, there were 26 new drugs approved. By ’96, with 600 reviewers hired with user fees there was a record of 53 new drugs approved by the Food and Drug Administration. In fiscal ’96, that was the year that those 600 reviewers were on board and I guess still being trained and getting into the swing of things. I&D to approval, of course I&D was many years earlier. I&D to approval for drugs approved in ’96 was greater than 90 months. By ’98, just two years later, down to fewer than 50 months from application to begin clinical trials to approval, a dramatic change.

So I think that it is essential that we continue to build on this momentum. It is something that came out of PDUFA and the awareness, that yes we really could do something that we could work with the FDA as a partner, something that came out of this awareness with lots of congressional help and dialogue with the sector was FDA Modernization Act of 1997, through which Congress provided tools to improve and modernize the regulatory process. I am delighted to tell you today, that I think that from our sector at least, the feedback is generally positive. Certainly we at IDEC view the FDA as a responsive and very active partner in drug development, and we are really jointly making drug development decisions on a real time basis with the FDA, rather than being second guessed after the fact, and this is absolutely critical. Important to being able to achieve this is absolutely critical to have a scientifically trained, well compensated, with the regulatory process might not be more positive today if they had put in place a PDUFA type act that would provide through user fees the increase staff at the regulatory agency. I welcome your comments on, either now if you wish, or after we wrap up.

I think though, that by and large, the FDA has certainly benefitted from that with the 9 month approval that we had in this country for decades. But, we have seen this in the last several years that this incredible efficiency to be gained if we can get the Food and Drug Administration up speed in information technology and that will certainly require the hiring of that staff, you had recruited retained staff to put all of that in place.

Another point that I want to make is that it has been very popular in this country to fund the National Institutes of Health. Indeed, our entire sector has come out of the enlightened funding of the NIH that we have had in this country for decades. But, we have often disagreed with regarding the status quo with the FDA will say that, when it comes to Biotech, the FDA regs at that time were totally inappropriate and they needed to be reformed and attitudes needed to be reformed. And frankly, somebody who has been a real leader in this and really helped us out on the Commerce Committee happens to be Richard Burr, from North Carolina.

Richard was really involved with the modernization program, he was really there. He was not only on the Health and Environment Subcommittee, but he also serves with me on the Oversight Subcommittee, which oversees the FDA. You guys really pushed me to get on this committee because of how important this was for San Diego and it has been great working with Richard, who is somebody who has really been on the cutting edge of this, and is somebody that we can depend on to keep pushing. Like it or not, we have to admit that California does not have all the biotech industry in the world, and I think that’s important to recognize that.

I’m very glad to know that as a result of our efforts, there has been positive movement and an evolution towards being more pro-active and cooperative on the part of the FDA. The fact is, there needs to be more. We are moving from boxes and boxes, pounds and pounds of applications to single CDs that are hyper linked where the reviewers can go back and forth very quickly, gosh they can take the whole BLA home in their pocket if they want, and work on it over the weekend. An incredible efficiency to be gained if we can get the Food and Drug Administration up speed in information technology and that will certainly require the hiring of staff.

In closing, I think that the agency got a very big boost with the appointment of Dr. Jane Henney. She has an exceptional record of leadership, both in academia and in government, an intimate knowledge of the food and drug administration having served as the deputy commissioner for operations from 1992 through 1994, I think that everybody views that in the right direction, she’s had said would establish a more efficient, more responsive, more open and better understood agency. I think that from the perspective of our sector, I would like to suggest three very important objectives for the commissioner to focus on.

Number one, to ensure that drug, biologic and device approvals don’t get side-tracked by new activities at the FDA such as tobacco and food. And Steve will comment on this. I think that one tool that should be ready available for the Commissioner for devices to increase reviewers at the FDA for the device sector.

Objective #2 is a strategic one. To continue to build a strategic vision for the FDA. Let me give you three objectives that I think are just superb and really speak to the scientific community within California, and within their own. Establish bio-markers and surrogate end points for clinical trials to make clinical trials more efficient and make approvals more streamlined. Number two, to make vaccines particularly for the adult population with biotech vaccines. The old vaccine technology is failing in many regards. Number three, the identification and use of gender specific factors that influence, or might influence drug and biologic safety and efficacy. That is the kind of strategic vision for the leadership, objective number two, the agency needs.

Number Three, a tactical counterpart to that, Building on PDUFA and FDAMA ensuring that through an inside focus on operations, efficiency and performance that the FDA continues to streamline, continues to improve its partnership with our sector. I would suggest, as Congressman, you and I have discussed on occasion, that we move toward a full time Chief Operating Officer. A partner in tactical matters with the Commissioner, who will be responsible for day-to-day operations for information technology systems, for hiring, training and retention of staff and that person established in the agency and I think that will be very much the complement the Commissioner who should be providing the strategic leadership.

I think that being in the biotech or health industry manufacturing association was totally inappropriate and they needed to be reformed and attitudes needed to be reformed. And frankly, somebody who has been a real leader in this and really helped us out on the Commerce Committee happens to be Richard Burr, from North Carolina.

Congressman BLAIR. Well, actually there was a benefit to that, because, I’m in a moment. But frankly, BIOCOM was really on the cutting edge of this. Actually, I think some of you will remember—even before I had the opportunity to come to the Hill and talked about how FDA reform was essential and that the institutional mind set needed to change. I am glad to know that as a result of our efforts, there has been positive movement and an evolution towards being more pro-active and cooperative on the part of the FDA. The fact is, there needs to be more. We are moving from boxes and boxes, pounds and pounds of applications to single CDs that are hyper linked where the reviewers can go back and forth very quickly, gosh they can take the whole BLA home in their pocket if they want, and work on it over the weekend. An incredible efficiency to be gained if we can get the Food and Drug Administration up speed in information technology and that will certainly require the hiring of staff.

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I think what we can summarize the last couple of years is that we have done that right, and that it is moving in the right direction. But there are still issues that remain with the FDA and one of them is that it’s really not uniform. There are some divisions that are very high quality, and there are others that are still lagging very far behind, and that has a lot of do with people. I am going to ask Steve to discuss appropriations in a minute, but people, and Bill made a very important point, information technology. There is no reason we should be spending truck loads of books to the FDA for a review when we can send it on a CD that they can have in a matter of minutes and it is so much more efficient. I just sent a drug application last week, and the boxes and boxes and boxes of paper that went are really telling us what the FDA is still dealing with.

Congressman BILBRAI. Before we leave this, and Richard you may want to jump in on this, we’ve actually had an initiative called the Paperwork Reduction Act. We require that that happens at that stage. As Members of Congress, saying how can we take the intent of that legislation and apply it to this specific issue. Rather than having to look at a new ad- ministration, we have this act that is already initiating these programs to avoid paperwork, and here you’ve got the industry that is now working very well to implement that act, and maybe we can plug it into this issue.

Congressman BURR. I’d also like to tell you that I think that this is part of the cultural change that we hope to see that we haven’t seen. Clearly that alarms me that we have an agency that evaluates and approves these methods that might not accept something on a CD-ROM has to be something cultural.

Congressman BILBRAI. My attitude is just don’t we just package it and call it the Tree Preservation Act and start going to this new high-tech.

DUANE ROTH. We could have saved a tree. We could have saved a tree.

STEVE MENTO. I also want to add that the other panel members and thank you Congressmen for taking the time to listen to this. That is one of the issues that we want to present here.

I want to build my comments on both Ted and Bill’s. IDUN Pharmaceuticals is one of those small companies that Ted described. We won’t be filing our first IND with the FDA until early next year. And again, I want to stress the importance that time is very important to them, so it is critical that FDA appropriates that Bill talked about are adequate, remain adequate, or are even increased, such that the goals that we have made in the last three or four years are even exceeded in the future.

It is critical to a small company with limited financial that when we submit an application, that application is rapidly reviewed, and it moves forward at an appropriate pace. As Bill said, it is key for the FDA to have this kind of oversight on things that are critical to ensure that the product review process starts and continues to move forward on a timely pace.

Critical to understand, very simple, in order to regulate a scientific industry, and biotechnology is clearly a scientific industry, we need strong scientific regulators. I think that is something that we don’t do well as well, and resources are adequate to meet the ever-growing regulatory needs of the biotech industry?

Congressman BILBRAI. Well, I think, and Richard jump in, right now we are just trying to maintain appropriate oversight. Those of us on the Oversight Subcommittee are watching how these resources being allocated to the administration are being spent. We’re going to try to wrap up this appropriations process. I think that they also need to cul-

Richard, do you have a comment about what we need to do?

Congressman BURR. Yeah, good luck with your first application. If any agency came to me and told me that they didn’t have enough money, I would be shocked. I have yet to meet one in Washington. I think that is inherent to this town. We have a very difficult job. I think that we try to work as closely as we can with the people who are on the side of the issue that you are, and that is the applicants. Is the process working better?

Then we try to compare and look at the changes that have been made at FDA. We are all concerned with jurisdiction creep as to the issues that the FDA is involved in. That is something that the Oversight Subcommittee is watching closely and we are going to continue to be vigilant on it. We think that when you look at the number of employees at the FDA, there has to be some change. The reduction probably frees up the slots for the talented people that all of you have expressed that they need in the process. I think that they also need to address some change in the removal of secondary indications, where we can take that process out and possibly put
that into the teaching hospitals around the country. Clearly, I don’t think that the FDA has moved far enough in that method. But we want to free people up so that the talented people can work on those applications that are the various breakthroughs that can happen. We are not at a point yet that we feel that they are valid, because of budget restraints. When we continue to see fifty investigators who sole job every day is to chase the tobacco industry. So we go through a little bit of a different way. How will we encourage agencies to staff up in the right places, and sometimes it takes a little longer.

Congressman BILIRAY. I think that we shouldn’t move beyond this issue of what’s called genetically altered food and stuff. Anybody in the BIOCOM group should not consider this to be somebody else’s problem. This prejudice and this practical witch hunt against anything genetically altered is just really something that we have to confront, and we have to confront it head on. Just because it’s focused on foods right now, doesn’t mean that those of us working on medicine can allow the wolves to go after us. We need to stick together, because not only is it going to hurt them directly, but it’s going to hurt us because we are well informed and understand this issue, and confront those who are the scare mongers, who will try to intimidate us.

On the clinical trials issue, let me just point out a side note that the healthcare issues that were brought up last week. Every one of these proposals require some type of clinical trials provision added to it, because Washington is finally waking up to the fact that we need to be pro-active on this issue. Duane Roth. Let me move to a less controversial issue. Medicare prescription drug benefit. I am going to call on David Gogliher.

DAVID GOLLAGHER. Congressman Burr and Congressman BILIRAY, we appreciate your time. You’ve been with us on so many issues. Both of you certainly heard, or heard right after the president’s remarks yesterday, that in the past have thought that, if we were to create a private sector chip in to continue the level of research and development, the people would be willing to pay as long as they know what they’re going to get and I think this is one area where the government would be willing to chip in to continue the level of research and development.

We've seen the damage it can do in the early years, and it's a freebie politically. It's easy to take a cheap shot, you never get any money back. And the impact of administration’s attacks, it’s a freebie politically. We’ve seen the damage it can do in the early minutes, frankly, I’m concerned about the damage it’s going to do now. I think that we also need to highlight this issue about how long it takes to get the product on the market, about how few percentages are able to go from R&D to the market. The things that the administration needs to do to make pharmaceuticals more cost effective is basically to stop being obstructionists. But the other thing is, if we allow them to go to the Mexico boarded they always say “in Mexico, we can get it for this, this, and this” well, also you can get dental care and medical care that is an entirely different type of tort system. I wish I had the answer for how we counter this, because right now we just see it as a freebie for anyone who wants to take a cheap shot at you and I think that we really have to have a look at how to preempt it but I don’t have that answer. Maybe Richard does, he’s a expert at his industry, taking the shot maybe he’s got some good proactive counter offensives ready to go, Richard.

CONGRESSMAN BURR. Should you be working on this a certain way or another way?

DUANE ROTH. We certainly will stay engaged in the process. I have been with us on so many issues. Congresswoman of Agriculture. Should you be working on this a certain way or another way?

CONGRESSMAN BURR. And I want to caution the entire group, don’t fall prey to anything other than the administrations intent and the dollars on the Games in the administration. As much of them, that the first step is to institute price control. And those price controls, whether they’re instituted at the state level or not necessarily without the intention that Washington would have to step in and get involved. If they’re instituted by the federal government, then they have the hoops to redesign the system however they want it. And clearly those price controls, being the first thing, will have a great impact on where the capital goes in the future.

Congressman BILIRAY. The would initiate these price controls and you would watch, in an industry that already has investment concerns and problems, then when it starts hurting more, it justifies Washington sticking its nose in further. So we’ve got to watch these things because a lot of these critical situations are created in Washington and not necessarily without the intention that Washington would have to step in and get involved. If they’re instituted by the federal government, then they have the hoops to redesign the system however they want it. And clearly those price controls, being the first, will have a great impact on where the capital goes in the future.

Congressman BURR. The would initiate these price controls and you would watch, in an industry that already has investment concerns and problems, then when it starts hurting more, it justifies Washington sticking its nose in further. So we’ve got to watch these things because a lot of these critical situations are created in Washington and not necessarily without the intention that Washington would have to step in and get involved. If they’re instituted by the federal government, then they have the hoops to redesign the system however they want it. And clearly those price controls, being the first, will have a great impact on where the capital goes in the future.

CONGRESSMAN BURR. And I want to caution the entire group, don’t fall prey to anything other than the administrations intent and the dollars on the Games in the administration. As much of them, that the first step is to institute price control. And those price controls, whether they’re instituted at the state level or not necessarily without the intention that Washington would have to step in and get involved. If they’re instituted by the federal government, then they have the hoops to redesign the system however they want it. And clearly those price controls, being the first, will have a great impact on where the capital goes in the future.
Congressman BILBRAY. It’s a problem, not just with this year, but with the federal system, judging what is a priority and what is a benefit. A decade ago we were bashing the private sector for looking to the next quarter. Remember we were talking as if the Asian experience was the fact. The thing that we have seen a major reform in the private sector. When Richard and I came to Washington we were looking at this issue that the whole mentality of what we judged as a benefit or a cost is so antiquated; and it still is. You have the OMB scoring, you have the Congressional office scoring, that is really sort of like what’s here and now. A good example is, the drugs that are being used for trying to reduce the effects of strokes. I just lost a father to a stroke, so I understand. He was two years in a wheel-chair—could not speak—needed to have constant service. But, the drug that may help to avoid long term damage isn’t really considered a major savings because you still spend up 3 to 5 days in the hospital. So they just sort of go right over that. I think there’s a potential to creep over into the health care system.

I think this brings up a very important point about the fundamental structure of medical reimbursement and that’s that medicare focuses on short term cost controls in favor of long term cost saving. I think that technology will never prove to itself to be cost efficient when the reimbursement structure is one that we need to try to change. So I would just be interested to know if there’s going to be support for this bill presented by Senator Hatch and Congressman Ramstead and hear your comments about your positions.

Congressman BURR. Well, I’ll go first. I’m not sure about the specifics in Senator Hatch or Congressman Ramstead, bill, but what it gets to the heart of what private insurance companies refer to as experimental. Those drugs or devices that have been approved by the FDA but for some undefined reason still have not been approved for reimbursement whether it’s medicare or the private sector. I attempted, in the patients bill of rights legislation, that’s being pushed to make sure that we had a new definition for experimental which stopped when the FDA approved it. It could no longer be experimental. It meant that medicare and companies had to specify anything that was not covered was not under the umbrella of experimental. I don’t think there’s any question that the medicare reimbursement structure is sometimespushed from one entity to another, who are trying to get a new DRG code or whether they’re going to be lumped in an existing DRG code. The medicare reimbursement does not represent the technological advances that have been made. I think it’s clear that we’re on a generation of logical advances that have been made.

In this town the projection was that it was going to be a net negative. Congressman Burr, thank you very much for joining us, and on behalf of all the members of BIOCOM, I would like to thank you as well as the agriculture scare that is going on now. And I do want to allow if there is one additional question that may or may not be on the agenda that somebody has of me before I leave. I wanted to give you an opportunity to ask it.
been raised in Europe over the acceptability of genetically engineered foods. This is an issue that has a direct impact on our farmers across the country here in San Diego certainly congressman Burr in North Carolina and with a lot of the research that’s been going on in North Carolina through companies that are involved in this area has a direct impact on us as well. But the two issues that I really want to touch on here are in direct relevance to you in the Commerce Committee, and those have to do with the acceptance of exports of our crops and the potential issues that might be considered that goes beyond just a trade policy breakdown, it’s an attempt to continue subsides that we tried to negotiate out. And then they finally hit on the food safety it took hold with consumers all across the EU. The concern is, and should be, what happens when that same type of campaign comes across the ocean and starts in this country and we’ve begun to see this already with the attempt on baby foods, where most companies have pulled many GMO products out of it. I think we’ve got to be very conscious of the good science that’s being done. And I would hope that we would spend our time with the EU now trying to set the standards for good science and backdoor into standards that we’ve already worked on, that market research for export purposes. I’m sure the French would be alarmed to find out today that they currently use genetically modified grapes in wine with very little consumer awareness. I’m sure that they would argue that rubbing it on as opposed to injecting it in is two different things, but reality is reality. I think that this area’s going to come not only to those of us on Commerce, I know that Senator Pat Roberts has spent a tremendous amount of time on it, and it is concerned that when you watch this, that we will no longer be able to produce the world’s food here in this country of what can happen. As the member of Congress that has the Novartis agricultural headquarters for this country, it is alarming for me, and I know the impact potentially not only on North Carolina’s farm people but our ability to be the world’s supplier.

Congressman Biliray. I think that we and everybody, there are those in the medical field that would say, just as much as it was those to make sure you didn’t go after genetic research. Remember that scare tactic, it may be good politics, but it was bad science. Just like Richard and I worked with a guy name Ganske about this issue of radiating meat, which is the safest thing you can do to stop the disease carrying potential of beef. I think we need to put together a coalition and I want to tell you this, I was on the Floor today talking to my congressman from San Diego and I think that we need to get Archer Daniels Midland and the rest of the ag community and the investment community and the ag people to help us with the medical people to get this out. So the environmental community that we talk about is domesticated plants. If you want to eat food that was grown and processed exactly the way your great great grandfather did, 150 years ago, then I think we can find a common purpose. But the talk about genetically altered is such a ruse because the one thing that we’re talking about is domesticated plants. If we didn’t have, quote unquote, altered plants, our corn would be about three inches long the way the Anasazi a thousand years grew their corn. And I think that we need to get this out. So the environmental community has to be confronted with the fact that rather than attacking and fearing the genetic alterations we should be moving towards it to stop all the spin off pollution that we’ve seen for decades. I think that we got a big question here to pull together. I ask the medical people to take a look at the ag people because we need the ag people to help us with the medical side and with the device side. We are all in this together. We’re the people with the facts. We have to stand up for them; even in the short run, politically, it doesn’t seem expedient. Outside of that, I really don’t have an opinion about this whole issue.

Duane Roth. We will certainly give you the information and keep working on this issue it’s a very important one. Let me give you a chance to sign off here, I know that you have to get back to more important business. But, from our side thank you very much for taking the time, both of you, to spend with us today.
These price differences can have substantial impacts on the cost of a prescription. Prilosec, and ulcer medication marketed by Merck, was the top prescription drug in dollar sales in the United States in 1998. An uninsured senior citizen in Rep. Gonzalez's district must pay over $70 more than a consumer in Canada and nearly $100 more than a consumer in Mexico for a one month supply of this drug. The total difference between the price a senior in Rep. Gonzalez's district would pay for a year's supply of Prilosec compared to a similar consumer in Mexico is over $1,000. The difference between the price a senior in Rep. Gonzalez's district would pay for a year's supply of Prilosec compared to a similar consumer in Canada is nearly $900.

In the case of two additional drugs considered in the study, Synthroid and Micronase, senior citizens in Rep. Gonzalez's district were forced to pay more than two times, and in one case over five times, the prices charged to Canadian or Mexican consumers. This is the second congressional report on drug price discrimination requested by Rep. Gonzalez. The first report, which was prepared at the request of Rep. Charles A. Gonzalez, compared prescription drug prices in Texas's 20th Congressional District with prices in Canada and Mexico. The report finds that senior citizens and other consumers in Rep. Gonzalez's district who lack insurance coverage for prescription drugs must pay far more for prescription drugs than consumers in Canada and Mexico. These price differentials are a form of price discrimination. In effect, the drug manufacturers are discriminating against senior citizens in Rep. Gonzalez's district by denying them access to prescription drugs at the low prices available to consumers in Canada and Mexico.

This study investigates the pricing of the five brand name prescription drugs with the highest dollar sales to the elderly in the United States. The study compares the prices that senior citizens who buy their own prescription drugs must pay for these drugs in Rep. Gonzalez's district with the prices that consumers who buy their own drugs must pay for the same drugs in Canada or Mexico. The study finds that the average prices that senior citizens in Rep. Gonzalez's district must pay are 100% higher than the prices that Canadian consumers pay and 90% higher than the prices that Mexican consumers pay (Table 1).

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B. Determination of Average Retail Drug Prices in Canada and Mexico

Prices for prescription drugs in Canada and Mexico were compared to a survey of pharmacies in Canada and Mexico. At the request of the minority staff of the Committee on Government Reform, the surveys were conducted by the Office of NAFTA and Inter-American Affairs of the U.S. Department of Commerce. In Canada, pharmacies were surveyed in three provinces: Ontario, British Columbia, and Nova Scotia. In Mexico, pharmacies were surveyed in Monterrey and Guadalajara.

Prices from Canadian pharmacies were determined in Canadian dollars, and prices from Mexican pharmacies were determined in pesos. All prices were converted to U.S. dollars using commercially available exchange rates.

B. Selection of Drug Dosage and Form

In comparing drug prices, the study generally used the same drug dosage, form, and package size used by the U.S. General Accounting Office in its report, Prescription Drugs: Companies Typically Charge More in the United States Than in Canada. For drugs that were not included in the GAO report, the study used the dosage, form, and package size common in the years 1994 through 1997, as indicated in the Drug Topics Red Book. The dosages, forms, and package sizes used in the study are shown in Table 1.

All prescription drugs surveyed in this report were available in Canada in the same dosage and form as in the United States. In Mexico, a few drugs were available only in the same dosage and form. In this case, prices of equivalent quantities were used for the comparison. For example, in the United States, a 30-tablet bottle of Procardia XL is normally available in containers containing five mg. tablets, while in Mexico Zocor is available only in containers containing ten mg. tablets. To compare Zocor prices, this report surveyed the cost of 60 five mg. tablets of Zocor in the United States with the cost of 30 ten mg. tablets in Mexico. Several drugs are also sold under different names in Mexico. The Mexican equivalents of U.S. brand names were determined using the 44th edition of the Diccionario de Especialidades Farmaceuticas (1996).

III. FINDINGS

A. Senior Citizens in Texas’s 20th Congressional District Pay More for Prescription Drugs Than Consumers in Canada

Consumers in Canada obtain prescription drugs in a drugstore setting. Approximately 35% of the prescription drugs sold in Canada are paid for by the provincial governments on behalf of senior citizens, low-income individuals, and other beneficiaries of the government health care programs. The rest of the population in Canada must either buy their own drugs or obtain prescription drug insurance.

The regulatory system in Canada protects individual consumers who buy their own drugs from price discrimination. The Patent Medicine Bureau (PMB), established under the Ministry of Health by a 1908 law, regulates the maximum prices at which manufacturers can sell patented medicines. If the Board finds that the price of a patented drug is too high, it directs the manufacturer to lower the price, and may also take measures to offset any revenues the manufacturer has received from the excess pricing. Pharmacy dispensing fees for individual retail customers are not controlled by the government. Each pharmacy sets its own prescription dispensing fee and must register this fee with provincial authorities.

This study indicates that the Canadian system produces prescription drug prices that are substantially lower in Canada than in Rep. Gonzalez’s district than in Canada (Table 1).

For all five drugs, prices were higher in Rep. Gonzalez’s district. For two drugs, Zocor and Prilosec, the prices in Rep. Gonzalez’s district were more than twice as high as the Canadian prices. The price differential for Prilosec, an annual price difference of over $200, was attributable to lower average drug prices in Canada. In Rep. Gonzalez’s district pay nearly $100 more for prescription drugs than consumers in Mexico.

This study indicates that the Mexican system produces prescription drug prices that are substantially lower in Mexico than in Rep. Gonzalez’s district. Average prices for the top five drugs for seniors were 99% higher in Mexico than in Rep. Gonzalez’s district. Average prices for all five drugs were higher in Mexico than in Rep. Gonzalez’s district. The highest price differential among the top five drugs was 147%, for Zocor, a cholesterol medication manufactured by Merck.

For other drugs, price differentials were even higher. Synthroid is a hormone treatment manufactured by Knoll Pharmaceuticals. For this prescription drug, seniors in Rep. Gonzalez’s district must pay an average price of $131.54, while consumers in Canada pay only $105.02—a price differential of 26%. For Micronase, a diabetes drug manufactured by Upjohn, seniors in Rep. Gonzalez’s district pay prices that are 36% higher than Canadian consumers.

Prilosec, the ulcer medication manufactured to defer, delayed, or block the effects of acid, had an annual price difference of nearly $900. Similarly, a senior in Rep. Gonzalez’s district pays nearly $100 more than a senior in Canada for a one month supply of Prilosec—an annual price difference of nearly $100. Similarly, a senior in Rep. Gonzalez’s district pays nearly $70 more than a senior in Canada for a one month supply of Zocor, a cholesterol medication, an annual price difference of over $400, and over $100 more than a senior in Canada for a 100 day supply of Zoloft, an annual price difference of nearly $400.

The findings in this report are consistent with the findings of other analyses. In 1992, GAO looked at the prices that drug companies charge wholesalers for prescription drugs in the United States and Canada. The results of the GAO study showed that, for the top five drugs in the United States, the average differential between the price in the United States and the price in Canada was 79%. According to GAO, “government regulations and reimbursement practices contribute to lower average drug prices in Canada.” In setting prices, manufacturers of patented drugs must conform to Canadian federal regulations that review prices for newly released drugs and restrain price increases for existing drugs.

Similarly, in 1998, Canada’s Patent Medicine Prices Review Board performed a comprehensive review of prices in Canada, the United States, and six European countries. The Board found that prescription drug prices in the United States were 96% higher than those in Canada, and that prices were even lower in other industrialized countries. Prices in the United States were 96% higher than prices in Italy, 75% higher than prices in France, and 55% higher than prices in the United Kingdom, 47% higher than prices in Sweden, and 40% higher than prices in Germany. The United States had the highest prescription drug prices among the eight industrialized nations that were part of the survey.

GAO also investigated whether the price differential it observed was attributable to differences in the costs of production and distribution. GAO found that drug costs—for research and development—are not allocated to specific countries, and the costs of production and distribution make up only a small share of the cost of any drug. The study concluded that “production and distribution costs cannot be a major source of price differentials.”

B. Senior citizens in Texas’s 20th congressional district pay more for prescription drugs than consumers in Mexico

As in Canada, consumers in Mexico also obtain prescription drugs in one of two primary ways. Approximately 30% of the prescription drugs sold in Mexico are purchased by the government and provided to eligible citizens at a significant discount through the social security system. The rest of the population in Mexico must either buy their own drugs or obtain prescription drug insurance coverage.

The regulatory system in Mexico, like the system in Canada, protects individual consumers who buy their own drugs or obtain prescription drug insurance coverage. The Mexican system ensures that the price that consumers pay for a prescription drug is substantially lower than the price that manufacturers charge wholesalers. The Ministry of Health, through the Ministry of Commerce and Economic Development (known by its Spanish acronym, Secofi) under the Pact For Economic Stability and Growth, sets a ceiling on drug prices. Under the Mexican law, manufacturer and the government engage in negotiations to determine the nationwide maximum prices for prescription drugs. Pharmaceutical products are prepackaged and stamped with the maximum sales price, guaranteeing consist prices throughout the country.

This study indicates that the Mexican system produces prescription drug prices that are substantially lower in Mexico than in Rep. Gonzalez’s district. Average prices for the top five drugs for seniors were 99% higher in Mexico than in Canada. Average prices for all five drugs were higher in Mexico than in Rep. Gonzalez’s district. The highest price differential among the top five days was 303% for Prilosec, an ulcer medication manufactured by Merck.

For other drugs, price differentials were even higher. In the case of Micronase, senior citizen in Rep. Gonzalez’s district pay nearly $100 more than in Rep. Gonzalez’s district. Average prices for the top five drugs for seniors were 99% higher in Mexico than in Canada. In Rep. Gonzalez’s district the price in Canada was 1098 law, regulates the maximum prices at

In order to determine the prices that senior citizens are paying for prescription drugs in Rep. Gonzalez’s congressional district, the minority staff and the staff of Rep. Gonzalez’s congressional office conducted a survey of 11 drug stores—including both independent and chain stores—in his district. Rep. Gonzalez represents the 20th Congressional District in southern Texas, which includes central San Antonio and rural areas to the west and southwest of the City.

This study concluded that “production and distribution costs cannot be a major source of price differentials.”
INTRODUCTION OF STEWARDSHIP, EDUCATION, RECREATION AND VOLUNTEERS IN THE ENVIRONMENT (SERVE) ACT OF 1999

HON. TOM UDALL
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today I rise in support of the Stewardship, Education, Recreation and Volunteer (SERVE) Act of 1999. This legislation, introduced by my colleague and cousin, Mr. Udall of Colorado and which I am proud to be a co-sponsor of, will energize and expand existing efforts to enhance the outdoor, education and recreation experiences of the great outdoors for many Americans.

Our Nation’s national parks, national forests, wildlife refuges, recreation areas and public lands are enjoyed by nearly two billion visits each year. These wonderful areas provide Americans with sightseeing, wildlife watching, hunting, fishing, hiking, and camping opportunities, just to name a few. In my District alone, visitors can experience a wide range of education and outdoor recreation opportunities. From the Chaco Culture National Historical Park, which provides Americans a brief glimpse into the daily life of the region’s first inhabitants, to the Bureau of Land Management’s Bisti/De-Na-Zin Wilderness with its dramatic moon like landscape, to the high country mountains and streams of the Santa Fe National Forest that provide excellent hunting, fishing and camping opportunities.

Visitors to our Nation’s public lands often don’t realize that behind the scenes of these magnificent natural and historical areas that visitors have come to see and learn about, are a cadre of volunteers who have selflessly given their time and expertise to the American people to make their experiences memorable. For without the hard work, dedication and enthusiasm of Federal land management agencies would not be able to stay ahead of the maintenance and enhancements our national treasures require.

In the 1980’s, a program was established to encourage Americans to become more involved in the management and protection of their lands for current and future generations. By all accounts, this program showed promise. Federal land management agencies such as the National Park Service, U.S. Forest Service, Bureau of Land Management, and U.S. Fish and Wildlife Service were given a long needed tool to recruit and recognize individuals who donated their energy, time and expertise to enhance our federal and public lands for all Americans to enjoy.

Unfortunately, other priorities and funding issues have placed this program on the back burner. It is now time to revitalize, re-energize and expand our Nation’s volunteer and educational outreach program.

Mr. Speaker, this legislation would not only restore a past volunteer program, but expand and strengthen it by providing more powerful tools to Federal land managing agencies. This legislation would direct the Secretary of Agriculture and the Secretary of the Interior to establish a national stewardship award program to recognize individuals, organizations and communities who have distinguished themselves by volunteering their time, energy and commitment to enhancing the priceless legacy of our Nation’s public lands. As a minimum under this legislation, the Secretaries would establish a special pass to all our national parks, forests, refuges and other public lands to recognize volunteers for their exemplary efforts.

Mr. Speaker, this legislation would also encourage an attitude of land and resource stewardship, and responsibility towards public lands by promoting the participation of individuals, organizations and communities in developing and fostering a conservation ethic towards the lands, facilities and our natural and cultural resources. Specifically, this legislation would encourage Federal land management agencies to enter into cooperative agreements with academic institutions, State or local government agencies or any partnership organization. In addition, the Secretaries would be enabled to provide matching funds to match non-Federal funds, services or materials donated under these cooperative agreements.

Providing educational opportunities has been one of America’s greatest achievements and is one of the greatest gifts one generation can give to the next generation. This legislation encourages each Federal land management agency to play a role in education by cooperating with State, local school districts and other education oriented entities to (1) promote participation by students and other volunteers in programs of the Federal land management agencies, (2) promote a greater understanding of our Nation’s natural and cultural resources, and (3) to provide information and assistance to other agencies and organizations concerned with the wise use and management of our Nation’s Great Outdoors and its natural and cultural resources.

Mr. Speaker, I am confident that this chamber realizes the importance of this bill in recognizing the invaluable role volunteers play in the stewardship of our Nation’s cultural and natural resources. Therefore, I ask immediate consideration and passage of this bill.

EAST GRAND RAPIDS HIGH SCHOOL NAMED NEW AMERICAN HIGH SCHOOL

HON. VERNON J. EHLERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. EHLERS. Mr. Speaker, I rise today to honor the students, staff and community that represent East Grand Rapids High School in my congressional district. It is my pleasure to honor all of those in the East Grand Rapids family for the commitment and dedication which resulted in being named a 1999 New American High School by the U.S. Department of Education and the National Association of Secondary School Principals. The award recognizes schools where all students are expected to meet challenging academic standards and acquire the communication, problem solving, computer and technical skills necessary to pursue careers and higher education.

To even be considered as a New American High School there are many hurdles that a school must present. Applicants must supply members of a steering committee with documentation that they have undertaken standards-based, locally driven reform efforts that positively affect key indicators of school improvement and student success. Among the documentation items they must present are proof of increases in student achievement, increases in student enrollment at postsecondary institutions, increases in student attendance, and reductions in dropout rates.

East Grand Rapids is a model school when it comes to challenges and performance High expectations are set for all students because of the high motivation level of the student body. The numbers speak for themselves. Based on statistics from the 1998 school year, approximately 94% of East Grand Rapids students enrolled in colleges or universities. The school registered a dropout rate of less than 1% and an attendance rate of 97%. Academic test scores are also the highest in the state of Michigan in mathematics, reading, and writing.

Mr. Speaker, I am delighted to take this opportunity to highlight the positive happenings at East Grand Rapids High School under the leadership of Superintendent Dr. James Morse and Principal Patrick Cwayna. It takes a lot of pride, sacrifice, and teamwork to qualify for this prestigious award. I ask all of my colleagues to join me in saluting everyone involved in helping East Grand Rapids achieve this remarkable honor. I also wish continued academic and overall success for everyone associated with this school.

REGARDING THE TRAGEDY AT THE TEXAS A&I BONFIRE OF TEXAS A&M UNIVERSITY

HON. JOE BARTON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BARTON of Texas. Mr. Speaker, I speak today with great sadness about a tragedy which happened early this morning at Texas A&M University. A great tradition that all Aggies hold very dear—Texas Aggie Bonfire—collapsed, killing at least six people and injuring as many as 25. My thoughts and prayers are with the parents who lost children, and the students who lost friends. Texas A&M is a family, and today the Aggie Family is in shock, grieving for our dead and injured students.

For those of you who have not ever heard of Texas A&M Bonfire, it is one of the most cherished Aggie traditions. Traditions are very important at Texas A&M. The bonfire tradition revolves around building and burning the world’s largest bonfire. In past years, it has soared over 100 feet high and burned all night. This year’s bonfire was scheduled to be over 60 feet high and burn until after midnight.

Aggie Bonfire has been a tradition at Texas A&M since 1909 when they used it to stay warm during the “Yell Practice” on the night before the annual A&M-Texas football game. The bonfire represents everything Aggies are about: hard work, unity, dedication, and loyalty. It also represents a burning desire for A&M to defeat the Longhorn football team.
November 19, 1999

EXTENSIONS OF REMARKS

Several thousand members of the student body contribute in one way or another to building bonfire. When was a freshman at Texas A&M, I participated in Bonfire by going out to “cut”. The “cut” area is selected a few months before the football game against T.U. Areas are selected that need to be cleared for construction and then the work begins. The entire bonfire is built the “Aggie” way. Trees are cut down by hand, they are lifted and carried out of the woods on shoulders, they are loaded onto trucks by hand, unloaded by hand, stacked by hand and wired into stack by hand. In my sophomore year, I was “promoted” to the stack area and helped erect the actual bonfire.

It is often said that if other schools had a tradition like this they would probably contract it out to the lowest bidder and then all show up just to watch it burn, but not the Aggies. Not only do we take care of ourselves but we do it the hard way. The building of bonfire builds character. The hard work and sacrifice of time teaches a good work ethic that is not soon forgotten.

What does it mean to be a Texas Aggie? A&M is a special place. Values are taught both in the classroom and out of the classroom. Aggies live our traditions and cherish them, and pass them on to their children. I have three children, two have graduated from A&M and my youngest daughter will enter A&M next Fall. In spite of the tragedy that has occurred, it is my hope that Bonfire continues in the great spirit in which it embodies, and that my daughter Kristin will help build it in years to come.

TEAR DOWN THE USTI WALL; DROP THE CHARGES AGAINST Ondrej Gina

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. SMITH of New Jersey. Mr. Speaker, in recent weeks, we have seen a number of historic dates come and go, with appropriate commemoration. November 9, for example, marked the tenth anniversary since the fall of the Berlin Wall. Yesterday, November 17, is recognized as the commencement of the Velvet Revolution which unleashed the forces of democracy against the totalitarian regime in Czechoslovakia. To mark that occasion, George Bush, Margaret Thatcher, Mikhail Gorbachev and other former leaders from the Group on Roma on the European Union summit in Helsinki—scheduled for December 6. Mr. Speaker, the Usti Wall should never have been built, and it should come down now, today. As President Reagan exhorted Mr. Gorbachev more than ten years ago, so I will call on Czech leaders today:

Tear down the Usti Wall.

Last fall, a delegation from the Council of Europe visited Usti nad Labem. Afterwards, the Chairwoman of the Council’s Specialist Group on Roma, Josephine Verspaget, held a press conference in Prague when she called the plans to build the Usti Wall “a step towards apartheid.” Subsequently, the United States delegation to the OSCE’s annual human rights meeting in Warsaw publicly echoed those views.

Since the construction of the Usti Wall, this sentiment has been voiced, in even stronger terms, by Ondrej Gina, a well-known Romani activist in the Czech Republic. He is now being prosecuted by officials in his home town of Rokycany, who object to Gina’s criticisms. The criminal charges against Mr. Gina include slander, assault on a public official, and incitement to racial hatred. In short, Mr. Gina is being persecuted because public officials in Rokycany do not like his controversial opinions. They object to Mr. Gina’s also using the word “apartheid.”

I can certainly understand that the word “apartheid” makes people feel uncomfortable. It is an ugly word describing an ugly practice. At the same time, if the offended officials want to increase their comfort level, it seems to me that tearing down the Usti Wall—not prosecuting Ondrej Gina—would be a more sensible way to achieve that goal. As it stands, Mr. Gina faces criminal charges because he exercised his freedom of expression. If he is convicted, he will become an international cause célèbre. If he goes to jail under these charges, he will be a prisoner of conscience.

Mr. Speaker, it is not unusual for discussions of racial issues in the United States to become heated. These are important, complex, difficult issues, and people often feel passionate about them. But prosecuting people for their views on race relations cannot advance the dialogue we seek to have. With a view to that dialogue, as difficult as it may be, I hope officials in Rokycany will drop their efforts to prosecute Mr. Gina.

RESIDENTIAL LOAN SERVICING CLARIFICATION ACT

HON. EDWARD R. ROYCE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. ROYCE. Mr. Speaker, the legislation I am introducing today addresses a technical problem that residential loan servicers have encountered in complying with the federal Fair Debt Collection Practices Act (“FDCPA”). Creditors collecting their own debts are already exempt from the FDCPA, which is aimed at regulating the conduct of independent debt collectors. When a residential loan servicer acquires a servicing portfolio, it is generally exempt for the FDCPA under the creditor exemption. However, a question arises when loans in a portfolio are delinquent at the time they are acquired, since the creditor exemption does not apply to debts that were not owed at the time the servicer acquired them. This limitation to the creditor exemption has created considerable uncertainty in the mortgage servicing industry. In order to avoid possible liability, many loan servicers have been attempting to comply with the FDCPA by applying it to every loan, whether it was delinquent or not, when they acquired the servicing rights.

The disclosures required of debt collectors under the FDCPA, however, create particular difficulties for residential mortgage loan servicers. In addition to its substantive anti-abuse protections for the debtors, the FDCPA requires a debt collector to notify the borrower in the initial written or oral communication with the borrower that it is attempting to collect a debt and that any information obtained will be used for that purpose (so-called “Miranda” warnings), requires in each subsequent communication to indicate that the communication is from a debt collector, and requires that the debt collector provide a written debt validation notice within five days after the initial communication, which allows the borrower to dispute all or any portion of the debt within 30 days. The debt validation provisions also create additional complexity for servicing activities due to restrictions or making any “collection” efforts during the thirty day validation period. These informational requirements dictate that the loans subject to the FDCPA must get different communications from the servicer throughout their maturity, and thus require that the loans be identified and specially designated, creating additional costs without any additional protections or benefits provided to the borrowers.

Moreover, consumers are not well-served when the servicer feels compelled to make the FDCPA’s disclosures. Residential mortgage loan servicers are generally not true debt collectors even if they may be deemed to be a “debt factor” under the FDCPA with respect to a small percentage of their loans. A separate set of rules in the Real Estate Settlement Procedures Act requires servicers of first lien loans to provide notices related to the borrower’s right when servicing is transferred. The special FDCPA notices may convey the misleading impression that the loan has been referred to a traditional, independent debt collector, when, in fact, all that has happened is that the servicing rights have been transferred from one servicer to another—often as part of a larger portfolio of performing loans.”

As an alternative to following the special procedural requirements of the FDCPA, some servicers decline to accept any delinquent loans. When an acquiring loan servicer takes this approach, the perverse result may be that the holder of the servicing rights who no longer wishes to service these loans may sub- ject these delinquent loans to more aggressive collection action than would otherwise take place if the acquiring servicer had been willing to accept those loans.

This approach I am proposing here today is intended to address the problems created when the FDCPA’s procedural requirements are applied to residential mortgage loan servicers. The legislation would apply only to

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first lien residential mortgage loans that are acquired by bona fide loan servicers, not professional debt collectors. It would exempt them only from the ‘Miranda’ notice and the debt validation provisions of the FDCPA.

Importantly, all of the substantive protections under the FDCPA would continue to apply to any loan as to which the servicer is not exempt as a creditor. These provisions will allow residential mortgage loan servicers to treat the few loans subject to the FDCPA in the same way they treat all other loans and will thus reduce unnecessary administrative costs incurred identifying and separately handling these accounts. In addition, once a servicer is considered a “debtor collector” under the FDCPA, the borrower would have a right to request a “validation statement”—a statement of the amount necessary to bring the loan current and to pay off the loan in full as of a particular date.

I think it is also important to note that this proposed legislative clarification has the full support of the Federal Trade Commission, the agency with enforcement jurisdiction over the FDCPA. As a matter of fact, the FTC has consistently gone on record in its Annual Report to Congress as supporting legislative clarification in this area. The FTC’s 21st Annual Report to Congress provides as follows:

Section 803 (6) of the FDCPA sets forth a number of specific exemptions from the law, one of which is collection activity by a party at the time it was obtained by such a person.” The exemption was designed to avoid application of the FDCPA to mortgage servicing companies, whose business is accepting and recording payments on current debts. (March 19, 1999 Report)

The report then goes on to make specific recommendations to Congress:

The Committee believes that Section 803 (6)(F)(iii) was designed to exempt only businesses whose collection of delinquent debts is secondary to their function of servicing current accounts. Therefore, the Committee recommends that Congress amend this exemption so that its applicability will depend upon the nature of the overall business conducted by the party to be exempted rather than the status of individual obligations when the party obtained them.

I am pleased that several of my colleagues on the House Banking and Financial Services Committee, namely Reps. JACK METCALF (WA) and WALTER JONES (NC), are also sponsoring what I hope will be bipartisan legislation to clarify the FDCPA as it applies to residential loan servicers. Mr. Speaker, I hope we can move early in the next session to address this issue in both Committee and on the House floor.

IN MEMORY OF WILLIE J. COTTON, JR.

HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. ETHERIDGE. Mr. Speaker, I rise today in honor of the grandfather of Bailey Cotton, Seth Cotton, Emma Cotton, Justin Sloan, Matthew Evans and Leslie Evans; the father of Betty Evans, June Sloan and Dwight Cotton and the husband of Iris Lee Cotton, rise in honor of Mr. Willie J. Cotton, Jr. who passed away on October 27.

Mr. Cotton was a native of Harnett County, North Carolina. He was a past county commissioner and served Harnett County in office for 12 years. Mr. Cotton served our country in World War II and was a lifelong member of Kipling United Methodist Church.

As North Carolina’s former Superintendent of public education, I know what a battle it is to build quality schools for our children. Improving schools for our children is my life’s work. Mr. Cotton took this battle on as a county commissioner to build better schools in Harnett County. There aren’t many times that a person in public service takes a stand for the good of future generations that can cost him their jobs. However, he could lose but he voted anyway, and children in my home county have been in modern facilities since 1975. My own children and the children of Harnett county owe thanks to a man most of them never knew.

That is why, Mr. Speaker, I stand here today: To honor Mr. Cotton and to pay my respects to his family and my debt of gratitude. We have lost a great man, and I am proud to continue his fight for better schools for our children.

THE SMALL BUSINESS FRANCHISE ACT

HON. HOWARD P. “BUCK” McKEON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. McKEON. Mr. Speaker, I am a recent cosponsor of H.R. 3308, the Small Business Franchise Act introduced by Representative HOWARD COBLE. Today, I include for the RECORD testimony from a recent Judiciary Commercial and Administrative Law Subcommittee hearing on this legislation. During this hearing a constituent of mine, Patrick Leddy, testified about his dealings as a franchisee owner. Because of his very moving testimony, I became a cosponsor of this legislation. I wish to thank him for his words and include them in the RECORD today.

STATEMENT OF PATRICK JAMES LEDDY, JR.

My name is Patrick James Leddy Jr. I have owned and operated a Baskin-Robbins 31 Flavors franchise in Newhall, California since August 1, 1986, a total of 13 years. I am also a 26 year veteran firefighter with the Los Angeles City Fire Department. I purchased my franchised business to supplement my income, and to prepare my wife and I for our retirement. In 1996 my wife and I became very discouraged with the manner in which our Franchisor, which is a wholly owned subsidiary of a foreign corporation, was treating its franchisees. After careful consideration and discussions with fellow franchisee’s stores plummet as a result of the placement of new stores and drastic changes to the system which we had originally purchased, we decided to sell our store.

In February of 1997, three months after notifying Baskin-Robbins that we were interessted in selling our store, we received a notification that Baskin-Robbins was considering a location for a new store located in a shopping mall, a mere two miles from my store and well within the market from which we draw a large number of our customers. Later that month my wife and I met with our district manager to discuss our ability to sell our store and the tremendous impact the new store would have on our existing store. To our surprise the representative from Baskin-Robbins agreed with us, and suggested that if Baskin-Robbins were to go forward with this plan, how would we feel if they were to purchase our store, and then sell both our store and the new store as a package to a new buyer? We agreed that this would be acceptable to us. Whereafter, the Baskin-Robbins representative offered us $40,000 dollars less than what I had paid for this store seven years earlier, and after an additional $70,000 dollars I paid for improvements which were required by Baskin-Robbins. We were appalled at this offer, but were advised by the Baskin-Robbins representative that we really should not make a counter offer, because if Baskin-Robbins does elect to place this new store at the proposed location, our store wouldn’t even be worth that amount.

Theresa in April of 1997, and pursuant to an internal policy of Baskin-Robbins, which is not binding on Baskin-Robbins, and which is rarely followed by the company, I submitted to my district manager a request to this Baskin-Robbins proposed new location. He assured me that he would notify me of any developments as they occur, and that we would be notified promptly, once a determination had been made.

In June of 1997, after several unsuccessful attempts to learn whether Baskin-Robbins would proceed with the new store, a man called our district manager and explained to him that we needed immediate information on what the company intends to do about this new site, because we have had several prospective buyers for our store that were disinterested once we disclosed to them Baskin-Robbins’s plan. The Baskin-Robbins representative advised us to the information about the new store to our prospective buyers.

In July of 1997, our local neighborhood magazine published an article announcing how new Baskin-Robbins would be open two miles from our store. We were shocked. Two days after this news story appeared, and after numerous telephone calls to Baskin-Robbins on our part, we finally received official notification from Baskin-Robbins about the new store.

We later learned that Baskin-Robbins signed the lease for this new store on May 13, 1997. On August 5, 1997, after the underhandedness that we had felt from Baskin-Robbins, my wife and I decided that in our best interest we should retain legal representation to help us resolve the matter with Baskin-Robbins regarding the encroachment issue and the subsequent issue of our inability to sell our store.

In June of 1998 the new store opened, with their grand opening celebration following in August. As you can see on the enclosed charts, sales at our store have drastically declined as a result, and have effectively terminated our ability to sell the store at a reasonable price.

While attempting to resolve matters through our attorney, Baskin-Robbins has become increasingly hostile towards us. They have begun arbitrarily rating us as “C” franchisees, when in the past, we had always
EXTENSIONS OF REMARKS

ARTHUR SZYK: ARTIST FOR FREEDOM
HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. LANTOS. Mr. Speaker, Arthur Szyk is considered by many scholars to be the greatest illuminator who worked in the twentieth century in the style of sixteenth-century miniaturist painters. The Times of London described his Haggadah as "worth to be placed among the most beautiful of books that the hand of man has produced." He is indeed one of the most remarkable and talented artists of this century. Arthur Szyk’s works on George Washington and the American Revolution hung in the White House during the administration of Franklin Delano Roosevelt, and these works are now on display at the Roossevelt Presidential Library at Hyde Park, New York. In recognition of his talent and commitment, the U.S. Congress presented Arthur Szyk the George Washington Bicentennial Medal in 1934.

Mr. Speaker, Arthur Szyk was not just an artist, he was an artist with a point of view, and he used his art to speak out for freedom and democratic values. He was the leading political artist in America during World War II, and he wielded his pen and his brush as a sword in the fight against Nazi Germany and Imperial Japan. During the war, his caricatures and cartoons appeared on the front covers of many of America’s leading magazines—Colliers, Esquire, Time—where his graphic political editorials and brilliant parodies lampooned the Nazi and Axis leaders. His art seethed with mockery and scorn for the Fascist dictators. First Lady Eleanor Roosevelt called Szyk a “one-man army against Hitler.” As Szyk himself said, “Art is not my aim, it is my means.”

In addition to his art advocating the fight against Germany and Japan, he used his art to attack racism, bigotry and inhumanity at all levels. He sought to close the gaps between Blacks and Whites, between Jews and non-Jews. He defended the rights of the soldier, and he expressed sympathy and compassion for the victims and refugees of war-born Europe.

Mr. Speaker, Arthur Szyk was born in Lodz Poland in 1894. He came to the United States in 1940 sent here by the Polish government-in-exile and by the government of Great Britain with a mission to bring the face of the war in Europe to the American public. That he did with great skill and vision. He remained in the United States, became an American citizen, and died in New York City in 1951.

Mr. Speaker, I wish to call the attention of my colleagues to an excellent exhibit of the work of Arthur Szyk which will open in just a few days. The exhibit “Arthur Szyk: Artist for Freedom” will be on display in the Swann Gallery of the Jefferson Building of the Library of Congress from December 9, 1999 through May 6, 2000. I urge my colleagues to visit this exhibit and the tapestry exhibition from this Chamber. Arthur Szyk is one of the great artists of this century, and his art not only reflected and helped to define a critical period in the history of our nation, his art also helped to rally Americans in the fight for freedom and against brutal tyranny during World War II.

TRIBUTE TO RALPH “POP” STRICKLIN
HON. MARION BERRY
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a true friend and truly great Arkansan, Ralph “Pop” Stricklin.

Pop, who celebrated his 80th birthday last month, has helped make Jonesboro, Arkansas, the great place that it is today. When he wasn’t working in the electric and refrigeration business, a career he began in 1936, Pop served his country and his community in so many ways. He served his country in the U.S. Army from 1941–46. For 36 years, he served as the Alderman of Jonesboro, working under five mayors. He also worked with the Fair Board for 15 years and was a valued and faithful employee to Arkansas State University for 20 years.

Pop is a VFW life member, DAV life member, a member of the American Legion; the Boy Scouts; Salvation Army Board; the Elks; Kiwanis, where he has had 36 years of perfect attendance; a board member of the First Methodist Church; and a member of the Jaycees “Old Rooster, after 35 age group,” to name a few. He has also served on several committees including the police, street, parks, fire, cemetery, animal control, planning and inspection, electrical examining board, and other committees where he made a difference and always contributed to the city of Jonesboro and the state of Arkansas. Pop has received the key to the city of Jonesboro and has a day named after him because of his work.

He has also worked to improve the lives of young people as an active member of the male-youth organization Order of DeMolays, where he was “State DeMolay Dad,” or “Pop” as we now call him.
INTRODUCTION OF CONCURRENT RESOLUTION TO DEDICATE BUDGET SURPLUS FUNDS TO PROTECT FEDERALLY HELD AMERICAN INDIAN TRUST FUND ACCOUNTS

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to introduce a House Concurrent Resolution calling for Congress to dedicate a portion of the budget surplus to fully fund the responsibilities of the United States by ensuring proper payment and management of all federally held tribal trust fund accounts and individual Indian money accounts.

Since 1820, the United States has held monies in trust for American Indians. At first, for Indian Tribes and later for individual Indians as well. Funds mostly derived from the sale or lease of trust lands and other resource assets including timber stumpage, royalties from oil, gas and coal development, and agriculture fees are added to these trust fund accounts. Currently, the Bureau of Indian Affairs (BIA), which is charged with maintaining the accounts, controls approximately 390,000 individual Indian money accounts (IIM), and 1,500 tribal accounts. Each year over $1 billion passes through these accounts.

The historical and legal record demonstrates that the U.S. government has failed miserably at its fiduciary responsibility to manage these accounts. Horror stories include years of roguely checks being stuffed in desk drawers instead of being deposited, and piles of documents thrown away, destroyed or lost. Reams of reports by Congressional investigators, spanning several Administrations, document the often careless and incompetent manner in which these accounts have been managed. Beginning in 1991 Congress funded BIA to reconcile the accounts but after 5 years and $21 million we were told that volumes of documentation of transactions and investments simply no longer exist.

As far back as the Reagan administration, the Indian Trust Funds were listed as one of the top federal financial liabilities. Currently, a class action suit of Individual Indian Money (IIM) account holders is pending in federal court and the BIA is working to ensure that similar accounting problems do not occur in the future.

In the meantime, I am deeply concerned that Congress is paying inadequate attention to the very substantial financial debt the federal government owes to Native American account holders. In particular, in making sweeping decisions about allocation of the budget surplus, it is essential that we reserve sufficient funds to ensure our ability to meet our fiduciary responsibilities to Indian tribes and individuals.

These are real debts we owe to fellow American citizens; just as we cannot spend the surplus needed for Social Security and Medicare solvency, so, too, must we reserve sufficient amounts to meet our obligations to the Indian Trust Funds.

My House Concurrent Resolution calls upon the Congress to fulfill our moral and legal obligations to Native Americans by reserving adequate funds to address the problem. I will push for swift consideration and approval of this legislation and urge all my colleagues to join me in supporting this important resolution.

TRIBUTE TO CARL AND JUDY RUDD

HON. ROB PORTMAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to a family in the district I represent that has brightened the holiday season for generation of Southwest Ohioans.

For the last 30 years, Carl and Judy Rudd have put on a remarkable Christmas display at their farm near Blue Creek, Ohio. Rudds’ Christmas Farm is the largest free outdoor Christmas display in the state of Ohio, with over one mile of pathways covering two hill-sides on the farm property. With more than one million lights and a 62-foot-wide Christmas tree, Rudds’ Christmas Farm is truly a sight to behold. And the overall effect is complemented by the sound of Christmas music echoing from the hills.

The Rudds started their Christmas display as a testimony to their deep and abiding faith. Throughout the farm, there are life-sized religious figures, paintings and slide projections that tell the story of Christmas. They have never asked a penny for admission, and for many years they would take out a loan to finance the display.

This year, Carl and Judy Rudd will welcome the public to their wonderful Christmas Farm for the last time. They have decided that the time has come to retire after organizing their Christmas Farm display for 30 years.

All of us in Southwest Ohio wish to share our appreciation to Carl and Judy Rudd for the Christmas joy they have brought to all of us. And we wish them the best for a healthy and enjoyable retirement.

INTRODUCTION OF THE INTERNATIONAL MONETARY STABILITY ACT OF 2000

HON. PAUL RYAN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. RYAN of Wisconsin. Mr. Speaker, today I am introducing the International Monetary Stability Act of 2000. This bill would give countries who have been seriously considering using the U.S. dollar as their national currency the incentive to do so. When a foreign country grants the U.S. dollar legal tender in replace of its own currency, that country dollarizes. This bill would serve to encourage such dollarization.

Up to this point, the United States has been missing one of the best opportunities to correct chaotic currency markets, especially in the Western Hemisphere. Sound currency policies, such as dollarization, that focus on exchange rate stabilization would put an end to the debilitating and periodic collapse of developing countries caused by haphazard devaluation.

Congressional leadership in exchange rate policies would protect our own economy. Every devaluation affects our economy through international trade and through the equity markets. American companies need reliable currencies to make investment decisions abroad; and American workers need to know countries cannot competitively devalue in an effort to lower foreign worker wages. The ramifications of an Asian-style economic collapse in Latin America, our own back yard, call for legislation that will help these countries embrace consistent economic growth.

Today, several countries are already considering dollarization. They realize that by either linking with the U.S. dollar, legalizing competing foreign currencies, or scrapping their currency altogether and replacing it with the dollar, they will encourage long-term economic stability through lower interest rates, stable exchange rates and increased investment.

Official dollarization, such as is encouraged by this bill, is not a new idea. In fact, it is becoming an increasingly popular answer to currency stabilization in emerging markets. Argentina is seriously considering such a currency reform. Mexico, Ecuador, and El Salvador have also considered dollarization.

Enacting this legislation would set up a structure in which the U.S. Treasury would have the discretion to promote official dollarization in emerging market countries by offering to rebate 85 percent of the resulting increase in U.S. seigniorage earnings. Part of the remaining 15 percent would be distributed to countries like Panama that have already dollarized, but the majority of the 15 percent would be deposited at the Treasury Department as government revenue. Additionally, this bill would make it clear that the United States has no obligation to serve as a lender of last resort to dollarized countries, consider their economic conditions in setting monetary policy or supervise their banks.

I strongly believe that strengthening global economies, especially those in the Western Hemisphere, by encouraging dollarization is in America’s best interest.

RECOGNIZING LEXMARK INTERNATIONAL’S EXCELLENCE IN ENVIRONMENTAL PROTECTION

HON. ERNIE FLETCHER
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. FLETCHER. Mr. Speaker, I would like to commend Lexmark International, an excellent company, for their commitment to environmental responsibility. Lexmark has been recognized for its innovative and environmentally friendly practices, and they continue to lead the industry in sustainability efforts. Their dedication to conserving resources and reducing waste is commendable.

Lexmark’s commitment to environmental protection is demonstrated through their implementation of energy-efficient technology, sustainable packaging solutions, and waste management programs. The company’s efforts to minimize its environmental impact are not only beneficial for the planet but also enhance their reputation and brand value.

In recognition of Lexmark’s outstanding contributions to environmental protection, I urge my colleagues to join me in acknowledging their achievements and supporting their initiatives. Let us celebrate their commitment to sustainability and encourage other companies to follow their lead in promoting a greener future.
corporate constituent headquartered in my District, that embodies the entrepreneurial spirit as well as the environmental consciousness required by a global corporation.

Lexmark received the Kentucky Governor's Environmental Excellence Award on November 9, presented by Lt. Gov. Steve Henry and James E. Bickford, Secretary of the Natural Resources and Environmental Protection Cabinet, at the Governor's Conference on the Environment. Lexmark International was selected to receive this year's Environmental Excellence Award for Industrial Environmental Leadership because of the many steps it has taken to prevent pollution and encourage recycling. Since 1991, Lexmark has increased the amount of materials it recycles by about 70 percent. Last year, this Lexington-based company recycled more than 4.3 million pounds of paper and one million pounds of scrap metal.

Lexmark encourages its customers to recycle by offering them an incentive to return their empty laser printer cartridges through its Prebate program. Since the incentive began, Lexmark says that returns of empty toner cartridges have tripled, saving them from ending up in landfills.

As we recognize America Recycles Day this week, I urge my colleagues and our constituents to help encourage environmental protection both at home and at work. I offer my congratulations to Lexmark International for setting such a positive example for others to replicate.

COURAGE
HON. BERNARD SANDERS
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999
Mr. SANDERS. Mr. Speaker, I am inserting this statement regarding my constituent, Gordon D. Ladd, who showed the courage and perseverance he displayed in organizing the first union in northern Vermont in the 1940s, into the CONGRESSIONAL RECORD as I believe the views of this person will benefit my colleagues.

GORDON D. LADD—FIRST PRESIDENT OF IAM LODGE IN DERBY LINE VERMONT ORGANIZING A UNION IN VERMONT IN THE 1940'S
In 1943 I requested an interview with the superintendent of management at Butterfield Corporation in Derby Line Vermont to request a wage increase and my request was denied emphatically. I informed him that I would return.

I met a friend of mine who used to be a coach, a hockey coach, and he had relatives in the plant. This guy I met, Bert, you could call him, he was a machinist for the railroad in Island Pond, and he belonged to the machinist's union. So he asked if we had a union lodge in 1944 and served for seven years. We did pretty good with improving wages and getting benefits—we got health insurance, a pension plan. I've collected from the pension plan for 19 years now, and we got pretty good medical. We didn't have either before the union. It definitely pays to be union.

A BAD WEEK FOR ISOLATIONISTS
HON. MICHAEL G. OXLEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999
Mr. OXLEY. Mr. Speaker, for those who might have missed it, I would like to bring to the attention of my colleagues a piece by David Ignatius from Wednesday's Washington Post.

As a strong supporter of free trade, I share Mr. Ignatius's optimism at the agreement reached this week for passage by the World Trade Organization. As foreign trade becomes increasingly important in the developing global economy, we must work to ensure open access to the emerging Chinese markets, especially in the areas of financial services and telecommunications. This agreement will give that access to American companies. I salute Trade Representative Barshefsky on her hard work at achieving this agreement under difficult circumstances.

I also agree with Mr. Ignatius's view that the agreement does not go far enough for the purists—members of the congressional delegation to the WTO Ministerial in Seattle later this month, I will work to restore some of the more favorable aspects of the agreement rejected by the President in April.

Mr. Ignatius's article to my colleagues' attention.

[From the Washington Post, Nov. 17, 1999]

A BAD WEEK FOR ISOLATIONISTS
If you believe that international engagement is America's best hope for the future, then this is a week to savor. For beyond the headline stories, you can see the signs of a restoration of the confident, outward-looking U.S. consensus that our history teaches the right of these supervisory men to vote. The Labor Board Representative. I think there were 26 of them, in a special envelope. This time we won the election by a pretty good margin. That was in 1944.

Another time we had a barber shop and the big shot manager from the venier mill came in. My barber was my landlord, we were renting the house, and he asked me something about the union. And this management guy from the mill, he says "That union" and he used a few cuss-words "won't last six months!" Well it's a 55 year later and the union's still there. But the funny part is, in about a year and a half, they plopped the union in at the venier mill.

Well, the main thing at my plant was wages, because plants in the state, we checked around a little bit and some of the plants were paying, at that time, double what we were getting. We checked around, because some of the guys, neighbors in Newport were working down in the Springfield machine shops, at places like Jones-Lampson. When we heard what they were getting, we thought, well, we should be getting about the same."

I was elected as the first president of the union lodge in 1944 and served for seven years. We did pretty good with improving wages and getting benefits—we got health insurance, a pension plan. I've collected from the pension plan for 19 years now, and we got pretty good medical. We didn't have either before the union. It definitely pays to be union.
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November 19, 1999

is a requirement for global peace and prosperity.

The cornerstone of this renewed embrace of America's global role is the deal reached early Monday in Beijing for China to join the World Trade Organization. President Clinton let this agreement slip away last April, because of fears about the anti-internationalist know-nothingism that seemed to have infected Congress. That was one of the biggest mistakes of his presidency, and he has commendably been trying ever since to walk it back.

The deal Clinton got Monday isn't quite as good as the one he backed away from before, but it's good enough. What's better is the new confidence among free traders that they can win the political argument, on Capitol Hill and around the country.

Treasury Secretary Lawrence Summers puts the case for the WTO deal simply and starkly: Twice in this century, changes in the economic balance of power have led to wars—first with the rise of Germany before World War I, and again in the rise of Japan. Now the world economic order is changing once again, with the emergence of Beijing as an economic superpower. It is overwhelming in its interest to draw this modernizing China into the global economic system.

Americans who are confident about the world-changing power of our capitalism and democracy will welcome the agreement. China will now have to live by the free-market rules of the WTO. It will have to accept international investments in its major industries, including banking and telecommunications; it will have to abide by international arbitration of its trade disputes; it will have to accept the Internet and its instantaneous access to information. If you can devise a better strategy for subverting Communist rule in China, I'd like to hear it.

What makes the anti-WTO camp so nervous? It must be the fact that we're living in a time of economic upheaval. As the global economy becomes more competitive, the rewards for success become greater, and so do the penalties for failure. Optimists embrace this future, while pessimists seek protection from it.

Fear of the future: That's the shared characteristic of the new anti-internationalists from Pat Buchanan to AIPAC to President John Sweeney on the left. They seem to believe that every new job in China will mean one less in America. Thank goodness economics doesn't work that way. The evidence is overwhelming that global prosperity creates new markets, new demand—and more prosperity for all of us.

That doesn't mean that there won't be losers—there will be and the U.S. textile industry and some blue-collar traders will undoubtedly be among them. But in macro terms, this is a pie that gets bigger, a game where two sides can win.

The administration's most articulate champion for this kind of internationalism is Summers. And it must be said that the new Treasury Secretary is cleaning up some of the unfinished business left by his predecessor. But it was.

Summers helped rescue the WTO agreement with a trip last month to Beijing, where he met with Zhu Rongji, the Chinese prime minister, who told him that "we wanted a deal, but it would have to be on commercial terms." We would both have to make concessions on percentage points. Thanks to the persistence of U.S. trade negotiator Charlene Barshefsky, that's essentially what happened.

This week brought other signs of renewed political support for pragmatic internationalism. The administration cut a deal with House Republicans that will allow the United States to pay nearly $1 billion in back dues to the International Monetary Fund, in exchange for a ban on funding any international organization that promotes abortion.

Summers has worked hard to include debt relief for the world's poorest nations as part of the U.N. funding deal, and his mostly succeeded. Wealthy lenders will take a hit under this agreement, while poverty-stricken nations will get a break. That sounds like the right kind of bargain.

Another step in the internationalist revival could come next month when Summers pitches European nations to accept some new rules for the International Monetary Fund. He'll urge that the IMF support either tough fixed exchange-rate plans or genuinely free floating rates—but not the muddled in-between schemes that have gotten so many countries in trouble. He'll also urge a new IMF assessment system to detect when countries' short-term liabilities are rising toward the danger point. And in light of the recent Russian fiasco, he may argue that countries should accept outside audits as a condition of receiving IMF money.

Some Americans still believe that "IMF," "free trade" and "WTO" are dirty words—symbols of an elitist conspiracy that will harm ordinary Americans. This view is dangerously wrong, and it was good to see it losing ground this week.

CELEBRATING THE LIFE OF MR. LAURIE CARLSON
HON. TAMMY BALDWIN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Ms. BALDWIN. Mr. Speaker, I rise to honor and commend the life of Mr. Laurie Carlson and to extend my personal sympathies to his family and friends in his passing. Mr. Carlson was a gentlemen of integrity and a man of dedication to public service as the Clerk of Courts for Dane County for another four terms.

Mr. Carlson's simple message and instructions on, "How to get the Voters Involved" is one that I deeply respect and identify with. In this message he spoke of town meetings and always maintaining a strong personal connection to constituents. Upon reflection on his time in public service Mr. Carlson was quoted as saying, "Shoe leather is cheap. We would go out and meet people. We would get ideas from them." He didn't believe that a strong focus on the issues, as well as true bipartisan cooperation, would help Wisconsin and the nation move forward.

Mr. Carlson's political achievements were numerous and great, but there was also much credit to this wonderful man. He was a devoted husband and proud father of four children. His commitment to his wife Helen and his children—Mary, Jay, Laurene, and Geraldine, was first and foremost in his life.

Mr. Speaker, I urge my colleagues to support this important resolution and stand together with the people of Ukraine.
Title I of this bill proposes a series of measures to enhance rail competition. It clarifies the Rail Transportation Policy to make clear that competition is the competitive policy to be pursued by the Board. It corrects the Board’s “bottleneck” decision, which says that, even if a railroad monopolizes only part of the route along which a shipper wishes to transport a shipment, it can effectively monopolize the whole route, because the railroad can refuse to offer to ship along only part of the route.

The bill also makes it easier to secure competing rail service in terminal areas, and by reciprocal switching.

It codifies the one recent decision by the Board that has benefited shippers, namely the December 1998 decision on “product” and “geographic” competition.

It ends the ludicrous annual charade in which the Board examines the books of railroads that are raising billions of dollars in the capital markets on a contract that they are earning inadequate revenues.

It provides relief for small captive grain shippers by reducing the fees they must pay to protest rate and simplifying the process of determining a rate to be unreasonable. It also allows them to protest that railroad they will be able to get enough cars to move out their grain each year.

The bill also requires submission of monthly service quality performance reports by the railroads, so the Board can do a better job of monitoring the industry’s performance.

The bill’s labor provisions in Title II end any authority of the Board to abrogate collective bargaining agreements, or to authorize a railroad or anyone else to do so. The bill strictly limits the preemption of other laws that is allowed in connection with railroads mergers, restricting this preemption to State and local laws that regulate mergers, and restricting this preemption in time to one year after the railroad takes possession of the acquired property.

The bill also clarifies the status of labor protection for railroad employers. The current statute confusingly defines labor protection in terms of the labor protection once received by Amtrak employees, whose statutory labor protection was taken away by the 1997 Amtrak reauthorization bill. Today’s bill makes clear that railroad employees receive six years of labor protection if they are laid off as the result of a merger. While employees in other industries are not given labor protection like this, employees in other industries are entitled to strike if they cannot reach agreement with their employer on a contract. Since World War II, railroad employees have been denied the right to strike by repeated congressional interdictions every time a strike is threatened. It is only fair, if employees are not entitled to strike, that they at least be compensated if they lose their jobs as the result of a merger.

Title III of the bill has several other significant provisions. The bill corrects an historical oversight by giving commuter railroads the same access to freight railroad rights-of-way that Amtrak has. When Amtrak was created in 1971, the Nation’s private railroads were relieved of their common carrier obligation to provide passenger service—both intercity and commuter service. In return for being relieved of this common carrier obligation, the railroads were required to provide Amtrak with guaranteed access to their rights-of-way, but, in an oversight, the Nation’s commuter railroads—which provide equally essential passenger service—were not given the same guaranteed access. This bill corrects that oversight by giving commuter railroads the same guaranteed access that Amtrak has.

The bill also gives special consideration to local communities and to passenger railroads in the Board’s merger decisions. The Board has often given short shrift to the legitimate concerns of these parties in approving mergers, and has not imposed conditions that are necessary to protect their legitimate interests. The bill also corrects an anomaly that was inserted in the statute by the 1995 ICC Termination Act. That bill preempted the authority of States to regulate the construction or abandonment of “spur, industrial, team, switching, or side tracks,” but it did not give corresponding authority to the Surface Transportation Board. The result was a regulatory black hole, where such facilities could be built or abandoned without regulation either by local zoning regulations or by Federal environmental regulations. If these facilities were only minor railroad spurs, this might perhaps be acceptable, but the term “switching tracks” has been interpreted by the Board to include railroad yards occupying hundreds of acres. Not only can the railroads built these yards without any regulatory interference, they can also use their eminent domain authority to force landowners to sell them the land. This provision should never have been in the statute, and this bill repeals it, giving regulatory jurisdiction to the STB.

The bill also eliminates tariff filing for water carriers in the domestic offshore trades serving Alaska, Hawaii, Puerto Rico, and Guam. These carriers are directed to make their tariffs available electronically, just as water carriers in the U.S. foreign trades were in the Ocean Shipping Reform Act.

Finally, the bill reauthorizes the STB for three years, from fiscal year 2000 to fiscal year 2002, with authorized appropriations rising from $17 million in FY 2000 to $25 million in FY 2002. In view of its inability to respond promptly to shipper rate protests (documented in a GAO report earlier this year) and its in-ability to oversee the results of its merger decisions, the Board clearly needs additional resources. We can only hope that this bill will be enacted and that the Board will use these resources effectively.
The program educates and empowers secondary school students in Los Angeles county to be an active part of the solution to minimize use of landfill space and understand their role in reducing pollutants from entering our waterways by proper disposal methods. Through a hands-on approach, students learn that the local environment is part of their everyday life, and that everyday choices, decisions and actions make a difference to the health of our environment.

TreePeople, is one of Los Angeles’ oldest and most successful locally based nonprofit environmental education group. Since 1996, it has worked under the direction of the County of Los Angeles Department of Public Works Environmental Programs Division to create Generation Earth, the state’s most effective secondary school environmental education program.

Generation Earth is a highly successful program with measurable milestones tested by research reviewed by educational experts. The classroom curriculum was designed to fit any academic discipline. It meets the curriculum objectives of language arts classes, math, science, social studies and history.

By providing opportunities for young people to improve their quality of life and challenge them as they apply lessons learned in school, Generation Earth is an important catalyst for the people of Los Angeles. Thanks to Generation Earth, Los Angeles County teenagers are beginning to learn that they can make a positive difference in their surroundings.

I hope my colleagues will join me in commending Generation Earth for its leadership in developing a successful comprehensive approach to environmental education.

RECOGNIZING THE PARTICIPATION OF MS. JOANNA MANUEL IN THE VOICES AGAINST VIOLENCE CONGRESSIONAL TEEN CONFERENCE

HON. ROBERT A. UNDERWOOD
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. UNDERWOOD. Mr. Speaker, last month, 342 teenagers from throughout the country came to Capitol Hill to attended the Voices Against Violence Conference regarding youth violence. During the two days, the teenagers had unique opportunities to express their views on youth violence to Members, learn from national law enforcement and youth programming experts, and participate in workshops covering a variety of issues including diversity training, peer mediation, and hate crime prevention strategies. Supporting agencies and organizations included the U.S. Department of Justice, the National Crime Prevention Council, the American Mental Health Association, MTV, and the Children’s Defense Fund.

I felt it was important for a young person from Guam to participate in this conference to ensure that the diversity of perspectives of youth violence included teens from the furthest American jurisdiction. I was proud that Ms. Joanna Manuel, a sophomore attending Simon Sanchez High School, was Guam’s representative to the conference. During her visit, Joanna gained practical knowledge about violence prevention initiatives and helped to explore effective solutions and strategies to respond to the problems of youth violence which continues to impact our society. Joanna proved to be a valuable contributor and an able spokesperson for Guam’s youth.

The two day conference resulted in the introduction of House Resolution 357, which represents the views of the 342 conference participants and provides their collective views of the causes and solutions to youth violence. The measure was introduced by Democratic Leader Richard A. Gephardt, myself, and 94 other co-sponsors.

I am hopeful that Joanna will continue to be involved in the issue of youth violence and help raise community awareness and activity. It is evident from the outcome of the Voices Against Violence conference, that we can look at America’s youth solutions and guidance to understand why violence happens and what we can do to avert it.

For the record, I am submitting an essay written by Ms. Joanne Manuel giving her views on the causes of violence among teenagers.

WHAT DO YOU FEEL ARE THE CAUSES OF VIOLENCE AMONG TEENAGERS TODAY?

As anyone who listens to the radio, watches television, or reads the newspaper knows, violence has become a cause for nationwide and worldwide concern. Of particular concern is the alarming increase in violence among children and youth. The rates of youth-initiated violent crimes are rising dramatically, as are the numbers of young victims. Many teens are pressured into doing things they don’t want to do. One of the hardest parts of growing up, is the same today as it has been for years, peer pressure.

It is a part of every teenager’s junior and high school years. Some peer pressure is actually quite good in working towards developing a teen’s right and wrong. Negative peer pressure, the kind we most commonly associate with the concept, can be devastatingly corruptive. Positive and negative peer pressure are totally different things. Positive pressure includes encouragement to use drugs, to smoke, or other things that harm. Positive pressure has many benefits such as helping teenagers develop a sense of morality. Part of being a teen involves learning to make decisions. One of the things that affects decision-making is pressure from friends. Teens should make decisions based on their own morals and values. Daily, teens are persuaded to participate in activities that statistics report may harm their well-being. These activities include: smoking, drinking, using drugs, having premarital sex, and even cheating on schoolwork. Many teens are pressured into taking drugs and smoking by ‘friends’. Teens today need to learn to make their own decisions. They need to say no to drugs, smoking, and other things they know can harm them. Our communities and schools have to work together to help prevent negative peer pressure between teenagers. There are many other things that cause violence among teens today. Troubled teens are gradually increasing these days and many are caused by problems stemming from home. Counseling is a great way to find the problem and solve it before other problems arise. While I was in middle school, we had a peer counseling system. Students who needed help or just needed someone to talk to would go to the counselor’s office and fellow students would talk and lend a helping hand. It was a great system and it worked. I think that the government should set aside some money to establish and maintain this type of system in every school in the nation and maybe even worldwide. We all have to work together to make a brighter future for all of us and the generations to come.

EXTENSIONS OF REMARKS

November 19, 1999

Mr. PORTER. Mr. Speaker, I am greatly concerned over the growing reports from Hong Kong that freedom of the press is increasingly at risk under Chinese rule. When Hong Kong was turned over to China in July of 1997, it was expected that Hong Kong would become one country but remain two systems. Unfortunately, after less than two and a half years, we are already seeing example after example of Beijing’s power and its communist values being exhibited throughout Hong Kong and imposed on the citizenry.

The most recent example of this clampdown was the abrupt reassignment of the well-respected, outspoken director of the government owned Radio/Television Hong Kong, Cheung Man-ye. His last month, Ms. Cheung was named economic and trade representative to Japan, a post equivalent to that of ambassador. This action took place just days after she drew a rare public rebuke from the Chinese Deputy Prime Minister, Qian Qichen. Recently, the station had also aired a senior Taiwanese official seeking to explain President Lee Teng-hui’s shift in policy toward China.

The Hong Kong government is becoming increasingly critical of all local media. Statements from the chief of executive of Hong Kong, Tung Chee-hwa such as “while is freedom of speech is important, it is also important for government policies to be positively presented,” show the direction in which freedom of the press is headed.

This “reassignment” of a qualified journalist is a scary first step. The international community must stand up and take notice when the slipping away of a vital freedom begins. The freedom of the press is the cornerstone of a strong democracy. If Hong Kong loses its free press, I have great fear for what is next.

THE TRUE GOAL OF EDUCATION

HON. JAMES M. TALENT
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. TALENT. Mr. Speaker, I insert the following eloquent speech entitled “The True Goal of Education” into the CONGRESSIONAL RECORD.
EXTENSIONS OF REMARKS

November 19, 1999

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THE TRUE GOAL OF EDUCATION

(By Gov. George W. Bush)

It is a pleasure to be here, and to join in marking the concluding Business and Professions Month. New Hampshire is a state of small businesses. Many of them here in the north country are prospering, and this organization here played an important part. I am honored by your invitation.

I am an optimist, I believe that the next century will be one of incredible prosperity—if we can create an environment where entrepreneurs like you can dream and flourish. A prosperity sustained by low taxes, under regulated, energized by new technologies, expanded by free trade. A prosperity beyond all our expectations, but within our grasp.

But this hope, in the long-run, depends directly on the education of our children—on young men and women with the skills and character to succeed. So for the past few months, I have focused on the problems and promise of our public schools.

In September, I talked about disadvantaged children left behind by failed schools. The dimmest current system is sad and serious—the soft bigotry of low expectations. Schools that do not teach and will not change must have some final point of accountability of truth. They must use their federal funds, intended to help the poorest children, are divided up and given to parents—for tutoring or a charter school or some other help.

Last month, I talked about raising the academic ambitions of every public school in America—creating a culture of achievement. My plan has reduced red tape, bureaucracy, and gives states unprecedented freedom in spending federal education dollars. In return for this flexibility, each state must adopt a system of real accountability and high standards. Students must be tested on the basics of reading and math each year—and those results posted, by school, on the Internet. This will give parents the information to know if education is actually taking place—and the leverage to demand reform.

My education proposals are bound by a thread of principle. The federal government must be humble enough to stay out of the day-to-day operation of local schools. It must be strong enough to require proven performance in return. The federal role in education is to foster excellence and challenge failure with charters and choice. The federal role in education is not to serve the system. It is to serve the children.

Yet this is only part of an agenda. Yes, we want our children to be smart and successful. But even more, we want them to be good and kind and decent. Yes, our children must learn how to make a living. But even more, they must learn how to live, and what to love. “Intelligence is not enough,” said Martin Luther King, Jr. “Intelligence plus character—that is the goal of education.”

So today, here in New Hampshire, I want to make the case for moral education. Teaching is more than training, and learning is more than test scores. Children must be educated in reading and writing—but also in right and wrong.

Of course, every generation worries about the next. Perhaps we have won the Cold War, said one educator. “They contradict their parents, gobble their food, and tyrannize their teachers.” And that teacher’s name was . . . Socrates.

Some things don’t change. The real problem comes, not when children challenge the rules, but when adults won’t defend the rules. And for a while, many American schools surrendered this role. Values were “clarified,” not taught. Students were given moral puzzles, not moral guidance. But morality is not a cafeteria of permissiveness—right and equally arbitrary, like picking a flavor of ice cream. We do not shape our own moralities. It is morality that shapes our lives.

Take an example. A Massachusetts teacher—a devoted supporter of values clarification—asked her students which an announced it valued cheating, and wanted the freedom to express that value during tests. Her response? “I personally value honesty,” she said. “Although you may choose to be dishonest, I will insist that we be honest.”

This is not moral neutrality. It is moral surrender. Our schools should not cultivate confusion. They must cultivate conscience.

In spite of conflicting signals—and in spite of a popular culture that drown their innocence—most of our kids are good kids. Large numbers do volunteer work. Nearly all believe in God, and most practice their religion. Yes, some feel the pressures of complex times, but also the upward pull of a better nature. They deserve our love and they deserve our encouragement.

And sometimes they show character and courage beyond measure. When a gun is aimed at a seventeen-year-old in Colorado—and shot while defending a friend with Down Syndrome—and continues to comfort her, even after her own injury. We are finding, in the midst of tragedy, that our children can be heroes too.

Yet sometimes it is lost when the moral message of schools is mixed and muddled. Many children catch a virus of apathy and cynicism. They lose the ability to make conscious decisions of right and wrong as a matter of opinion. Something becomes frozen within them—a capacity for indignation and empathy. You can see it in shrugged shoulders. You can hear it in the watchword of a generation: “Whatever.”

Effective character education should not be just an hour a week on a school’s virtue of the month. Effective character education is fostered in schools that have confidence in the values of the adult worlds seriously when adults take those values seriously.

And this goal sets an agenda for our nation.

First, we must do everything in our power to ensure the safety of our children. When children and teenagers go to school afraid of being bullied, or beaten, or worse, it is the ultimate betrayal of adult responsibility. It communicates the victory of moral chaos.

In an American school year there are more than 4,000 rapes or cases of sexual battery; 7,000 robberies; and 11,000 physical attacks involving a weapon. And these are overall numbers. For children attending inner-city schools, the likelihood of being a victim of violence is roughly five times greater than elsewhere. It is a sign of the times that the same security company used by the U.S. Mint and the FBI has now branched out into high-school security.

Surveying this scene, it is easy to forget that there is actually a federal program designed to confront school violence. It’s called the Safe and Drug-Free Schools and Communities Act. The program spends about $600 million dollars a year, assisting 97 percent of “turnaround” school districts.

What’s missing from the program is accountability. Nobody really knows how the money is spent, much less whether it is working. But one thing is clear: if federal money had gone to pay for everything from motivational speakers to clowns.
to school puppet shows to junkets for school administrators.

As president, I will propose major changes in this program. Every school getting this funding will report their results—measured in student results—will be evaluated. If a school is doing well, we will keep them. If the students are doing poorly, we will hold them accountable. And if they are not doing well—turning every classroom into a treasure hunt for damage awards.

Safety and discipline are essential. But when we dream for our children, we dream with higher goals than hanging out, driving, with no higher goal than hanging out.

Along with this measure, I will propose a Teacher Protection Act. The principals and school board members from meritless federal lawsuits when they enforce reasonable rules. School officials, acting in their official capacity, must be protected from liability. Any individual who is alleged to teach must not be disrupted by a junk lawsuit. We do not need tort lawyers scouring the halls of our children—turning every classroom into a treasure hunt for damage awards.

Safety and discipline are essential. But when we dream for our children, we dream with higher goals than hanging out, driving, with no higher goal than hanging out.

The measure of our nation’s greatness has never been affluence or influence—rising stocks or advancing armies. It has always been found in citizens of character and compassion. And so many of our problems as a nation—from drugs, to deadly diseases, to crime—are not the result of chance, but of choice. They will only be solved by a transformation of the heart and will. This is why a hopeful and decent future is found in hope and decent children.

That hope, of course, is not created by an Executive Order or an Act of Congress. I strongly believe our schools should reinforce good character. I know that our laws will always reflect a moral vision. But there are limits to law, set at the boundaries of the heart. It has been said: “Men can make good laws, but laws can not make men good.”

Yet a president has a broader influence and a deeper legacy than the programs he proposes. We are not just an engineer of policy. A president is the most visible symbol of a political system that Lincoln called “the last hope of earth.” The president is a role model. And it is a charge I plan to keep.

That is an awesome charge. It is the most sobering part of a decision to run for presi-
dent. And it is a charge I plan to keep.

After power vanishes and pride passes, this is what remains: The promises we kept. The oath we fulfilled. The example we set. The honor we earned.

This is true of a president or a parent. Of a governor or a teacher. We are united in a common task: to give our children a spirit of moral courage. This is not a search for scapegoats—it is a call to conscience. It is not a hopeless task—it is the power and passion of every generation. Every individual can change a corner of our culture. And every child is a new beginning.

In all the confusion and controversy of our time, there is still one answer for our children. An answer as current as the headlines. An answer as old as the scriptures. “What- ever is true, whatever is honorable, whatever is right, whatever is pure, whatever is lovely, whatever is of good repute, if there is any excellence and anything worthy of praise, let your mind dwell on these things.”

If we love our children, this is the path of duty—and the way of hope. Thank you.
Mr. MARKEY. Mr. Speaker, November is Alzheimer’s Awareness Month—this month we recognize the 4 million Americans victimized by this devastating disease and the family members who are most often their primary caregivers.

Alzheimer’s Disease is debilitating, indiscriminate and cruel—it creeps into the brain, captures the mind and renders its victims with impaired judgment, personality change and loss of language and communication skills.

Today, Alzheimer’s is on track to wreak havoc as the epidemic of the next century burdening our nation’s health care system and leaving millions of American families in emotional and financial ruin. It is predicted that by 2050, 14 million Americans will be afflicted. We need a strategy today.

As part of this strategy, we must recognize that there are thousands of spouses and other family members struggling to provide care for their loved ones in their homes each year.

Seven in ten people with Alzheimer’s disease live at home. Almost 75% of home care is provided by family and friends placing a tremendous emotional burden on these caregivers and a financial burden averaging $12,500 per at home patient.

Each year, Alzheimer’s costs our nation at least $100 billion and American business $33 billion, most of that in the lost work of employees who are caregivers.

It is imperative that we increase the federal commitment to this disease. We must create new programs to relieve caregivers and we must continue our work toward treatment and a cure.

Last year the federal government dedicated $400 million to Alzheimer’s research, but that’s still not enough—the federal commitment to heart, cancer and AIDS research—diseases of comparable cost to our country—is 3 to 5 times higher. Next fiscal year we must increase research dollars for Alzheimer’s by $100 million.

Last June—in an effort to encourage legislative solutions to deal with Alzheimer’s—I along with my colleague from across the aisle Chris Smith—kicked off the first bipartisan Task Force on Alzheimer’s Disease. To date we have 82 members with a goal of reaching 100 by 2000.

The time has come to wage a serious war against Alzheimer’s disease. The time has come to fight for solutions to improve the lives of those affected today and to fight for a cure to save the lives of those who will be affected tomorrow.
Thursday, November 18, 1999

HONORING MAYOR-ELECT JENNIE STULTZ

HON. SUE WILKINS MYRICK
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Mrs. MYRICK. Mr. Speaker, today I rise in honor of Mayor-elect Jennie Stultz as she prepares to become the first female mayor of Gastonia, North Carolina, in its 122-year history. Her candidacy galvanized middle-aged women and young moms who, local studies indicated, felt disenfranchised in the last municipal elections.

Her campaign to improve the image of the city, which once was chosen as an All American City, resounded with her fellow citizens. I applaud her efforts to promote the City of Gastonia as the friendly, progressive and All American City that she and I know it to be.

Jennie Stultz has dedicated 20 years of her life as a community activist and volunteer. She served as Administrator of Gastonia Clean City, then as Community Relations Director from 1982 to 1997.

She gave of her time and services on numerous civic boards, including the House of Mercy, which assists those with terminal illnesses; the Governor’s Council for Children and Youth; and has just completed a term as a Board member of the Salvation Army, which provides service to those in need.

Her father, Elmore Thomas, who was stationed overseas during World War II, wrote in a letter dated July 23, 1944: “When I get back, I might run for mayor of Gastonia. At least, all the boys in the unit say I should.”

I commend Jennie Stultz for carrying on that tradition of service to community and nation for which her father fought and for realizing a long, fulfilled family dream.

My fellow colleagues, I ask that you join me in saluting a woman who exemplifies the spirit of optimism for the future and the pride of community that prevails in this land. May her tenure bring continued prosperity and pride to the people of Gastonia, North Carolina.

HONORING THE SALVATION ARMY OF TORRANCE

HON. STEVEN T. KUYKENDALL
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize an important organization in my district, the Salvation Army of Torrance. This year the Salvation Army of Torrance is celebrating its 25th anniversary.

The Salvation Army established in 1865 by an ordained minister. The organization was founded upon strong religious beliefs, recognizing the interdependence of material, emotional, and spiritual needs. The basic social services have remained an expression of the Army’s strong religious principles. Throughout the years, new programs have been established to address contemporary needs.

The Salvation Army provides assistance to millions of people around the world. Services range from providing disaster relief to drug and alcohol counseling. They provide an invaluable service to those in need.

During the last twenty years, the Salvation Army of Torrance has expanded its program to include preschool, adult day care, summer day camp, after school programs, outreach ministry, and a family service department. This organization has left a positive impact upon the South Bay, providing assistance to thousands.

I commend the volunteers and staff of the Salvation Army of Torrance for their commitment and dedication of this charitable cause. Congratulations on this milestone.

Thursday, November 18, 1999

HON. JAMES C. GREENWOOD
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Mr. GREENWOOD. Mr. Speaker, I rise today to congratulate Planned Parenthood Association of Bucks County (PPABC) on its 35th anniversary, and the fine people who work to ensure the men and women in our area have access to the highest quality health services available. I especially want to thank the leadership of Linda Hahn, CEO, and Sandra Trainer, Chair of the Board, for guiding PPABC in its efforts.

PPABC has served Bucks County well. It is dedicated to the principles that every individual has a fundamental right to decide when or whether to have a child, and that every child should be wanted and loved.

Each year, Planned Parenthood health centers like the five in Bucks County provide high quality, affordable reproductive health care and sexual health information. PPABC is made up of highly trained, dedicated and thoughtful people. While they come from different walks of life, they are uniformly committed to ensuring that men and women have access to the care they need.

Each Planned Parenthood affiliate is a unique, locally governed health service organization that reflects the diverse needs of its community. PPABC health centers offer a wide range of services to its 13,000 patients each year, including confidential, reproductive health services; providing education and counseling services which promote healthy human sexuality; and protecting and advocating for reproductive rights and services. They encourage communication between adolescents and parents to help nourish the bonds that hold families together. In our day and age, children and teens must be armed with the knowledge to deal with serious issues such as sexuality, drugs, communicable diseases, and, in unfortunate circumstances, abortion. The men and women at PPABC help guide these difficult decisions, and the people of Bucks County are better off for their assistance.

Planned Parenthood Association of Bucks County is committed to helping people become active supporters and advocates for reproductive health. Quite frankly, Mr. Speaker, they help me understand the needs and concerns of the men and women in my district, and I am better able to use that information to effectuate change and prevent back pedaling in this Congress. They are a critical resource for me, and I am truly thankful for their valued input.

I congratulate the Planned Parenthood Association of Bucks County for 35 years of dedicated, tireless service, and wish them continued success in their next 35 years.
Mr. KUCINICH. Mr. Speaker, I rise today to honor the Magnificat volleyball team for their tremendous accomplishments this year. Their spirit and good sportsmanship throughout the season has inspired us all.

Magnificat, an all girls, Catholic high school in Rocky River, Ohio, sent their Bluestreaks off to the state volleyball tournament for the first time since 1991. Their theme this year was “to get the monkey off their back” and make it out of regionals. Since 1993, when Jenny Kathe took over the team, the Bluestreaks have made it to regionals each year, but never advanced. In order to keep their goal in focus and still have fun, they incorporated monkeys into everything. There were stuffed monkeys everywhere, as well as monkey logos on shirts and practice shorts.

The girls were able to truly get the monkey off their back by becoming, first, the District Champions, and then the regional Champions for Division I. While at the State Championships, Jenny Kathe was named Coach of the Year for Division I volleyball as they went on to capture the title of State Runner-up. The girls closed their season with the dignity and excellence that makes us all very proud of them.

Throughout the year, the girls showed team spirit, togetherness, and good sportsmanship. This year they were an extremely close knit team. There was never a moment when an individual was singled out. They shared their successes together, as well as their few defeats. They showed courage and strength both on and off the court. The team should be a role model for all sports teams today.

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Magnificat, an all girls, Catholic high school in Rocky River, Ohio, sent their Bluestreaks off to the state volleyball tournament for the first time since 1991. Their theme this year was “to get the monkey off their back” and make it out of regionals. Since 1993, when Jenny Kathe took over the team, the Bluestreaks have made it to regionals each year, but never advanced. In order to keep their goal in focus and still have fun, they incorporated monkeys into everything. There were stuffed monkeys everywhere, as well as monkey logos on shirts and practice shorts.

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this proposal is about how the wireless industry administers state and local taxes. It does not reduce or change the wireless industry’s tax obligations. This same simplicity will also help lower the cost to states and localities of administering taxes on wireless services. And, this all comes together for the wireless consumer—greater simplicity, lower costs, and reduced chances of getting caught in a “double-tax” situation where two tax jurisdictions are seeking to tax the same revenue.

There are some practical problems which can arise in the administration of state and local governments on wireless phone calls. For example, different jurisdictions may employ different methodologies making the determination of the correct taxation very difficult. Depending on the methodology a call could be taxed in the town or city where the customer is located; or, in the city or town where the wireless antenna is located; or, even in the city or town where the wireless switch is located. The bottom line—it’s confusing, it’s costly, it’s a practical problem we can fix with the legislation we are introducing today.

I would like to stress that this situation is born of good faith efforts of state and local governments to apply existing methods. The problem is that all existing methods do not necessarily work for wireless telecommunications and, due to that fact, sometimes different methodologies are applied to the same wireless call resulting in double-taxation and confusion.

I would like my colleagues to know that extensive discussion of various options to solve this problem has gone on over the past few years among several state and local government organizations—including the National Governor’s Association, the National League of Cities, the Multistate Tax Commission, the Federation of Tax Administrators and others — and the Cellular Telecommunications Industry Association representing the wireless industry. Together, they have developed a new methodology for dealing with a complex problem — and that new methodology is embodied in the legislation I am introducing today.

Under the Telecommunications Sourcing and Privacy Act, all state & local telecommunications taxes would be assigned to one location—the customer’s place of primary use—which must be either the customer’s home or business address. This new method of sourcing wireless revenues offers certainty and consistency in the application of tax law, and does so in a way that does not change the ability of states and localities to tax these revenues.

I want to also make it clear that this bill in no way provides any determination or has any impact on the work of the Advisory Commission on Electronic Commerce.

The bill also requires the General Accounting Office (GAO) to examine the Federal Communications Commission’s (FCC) implementation of provisions of current law which requires the telecommunications industry to pay fees to recoup costs of regulatory functions. There has been concern that these fees have not in the past and are not presently being properly assessed. While I do not take a position on this matter at this time, I do think it is important to get a thorough examination of the issue. The GAO study will provide such a review.

Furthermore, the bill includes provisions of a bill introduced and led through the legislative process in the House by my fellow Commerce Committee colleague, Mrs. Weiss, on the issue of improving the privacy protections afforded users of wireless communications devices. This bill, H.R. 514, overwhelmingly passed the House earlier this year. Inclusion of these provisions in this bill is a natural partnering of wireless telecommunications issues and will ease member consideration of these important concepts.

Wireless customers will benefit because their monthly bills will be simpler and the possibility of double taxation of their mobile calls from competing jurisdictions will be greatly reduced. Tax administration will be simplified for both government and industry.

I want to thank my colleagues for joining me in introducing this legislation. I look forward to working with all of them to ensure the full and speedy consideration of this proposal. I urge all my colleagues to support this legislation.

COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1999

SPERCH OP

HON. ALBERT RUSSELL WYNN
OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. WYNN. Mr. Speaker, today we consider H.R. 3261, the Communications Satellite Competition and Privatization Act. I do not think that anyone in the House would disagree with this bill’s purpose to create increased competition in the global communication satellite industry. This goal is commendable. However, I would like to express some concern about one of the provisions in this bill.

First, let me say that, I am pleased that this bill would permit Lockheed Martin and COMSAT to complete their merger. This transaction, which has received approval from the Department of Justice, and has passed the first phase of FCC approval, has been in need of enabling legislation for over a year.

Unfortunately, this bill puts unnecessary conditions on the lifting of COMSAT’s ownership cap and therefore on the Lockheed Martin-COMSAT merger. Earlier this year, the Senate passed satellite reform legislation, which does not contain these restrictions. It is my view that the House should not impose new restrictions during this process of creating open competition.

Conference, I would urge my colleagues to support the removal of the conditions on the Lockheed Martin-COMSAT merger. This merger is important for my constituents in Maryland, not withstanding American consumers who deserve more competition in the satellite services market.

A TRIBUTE TO BRIGADIER GENERAL PATRICK O. ADAMS, OF CAPE GIRARDEAU, MISSOURI ON HIS RETIREMENT FROM THE U.S. AIR FORCE

HON. JO ANN EMERSON
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mrs. EMERSON. Mr. Speaker, on February 1, 2000, Brigadier General Patrick O. Adams, United States Air Force, of Cape Girardeau, Missouri, will retire from active military service, culminating a long and distinguished career in the service of his country. His accomplishments touched every Soldier, Sailor, Airman, Marine serving in the US Armed Forces, an accomplishment few individuals in a career or even a lifetime can claim.

Brigadier General Adams was born in Cape Girardeau, Missouri and was commissioned with through the Air Force Reserve Officer Training Corps following his graduation from the University of Missouri at Columbia in 1968. Brigadier General Adams has spent the majority of his career in personal management positions. He has been stationed in Alabama, Texas, Oklahoma, and Colorado. His overseas assignments include Iran, Vietnam, Thailand, and Bulgaria.

Brigadier General Adams, distinguished himself by exceptionally brilliant service while serving his country in an exemplary career spanning over 31 years. In his final assignment as the Director, Manpower and Personnel, J-1, the Joint Staff, BG Adams displayed uncommon initiative and leadership in
Department of Defense personnel programs. He is well known for his enthusiastic, proactive approach to implementing the most significant personnel compensation changes since the All-Volunteer Force (AVF) was created. BG Adams personally crafted, advocated and led an effort to avert future personnel shortages. His efforts in identifying the negative trends in recruiting and retention and his personal advocacy for the necessity of pay and compensation actions led to the most significant Pay and Retirement Reform actions in the last 15 years. His work is at the core of the benefits package that was adopted as part of the FY2000 National Defense Authorization Act.

I would like to take this opportunity to congratulate Brigadier General Adams for his outstanding service to his country.

HONORING THE CAREER AND CONTRIBUTIONS OF RANDY OWEN

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. ADERHOLT. Mr. Speaker, I believe that it is fitting that we pay tribute to a great American, who has made substantial contributions to our nation, and its culture. He is an artist; he is a musician; he is a father; he is a husband; he is a great man who has lived his life based on principle, and has been a strong and beautiful voice from a mountain top, not only in Alabama, but all across this nation, and all over the world.

Randy Yeuell Owen was born in Fort Payne, Alabama, on December 13, 1949. He and his two sisters were raised in a close-knit family near Lookout Mountain in DeKalb County, Alabama. As a child, Randy, along with his two young sisters, grew up in the rural South working in the fields and picking cotton. Times were hard and there was no money left for entertainment after the bills were paid, so the family spent much of their time singing and playing gospel music. This family entertainment led to the formation of his first band, “The Singing Owenses.” By the time that Randy entered the fifth grade, he along with his cousin, Teddy Gentry, decided to pursue a career in country music.

During the early struggling years of the band, Randy took odd jobs laying brick and hanging sheetrock, while also attending college. In 1973, Randy received a Bachelor of Arts in English from Jacksonville State University. That same year, Randy, along with his cousins Teddy Gentry and Jeff Cook, decided to devote themselves entirely to their dream. In the next seven years, Randy, Teddy, and Jeff along with various drummers, performed as a group in Myrtle Beach, South Carolina. It was during these years that he met and courted his wife, Kelly—one person who has stood strong by Randy through his entire career. Kelly’s father, who was stationed near Myrtle Beach, was soon transferred abroad, and Randy and Kelly’s relationship continued through correspondence.

In 1980, with drummer Mark Herndon on board, the band’s debut album, “My Home’s In Alabama,” was released by RCA and every song from it became a #1 hit. In 1981, “Alabama” was named Top Vocal Group of the Year by the Country Music Association. As the years followed, so did the awards—20 major music awards were bestowed upon the group over the next 15 years.

The most well-known of Randy’s charity events, June Jam, is by no means the only charitable cause with which Randy has been involved. He serves as the Celebrity Spokesman for the Alabama Sheriff’s Boys and Girls Ranches. He has received the Tamer Award, which is the highest award given for service to St. Jude Hospital on a national level. Currently, he serves as the spokesperson for the St. Jude’s Country Cares Radiothon, raising millions for the Research Hospital.

While Randy has traveled all over the world, and performed all across the United States, as well as abroad, he has never forgotten his community, and his home State, Alabama. Randy resides with his wife Kelly, and three children who have supported their Dad all the way—Alison, Heath and Randa, near Fort Payne, Alabama, which I am proud to represent in the Fourth Congressional District.

With all the honors that have been bestowed over the years, one of the most significant awards came to Randy in 1999, when he was awarded the Alabama Father of the Year by the Alabama Cattlewomen. He says his long-term goals are “to always achieve a gentle way of living and to be known as friendly to the fans and have a good reputation from fellow musicians.” The profound impact that Randy Owen has had on our State, our Nation, and American culture cannot be measured. On behalf of my colleagues, I express our gratitude to Randy Owen, and wish him many, many more years.

AWARDING A CONGRESSIONAL GOLD MEDAL TO FATHER HESBURGH

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mrs. NORTHPUR. Mr. Speaker, I rise today to honor Father Theodore Hesburgh. Father Hesburgh, president of the University of Notre Dame from 1952 to 1987, has selflessly devoted his time, energy, vision and dreams on behalf of furthering higher education in this country. In addition, his undaunting service to the underprivileged communities all across this nation, and the world, has made a significant impact in the lives of so many.

As an educator, you can find impressions of Father Hesburgh’s teachings just about anywhere you look. Father Hesburgh encouraged high academic standards and preached a universal commitment to the service and helping of others. He often inspired his students to look at the world through opened eyes and challenged them to go out and make a difference. His dedication to improving the lives of others was global in nature and he knew no boundaries for race or ethnicity. Those who have learned these important life lessons from Father Hesburgh are here in Congress, Presidential Cabinets, Catholic churches, and scattered throughout our local communities.

I am a graduate of Saint Mary’s College, the sister institution of Notre Dame, and part of the student body that Father Hesburgh so vastly inspired. For many reasons, I often think back to my college days, and draw upon the values and traditions instilled in me by the mission of these institutions. I truly believe that what I learned under the leadership of Saint Mary’s, Notre Dame and Father Hesburgh will
help guide me in the right direction as a public servant and make the right decision for those who put their trust in me.

Father Hesburgh was always challenging those he met to be a better person, and the Hesburgh Center for Peace studies is a lasting and continuing tribute to his good work. In addition, his accomplishments from 15 Presidential appointments have contributed greatly to our progress as a nation which strives to provide justice and equality for its people and those throughout the world.

Mr. Speaker, it is my honor to salute Father Hesburgh and to commend the House of Representatives for passing H.R. 1932, which authorizes the President of the United States to award him with a gold medal on behalf of Congress, I can think of none more deserving of this most prestigious honor.

HONORING GEORGE BROWN AND LINUS PAULING

HON. JERRY LEWIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. LEWIS of California. Mr. Speaker, I would like today to call your attention to an exhibition that has recently opened at the National Museum of Health and Medicine: “Linus Pauling and the Twentieth Century.” This exhibition, which was viewed by more than 20,000 school children at the California Institute of Technology, was brought to Washington largely through the efforts of a lab friend and colleague, George E. Brown, Jr.

Congressman Brown, as we all know, held a passionate belief that there is a special relationship between excellence in education, pushing back the frontiers of scientific knowledge, and the pursuit of peace. These themes are celebrated by the exhibition on the life, work and times of Linus Pauling.

Dr. Pauling is the only person ever to win two unshared Nobel prizes. In 1954 he was given the Nobel Prize in Chemistry for the discovery of the nature of the chemical bond, and in 1962 he won the Nobel Peace Prize for his efforts to end atmospheric testing of nuclear weapons. Congressman Brown believed that Pauling’s commitment to science and to an unwavering idealism make the exhibition on his life especially instructive to today’s young people.

Mr. Speaker, I ask you and my colleagues to join me in honoring Congressman Brown for his efforts to bring this exhibition to the Nation’s Capital, and to express our appreciation to the organizing committee for making the exhibit possible: Oregon State University, the Linus Pauling family, and the Soka Gakkai International and its founder, Daisaku Ikeda, whose friendship with Pauling inspired the exhibit.

EXTENSIONS OF REMARKS

RECOGNIZING THE ARKANSAS BANKERS ASSOCIATION’S SUPPORT FOR FINANCIAL MODERNIZATION

HON. ASA HUTCHINSON
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. HUTCHINSON. Mr. Speaker, on behalf of the Arkansas Bankers Association, I would like to submit their remarks regarding a specific section of S. 900, the Financial Modernization Act of 1999, which is of particular interest and importance to Arkansas. This section is titled “Interest Rates and Other Charges at Interstate Branches.”

With the passage of the Riegle-Neal Interstate Banking and Branching Act several years ago, the option arose as to which state law concerning interest rates on loans would apply to branches of the interstate banks operating in a “host state.” Would those branches be governed by the interest rate ceiling of the charter location or that of their physical location? The Office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation addressed this issue with options that basically give branches of interstate banks the option of being governed by either their home or host state requirements concerning interest rates by structuring the loan process to meet certain requirements.

In Arkansas there has had a profound effect upon our local banking community. Arkansas has a usury ceiling that places the maximum rate that can be charged for many classes of loans at 5% above the Federal Reserve Discount Rate. However, over 40% of our banking locations in the state, those that are branches of non-Arkansas based interstate banks, are in effect no longer governed by this law. The out of state banks are free to price according to risk, and thus charge lower rates for the better credits and higher rates for the lower quality credits. However, local Arkansas banks cannot price according to risk and are thus placed at a significant competitive disadvantage.

In recognition of this inequity and the fact that if not corrected our state may lose virtually all of its local community banks, the Arkansas delegation supports language that provides our local banks with the loan pricing parity in all regards with non-Arkansas interstate banks operating branches in Arkansas. Indeed, this is the intent of the section concerning Interest Rates at Interstate Branching.

The entire Arkansas Delegation is on record supporting this section as well as Governor Mike Huckabee, and Bank Commissioner Frank White. Further, a joint meeting of the state house unanimously passed a resolution requesting the Arkansas Congressional Delegation to address this important issue.

Very simply, the situation of placing local Arkansas banks at a severe competitive disadvantage is a result of the comptroller-general’s interpretation of the Riegle-Neal Interstate Banking and Branching Act.

Mr. Speaker, from these words it is clear that the legislation is intended to assist community banks operating branches of non-Arkansas banks to receive loans and invest funds in their home state. With the passage of S. 900, I want to congratulate my colleagues on a job well done. This legislation will enable our financial industry to move into the next century. This bill not only helps states like Arkansas, but the nation as a whole.

PASSAGE OF H.R. 3090

HON. DON YOUNG
OF ALASKA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. YOUNG of Alaska. Mr. Speaker, I would like to provide additional explanatory information regarding the provisions in H.R. 3090.

At the time of passage of H.R. 3090 by the Committee on Resources, the Committee Members on both sides of the aisle agreed that there were likely to be additional changes to this bill prior to its being taken to the floor of the House. Such changes were ones that the Committee anticipated would be developed between the Department of Interior and Elim as well as with the concurrence of the majority and the minority of the Committee. Those changes were worked out. A number of improvements were made to this bill in addition to some reorganization of the sections to assist in providing clarity to the bill. What follows is a brief explanation and a section-by-section analysis of the bill as it is brought before the House.

As I had indicated in my earlier remarks, this legislation is long overdue. It is a matter of equity and fairness that, in furtherance of the underlying goals of the Alaska Native Claims Settlement Act (ANCSA), replacement lands should be conveyed to the Elim Native Corporation under Section 19 of ANCSA. The Committee’s intent is that such conveyances authorized in this legislation be treated as other conveyances to Elim were treated in the past with respect to other applicable sections of ANCSA, except that the conveyances under the bill will additionally have certain covenants, reservations, terms, and conditions that are applicable.

It is recognized that the watersheds that are likely to be selected under this provision (Clear Creek, Tubutulik River, and the Qwik River) are ones which provide a vital source of food in the form of fish as well as sustenance for wildlife and plants on which the people of Elim are, in part, dependent.

The Committee considered utilizing the lands on the eastern edge of the original Norton Bay Reservation as replacement lands to Elig for the 50,000 acres which were deleted in 1929. However, because—(1) there have been a number of acres of those lands (in particular along the coastline) which had been conveyed to the Village of Koyuk or which were subject to allotments; (2) of the sensitivity of that area to Koyuk; (3) with the knowledge today that, the rivers to the north of the original Norton Bay Reservation are of substantial significance to the long-term viability of the Elim Native Corporation in the future, the Committee concluded that the area to the north of the current boundary of Elim land holdings was a more appropriate place from which Elim should select replacement lands than the original area deleted in 1929.

In addition, provisions were negotiated with Elim which represent a good faith effort by all
sides to remedy the injustice to Elim from many years past as well as to protect the resources of the area with several unique natural features. As a result of those negotiations, Elim will have full access to the use of the timber on the lands to be conveyed for building of homes, cabins, lodges, firewood, and other domestic uses on Elim lands, but agreed not to cut or remove Merchantable Timber for sale. This will enable Elim to make beneficial developmental, and economic use of lands while conserving most of the forested lands for their wildlife habitat benefits.

As a part of the balancing of interests, the Committee agreed to language that would provide a 300 foot buffer area around Clear Creek and the Tubutulik River should they be selected by and conveyed to Elim. In that area, there would be no support structures or development or activities permitted unless they would not or are not likely to cause erosion or siltation so as to significantly adversely impact the water quality or fish habitat of these two water courses.

The Committee believes that the bill as reported along with the amendments as brought before the House represents a reasonable and responsible approach to dealing with and solving the problems and delays to Elim of many years and do so in a way that is appropriate given the circumstances as they are in 1999.

Provisions of the legislation are further explained in the section-by-section analysis that follows.

SECTION-BY-SECTION ANALYSIS
Section 1. Elim Native Corporation Land Restor-ation.

This section amends the Alaska Native Claims Settlement Act by amending Section 19 by adding a new subsection (c).

Subsection (c)(1) sets out findings regarding the background and need for the legislation.

Subsection (c)(2) describes the lands to be withdrawn (“Withdrawal Area”) by reference to a map dated October 19, 1999, and withdraws the lands from all forms of appropriation or claim by the United States under the public land laws for a two-year period.

Subsection (c)(3) authorizes Elim to select and ultimately receive title to 50,000 acres of lands from the lands inside the Withdrawal Area. The Secretary of the Interior is authorized and directed to convey to Elim the fee to the surface and subsurface estate in 50,000 acres of valid selections, subject to the conveyances, reservations, terms and conditions in subsection (c).

Subsection (c)(3)(A) provides two years after the effective date of the Act to make its selections. To ensure that it receives the 50,000 acres, under this subparagraph Elim may select up to 60,000 acres and must prioritize its selections at the time it makes the selections. Elim may not revoke or change its priorities. Elim must select a single tract of land adjacent to U.S. Survey No. 2648, Alaska, that is reasonably compact, contiguous, and in whole sections except for two situations. The withdrawn lands remain withdrawn until the Department has conveyed to Elim 50,000 acres under subsection (c). The Elim Native Corporation is entitled to subsection (c).

Subsection (c)(3)(B) provides that, in addition to being subject to valid existing rights, Elim’s selections may not supercede prior selections by the State of Alaska or other Native corporations, or valid entries by private individuals unless the State, Native Corpora- tion, or individual relinquishes the selection entry prior to conveyance to Elim.

Subsection (c)(3)(C) provides that, on receipt of the Conveyance Lands, Elim will have all the legal rights and benefits as landowner of the lands subject to the conveyances, reservations, terms and conditions in subsection (c). All other provisions of this Act that were applicable to conveyances under subsection (b) are applicable to conveyances under subsection (c).

Subsection (c)(3)(D) makes clear that selections by Elim Native Corporation to these lands is in full satisfaction of any claim by Elim Native Corporation of entitlement to lands under section 19 of this Act.

Subsection (c)(4) provides that the covenants, terms and conditions in this section (c) and in paragraphs (5) and (6) will run with the land and be incorporated into any interim conveyance or patent conveying the lands to Elim.

Subsection (c)(4)(A) provides that Elim has the right to enter the hot springs and to use the timber resources of the Conveyance Lands including construction of homes, cabins, firewood and other domestic uses on any Elim land conveyed and extending Merchantable Timber for sale and constructing roads and related infrastructure for the support of such cutting and removing timber for sale.

Subsection (c)(4)(B) modifies P.L.O. 5563 to permit selection of Elim by lands encompassing prior withdrawals of hot or medicinal springs. It also applies to the applicable conveyances, reservations, terms and conditions in subsection (c).

Subsection (c)(4)(C) applies to lands conveyed to Elim Native Corporation to those lands containing the Tubutulik River and the Delta. Elim will not allow activities in the bed or within 300 feet of these water courses which would cause or would likely cause erosion or siltation so as to significantly adversely impact water quality or fish habitat.

Subsection (c)(4)(A) sets forth the first of a series of rights and remedies for the Elim Native Corporation to the United States in the conveyances in paragraph (3). Subparagraph (A) is a retained right to enter the conveyance lands for purposes outlined in paragraph (3). Subparagraph (B) provides for an opportunity to have a representative present.

Subsection (c)(5)(B) provides for retaining rights and remedies against persons who cut or remove Merchantable Timber.

Subsection (c)(5)(C) provides for the retention of the right to reforest if Merchantable Timber is destroyed by fire, insects, disease or other man-made or natural occurrence, except for such occurrences that occur from Elim’s exercise of its rights to use the conveyance lands as landowner.

Subsection (c)(5)(D) provides for the retention of the right of ingress and egress to the public under section 17(b) of ANCSA to allow the public to visit, for non-commercial purposes, the hot springs located on the conveyance lands and to use any part of the hot springs that is not commercially developed.

Subsection (c)(5)(E) provides for retaining the right to enter the conveyance lands containing hot springs in order to conduct scientific research. It also ensures that such research can be conducted and at the right time and place. The hot springs can be used without any compensation to Elim.

Subsection (c)(5)(F) provides for retaining the right to Elastic Timber for sale and to conduct research without compensation to the United States.

Subsection (c)(5)(G) provides for retaining the right to exercise prosecutorial discretion in the enforcement of any covenant, reservation, term or condition does not waive the right to enforce such covenant, reservation, term or condition.

Subsection (c)(6)(A) provides for the Secretary and Elim, acting in good faith, to enter into a Memorandum of Understanding (MOU) to implement Subsection (c). The subparagraph requires that the MOU include reasonable measures to protect plants and animals in the environment, reduce or preclude the possibility of the hot springs. The provision makes clear at least 85% of the lands within 1/4 mile of the hot springs should be left in their natural state.

Subsection (c)(6)(B) provides for Elim to incorporate the covenants, reservations, terms and conditions set forth in subsection (c) in any deed or other instrument by which Elim divests itself of any interest in all or portion of the Conveyance Lands.

Subsection (c)(6)(C) requires that the BLM, in consultation with Elim, still reserve easements under subsection 17(b) of this Act.

Subsection (c)(6)(D) provides for the retention of other easements by the BLM, in consultation with Elim, including the right of the public to enter upon and travel along the Tubutulik River and Clear Creek within the Conveyance Lands. This subparagraph provides that the easements shall include trails confined to foot travel along each bank of the Tubutulik River and Clear Creek. This subparagraph requires that trails be set a minimum of 100 feet wide and not be utilized for launch and water craft as well as for short term (twenty-four hours) camping, unlessElim consents to a longer period.

Subsection (c)(6)(E) provides that the inholders within the boundaries of the Conveyance Lands have rights of ingress and egress. It provides also that the inholders may not exercise these rights in a manner that might result in substantial damage to the surface of the lands and may not make any improvements to the conveyance lands without the consent of Elim.

Subsection (c)(6)(F) provides that the Bureau of Land Management may reserve an easement for the Iditarod National Historic Trail in the land conveyance to Elim.

Subsection (c)(7) authorizes appropriations as may be necessary to implement subsection (c).

Section two. Common Stock to Adopted-Out Descendants.

Section 7(h) of the Alaska Native Claims Settlement Act sets forth the general rules pertaining to the issuance and transfer of common stock in an Alaska Native Corporation, which stock is referred to as Settlement Common Stock. The Acquisition of Settlement Common Stock is not permitted to sell, pledge or otherwise alienate.
this stock. However, Section 7(h)(1)(C) of ANCSA provides certain exceptions to the general prohibition on the alienation of Settlement Common Stock. Under Section 7(h)(1)(C)(iii), the holder of Settlement Common Stock may transfer some or all of the Settlement Common Stock to a close family member by inter vives gift. Gifts of Settlement Common Stock are permitted to, among others, a child, grandchild or great-grandchild.

Alaska state law has been interpreted to sever, for all purposes, the relationship between a family and a child who has been adopted out, or for whom parental rights have been relinquished or terminated. Thus, under existing law, a holder of Settlement Common Stock may not inter vives gift transfer Settlement Common Stock to a child who has been adopted by another family. The proposed amendment in Section 2 will permit the biological family of an Alaska Native child to make an inter vives gift to that child of Settlement Common Stock, regardless of the child’s adoption into a non-Native family, or of relinquishment or termination of parental rights. The enactment of the provisions of Section 2 will resolve the problem currently faced by some Alaska Native children who are unable to receive shares in an Alaska Native Corporation because the relationship with their biological family has been legally severed under Alaska State law.

Section three. Definition of Settlement Trust.

Congress enacted the settlement trust op- tion in ANCSA to allow Alaska Native Cor- porations to establish trusts to hold assets for the benefit of Alaska Native Share- holders. As the law currently stands, these trusts may only benefit holders of Settle- ment Common Stock. The amendments con- tained in Section three will permit Native Corporation shareholders, by the vote of a majority of shares, to extend this benefit of ANCSA to all of the Native people in their community, including the children and grandchildren of the original stockholders, regardless of whether they yet own stock in the Native Corporation. This amendment re- defines “settlement trust” to permit Native Corporations to establish settlement trusts in which the beneficiaries may include shareholders, Natives and descendants of Na- tives. Because ANCSA was enacted to benefit all Natives, this amendment is in keeping with the original intent of that legislation. At the same time, the interests of Alaska Native Corporation shareholders are pro- tected because this option is available only to those Corporations whose shareholders vote, by a majority of all outstanding voting shares, to benefit non-shareholders.

Tribute to the People of WAMU

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Ms. NORTON. Mr. Speaker, I rise today to ask the House to join me in honoring WAMU 88.5 FM’s regional public affairs program, Metro Connection, which recently won two Achievement in Radio Awards in the 13th annual competition sponsored by the March of Dimes to recognize excellence in Washington area radio. Washington area resi-

dents are especially proud that this is the fourth consecutive year that Metro Connection is being honored as the best locally produced public affairs program. Washingtonians have long admired the professionalism and wonderfully interesting programming of those sharing in the honors, including News Director Kathy Merritt, line producer David Burst, and reporters Annie Wu, Lakshmi Singh, and Lex Gillespie. Metro Connection also won the best news series award for its “20th Century Washington” series, a review of the city of Washington as it has evolved during this century. Kathy Mer- ritt, David Burst, Annie Wu, Lex Gillespie and Andrew Pergam, who received this award, take us on a fascinating journey in a 10 part series, one story for each decade of the cen- tury, with special features each month. It is radio at its substantive and interesting best. Those of us fortunate enough to live within listen- ing range of WAMU’s Metro Connection value its focus on us, on where we live, and on what we do. Metro Connection is an espe- cially welcome visitor in Washington area homes on Saturday mornings at 11 a.m.

Mr. Speaker, many Members of the House and Senate count themselves among WAMU’s 454,000 avid listeners in the Washington area. Congressional Members of every political stripe listen with appreciation to WAMU’s vari- ety of news and public affairs programming, to its celebrated and elegant talk show host Diane Rehm, to Public Interest with Kojo Nnamdi, and to its bluesgrass and other music. Now Metro Connection and its creators have brought honor to their medium and their hometown station. WAMU is a beacon of broadcasting excellence. I ask my colleagues to join me in honoring the people who have made WAMU an award winning resource for the residents of the Washington area.

HONORING THE LATE JOE Serna

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Ms. PELOSI. Mr. Speaker, Joe Serna was a good man and an outstanding Mayor. I was honored to join my colleagues this week and support House Resolution 363, recognizing and honoring Sacramento, California, Mayor Joe Serna, Jr., and expressing the conden- sations of the House of Representatives to his family and the people of Sacramento on his death. As a son of an immigrant farm worker, he learned the values of hard work which exemplified his career. Eager to help others, Joe entered the Peace Corps in 1966. When he returned to California, he joined the faculty at California State University, Sacramento, in 1969 becoming a professor of Government. He was so good at energizing and inspiring his students that in 1991 he received the Dis- tinguished Faculty Award.

Joe Serna continues serving his community by being first elected to the Sac- ramento City Council in 1981 and reelected in 1985 and 1989. He was then elected mayor of Sacramento in 1992 and again in 1996.

Joe Botz of Sacramento wrote a Letter-to-Editor in the Sacramento Bee last week, which I believe embodies Joe Serna’s legacy as a political role model and a leader. Botz wrote, “Most citizens look at the day when cit-izen-politicians governed us. Serna was a liv- ing and working embodiment of those days. He was brash and arrogant as he looked after value its focus on us, on where we live, and

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H. R. 2668, STREAMLINING FEC

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. HOYER. Mr. Speaker, let’s lift FEC re- form out of legislative limbo where it has been for twenty years. Before we leave for the year let’s pass H. R. 2668, a bill to streamline FEC procedures and improve FEC reporting.

The bill is not controversial—it has broad support on both sides of the aisle and it is needed. There is simply no reason not to pass this bill today.

In September I wrote to Speaker HASTERT requesting that this bill be placed on the sus- pension calendar. It is a good bill—sponsored by House Administration Chair BILL THOMAS—and voted unanimously out of the House Ad- ministration Committee earlier this year.

The bill contains most of the provisions in the bill introduced earlier this year. It was pre- pared with the support and assistance of the six Republican and Democratic FEC Commis- sioners. In addition to the support of the Com- mission, H. R. 2668 is supported by Members on both sides of the aisle.

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For over twenty years, the FEC has annually sent to Congress requested statutory changes. And each year—just like in our recent campaign finance debate—provisions that are needed and have no real opposition become tangled up in our debate about how to ensure the integrity of our campaign finance system.

But this year we can do it differently. We have a solid FEC reform bill thatcombines needed changes into one package. We have bipartisan support for the bill.

If we fail to act it means that the work that we did in the House Administration Committee to create this worthwhile bill was just a cynical game to defeat comprehensive campaign finance reform. I have asked Speaker Hastert to bring H.R. 2668 to the floor on the suspension calendar—and I urge him to do so again today. FEC reform standing alone is worthwhile. We have the chance to pass it and we should.

HONORING DR. JACK TURNER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. GORDON. Mr. Speaker, I rise today to recognize Dr. Jack Turner for 30 years of service to Middle Tennessee State University as an associate professor of political science. Dr. Turner has had a profound effect on many Middle Tennesseans. His patience and perseverance with the teaching profession have been invaluable assets to the Middle Tennessee community. Over the years, many members of my staff have had the benefit of his guidance. I, too, have had that privilege as a student, as well as being a colleague through my own teaching experience at Middle Tennessee State University.

I ask today that we recognize this man for his 30 years of achievement and dedication to the teaching profession and to Middle Tennessee State University. He has certainly benefited young minds through his vast knowledge and experience. As a representative of Middle Tennessee, I feel the same regret that the community feels to see Dr. Turner retire. I am, however, confident that he will contribute to the community in many other ways. So, I ask my colleagues in the U.S. House of Representatives today to join me in wishing him well in his future endeavors.

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MIDDLE TENNESSEE COMMUNITY ANNOUNCES GROWTH OF FREE MARKET IDEAS

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Greene neighborhood for 41 years. During these four decades, Mrs. Turner has been an active participant in the life of her community.

While the Ft. Greene community was recently described by New York Magazine as undergoing “a new residential renaissance”, the neighborhood was a different place in the ‘50s and ‘60s when Georgianna Turner first moved to South Oxford Street. Many of the brownstones had been converted to rooming houses and flop houses making everyday life quite a challenge. Mrs. Turner and a committed band of neighbors resolved to reclaim the block and worked tirelessly for decades to establish the Ft. Greene neighborhood, and especially South Oxford Street, as one of the premiere blocks in Brooklyn. Working with Mr. Percy Buchanan who was, then, the head of the South Oxford Street Block Association, along with other long term residents like Nancy Johnson, Hazel Slaughter, and William Turner (no relation). Georgianna Turner went from block to block galvanizing community support, exposing drug activity, and vociferously advocating for the changes that would make the neighborhood a better place to live.

Mrs. Turner remembers the years when she had to endure repeated vandalism to her home in response to her activism. She risked her life on the line by reporting drug activity. Ever fearless, Georgianna Turner and her co-horts in the South Oxford Street Block Association were not to be stopped. They worked hand-in-hand with local politicians, the police department, the sanitation department, the Board of Health, local churches—especially Queen of All Saints (where she has been a faithful member of 40 years), Lafayette Presbyterian Church—and whoever else would help them clean up the blocks from South Eliott to Clinton Avenue. She especially recalls their concerted effort to “get rid of the Atlantic Avenue meat market that was the scourge of the neighborhood, get the burns off the street, and get the trash cleaned up”.

Before real estate speculators and the Brooklyn Academy of Music was envisioned, the quiet, determined approach of residents like Georgianna Turner paved the way for the real-estate and economic boom that Ft. Greene is experiencing today. Though she never sought fame or fortune for her community activism, Georgianna Turner has received countless accolades for her valiant efforts. Her legacy has been to create a clean, safe, stable community of which she and her colleagues in the South Oxford Street Block Association can be proud.

On August 18, 1999, Georgianna Turner celebrated her 100th birthday. I want to salute this “grand old lady” as we end the last session of Congress in the 20th century. She leaves Brooklyn with a legacy that will endure long into the next century. I urge my colleagues to join me in acknowledging the splendid work of one of Ft. Greene’s finest jewels, Georgianna Turner.
EXTENSIONS OF REMARKS

Believing that donors are more likely to remain committed to the program if they participate in a thorough education program prior to joining the NMDP Registry, Brandi has submitted a proposal for a pilot program that will include two-hour seminars covering the process of becoming a bone marrow donor.

I am proud to say that Brandi has received word that her Bone Marrow Donor Pilot Program proposal has been funded. The funding will allow for a donor pilot program in San Luis Obispo County and for four donor drives beginning in January 2000. The goal of this pilot program is to encourage and educate the public about the need for bone marrow donors and to assist in retaining donors on the registry.

And so I salute Brandi Dias today. She has shown courage in her fight against leukemia and transformed this experience into community activism that will benefit patients across San Luis Obispo County. I am proud to represent her in Congress.

RECOGNITING OF A VISIT BY A RUSSIAN DELEGATION TO THE THIRD CONGRESSIONAL DISTRICT OF WISCONSIN

HON. RON KIND
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. KIND. Mr. Speaker, in recent weeks I have read many news articles and heard many interviews which paint a very grim picture of the political and financial situation in Russia. I have seen economic analysts and political pundits shake their heads and ask in very solemn tones, “Who lost Russia?” If I were to believe the most outspoken American leaders and experts, it seems we should just give up on democratic development in Russia and allow the worst-case scenarios to become self-fulfilling prophecies.

But while gloomy forecasts cloud this country’s media-based perception of Russia’s future, I have good reason to hold out hope for a prosperous Russia and for a strong U.S.-Russian relationship. In September, I hosted a delegation of Russians through the auspices of the Library of Congress and the American Foreign Policy Council. After spending an exceptionally enlightening week with these individuals, I believe the real question facing the West is not who lost Russia—as if it were the West’s to lose—for even whether Russia is lost. Rather, the question is how can we help enterprising and industrious Russians, like those I met, work to rebuild their nation.

The delegation that spent a week in my congressional district in western Wisconsin came from different regions of Russia and different walks of life. As politicians, scientists and financial advisors, these men and women represented their nation well. They looked like us, they expressed their desire to see their fledgling democracy flourish, and they believe there are lessons to be learned. With them, I have good reason to hold out hope for a prosperous Russia and for a strong U.S.-Russian relationship.

Mr. Speaker, I submit that we have a duty, not only as legislators, but as Americans and as citizens of the world, to help our Russian friends at this critical time in their history. Let us extend a hand both in friendship and assistance. Mortimer B. Zuckerman, Editor-in-Chief of U.S. News & World Report recently wrote: “Russia is not lost. It is still a much better friend of the West than it was under Communism.” Mr. Zuckerman went on to say, “The Russians have, in fact, demonstrated an extraordinary resilience... The United States and the West will have to appreciate that Russia can, at last, solve its problems in its own way.” He concluded, “Humility will serve us well. Not everybody needs to be like us.” I couldn’t agree more. Russia does have a bright future, and the United States has the opportunity to be a friend and partner in that future.

We will, of course, continue to encourage democracy and openness not only in Russia, but in all nations of the world. In the aftermath of the Cold War, such participation remains vital to our national interest. America must be the active and helpful voice of a renewed community to help guide the many newly independent nations in their democratic development.

Mr. Speaker, I made new friends in September; friends I hope learned at least a little
EXTENSIONS OF REMARKS

Mr. Speaker, after honing his skills as an artist, Ben Richmond moved to the Great Lakes and began producing artwork that combined his vision of traditional and contemporary themes, focusing on the natural beauty and cultural significance of the region.

Richmond’s work has been featured at the Grand Central Art Gallery, which boasts an extensive collection of fine art, showcasing the talents of regional artists. Richmond’s pieces, known for their vibrant colors and dynamic compositions, reflect the diversity of the Great Lakes area, capturing the essence of the region’s natural and cultural heritage.

In conclusion, Ben Richmond’s artistic journey has been characterized by a deep appreciation for the region’s cultural and natural landscapes. His work continues to inspire and captivate audiences, weaving together the past and present, the traditional and contemporary, in a celebration of the Great Lakes region’s rich heritage.

Mr. Speaker, I urge you and my colleagues to support Ben Richmond and his artistic endeavors. His work serves as a reminder of the importance of preserving our cultural and natural resources and the role of art in bridging communities and fostering understanding.

Mr. Speaker, I yield to the Chair.

November 19, 1999
Art Galleries in New York, Great Lakes Regional Art Exhibition, the Salmagundi Club in New York, and many others. As well, Ben has received numerous awards and recognitions from the Metropolitan Museum of Art, National Watercolor Society, U.S. Lighthouse Society, Ohio Division of Travel and Tourism, and the Decor Magazine Award of Excellence.

Ben Hightower has also been called upon to showcase his work in the interest of public service. By request of the Governor of the state of Ohio, Ben designed the Ohio light license plate. Through the sale of the license plate, more than five million dollars has been generated to help clean and maintain the Lake Erie coastline. Not only are Ben Richmond and his wife, Wendy, outstanding entrepreneurs, they are always more than willing to assist their community. Over the years, the Richmonds have graciously and selflessly given to others. Through grants, scholarships, and other donations, many hospitals, schools, and senior centers have benefited from their generosity. Although they seek no recognition, we applaud their unswerving dedication to their community.

Mr. Speaker, Ben Richmond has inspired many with his work and has been named the Featured Artist for the state of Ohio Bicentennial Celebration in 2003. Ben Richmond will commemorate this historic event with a limited edition print, minted coin, and sculpture of the Ohio Capitol building. I can think of no better way to recognize the hallmark event of Ohio's 200th Anniversary than with the works of Ben Richmond. I would urge my colleagues to stand and join me in paying very special tribute to Ben Richmond for his outstanding contributions to the world of art.

HONORING JOHN HIGHTOWER

HON. DAVE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. KILDEE. Mr. Speaker, it is a great honor for me to rise before you today to pay tribute to Mr. John Hightower of Flint, Michigan. On November 27, local officials, friends, and family will gather to honor this longtime activist and community leader.

John Hightower moved to Flint in 1952, where he began a long tenure with the Buick Motor Company. He also joined the UAW and rose through its ranks, serving as a committeeman, as well as on the executive boards for Local 599 and Local 659. John also worked as chair of his Local's civil rights committee, working tirelessly to ensure that his fellow employees were treated with equity and respect.

John's sense of civil rights extended into his entrepreneurial activities as well. As the owner of Hightower Construction and Hightower Electric Company, John helped build many prominent churches and other buildings in the Flint area. He provided training for other African-Americans who wished to join the business world, helping them receive opportunities that normally would have been denied them in the America of the 1950's and 60's.

When local banks refused to hire qualified African-Americans for jobs, it was John Hightower who organized rallies and marches to protest and ultimately eliminate these injustices. In later years, John furthered his business credentials with another business, Montego Travel Office, later known as the Travel Centre of Flint.

Our Flint community owes much to John for his dedication and generosity. Over the years, he has helped citizens gain self-sufficiency and self-respect. He has promoted strong families with strong foundations, and provided food and shelter for the needy.

Mr. Speaker, the celebration to honor John Hightower has a theme entitled “Visions.” Truly John has been a visionary, as he has given much of himself to make our community a better place in which to live. I ask my colleagues in the 106th Congress to join me in saluting John Hightower. We owe him a debt of gratitude.

HONORING CARLOS BELTRÁN ON WINNING THE 1999 AMERICAN LEAGUE ROOKIE OF THE YEAR

HON. KAREN McCARTHY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor the new 1999 American League Rookie of the Year, Carlos Beltrán of the Kansas City Royals. Carlos was the nearly unanimous choice for the prestigious award after an exceptional season in which he averaged .293 at the plate with 22 homers, 108 RBIs, 112 runs, and 25 steals in 35 attempts.

Carlos is one of those rare players who has been able to put together power with speed, skill with enthusiasm, and an obvious love for the game. He is widely recognized as one of the brightest and most talented players to come into the game in years,fielding impressive performances both at the plate and on his centerfield beat. Carlos joins a distinguished group of only eight players in baseball history to begin a promising career by surpassing the 100 benchmark in both RBIs and runs. His distinguished colleagues in that group include such baseball greats as Ted Williams, Joe DiMaggio, and another great Kansas City Royal, Fred Lynn, the last outstanding freshman to win the award in 1975. Carlos becomes the third Kansas City Royal to win the Rookie of the Year, joining Lou Pinella in 1969 and Bob Hamelin in 1994.

Carlos has another, even more important reason to celebrate, and further cause for congratulation. Carlos was recently married, and is presently enjoying his honeymoon in the Caribbean with his new bride, Jessica.

At a young 22 years of age, Carlos has begun an auspicious career both on the baseball diamond and as a cherished member of his new and adopted community. Kansas City has warmly welcomed Carlos and encouraged him on his personal and professional quest for excellence. As a fellow Kansas Citian and longtime fan of the Kansas City Royals, I thank Carlos for all his contributions to our team, our city, and to the people of Kansas City.

Mr. Speaker, please join me in congratulating Carlos on his marriage, and saluting the 1999 American League Rookie of the Year. Thank you, Mr. Speaker.

THE JOURNEY OF THE MAGI

HON. TONY P. HALL
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. HALL of Ohio. Mr. Speaker, as we approach the new millennium, our focus has been, more or less, with Y2K issues rather than the fact that, for Christians around the world, it represents the 2000th anniversary of the birth of Jesus.

To those and many others, the new millennium provides a rare opportunity for new beginnings and renewed hope which will challenge all people of goodwill to rededicate themselves to the principles of justice, mercy, forgiveness and peace—precepts made more fundamental by the conflict, turmoil and suffering sadly evident in the lands of the Bible and throughout the world.

In this spirit, church families of the Middle East, both ancient and modern, are inviting peace-loving people to join them in celebrating this opportunity and this anniversary commemoration. Sponsored by the Holy Land Trust, part of the commemoration will be a historic reenactment of the Journey of the Magi, the original pilgrimage of the three wise men over 1,000 miles to Bethlehem to witness and honor the birth of Jesus.

This historic undertaking will have pilgrims from many nations traveling for 99 days by foot, horse and camel along ancient caravan routes through six countries that make up the holy lands of the Bible, commencing in mid-September of next year and ending on December 25th in Bethlehem.

Like the three wise men who brought offerings of peace to Bethlehem, the participants in the Journey of the Magi 2000 will also bear modern day offerings. During each day of the 99 days of the trip, humanitarian assistance will be given to the needy people of the country through which the travelers pass.

This pilgrimage of peace is being coordinated by the Holy Land Trust and the Middle East Council of Churches, as an expression of the deep-seated desire of church families of the Middle East to seek peace and peace-makers. We appreciate the spirit and purpose of this event, as well as the incredible challenge it represents, and believe it deserves our support.

We trust that all people of goodwill will encourage and support the Journey of the Magi 2000 and other efforts to relieve suffering and promote peace as a fitting entry into the new millennium.

HONORING BOWLING GREEN MAYOR WEB HOFFMAN ON HIS RETIREMENT

HON. MARCY KAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Ms. KAPTUR. Mr. Speaker, I rise today to honor an exceptional elder statesman in my
district. Bowling Green Mayor Wes Hoffman retires from public office at the end of this year. A native of Philadelphia, Mayor Hoffman served first his country and then his community.

Wes’ pursuit of a college degree at the University of Pennsylvania’s Wharton School was interrupted by World War II, when he enlisted in the Army Air Corps in 1943. After his heroic service in the war ended, Wes decided to pursue a career with the Army Air Corps, retiring from the United States Air Force as a Lieutenant Colonel in 1969. Throughout his military service, both during World War II and as a career officer, Wes served our nation with honor and distinction, earning the Distinguished Flying Cross with Oak Leaf Cluster, the Asiatic Pacific Campaign Medal with five Battle Stars, the Air Medal and Air Force Commendation Medal both with Oak Leaf Cluster.

After retiring from the Air Force, Wes decided to pursue additional higher education at Bowling Green State University, where he obtained a Masters Degree in 1971. In 1972, he began his public service with the City of Bowling Green as the Safety Service Director and later, in 1974, as the city’s first Municipal Administrator. He retired in 1988. His retirement was short-lived; however, as he was approached by local leaders and urged to run for Mayor in 1991. He was elected in 1992, re-elected in 1995, and now retires from official business. Of his tenure, Mayor Hoffman noted, “It has indeed been a privilege for me to have been a part of the deliberations and decision-making processes that have contributed to civic betterment and community well-being.” Truly, the city of Bowling Green has grown, prospered and flourished under Wes’ tutelage.

Visionary, patriotic, mindful of the needs of others, Wes Hoffman is a true community leader. His good deeds have not gone unnoticed, and he has been honored with awards and recognitions too numerous to mention from local, state, and national organizations. He is also a proud member of several veterans organizations, civic groups, educational and humanitarian organizations, and government consortiums. I know that even though Wes is retiring from “active” public life, he will remain very much in the thick of life in Bowling Green and Northwest Ohio. We wish him an enjoyable retirement, spent with family and friends, and doing all those things he put off until tomorrow. For people in our community, Wes Hoffman embodies the finest tradition of service before self that lies at the heart of America’s nationhood.

AMERICA IS CONCERNED

HON. BOB SCHAFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Mr. SCHAFER. Mr. Speaker, when Iran’s supreme leader, the Ayatollah Ali Khamenei, leads thousands of his countrymen in violent protests against the United States and Israel, chanting “Death to America!” and “Death to Israel!” America is concerned. When the Russian Foreign Ministry says as a matter of official policy that Russia will overcome an American missile defense by launching more missiles, America is concerned. When North Korea flaunts agreements with the United States by continuing to develop long range missiles to attack the U.S., America is concerned.

Every American should be concerned with our lack of missile defense. Our cities are vulnerable to destruction. Our military has no defense against long range ballistic missiles in spite of the common mis-perception about Patriot which is only for intercepting short range missiles, not ICBMs (Intercontinental Ballistic Missiles). The truth is we cannot stop a single ICBM, whether launched by Russia, China, North Korea, or even Iran, which is developing long range ballistic missiles to threaten us.

Iran has demonstrated its desire to threaten the U.S. and Israel. Iran is matching its religious zeal with its ballistic missile program. Iran’s missiles threaten Israel and peace in the Middle East. The U.S. needs to continue to threaten American cities. Other countries also threaten us. Russia still has over a thousand long range ballistic missiles. China is building three new types of long range ballistic missiles. North Korea tested last year a three-stage missile capable of reaching the U.S.

These protests in Iran burnt the American and Israeli flags. They climbed on top of buildings opposite the old U.S. embassy compound, setting fire to the Stars and Stripes, the blue-and-white Star of David flag of Israel, and the Union Jack of Great Britain. America is not alone in its need to deploy an effective ballistic missile defense system. Ballistic missiles threaten Israel, Europe, Taiwan, Japan, South Korea, as well as the U.S. Ballistic missiles are a global problem requiring a global solution.

Congress has recognized the growing threat from long range ballistic missiles. Earlier this year, Congress energetically passed legislation making it the policy of the United States to deploy a ballistic missile defense. This legislation came in the wake of North Korea’s August 31, 1998 ballistic missile test, the warnings of the Rumsfeld Commission on the ballistic missile threat to the U.S., and the theft by China of advanced U.S. missile and nuclear weapons technology.

But despite the growing threat posed by ballistic missiles, President Clinton and his administration have consistently opposed the deployment of an effective ballistic missile defense. President Clinton especially opposes a missile defense using space. Yet, a space-based missile defense could provide the global coverage needed to protect our armed forces overseas, and its friends and allies such as Israel. A space-based ballistic missile defense is technologically feasible, using a combination of miniature interceptors, high energy lasers, and other technologies.

We need a President who will be concerned about our defense, and the defense of our allies such as Israel. All the legislation passed by Congress cannot take effect without a President, a Commander-in-Chief, who is willing to work toward, not obstruct, the natural desire of the American people to defend themselves from ballistic missile attack. Flashy policy statements are no substitute for a real defense. By the year 2000, after eight years of office, President Clinton will not have deployed a ballistic missile defense, leaving us vulnerable to destruction.

I recently addressed our need to deploy an effective missile defense in a series of letters to the Secretary of Defense, the Director of the CIA, and Chairman of the House Armed Services Committee. I have addressed our need to deploy an effective missile defense in past letters, and in speeches on the floor of the House. I will continue to speak out on our need to deploy an effective missile defense, especially a defense using space.

I am encouraged by the policies of countries such as Israel which recognize the need for ballistic missile defense. In 1988, Israel and the United States began collaboration on the Arrow ballistic missile interceptor, linked to President Reagan’s Strategic Defense Initiative, popularly known as Star Wars. Today, Israel’s Arrow missile defense program completed its seventh test launch, successfully hitting its target. I believe America should continue to support Israel in its ballistic missile defense program.

America needs to be concerned with its vulnerability to ballistic missile attack. The ballistic missile threat posed by Iran and other countries is real and growing. The threat of ballistic missile attack is real and growing. The threat of ballistic missile attack is real and growing. Deploying a ballistic missile defense in space will be our best response. It will provide us the most effective defense possible, capable of giving global coverage, able to assist our friends and allies such as Israel.

REGARDING MY VOTE ON THE DEFENSE APPROPRIATIONS BILL FOR FISCAL YEAR 2000

HON. RON KIND
OF WISCONSIN

Mr. KIND. Mr. Speaker, when I returned to Congress for my second term last January, I came with the hope that I could believe the House leadership when it said things would be different in the 106th Congress from the experience of my first term in the 105th. We were told that the appropriations process would follow the rules; 13 separate spending bills brought to the floor for consideration with reasonable time and access for debate. We were told that the bills would be straight-forward, without tricks or gimmicks. We were misled. The House leadership has continued to play tricks with the budget process. This fall, it did so at the expense of the men and women in our armed forces.

I have the utmost respect and admiration for the American men and women who serve in our forces. My brother is currently serving a tour with his Reserve unit in Europe, and I have made two trips to the Balkans to visit our troops there. The young soldiers with whom I spoke were bursting with pride and confidence, and universally voiced their commitment to peace, freedom and their duty.

With those men and women in mind, I was pleased to see my colleagues on the defense authorization and appropriations committees provide funding our military personnel with long overdue raises and improved benefits. I
EXTENSIONS OF REMARKS

HON. LOIS CAPPS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mrs. CAPPS. Mr. Speaker, today I rise to bring to the attention of my colleagues an extraordinary man, who will be honored by family and friends on November 20th as he celebrates his retirement from the Santa Barbara Metropolitan Transportation Department and Spirit of ‘76 Association.

Alex K. “Bud” Geren faithfully served the Santa Barbara Metropolitan Transportation Department for twenty-five years. Bud also served as coordinator, recruiter, and volunteer driver for MTD buses on the Fourth of July. For Bud’s dedication to safely transporting members of the community each year after the Fourth of July fireworks, he earned the title “Mr. Fourth of July.” Too often, people who work in the public transportation community are never given proper credit for the service they provide. Without the leadership and service of people like Bud, our quality of life would be diminished.

Bud also served the community on the Board of Directors for the Sparkle and Traditions Committee. In addition, Bud was co-founder of the Santa Barbara Family Fourth Coordinating Committee. I believe that his dedicated service in these organizations earned the sincere appreciation and admiration of the people of Santa Barbara County.

Mr. Speaker, Bud has made immeasurable contributions to his community and I proudly honored to represent Mr. Geren in Congress. I send my most heartfelt appreciation for his hard work and dedicated service.

INTRODUCTION OF A RESOLUTION HONORING THE UNITED STATES SUBMARINE FORCE ON ITS 100TH ANNIVERSARY

HON. SAM GEJDENSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 16, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to introduce, along with my colleagues, Representatives TAIZUN, DINGELL, MARKEY, and OXLEY, the Telecommunications Development Fund Improvement Act.

This bill will resolve technical deficiencies that are affecting the operation of the Telecommunications Development Fund (TDF), enacted as part of the Telecommunications Act of 1996. It will address the following issues: (1) the need to maximize the interest earning potential of all FCC spectrum auction bidders’ deposits; and (2) lack of specific language authorizing TDF’s participation in government-sponsored capitalization programs.

Specifically, this bill:

- Directs the FCC to place all spectrum auction bidders’ deposits in interest-bearing accounts; and
- Provides explicit instructions that the TDF may participate in the SBA’s SBIC program to assist it in generating additional capital. Implementing these two items will effectuate my original intent as the author of the 1996 provision. The TDE provision was intended to maximize the availability of investment capital to entrepreneurs seeking to provide telecommunications services to underserved communities. These technical oversights are depriving the TDF of millions of dollars of additional revenue.
Despite numerous obstacles over the last two years, the TDF continues to remain operational. I am pleased to convey that TDF has reviewed over 300 telecommunications business proposals with a staff of less than five people, confined operational overhead expenses to 5.2 percent of its total budget, and recently announced funding for small business entrepreneurs who will provide telecommunications services to undeserved communities. Remediating the technical deficiencies outlined in the previous paragraphs will ensure the continued viability of the TDF.

Mr. Speaker, I urge you and my House colleagues to join me in ensuring that the Telecommunications Development Fund is a viable entity in today's ever-evolving telecommunications frontier.

A TRIBUTE TO ST. GEORGE’S EPISCOPAL CHURCH: 200 YEARS OF SERVICE

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to the parishioners of the St. George's Episcopal Church as they celebrate the 200th Anniversary of their church building on Sunday, November 21. Located in Valley Lee in the Southern Maryland County of St. Mary’s, St. George’s has been serving the faithful since the reign of William and Mary some 360 years ago—hence it is also known as the William and Mary Parish.

Following the establishment of the Maryland Colony by Leonard Calvert in 1634, the settlement at St. Mary’s began to grow with the establishment of St. George’s Hundred, a piece of land across the St. Mary’s River and west of the Capital settlement of St. Mary’s City. Maryland is known as the birthplace of religious toleration in Colonial America and along with Catholic settlers and settlers of other faiths came followers of the Anglican church. Some of these colonists would establish the Poplar Hill Church—thought to have been built between 1638 and 1642 just 50 feet from the site of the present building.

Over the years, the William and Mary Parish would worship in several buildings. A second church is believed to have been built on the existing site in 1692 and a third structure around 1760. In 1799, the existing structure was built and today we recognize this incredible 200 year journey.

Just as members of the Parish no doubt celebrated the dedication of their new building in 1799 on the verge of a new century, today we celebrate two hundred years of progress at Poplar Hill as we count down the remaining days to the new millennium.

The parishioners of St. George’s have been witness to extraordinary events and their history bridges a time line of critical events in our Nation’s history—from the fledgling colony of the 1600’s, the rise of revolution in the 1700’s, the Civil War and the abolition of slavery in the 1800’s, and the transformation of St. Mary’s County from its rural way of life to being the home of the world’s premier and most advanced aviation testing facility with the establishment of Patuxent River Naval Air Station.

And through it all, St. George’s Episcopal Parish has been a beacon of faith serving to enrich its parishioners with God’s word and providing a firm foundation to do His work.

I commend St. George’s Episcopal Church on the 200th Anniversary of their building and wish its parishioners all the best in the future.

HONORING JOSEPH GALLO FARMS

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Joseph Gallo Farms of Atwater for being named the 1999 Baker, Peterson & Franklin Ag Business Award. Joseph Gallo Farms is being honored on November 17, 1999 at the AgFRESNO Farm Equipment Exposition luncheon.

Joseph Gallo Farms (JGF), family-owned and operated by CEO and co-owner Michael Gallo was named the nation’s largest dairy by Successful Farming in 1995. JGF was founded in 1946; they operate 12,000 acres of land, raising 25,000 head of cattle on five dairies and 2,500 acres of wine grapes. Joseph Gallo Farms also produces a wide array of Joseph Farms cheeses, which are sold in more than 20 states and in five countries internationally. JGF has played a significant role in cheese becoming the fastest-growing dairy product in California, now the second leading state in cheese production.

Joseph Gallo Farms is leading the way in its “Environmentally-Compatible Farming,” finding land usage compromises to benefit both agriculture and the surrounding natural environment. Operating within the San Joaquin Valley Grasslands, one of the most critical wetland areas left in California, JGF seeks to protect the environment while still conducting its farming affairs. For these efforts, JGF received an environmental award from the Central Valley Joint Habitat in 1996. JGF has created its own internal Department of Environmental Affairs to ensure that all operations remain compatible with critical habitat values. The consumer concern over the rBST/rBGH controversy, JGF made the unprecedented decision to stop using all artificial hormones on its dairy herd, becoming the first cheese producer nationwide to receive governmental approval to label its premium cheese as have “No Artificial Hormones.”

Mr. Speaker, the Ag Business Award is given to an agricultural organization whose achievements and impact have significantly contributed to the industry and the Center Valley. Joseph Gallo Farms is an excellent representation of this. I congratulate JGF for their accomplishments in the cheese and agriculture business. I urge my colleagues to join me in wishing Joseph Gallo Farms many more years of continued success.
arenas. Mrs. Hughes is a dedicated mother and role model, as evidenced by the recent takeover of business operations by her son Mr. Alfred C. Liggins III. Mr. Liggins, a graduate of The Wharton School of Business at the University of Pennsylvania (1995), has taken his mother’s company and expanded it to the powerhouse that it is today. He is a staunch businessman and makes the well-informed decisions that have boosted Radio One’s stock to over $40 a share. Currently, Radio One is the largest chain of African American radio stations. Still, Mrs. Hughes and her son Mr. Liggins are not satisfied and continue in their flight to even greater achievements.

Perhaps Mrs. Hughes’ efforts are described best in the words of FCC chairman William Kennard; “Her political beliefs and commitment to the community are the most important things in her life. She has been able to be a spokesperson for Cesar Chavez and be successful...” Hughes lives by a “Never give up. Stay and fight” philosophy. She is a true fighter, not only for her dreams, but for her beliefs.

Mr. Speaker, it is with great pleasure that I, on behalf of the 7th District, honor this inspirational American for her relentless refusal to be defeated and her efforts to soar to the highest heights.

“For she believes she can fly,”
She has run through that open door,
"For she believes she can fly,
to the larger-than-life union man who helped her and her colleagues in San Francisco Bay and national communities.
I sadly extend the condolences of my constituents and my colleagues to the Van Bourg family.

[From the San Francisco Chronicle, Nov. 13, 1999]
LABOR’S FAREWELL TO A FRIEND: 1,000 AT PALACE OF FINE ARTS REMEMBER VICTOR VAN BOURG

(Steve Rubenstein)
Victor Van Bourg, the legendary labor lawyer who somehow worked out of his big blue car and wore a miniature meat cleaver for a tie tack, was remembered for four decades of sticking up for the little guy.

The little guys and their union leaders and lawyers showed up at the Palace of Fine Arts theater to say farewell to the larger-than-life union man who helped raise their salaries and their morale.

“He was hirsute, 50 to 100 pounds overweight, noisy, literate, vulgar and profane,” said University of San Francisco English professor Alan Heineman, whose union Van Bourg helped organize in the 1970s. “He was often wrong but never in doubt.”

“He was a great, shaggy, menacing bear who became a ballerina at the bargaining table.”

Van Bourg, 88, whose Oakland law firm represented over 400 unions in the United States, collapsed and died on October 26 at San Francisco International Airport. He was rushing back from Washington, D.C., to be with his gravely ill daughter, who died the same day.

Nearly 1,000 labor leaders, lawyers and other friends of Van Bourg filled the hall, hummed along to “Solidarity Forever,” said University of San Francisco English professor Alan Heineman, whose union Van Bourg helped organize in the 1970s. “He was often wrong but never in doubt.”

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“She believes she can touch the sky,
She thinks about it every night and day,
She spreads her wings and has flown away,
She believes she can soar,
She has run through that open door,
Yes, Mrs. Hughes you can fly!”

IN REMEMBRANCE OF VICTOR VAN BOURG

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Ms. PELOSI. Mr. Speaker, I rise in sadness to pay tribute to the passing of Victor Van Bourg, one of the nation’s most respected and legendary labor union lawyers and senior partner of the nation’s biggest labor law firm. He was 88 years old.

Raised by parents who were union organizers, Victor entered the University of California at Berkeley and graduated from Boalt Hall School of Law in 1956. He began his career working in the general counsel’s office of the California Federation of Labor where he met Cesar Chavez and began working for Chavez’ National Farm Workers Union prior to opening his San Francisco law office. In 1966 he represented Cesar Chavez’ union—known then as the National Farm Workers Union—in its merger with the Agricultural Workers Organizing Committee.

One of Victor’s most recent victories included a unanimous California Supreme Court decision that upholds a labor agreement under the authority of the San Francisco Airport’s Commission to contract exclusively with union labor on the airport’s multi-billion dollar expansion project.

Throughout his 44-year law career, he argued four times before the U.S. Supreme Court and made numerous appearances before the California Supreme Court. His labor law firm became the largest labor law firm representing over 400 unions in the United States including the Service Employees International Union.

Vic fought unrelentingly for working men and women of America and improved the living standards of untold numbers of people. He will be truly missed by his family, friends, and colleagues in the San Francisco Bay and national communities.

I sadly extend the condolences of my constituents and my colleagues to the Van Bourg family.

SUPPORTING THE PRISON CARD PROGRAM

HON. KAREN McCARTHY
OF NEW YORK
HON. JOSE´ E. SERRANO
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Ms. McCARTHY of Missouri, Mr. Speaker, I rise today to meet my colleague, the distinguished Ranking Member of the Appropriation Subcommittee on Commerce, Justice, and State, the gentleman from New York, Mr. SERRANO, to highlight a successful initiative for more than 25 years, and to urge its continuation. The Salvation Army has been working with the Bureau of Prisons to operate what is known as the Prison Card Program. Under this highly successful program, greeting cards are donated to The Salvation Army which are then given to inmates at correctional facilities across the country. This program allows inmates to keep in touch with family and friends—affording them the opportunity to stay in contact not only during the holiday season and on special occasions, but throughout the year. This clearly benefits the inmates and their loved ones, but we know that the community at large benefits because prisoners who maintain strong ties are less likely to reoffend once their sentence is completed. In short, this is a win-win program.

The Department of Justice and the Bureau of Prisons should be commended for their support of this program. The Prison Card Program has the support of Congress and the Department should have confidence in such support for this program—which has operated for more than a quarter-century. My colleague, the gentlemen from New York, Mr. SERRANO, and I are prepared to work with the distinguished Chairman of the Appropriation Subcommittee on Commerce, Justice, and State, the gentlemen from Kentucky, Mr. ROGERS, and other Congressional supporters of the program in the coming months to ensure that the Department of Justice receives the continuing and specific authority that might be needed to ensure that this important charitable program is sustained well into the future. I can assure the Members of the House that I will work with them to develop legislative language if necessary to assure a long term solution on this issue. The parties involved should be confident that Congress supports programs such as this.

The gentleman from New York, Mr. SERRANO, and I share the support for this program and know what a valuable contribution it
of their error which was meast. And even as they did not know God, for unknown—knowledge. God gave them over to a repor- minate, to do those things which are not convenient; Being filled with all unrighteous- ness, unconfined, incontinency, covetousness—fulness of envy, murder, de- bate, deceit, malignity; wherewith, Backbiters, haters of God, despiteful, proud, boasters, inventors of evil things, disobedient to parents, Without understanding, covenant breakers, without natural affect, implacable, unmerciful: Who knowing the judgment of God, to them which com- mit such things are worthy of death, not only do the same, but have pleasure in them that do them. Therefore thou art inexcusable, O man, whosoever thou art that judgest: for wherein thou judgest another, thou condemnest thyself; for thou that judgest dost the same. But we are sure that the judgment of God is according to truth against them which commit such things. And thinkest thou this, O man, that judgest them which do such things, and dost the same, that thou shalt escape the judgment of God? Prayer: Lord God, we pray your word be upon our hearts and your blessings upon our nation. Amen. How many of you are flying your flag today? All those who are flying a flag, and visiting have a good excuse. I bought a flag so that I could fly it. Fly it proudly. My remarks today are unashamedly patriotic and Christian, what I have to share with you is not purely Methodist, Presbyterian, or Baptist, it's a Christian view of our country today. While Bill Moyers was President Lyndon Johnson's press secretary, one day at lunch, Bill said grace (a prayer of thanks or blessing for food), President Johnson said “Speak up, Bill, I can’t hear a thing.” To which Bill replied quietly, “I wasn’t addressing you, Mr. President.” Prayer: A cornerstone of our Faith is under attack. For there are those who would have us cease talking to God. They would if they could banish God from any public forum. Woodward’s book describes a nation which does not remember what it was yesterday, does not know what it is today, nor what it will be tomorrow. The Church and the Constitution are instituted among Men, deriving their just powers from the Creator. Therefore, we must remember that the Church and the Constitution were instituted by our Founding Fathers. Even Benjamin Franklin, often seen as a secularist member of the group, stated in later years, “the longer I live, the more convinced I see of this truth—that God governs in the affairs of men.” The most foundational of documents to our society, in fact the document which we celebrate today is— The Declaration of Independence of the Thirteen Colonies “In Congress, July 4, 1776 The unanimous Declaration of the thirteen United States of America. When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them; a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their
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just powers from the consent of the gov-erned. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organiz-ing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Prudence indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.

But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain (George III) is a history of repeated injuries and usurpations, all having in direct object the establishment of an Arbitrary power over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation; and has refused to assent to Laws the most wholesome and necessary for the public good.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records; for the sole purpose of fatiguing them into compliance with his malice.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused to pass other Laws for the accommodation of large districts of people, unless such as would obstruct their operations through dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large, for the redress of their grievances.

He has compelled the Architect of Government, by frequent changes of Government, to submit to things at which he did not consent; and as the condition of men is in all cases a test of the Government under which they live, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future safety.

He has combined with others to subject us to a Government of its own choosing, and one that has no representative at all, and which gives no redress for grievances.

We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitibly interrupt our connections and correspondence.

They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which de-nounces our Separation, and hold them, as we hold the right of mankind, Enemies in War, in Peace, Friends.

We, therefore, the Representatives of the United States of America, in General Con-gress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by the authority of the good People of these Colonies, solemnly publish and declare:

That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do.

And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.


Remember these words, for countless Americans have fought and died to preserve them, fought to keep us free from tyranny.

We need to exercise our rights, speaking freely, worshiping freely, preserving our freedoms. We are only about a month away from our first primary here in Mississippi, many are thinking about not voting because “my vote doesn’t count”. At the end of the vote for the Declaration of Independence a vote was taken and those wanting it to pass were one vote short of having votes from all 13 colonies. Not present was a delegate from Delaware, Caesar Rodney. Some one was sent to tell Caesar Rodney of the need of his vote, he left his sick bed on the night of July 2, to ride through the night, through storm and mudslides to arrive at Liberty Hall in time to cast the deciding vote. His one vote made the difference between tyranny and freedom.

Your one vote can make a difference in our upcoming elections.

But there are many who ask this question: What Happened to America? What has hap-pened to America?

It is well said in a poem titled “What Happened to America?” by Sharon Lambright Dun.

What Happened to America? When did we go astray?

Was it when they told our children
While in school you must not pray. Or maybe it was begun when they said 'There's not right or wrong. Just do what feels the best for you. And everyone else can get along. Or was it when God's word was ignored. And they said it's not a sin for women to love other women. And men to be lovers of men. What happened to America. Where did we go wrong? When did we lose the principles our nation was founded on? 'In God we trust.' The motto is no longer seems to be the motto of our land. We’ve become so educated and smart, so we place our trust in man. What happened to America. How did we get this way?<br>

I really think it happened when God’s people had nothing to say. If we’re not to talk God’s truth, And on his words firmly stand, Can we expect Him to keep us safe In His protective hand? What will happen to America, Will she come back to God someday? Nothing is impossible If God’s people will earnestly pray.<br>

Shortly after the shooting fiasco at a Littleton High School this guest editorial appeared in the Dallas Morning News—

**RESPONSE TO MR. EDWARDS’ REMARKS ON H.R. 3073**

**HON. TOM DeLAY OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, November 18, 1999**

Mr. DeLAY. Mr. Speaker, during our chari-
table choice debates on H.R. 3073, The Fa-
than’s Count Act, I sought to tell the House the impor-
tance of the Constitution. The Founding Fathers would have objected to this Body pro-
viding opportunity for all people—including those in the community of faith—to participate equally in government opportunities and serv-
escences. Mr. Edwards set forth several historical inaccuracies and argued that they should be “precedes” to be followed by this Body. Nothing more is certain than that bad history leads to bad policy, and this is certainly true in the case of both the policy and the history set forth by Mr. Edwards.

First of all, Mr. Edwards cited James Madi-
son and Thomas Jefferson in support of his church-hostile proposals, and then he argued that these two had framed the Establishment Clause in the Bill of Rights. As historical records clearly prove Mr. Edwards was wrong.

Consider first the role of Thomas Jefferson. During the time that both the Constitution and the Bill of Rights and its religion clauses were written and approved. Thomas Jefferson was vice president of the United States. He oversaw the printing of the Bill of Rights. The religious protections sent from Virginia to the United States Congress were written and approved by Mr. Jefferson. Mr. Edwards falsely states that he was not involved in the Bill of Rights. This is simply not true. Mr. Edwards falsely states that the Constitution was first written in 1787. This is simply not true. The Constitution was written in 1787 and adopted in 1788. The Bill of Rights was submitted to the states by the Congress in 1789 and adopted in 1791. Mr. Edwards falsely states that the Constitution was planned, and never saw it it till after it was established. Furthermore, according to Mr. Jefferson, his total input on the Bill of Rights amounted to one letter. As Jefferson explained: I wrote a [single letter] strongly urging the want of protection of the freedom of religion, freedom of the press, trial by jury, habeas corpus, the substitution of militia for a standing army, and an express reservation to the States of all rights not specifically granted to the Union. . . . This is all the hand I had in what related to the Constitution.<br>

Since Jefferson was neither one of the 55 individuals at the Convention who signed the Constitution nor one of the 90 members of the First Congress who framed the Bill of Rights, how, then, can he be considered as an au-
thoritative voice on either document, especially in preference to the 145 actual participants who wrote that document? Evidently, Mr. Edwards chooses to ignore these important historical facts and he wrongfully elevates Mr. Jefferson into a position which Jefferson him-
self properly refused to accept.

Madison, too, similarly disqualified himself—
although for different reasons. As he explained to a supporter: You give me a credit to which I have no claim in calling me “the writer of the Consti-
tution of the United States.” This was not, like the faible Goddess of Wisdom, the offspring of a single brain. It ought to be re-
garded as the work of many heads and many hands. Interestingly, Mr. Madison—while undeni-
able an important influence during the Constitu-
tional Convention—was often out of step with the majority of the other delegates. This is proven by the fact that 40 of Mr. Madison’s 71 proposals offered during the Convention were rejected by the other delegates. Addition-
ally, the Constitution that Mr. Madison initially sought was far removed from the final docu-
ment. And what was Mr. Madison’s influence on the Bill of Rights and the religion clauses of the First Amendment? Significantly, when George Mason proposed at the Constitutional Convention that a Bill of Rights be added to the Constitution, it was opposed by Mr. Madi-
son (and on this occasion, Mr. Madison’s posi-
tion prevailed). When the Constitution arrived in Virginia for ratification, the State proposed the addition of a Bill of Rights and Mr. Madi-
son again opposed that addition. This time, however, he lost.

Virginia insisted—like many other States—that a Bill of Rights be added; and the Virginia Conven-
tion—like many other State conventions—adopted its own version of the Bill of Rights. The religious protections sent from Vir-
ginia to the United States Congress were writ-
ten by George Mason, Patrick Henry, and John Randolph. The author requesting that he change or delete one errant claim. Jefferson explained:

One passage in the paper you enclosed me must be corrected. It is the following: ‘And all say it was yourself more than any other individual, that planned and established it,’ i.e., the Constitution. I was in Europe when the Constitution was planned, and never saw it till after it was established.
In Congress, Madison introduced his own proposal for a Bill of Rights, but very little of his original wording was used. Justice Story made it into the final wording. In fact, the records of Congress make clear that Fisher Ames and Elbridge Gerry of Massachusetts, John Vining of Delaware, Daniel Carroll and Charles Carroll of Maryland, Benjamin Huntington, Roger Sherman, and Oliver Ellsworth of Connecticut, James Wilson, and so many other important men who drafted those documents? Very simply, it is because none of them made any statements which Mr. Edwards could possibly twist and misconstrue into a support for his position. Mr. Edwards' service to both this Body and to the nation by singling out two Founders with whom he agrees and ignoring 144 others with whom he disagrees! This is not to say, however, that Mr. Madison and Mr. Jefferson were not significant and important Founding Fathers—they clearly were. However, they were not the only two voices in America on religious issues—there were 144 other Founders who had direct impact on the Constitution and its religion clauses.

I was further intrigued by another of Mr. Edwards' comments. He declared—and I quote: "I think it is time for this House to take a stand in saying that we are not going to compromise the meaning of the Establishment Clause—the first 10 words of the First Amendment—by using the Bill of Rights, but out of disrespect to religion but out of total reverence to religion."

The ten words alluded to by Mr. Edwards state—and I quote: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." What is meant by that expression? It refers without doubt to: (1) endowment [of a religious group] at the public expense in exclusion of or in preference to any other, (2) giving to its members exclusive political rights, and (3) compelling the attendance of those who rejected its communion upon its worship or religious observances. These three particulars constituted that union of church and state of which our ancestors were so justly jealous, and against which they so wisely and carefully provided. . . . They intended by [the First Amendment] to prohibit 'an establishment of religion' such as the English church presented, or anything like it. But they had no fear or jealousy of religion itself, nor did they wish to see us an irreproachable people. . . . they did not intend to spread over the whole public authorities and the whole public action of the nation, that revolting spectacle of atheistic apathy.

Further confirmation on what the word "establishment" meant in the First Amendment is provided by Justice Joseph Story, a legal expert appointed to the Supreme Court by President James Madison. Justice Story is titled the "Father of American Jurisprudence," and in his famous Commentaries on the Constitution of the United States—a work which is still cited regularly in this Body—Justice Story explained:

[At the time of the adoption of the Constitution and of [the First] Amendment . . . the general, if not the universal, sentiment in America was that . . . [an] attempt to level all religions and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation. . . . If not universal indignation. . . . the real object of the [First] Amendment was . . . to prevent any national ecclesiastical establishment. . . . What constituted 'an establishment of religion' was . . . the exclusive patronage of the national government.

The historical sources agree: to have a First Amendment "establishment of religion" there must be a single, national ecclesiastical group which has the exclusive support of the federal government; there must be a defined creed to which federal ministers must teach those creeds; there must be exclusive political rights for the members of that religion; and the national government must be able to compel attendance and observance of those rites and impose penalties for those who do not conform. As the House Judiciary Committee properly noted in 1854, "There never was an established religion without all these."

Those early legal experts reached their conclusions because of the Founders' succinct declarations made during the framing of the Constitution's religion clauses. For example, according to the Congressional Records, James Madison recommended that the First Amendment say: "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established."

Subsequent discussions during the framing of the First Amendment confirm this goal of preventing the establishment of a national religion. For example, the CONGRESSIONAL RECORD for August 15, 1879, report:

Mr. [Peter] Sylvestor [of New York] . . . feared [the First Amendment] might be thought to have a tendency to abolish religion altogether. . . . [The Senate] . . . seemed to entertain an opinion that . . . it enabled [Congress] to . . . establish a national religion. . . . [Mr. Madison thought if the word "national" was inserted before religion . . . it would point the amendment directly to the object it was intended to prevent.

The records are clear—the purpose of the First Amendment was to prevent the establishment of a national denomination by the federal Congress. The First Amendment was never intended to stifle public religious expressions, nor was it intended to prevent this Body from encouraging religion in general or encouraging existing faith institutions. Only in recent years has the meaning of the First Amendment begun to change at the hands of activists like Mr. Edwards who are intolerant of the faith-confessional.
which reflect their radical, intolerant, anti-religious agenda. Additionally, the faith-hostile agenda of other groups supporting Mr. Edwards (such as Americans United for Separation of Church and State, and the Baptist Joint Committee, etc.) is clearly documented through the legal action they take in courts and in legislatures. And Mr. Edwards is pleased to have their support.

Another comment by Mr. Edwards which was of interest to me was his statement that— and I quote:

“The best way to have religious freedom and respect in America is to build a firewall between government regulations and religion. And that separation, that wall of separation between church and State, has for 200 years worked extraordinarily well.”

I wish that Mr. Edwards really believed his own statement! If he really thought there should be no government regulations imposed on the church, then he should aggressively pursue repealing the government tax regulations imposed on churches—government regulations which would have ended the government fire regulations, from government hiring regulations, from government health regulations, from government social-service regulations, and from so many other government regulations which have resulted in literally hundreds of lawsuits brought by the government against churches.

Unfortunately, Mr. Edwards’ record proves that he does not believe in protecting the faith-community from government regulations—evidenced by his vote against the Religious Freedom Amendment. That Amendment was specifically designed (1) to free the community of faith from government intrusion into their religious expressions and (2) to protect voluntary citizen expressions of faith—including those of students. In opposing that Amendment—an Amendment which would have ended the government zoning regulations, from government fire regulations, from government health regulations, from government hiring regulations, from government social-service regulations, and from so many other government regulations which have resulted in literally hundreds of lawsuits brought by the government against churches.

For this reason, legal scholars committed to historical and constitutional accuracy rather than an activist judicial political agenda have correctly drawn attention to the type of blunder committed by Mr. Edwards. In fact, one judge accurately commented: “[S]o much has been written in recent years . . . to ‘a wall of separation between church and State.’ . . . that one would almost think at times that it is to be found somewhere in our Constitution.” And Supreme Court Justice Potter Stewart similarly observed: “[T]he metaphor [of the ‘wall of separation’] is a phrase nowhere to be found in the Constitution.” And Chief-Justice William Rehnquist also noted: “[T]he greatest injury of the ‘wall’ notion is its mischievous diversion from the actual words of the framers of the Bill of Rights. . . . The ‘wall of separation between church and State’ is a metaphor based on bad history. . . . It should be frankly and explicitly abandoned.”

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It is indeed striking that in the century-and-a-half following the adoption of the Constitution, the “separation of church and state” rhetoric so heartily embraced by Mr. Edwards was in the Constitution. The First Amendment was not. Mr. Edwards also claims that Mr. Jefferson and Mr. Madison “would support his view. They would not. However, even if they had, they were only two among the 145 Founders who framed the Constitution and drafted the Bill of Rights. And unless Mr. Edwards can show that a majority of those framing the Constitution and First Amendment support his reading, then the views of two cannot be extrapolated to establish the intent of the entire body, especially when the great majority of those Founders—together with others suffering from congenital heart defects in Russia, will serve as symbols of healing between nations—particularly in the area of nuclear disarmament.”

In summary, Mr. Edwards claims that “separation of church and state” was the goal of the First Amendment. It was not. Mr. Edwards also claims that Mr. Jefferson and Mr. Madison “would support his view. They would not. However, even if they had, they were only two among the 145 Founders who framed the Constitution and drafted the Bill of Rights. And unless Mr. Edwards can show that a majority of those framing the Constitution and First Amendment support his reading, then the views of two cannot be extrapolated to establish the intent of the entire body, especially when the great majority of those Founders—according to their own writings and legislative acts—opposed what Mr. Edwards proposes. No Member of this Body should be part of obfuscating the clear, self-evident wording of the Constitution, or misleading the American public by claiming the First Amendment says something it doesn’t. We should stick with what the First Amendment actually says rather than what constitutional and historical revisionists like Mr. Edwards wish that it said.

EXTENSIONS OF REMARKS

IN COMMEMNATION OF THE CHILDREN OF THE WORLD FOUNDATION

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. RANGEL. Mr. Speaker, I wish to bring to the attention of my colleagues an article that appeared in the November 7th New York Times entitled “Little Ambassadors with Hearts in Need of Repair.” It tells the story of two infant children from Siberia who were transported to the United States to receive life saving heart surgeries. It also tells the story of a remarkable public private partnership between the United States and Russia involving our Department of Energy, the Russian Ministry of Atomic Energy and the Children of the World Foundation. This wonderful organization’s Chairman is a great friend of mine: William Denis Fugazy of New York. Mr. Fugazy and the Children of the World Foundation have not only sponsored these two Siberian infants for their emergency medical procedures but five previous children—all of whom have received vital heart surgeries.

The heart procedures are being done at the Children’s Hospital of the Westchester Medical Center of New York. I know of all my colleagues join me in wishing these two young infants the best of luck in these surgeries and a wonderful life to follow. I also commend the work of the Children of the World Foundation which is part of the Forum Club of New York which itself brings key business and political leaders together.

I believe that in the New York Times article Bill Fugazy summed up the importance of the work of the Children of the World Foundation in his past that he said that the medical procedures being performed on these children and the ones done previously “have opened avenues not there before and created firm friendships.”

[From the New York Times, Nov. 7, 1999]

LITTLE AMBASSADORS WITH HEARTS IN NEED OF REPAIR

(By Elsa Brenner)

Two Siberian toddlers have arrived in the United States on an adult-size mission: to serve as emissaries of Russia and symbols of an effort to improve relations between the two countries.

Because they were born with potentially fatal heart defects and faced limited prospects for reaching adulthood in Russia, Sophia Ovchinnikova and Sergei Yurinski are at the Westchester Medical Center here to undergo surgery not available in Russia.

Some political and business leaders want the two babies, handpicked from among thousands of others suffering from congenital heart defects in Russia, will serve as symbols of healing between nations—particularly in the area of nuclear disarmament.

“The children show the best side of the work we’re doing in Russia’s nuclear cities,” Energy Secretary Bill Richardson said last week. “Everyone—Russians and Americans—want what’s best for kids.”

The United States Department of Energy has been working in the remote Siberian regions of Tomsk, where Sophia lives, and Krasnoyarsk, Sergei’s home on a non-proliferation program aimed at reducing the availability of nuclear material for weapons.
Dominican Republic, underwent heart surgery. Sophia's mother, explained through an interpreter: "I was told my child could have surgery, but in Russia, children having surgery to correct congenital heart defects have only a 5 percent chance of survival because advanced pediatric heart care is not available there. As Olga Victorovna Ovchinnikova, Sophia's mother, explained through an interpreter: "I was told my child could have surgery in Novosibirsk, but that was in 1999 and urge my colleagues to join me in supporting this important measure.}

**REMARKS IN SUPPORT OF H.R. 3075**

HON. ROBERT A. WEYGAND

OP RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. WEGYAND. Mr. Speaker, I rise in support of H.R. 3075, the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 and urge my colleagues to join me in supporting this important measure. With a wide majority of my colleagues, I voted for the Balanced Budget Act (BBA) after it emerged from the conference committee two years ago while I opposed earlier versions of the bill. The final draft of the BBA accomplished many positive things for our seniors and our country. It expanded preventative benefits, such as increased access to mammographies and other cancer screenings, greatly increased health care access to children through the SCHIP program and enacted several strong anti-fraud and abuse provisions within the Medicare program.

Since the enactment of this broad and comprehensive legislation, I have been working hard to smooth out some of the provisions which have caused concern for the many health care providers and Medicare beneficiaries in my state. During consideration of the budget resolution for last year, I offered an amendment which called on Congress to restore some of the inequitable reductions to home health care agencies as a result of the Balanced Budget Act. My amendment to the Congressional Budget Resolution was approved and represented the first legislative action on the road to the eventual restoration of some of the reimbursement rate reductions for home health care agencies in last year's omnibus budget bill.

A great number of us recognized last year that much more needed to be done for health care providers and seniors, which is why I am pleased that we are finally debating this bill on the floor. I am disappointed, however, that the majority has chosen to consider this measure by suspending the rules, barring members from offering amendments. Although this legislation will pass by a wide margin today, we cannot rest on this accomplishment. We need to continue working to bridge the differences between what is included in this piece of legislation and what has been included in a separate measure in the other body. As with any comprehensive piece of legislation, there are provisions about which I have concerns with this bill and would prefer certain provisions of the bill which might make major changes.

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provides in our states, we have understandably taken different approaches and offered different solutions. I look forward to continuing working with my colleagues in both chambers and the administration to ensure we enact positive relief before the end of this session of Congress.

TRIBAL SELF-GOVERNANCE AMENDMENTS OF 1999

SPEECH OF
HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. KILDEE. Mr. Speaker, I am pleased to be a cosponsor of this important legislation. Last year, the House passed similar legislation.

Since 1992, the Indian Health Service has transferred more than $400 million to 211 tribes in Alaska and 38 tribes in the lower 48 States under the self-governance demonstration project.

The transfer of programming and budgeting authority to tribal governments has proven to be successful. Tribes have made significant progress in meeting the needs of their people and promoting the growth of their communities.

It is our responsibility to support the tribes' efforts improving their health care systems. The demonstration project has allowed tribes to expand their range of health care services to their membership.

I strongly urge each of my colleagues to support this bill.

RICHARD L. KRZYZANOWSKI: DEPARTURE FROM CROWN, CORK & SEAL

HON. ROBERT A. BORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. BORSKI. Mr. Speaker, I rise in honor of my dear friend Mr. Richard L. Krzyzanowski, as he retires from his position at Crown, Cork & Seal, where he has served many years with dedication and distinction.

Mr. Krzyzanowski has a long and respectable history of service to the Polish American Community. He was born in Warsaw, and was later naturalized as an American Citizen. He also received education in the countries of France and Italy. Mr. Krzyzanowski graduated from the University of Pennsylvania Law School. Through hard work and loyal and faithful service at Crown, Cork & Seal, he worked his way up to General Counsel, Member of the Board of Directors and Serrate of the Corporation.

Mr. Krzyzanowski was the founder of the Friends of Pope John Paul II Foundation, which devotes its efforts to strengthening the Catholic faith in Eastern Europe in what were formerly known as the Iron Curtain Countries. Through his diligent efforts, chapters have been founded in Philadelphia, West Palm Beach, Houston, New Orleans, Los Angeles, Honolulu, Jakarta and Singapore.

Mr. Krzyzanowski works closely with many charitable foundations, including the Connell Foundation, established by the late president of Crown, Cork & Seal, John Connelly, for whom his admiration continues unabated. He is a loyal citizen and friend to Crown, Cork & Seal, and America.

Through his service at "Crown," Mr. Krzyzanowski displayed the type of commitment and insight necessary for success, and he will be missed and remembered when he departs the corporation. Richard L. Krzyzanowski exhibits the qualities of a great American citizen, and it is the embodiment of those qualities which serves to make the United States the great country it is today. I thank him for his service and wish him the best of luck in the coming years.

TRIBUTE TO JACK MAHON

HON. JAMES E. ROGAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. ROGAN. Mr. Speaker, today, on behalf of the 27th Congressional District; the City of Los Angeles; and the County of Los Angeles, I wish to acknowledge the 70th birthday of a true American, our dear friend, Mr. Jack Mahon.

Born John Francis Mahon, Jr., on December 16, 1929, Jack is the son of Irish immigrants who came to this country in the early part of this century. Jack's parents: John Francis Mahon Sr. from County Offaly; and Katherine Fullerton from County Donegal, came to America and settled in the City of Pasadena where Jack attended St. Andrews Elementary School. Later, Jack attended Loyola High School in Los Angeles.

Jack served our great nation in military service, joining the Army in the 1950's, completing a tour of duty in Korea during the war. In 1955, Jack married Eileen McDoldrick, also the daughter of Irish Immigrants residing in my district. Shortly thereafter, Jack was accepted to the Los Angeles Police Academy, and embarked on a law enforcement career which would eventually span 30 years.

Jack worked every division within the L.A.P.D., including the prestigious Metro Division, where he rose to the rank of Lieutenant. Before retiring from the police department with 20 years of professional community service, Jack worked as special assistant to Deputy-Chief Daryl Gates. Jack retired to assume the elected duties as Marshall of Los Angeles County, where he diligently served the community for another 10 years.

Jack Mahon's professional reputation is matched by his devotion to public and sports, as he has been a life long member of the Republican Party, and consistently shoots a round of golf in the 70's.

In 1981, Jack married Betty Allyn. Since his retirement in 1985, Jack and Betty have shared themselves between loving friends, children, and grandchildren, while remaining active in their community.

Descendant from his humble Irish roots, Jack Mahon has lived life committing himself to bettering his family and his community. Surely, we are all better off having known Jack Mahon.

On this day we not only say, Happy Birthday, but we thank Jack: for his selfless service to God and country, to family and community. Happy Birthday, Jack, and may God bless you.

INTRODUCTION OF DERIVATIVES MARKET REFORM ACT

HON. EDWARD J. MARKEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. MARKEY. Mr. Speaker, today I am joining with the Senator from North Dakota (Mr. Dorgan) in introducing the Derivatives Market Reform Act.

In recent years, over-the-counter (OTC) derivative financial products have become an important component of modern financial markets. They provide useful risk management tools for corporations, financial institutions, and governments around the world seeking to respond to fluctuations in interest rates, foreign currency exchange rates, commodity prices, and movements in stock or other financial markets. While OTC derivatives are frequently used to hedge risks, or to lower borrowing costs, they can also be used by dealers or end-users to make risky and highly speculative synthetic bets on the direction of global financial markets. The potential for such derivatives to contribute to excessive speculation or leveraging has raised serious concerns about their potential for derivatives to contribute to serious disruptions in the fabric of our financial system. The potential for the failure of a key market participant to trigger a meltdown—or the specter of a potential disruption in the financial markets due to highly leveraged and complex investment strategies—was illustrated by last years' near collapse of the hedge fund known as Long-Term Capital Management (LTCM). The LTCM affair has underscored the need for regulators to minimize the potential for OTC derivatives to contribute to a major disruption in the financial markets, either through excessive speculation and over-leveraging, or due to inadequate internal controls and risk management on the part of major derivatives dealers or end-users. Today, Senator Dorgan and I are introducing legislation in both the House and the Senate which would provide for certain targeted derivatives market and hedge fund reforms in the aftermath of the LTCM affair. Here's what our bill would do:

First, the bill would define "derivative" to include any financial contract or other instrument that derives its value from the value of
performance of any security, currency exchange rate, or interest rate (or group of index thereof). With respect to instruments based on currency exchange rate or interest rate, we would authorize the most common type of derivative instrument—forward rate contracts—but would include foreign currency swaps that have a duration greater than 270 days. Securities traded on an exchange or on the NASDAQ, futures or options on futures, and bank or savings institutions deposits also would be excluded.

Second, the definition of “security” in section 3(a)(10) of the Securities Exchange Act of 1934 (“Exchange Act”) would be amended to include derivatives based on the value of any security. While options on securities already are included within this definition, the amendment would bring equity swaps explicitly under the definition of “security” and subject transactions in equity swaps to regulation under the Exchange Act.

Third, persons defined as “derivatives dealers” would become subject to Securities and Exchange Commission (“Commission”) regulation. Derivatives dealers that are not (1) registered broker-dealers or (2) material associated persons of registered broker-dealers that have filed notice with the Commission, would be required to register with the Commission and would be subject to Commission rulemaking and enforcement authority. Commission rulemaking would focus on financial responsibility and related recordkeeping and reporting requirements, as well as on the prevention of fraud. Such dealers also would be required to become members of an existing registered securities association, or any registered securities association that may be established for derivatives dealers. Rules adopted by a registered securities association would focus on the prevention of sales practice abuses and the establishment of internal controls.

Derivatives dealers that are material associated persons of registered broker-dealers would be required to file a general matter, to file a form of notice with the Commission. Alternatively, such dealers would be permitted to register as a derivatives dealer. Dealers that file notice would be regulated indirectly through their broker-dealer affiliate. The risk assessment provisions already in place under the Exchange Act, which would be amended by this bill, would be utilized for this purpose. In addition, the broker-dealer’s net capital would be based, in part, on the derivatives activities of its affiliated derivatives dealer. The designated examining authority for the broker-dealer would have rulemaking and enforcement authority with respect to the derivatives activities of both the broker-dealer and the affiliate. The Commission also would be authorized to adopt rules designed to prevent fraud.

Fourth, the bill would require the filing of quarterly reports by hedge funds, including a statement of the financial condition of the fund, income or losses, cash flows, changes in equity, and a description of the models and methodologies used to calculate, assess, and evaluate market risk, and such other information as the Commission may require. The other financial regulators, may require as necessary or appropriate in the public interest or for the protection of investors. The Commission is authorized to allow any confidential proprietary information to be segregated in a confidential section of the report that would be available to the regulators, but would not be filed with the Commission.

Fifth, the bill would also direct the SEC to use its existing large trader reporting authority to issue a final large trader reporting rule. Congress gave the SEC this authority in the Market Reform Act of 1990 in order to assure that the trading activities of hedge funds and other large traders could be tracked by the SEC for market surveillance and other purposes. Nearly 10 years later, the SEC has failed to issue a final rule, and the draft rules it issued years ago are gathering dust. Our bill would change that.

Sixth, the bill would reinstate the intermarket coordination reporting requirements established by Section 8(a) of the Market Reform Act of 1990. This reporting requirement, which expired in 1995, was intended to promote cooperation by the various financial regulators by requiring them to report to Congress on an annual basis on their efforts to coordinate regulatory activities, protect payment systems and markets during emergencies, establish adequate margin requirements and limits on leverage, and other matters affecting the soundness, stability, and integrity of the markets.

Adoption of this bill would close the regulatory black hole that has allowed derivatives dealers affiliated with securities or insurance firms to escape virtually any regulatory scrutiny. It will give the SEC the tools needed to monitor the activities of these firms, assess their impact on the financial markets, and assure appropriate protections are provided to their customers against any fraudulent or abusive activities. It would require hedge funds to provide some public reporting regarding their holdings. It is not a radical restructuring of the derivatives market or of the hedge fund industry; it is focused laser-like on the real gaps that exist in the current regulatory framework that need to be closed in the aftermath of the LTCM affair.

I urge my colleagues to cosponsor and support this important legislation.

A SALUTE TO MAL WARWICK & ASSOCIATES ON ITS TWENTIETH ANNIVERSARY

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. LEE. Mr. Speaker, I rise today to salute, congratulate and honor Mal Warwick & Associates on celebrating its twentieth anniversary.

Mal Warwick & Associates is a fund-raising and marketing agency serving non-profit organizations and socially-responsible businesses. Over the years, they have assisted a wide variety of organizations both large and small; local, state, and national, as well as six Democratic Presidential candidates.

Mal Warwick, founder and Chairman of Mal Warwick & Associates has been a consultant, author and public speaker for non-profits for more than thirty-five years. Mr. Warwick is very involved in the community affairs of the City of Berkeley in California, including serving on the boards of the Berkeley Community Fund and the Berkeley Symphony Orchestra. Prior to Warwick’s move to Berkeley, Mr. Warwick served for three years as a Peace Corps volunteer in the 1960s.

Due to the efforts of Mal Warwick & Associates over the last twenty years, the quality of life of many non-profits and the communities they serve, has been enhanced tremendously. Thanks to these efforts, many voluntary organizations have built the foundation towards a more peaceful, productive and better way of life for citizens throughout the world.

I proudly join my friends, colleagues and clients of Mal Warwick & Associates in recognizing its twentieth anniversary and also join in the celebration of its many years of extraordinary service to people and organizations through the Bay Area and the world.

THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER CONTINUES PIONEERING MEDICAL ADVANCES

HON. FLOYD SPENCE
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. SPENCE. Mr. Speaker, I rise to bring to the attention of the House exciting medical advances that are taking place at The University of Mississippi Medical Center (UMC), in Jackson, Mississippi. During the last thirty years, UMC has gained an international reputation as a leader in the development of landmark medical procedures. In 1964, the first heart transplant in the world was performed at UMC. In 1988, I received a double-lung transplant there, which saved my life. At that time, the procedure that I underwent was not being performed anywhere else in the United States.

More recently, UMC Assistant Professor of Vascular Interventional Radiology and Body Imaging, Dr. Patrick Sewell, has pioneered a revolutionary procedure that offers great promise for the treatment of cancer patients. This innovative work combines Magnetic Resonance Imaging (MRI) and cryosurgery techniques to destroy tumors. This “cryoablation” has been successfully performed by Dr. Sewell on cancer patients, with amazing results.

Additionally, Dr. Sewell, and Dr. Ralph Vance, another UMC physician, have traveled to China, to share another new “cutting-edge” technology with medical practitioners in that country. The procedure, which was developed by Dr. Sewell, and which is known as “radiofrequency of the lung tumor ablation,” utilizes a radiofrequency probe with an Interventional CAT scan to perform lung cancer surgery.

Mr. Speaker, I am very proud to have a connection, through my transplant experience, to the ongoing pioneering efforts at UMC that are making significant breakthroughs in medicine. I would like to include in the CONGRESSIONAL RECORD two articles that elaborate on these impressive efforts, which are changing the way cancer is treated.
EXTENSIONS OF REMARKS

November 19, 1999

UMC PHYSICIANS PIONEER NEW LUNG CANCER SURGERY IN CHINA

Two physicians from the University of Mississippi Medical Center (UMC) have been in China treating its overwhelming number of lung cancer patients—and teaching China's cancer doctors how to do the same. If this medical undertaking is successful, it could change the way lung cancer surgery is performed worldwide.

The UMC physicians used a new surgical procedure which was performed for the first time in the world at UMC and, since then, has been practiced only at the Jackson medical center for the past six months. Surgeon/radiologist Dr. Patrick Sewell and oncologist Dr. Ralph Vance taught China's physicians how to perform the new surgery to battle lung cancer. In the process, the UMC physicians are conducting study of the results, which eventually could benefit patients in the United States and worldwide.

"China has 300 million smokers, which is more than the entire population of the United States," says Sewell, an assistant professor of radiology at UMC. "So they need a cost-effective way to treat the lung cancer. This is a fast and cheap way to destroy tumors in the body."

Sewell pioneered the new surgical procedure, which is performed through a 4 mm incision into the centre of the tumor.

The procedure—called Cryo-Hit and designed by Tel Aviv-based Galili Ltd.—is non-magnetic, so it doesn't interfere with MR imaging.

Dr. Sewell uses three cycles of freezing and thawing to rupture the tumor cell membranes.

Pressurized argon gas is used for freezing, producing a temperature of -186 °C at the tip of the probe, creating an "ice ball" whose growth can be monitored on the video screen.

Pressurized helium gas then heats the tissue to up to 80 °C.

"The MRI allows me to see where the probe tip is and move around and get three dimension views," said Dr. Sewell. "It's just like slicing through the body. It's a virtual surgery, essentially."

In just over an hour, the tumor is a "shrunken mass of inert cellular debris and the patient goes home the next day."

"If you just put them and we're finished. In a couple of months, you can't even find the scar—it's so small," said Dr. Sewell. Ordinary naked-eye surgery, he added, involves a 10-inch incision, removal of surrounding tissue and weeks of recovery time.

The technology, said Dr. Sewell, could one day replace nephrectomy, if it has the same end result.

"If you're faced with having your kidney removed and going on dialysis because you have a tumor, this is certainly of great benefit," he said.

SIGNIFICANT ADVANCE

"The procedure appears to be a significant advance in the minimally invasive surgery field," commented Dr. Joseph Chin, professor and chairman of the division of urology at the University of Western Ontario, when reached by e-mail. "But standardization of techniques, quality control, proper patient selection and longer-term followup are as yet unavailabe.""
know soon whether this procedure worked to treat primary tumors” if the cancers have not returned, he says.

That’s part of phase II of the China project. In four to six weeks, Vance will choose 10 more patients in China to have primary tumors of the lung removed and Sewell will perform their surgeries. A month later, those 10 patients will have positron emission tomography scans, to determine whether their cancers are indeed destroyed.

Since lung cancer is aggressive, about a month after surgery is an ideal time to evaluate the results and to determine whether their cancers are indeed destroyed.

We’ll collect the data, publish it, and hope to prove our hypothesis—that this will be an effective way to treat a variety of lung tumors,” Sewell concludes.

EXTENSIONS OF REMARKS

Tribute to Brandi Nichole Gaskey

Hon. John J. Duncan, Jr.
Of Tennessee
In the House of Representatives

Thursday, November 18, 1999

Mr. DUNCAN. Mr. Speaker, one of the best students in my district, Brandi Nichole Gaskey, has just graduated from Farragut High School.

She has had an amazing four years in high school. She was a member of the National Honor Society all four years, and she was also President of the Fellowship of Christian Athletes her junior and senior year.

Brandi was also involved in sports at Farragut and was voted most athletic, as well.

Mr. Speaker, recently Brandi Gaskey was asked to give the commencement address at Farragut High School. I have attached a copy of her remarks that I would like to now, the attention of my colleagues and other readers of the Record.


(By Brandi Nichole Gaskey)

Mr. Superintendent, friends, family, distinguished guests, faculty, and fellow graduates of the class of 1999; and before you tonight filled with excitement as I welcome you to the 1999 Farragut High School Graduation Ceremony. As we have come to the end of our formal education, to for some of us a miraculous occasion, the question was asked “Does character count?”

Although I could not think of one word to define character, I respond with an enthusiastic YES, character does count. I counts for you and me and every person we will ever be in contact with. It counts in a big way through the small things we do or say every day. Character is who you are in the dark, when no one is looking. It’s what’s on the inside, the gutsy stuff you’re made of that no one knows about, but one day every one will see. My pastor, Doug Sager, once said “your character is your set of values that are negotiable. It’s the quality of life given to you by God to say what is right and to stand up for it.” For you see, your character can either make you or break you because every one has character, it’s just a matter of how you choose to develop it. Two students at Columbia High School had the character to kill their fellow classmates, while other students at Columbia High School have for 10 long years, what you’ve persevered through at home and at school, it’s your character that

Rock ‘n’ roll legend along the way. In fact, Upbeat photos of Webster with Jerry Lee Lewis and the Outsiders were included in the “My Town” exhibit at the Rock and Roll Hall of Fame and Museum in Cleveland.

In his 35 years with Channel 5, Don Webster did a little bit of everything—from hosting It’s Academic and The Ohio Lottery Show to working in management as station manager. But most people remember Webster delivering weather forecasts, which he’s done for more than two decades.

We will miss Don Webster and his familiar presence in our lives, but wish the best for him and his lovely wife, Candace, in their new life in Hilton Head.

TRIBUTE TO BRANDI NICOLE GASKEY

HON. STEVE C. LATOURETTE
OF OHIO
In the House of Representatives

Thursday, November 18, 1999

Mr. LATOURETTE. Mr. Speaker, I rise today to pay tribute to a Cleveland legend who is leaving our fair city and heading south. Don Webster will no longer give Clevelanders the lowdown on lake effect snow, water spouts and other area weather abnormalities from his familiar home at Channel 5, WEWS.

Instead, in retirement he’ll spend his days in beautiful Hilton Head, South Carolina, where I have no doubt he’ll nurse his golf game and his famed tan. As any Clevelander knows, when it comes to tanning, Don Webster gives George Hamilton a run for his money. My guess is he’ll also delight the locals and tour-
INTRODUCTION OF THE SMALL BUSINESS DISASTER ASSISTANCE ACT

HON. SUE W. KELLY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of introducing the Small Business Disaster Assistance Act.

This is a two-part proposal that seeks to provide immediate disaster assistance to viable small businesses and agricultural enterprises whose operations have suffered damage or loss due to a natural disaster. The bill creates a loan program whereby the recipient may receive forgivable disaster loans allowing for a one-year deferral on any repayment. Additionally, the bill creates a loan program that would allow the recipient to pay back the principal of the loan as they continue to work towards normalcy.

My bill creates a program whereby viable small businesses and agricultural enterprises would be eligible for a grant of up to $30,000 in order to provide them with the immediate assistance they need when dealing with a disaster. Furthermore, the bill establishes a mechanism for the recipient to pay back the principal of the loan before the interest.

This is a compassionate, reasonable proposal that seeks to provide immediate assistance to viable small businesses and agricultural enterprises whose operations have suffered damage or loss due to a natural disaster.
first official Thanksgiving celebration in the New World.

Indeed, the colonists had much to be thankful for that winter of 1621. Following a long and treacherous journey across the Atlantic, they landed on a bleak New England coast and endured a year marked by hardship and hunger in which half of the 101 original Mayflower passengers died. Finally blessed with bountiful harvest and warm shelter however, the Pilgrims paused to give thanks to God for their divine good fortune and salvation.

The idea of developing a special day to give thanks for one’s prosperity did not originate with the Pilgrims—in fact such practices date back to Greek and Roman times. But that first Thanksgiving, in what would later become America, marked the beginning of a new nation, and new form of government, that would forever change the world.

Americans in 1999 have much to be thankful for too. Prepared to begin a promising new Millennium, our great nation is the strongest, freest, and most prosperous in history. Though we have plenty of hard work ahead of us, Americans also have much for which to be thankful and proud.

We should be thankful for the strength and security of our nation. After years of woeful neglect and dangerous budgetary cuts, Congress is once again committed to properly and adequately funding a military structure and national security strategy worthy of our great nation. Only through demonstrated military strength—and the unequivocal to employ it, if necessary—will we have ability to ensure lasting peace and the protection of liberty at home and abroad, well into the next Millennium.

We should be thankful too for our prosperous and growing economy. Currently boasting the longest peacetime expansion in our nation’s history, and by far the strongest of any nation in the world, our economy seems unstoppable. Consumer spending is up, while unemployment is down. Small businesses and corporate sector productivity, personal income, and sales of new homes are all on the rise. The stock market, and the percentage of Americans investing in it, have both grown exponentially over just the past five years.

This success is owning mostly to the sound and responsible fiscal policies of the Republican-led Congress. After four decades of wasteful government spending, rising taxes, and mounting federal debt, Congress reversed the cycle of unaccountable big government and balanced the budget, cut taxes, paid down the debt, and created budget surpluses as far as the eye can see—all while protecting the Social Security Trust Fund. Our commitment to continued fiscal responsibility will ensure our ability to foster such economic prosperity well into the next century.

Families this year can be thankful for an unprecedented level of personal freedom, security, and opportunity in their lives. Historic welfare reform legislation passed in 1996 has liberated millions of parents previously trapped in a devastating cycle of government dependence, allowing them to better care for themselves and their families. Americans now have better access to affordable, high quality health care than anytime in history. And legislation recently passed will help to strengthen Medicare, increase health care access for seniors and children, and give more flexibility to the providers who care for them.

This year on Thanksgiving, as our nation prepares to enter a promising new Millennium, stronger and more prosperous than ever in history, we would do well to say a special word of thanks this Thanksgiving—to God and to the courageous immigrants at Plymouth who made it all possible.

TRIBUTE TO THE CITY OF ROSSFORD AND THE AUTHORS OF "AS I RECALL"

HON. MARCY KAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Ms. KAPTUR. Mr. Speaker, Henry James once said, "it takes a great deal of history to produce a little literature." Today I rise in tribute to the extraordinary people of Rossford, Ohio, who have recorded the first hundred years of history of their community in a book entitled, "As I Recall."

Mr. Speaker, a community is made up of neighbors who care, whose spirit makes the community what it is. This book, four years in the making and written by more than twenty members of the community, tells the stories of these neighbors, their triumphs and tragedies. It is their history that made Rossford the place it is today. And, as we see how life has changed since then, it's also a comfort to know that some things just don't change in Rossford—it's still a community where neighbors help neighbors and where people try to live up to the legacies of those who came before them.

The authors of this labor of love include: Josephine Ignasiak; Milo Louis Bihn; Stanley Brown; Mary Lou Hohl Caligiuri; Virginia Crane; Arnold Frautsch; Estelle Heban; Virginia (Grod) Heban; Arlene Hustwick; Lucille H. Keeton; Lee Knorek; Frank Kralik; Frank Newsom; Eleanor Nye (Mary Kralik).

Also Valeria Ochendusko; Gabriel Palka; Sister Janice Peere; Rosalie and Steve Peer; Sally Plicinski; Jim Richards; Maureen Richards; Ben Schultz; Stan Schultz; Judy Sikorski; Pat Sloan; Charlotte R. Starnes; Audrey Stolar; Dr. Don Thomas; the Tisdale Family; Ed Tucholski; Irene Verboys; Kim Werner; and Marjorie Wilbarger.

For me this book is very special as our father and mother operated a family grocery in Rossford when my brother Steve and I were growing up. We were flattered to be asked to include our recollections of Rossford.

Mr. Speaker, may we congratulate Rossford reaching this milestone and be inspired by the people who gave so much of themselves so that our history would forever be preserved.

HONORING UAW LOCAL 599
REUTHER AWARD RECIPIENTS

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. KILDEE. Mr. Speaker, it is my great pleasure to pay tribute to 25 members of UAW Local 599, who will be recipients of the Walter P. Reuther Distinguished Service Award. On Saturday, November 6, 1999, these individuals were honored at the 19th Annual Walter and May Reuther Twenty Year Award Banquet.

Local 599 has always had a special place in my heart because my father was one of its original members. Over the years, Local 599 has developed a strong and proud tradition of supporting the rights of working people in our community, and improving the quality of life for its membership. This year marked the 60th anniversary of the local’s charter, and its commitment to working for decent wages, education and training, and civil and human rights.

Mr. Speaker, it is indeed an honor to recognize these special individuals who have diligently served their union and community. During this time, each one of these UAW members has held various elected positions in the union. And there is no question they have represented their brothers and sisters well.

It is very fitting that these 25 people be recipients of the Walter P. Reuther Distinguished Service Award. Walter Reuther was a man who believed in helping working people, and he believed in human dignity and social justice for all Americans. The recipients of this award have committed themselves to the ideals and principles of Walter Reuther. They are outstanding men and women who come from every part of our community, and they share the common bond of unwavering commitment and service.

Mr. Speaker, I would ask my colleagues in the House of Representatives to join me in honoring Robert Aird, David Aiken, Dale Bingley, Dennis Carl, Jessie Collins, Russell W. Cook, Harvey DeGroot, Patrick Dolan, Larry Farlin, Maurice Felling, Ted Henderson, James Yakin, Ken Mead, Don Wilson, Frank Molina, Shirley Prater, Gene Ridley, John D. Rogers, Dale Scanlon, G. Jean Garza-Smith, Robbie Stevens, Nick Vuckovich, Jerry J. Ward, Greg Wheeler, and Tom Worden. I want to congratulate these fine people for all of the work they have done to make our community a better place to live.

HUMANITARIAN WORK'S HEAVY TOLL

HON. TONY P. HALL
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise today in memory and in honor of 24 people who lost their lives last week trying to help those who are suffering in Kosovo.

These aid workers and others were on a flight between Rome and Pristina. Wreckage of their plane was found only a few miles from...
their destination. They were United Nations employees and aid workers serving private charities, police officers taking time off from regular jobs to help bring people to Kosovo, doctors and scientists, and the crew that flew the route regularly for the World Food Programme.

Mr. Speaker, we have discussed on this floor what the onset of winter will mean for refugees who returned to their homes in Kosovo to find only rubble. We have worried over their fate and tried to provide funding for people who would act on our shared concerns—people like those who died Friday.

In a region riven by bitter clashes between ethnic groups, the ethnic background of those who have come to their aid is remarkable for its variety. Those who died personify this coming together for the sole purpose of easing suffering: 12 Italians, three Spaniards, two Britons, an Irishman, a Kenyan, a Bangladeshi, an Australian, a Canadian, an Iraqi, and a German.

Their faces are the faces of the United Nations, faces that signify hope to millions of people around the world. We sometimes forget that the U.N. has a very human face—and a remarkable number of dedicated employees. The World Food Programme, which provides food aid to 75 million people in 80 countries, is just one example of the United Nations at work. Since 1988, this organization has lost 51 employees to work-related accidents, illnesses, and attacks—including three who died last week. They died fighting the hunger that gnaws away the lives of one of every seven people in the world, assisting in projects that too often exacted the heaviest human cost.

Mr. Speaker, as we look forward to our Thanksgiving meals next week, let us pause a moment to reflect on those who died last week trying to eradicate starvation—much as our dear friend and colleague, Congressman Mickey Leland, did 10 years ago.

Together with Mickey, we remember Roberto Bazzoni, Paola Biocca, Andrea Curry, Velmore Davey, Nicolás de la Riva, Abdulla Faisal, Marco Gavino, Kevin Lay, Raffaella Liuzzi, Miguel Martinez-Vasquez, Jose Maria Martinez, Alam Mirshahidul, J. Perez Fortes, Richard Walker Powell, Daniel Rowan, Thabit Samer, Paola Sarro, Laura Scitti, Antonio Siccana, Carlo Zevoli, Julia Ziegler, Andrea Maccartefro, Antonio Canzolino, and Kattia Piazza.

They all were heroes to the hungry and suffering people of the world, and they all deserve our thanks and our prayers for the families they left too soon.

CELEBRATING THE OPENING OF THE STOWERS INSTITUTE FOR MEDICAL RESEARCH IN KANSAS CITY, MISSOURI

HON. KAREN MCCARTHY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. McCarthy of Missouri, Mr. Speaker, I rise today to honor Jim and Virginia Stowers on the launch of the Stowers Institute for Medical Research located in my district in Kansas City, MO. Their generous support of biotech research will profoundly impact upon the lives of those who suffer from cancer, and benefit the friends and families of those who battle the disease. On this occasion, I salute the Stowers for their selfless contributions to the field of science in establishing their institute to bring “Hope for Life.”

To our community, Jim and Virginia Stowers are local heroes. To those who will one day benefit from their charity, they will no doubt be referred to as saints. Their remarkable story is triumphant and inspirational. In 1958, Jim Stowers founded Twentieth Century Investors and created what would later be known as the American Century Companies. Today, Mr. Stowers heads the company as chairman of a successful multi-billion dollar firm investing in mutual funds across the nation. His wife, Virginia, worked as a nurse to support her growing family and her husband’s dream. She shared her husband’s confidence by working to help her family and those most in need in her nurturing professions as nurse, wife, and mother.

Their commitment to cancer research is derived from their own hardships and personal survival experiences. Mr. Stowers was diagnosed in 1986 with prostate cancer. Mrs. Stowers fought breast cancer in 1993 followed by years of treatment, and their daughter, Kathleen’s current encounter with cancer was the impetus for the creation of the Stowers Institute for Medical Research. Jim Stowers serves as president with Virginia Stowers serving as vice president over every aspect of their legacy to scientific research.

The Stowers Institute is attracting the most highly sought researchers in biology, technology, and engineering who want to join in this exciting and worthy venture. World-renowned experts from the University of Washington, the California Institute of Technology, the University of California, Berkeley, the McLaughlin Institute, and the University of Missouri-Kansas City are exploring the make-up of life and analyzing the forthcoming information in a facility where research into life systems will produce a better understanding of the nature of cancer. Scientists and doctors would then be able to use this research in developing treatments, medicine, and ultimately, a cure.

Our community has watched the construction of this facility which is anticipated to be in complete operation next year. It rescues from urban blight the site of the former Menorah Hospital near universities and cultural centers. The Stowers endowed the Institute a gift of $336 million to fund the ongoing research of scientists so they can dedicate their valuable time to science instead of raising money for their work. Investment of the multi-billion dollar assets in mutual funds, contributions by other donors, and the gift of the estate of Virginia and Jim Stowers is expected to reach $30 billion or more in the next millennium, which will secure financial support for the Institute.

Mr. Speaker, please join me in thanking Virginia and Jim Stowers for their tremendous generosity and their ongoing mission for “Hope for Life.” I look forward to the successes of the Stowers Institute for Medical Research and share the same hope they have inspired.

EXTENSIONS OF REMARKS

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. STARK. Mr. Speaker, I rise to address the issue of quality improvements in our nation’s child care centers. As a member of the House Ways and Means Subcommittee on Human Resources, I voted against the 1996 overhaul of our welfare system because of the dangerous effect it would have on the health and well-being of children and families in our country.

Congress was warned by advocates for low-income and poor families that without the proper work supports—health care, food assistance, and child care services—welfare reform’s efforts to push mothers into low-paying, low-skilled jobs could not succeed. Now as more and more families with children are forced to send both parents (or the only parent) to work, the absence of child care hampers the ability of mothers to successfully make that move.

Families are stuck between a rock and a hard place. Child care is in short supply, is too expensive for many families to afford, and often is of poor quality. When families try to get child care, they encounter long waiting lists—even for crummy programs—or the care available is unaffordable. The message to low-income families is that they must choose any care they can get. More often than not, parents end up patching together a number of child care arrangements and go through the day anxious that part of the child care chain will fail. Many mothers are reporting that the child care assigned to them by welfare case workers would place their children in a low-quality setting that would make them susceptible to physical harm and do little to prepare children for school.

Working parents need to feel secure about the arrangements they’ve made for their children during work hours, because the quality of care children receive can make a difference in parents’ ability to work. Evaluations of GAIN, the job-training program for welfare recipients in California, found that mothers on welfare who were worried about the safety of their children and who did not trust their providers were twice as likely to subsequently drop out of the job-training program.

We must increase both the quantity and the quality of the care offered. My bill, the Child Care Quality Improvement Act (H.R. 2175), promotes quality child care by providing incentive grants to states to help them set and meet long-term child care quality goals. My bill would base a state’s eligibility for future funding on the progress made in increasing training for staff, enhancing licensing standards, reducing the number of unlicensed facilities, increasing monitoring and enforcement, reducing caregiver turnover, and promoting higher levels of accreditation.

Congress has wrongly refused to require significant quality standards for the billions in child care dollars we allocate each year. The federal government should give states the resources to improve child care quality at the
OFFERING BODY PARTS FOR SALE

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I would like to commend to the attention of my colleagues this disturbing article by Mona Charen, which appeared in the November 11, 1999 edition of the Washington Times. As the article itself states, "This is not a bad joke. Nor is it the hysterical propaganda of an interest group. It was reported in the American Enterprise Institute magazine—the intelligent, thought-provoking and utterly trustworthy publication of the American Enterprise Institute."

The firm Kelly worked for collected fetuses from clinics that performed late-term abortions. She would dissect the aborted fetuses in order to obtain "high-quality" parts for sale. They were interested in blood, eyes, livers, brains and thymuses, among other things. "What we did was to have a contract with an abortion clinic that would allow us to go there on certain days. We would get a generated list each day to tell us what tissue researchers, pharmaceutical companies and universities were looking for. Then we would examine the patient charts. We only wanted the most perfect specimens," That didn't turn out to be difficult. Of the hundreds of late-term fetuses Kelly saw on a weekly basis, only about 2 percent had abnormalities. About 30 to 40 babies per week were around 30 weeks old—well past the point of viability.

"Is this legal? Federal law makes it illegal to buy and sell human body parts. But there are loopholes in the law. Here's how one body parts company—Opening Lines Inc.—disguised what appeared to be a brochure for a group of doctors: "Turn your patient's decision into something wonderful."

For its buyers, Opening Lines offers "the highest quality, most affordable, freshest tissue prepared to your specifications and delivered in the quantities you need, when you need it." Eyes and ears go for $25, and brains for $100. An "intact uterus for $500, a whole liver $150. To evade the law's prohibi-
tion, body-parts dealers like Opening Lines offer to lease space in the abortion clinic to "perform the harvesting," as well as to "offset [the] clinic's overhead." Opening Lines further boasted, "Our daily average case volume exceeds 1,500 and we serve clinics across the United States."

Kelly kept at her grisly task until something made her reconsider. One day, "a set of twins at 24 weeks gestation was brought to us in a pan. They were both boys. The doctor came back and said, 'Got you some good specimens—twins.' I looked at him and said: 'There's something wrong here. They are moving. I can't do this. This is not in my contract.' I told him I would not be part of taking their lives. So he took a bottle of sterile water and poured it in the pan until the fluid came up over the mouths and noses, letting them drown. I left the room because I could not watch this."

But she did go back and dissect them later. The twins were only the beginning. "It happened again and again. At 16 weeks, all the way up to sometimes even 30 weeks, we had live births come back to us. Then the doctor would take a pair of tongs and beat the fetus until it was dead."

American Enterprise asked Kelly if abortion procedures were ever altered to provide specific body parts. "Yes. Before the procedures they would want to see the list of what we wanted to procure. The [abortionist] would get us the most complete, intact specimens that he could. They would be delivered to us completely intact. Sometimes the fetus appeared to be dead, but when we opened up the chest cavity, the heart was still beating."

The magazine pressed Kelly again: Was the type of abortion ever altered to provide an intact specimen, even if it meant producing a live baby? "Yes, that was so we could sell better tissue. At the end of the year, they would give the clinic back more money because we got good specimens."

Some practical souls will probably swallow hard and insist that, well, if these babies are going to be aborted anyway, isn't it better that medical research should benefit? No. This isn't like voluntary organ donation. This reduces human beings to the level of commodities. And it creates of doctors who swear an oath never to kill the kind of people who can beat a breathing child to death with tongs.

MEDICARE FRAUD PREVENTION AND ENFORCEMENT ACT OF 1999

HON. JUDY BIGGERT
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce the Medicare Fraud Prevention and Enforcement Act of 1999.

The vast majority of health care providers in this country are honest. Yet all large health care programs are vulnerable to exploitation, and Medicare is no exception. Over the past few years, Medicare fraud has skyrocketed, depriving millions of seniors quality care and billions of dollars. According to the Department of Health and Human Services Inspector General, in fiscal year 1998 alone, waste, fraud, abuse and other improper payments drained as much as $13 billion from the Medicare Trust Fund.

How is this happening? Well, according to a June 1999 General Accounting Office examination of three states—North Carolina, Florida and my home state of Illinois—as many as 160 sham clinics, labs or medical-equipment companies have submitted fraudulent claims. For example, two doctors who submitted in excess of $690,000 in fraudulent Medicare claims list nothing more than a Brooklyn, New York laundromat as their office location. In Florida, over $6 million in Medicare funds were sent to medical equipment companies that provided no services whatsoever; one of these companies even listed a fictitious address that turned out to be located in the middle of a runway at the Miami International Airport.

Phony addresses and bogus providers add up to Medicare fraud and taxpayers being swindled out of billions of dollars.

In an attempt to change this equation, I am introducing the Medicare Fraud Prevention and Enforcement Act of 1999. This legislation is designed to prevent waste, fraud and abuse by strengthening the Medicare enrollment process, expanding certain standards of participation, and reducing erroneous payments. Among other things, my bill gives additional tools to the federal law enforcement agencies that are pursuing health care swindlers.

This bill is by no means a solution to Medicare fraud. But the Medicare Fraud Prevention and Enforcement Act of 1999 will make it more difficult for unscrupulous individuals to enter and take advantage of the Medicare system.

It is my hope that, come the next legislative session, my colleagues will join me in making a commitment to preventing and detecting fraud and abuse.
Rule to allow suspension bills to be brought up on Wednesday: I would have voted "no".

H.R. 2336, United States Marshals Service Improvement Act of 1999—Amends the Federal judicial code to provide for the appointment of U.S. marshals for each judicial district of the United States and for the Superior Court of the District of Columbia by the Attorney General of the United States (currently, by the President), subject to Federal law governing appointments in the competitive civil service: I would have voted "no".

H.J. Res. 80, Continuing Resolution: I would have voted "aye".

S. 440, Provides Support for Certain Institutes: I would have voted "no"

CONGRESSIONAL BLACK CAUCUS VETERANS BRAINTRUST

HON. SANFORD D. BISHOP, JR.
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. BISHOP. The Honorable CORRINE BROWN and I recently convened the 11th Annual Congressional Black Caucus Veterans Braintrust. Traditionally known as one of the highlights of the CBCF Legislative Conference, the Veterans Braintrust has truly become a family affair bringing together African American veterans and supporters from across the nation.

This year’s Braintrust forum entitled, “Veterans Health Care Issues for 2000 and Beyond” convened with the hope of facilitating a national dialogue between the veterans community and lawmakers. The Braintrust addressed the future course of the veterans health care system with an emphasis in planning for the needs of an aging veterans population. The moderator, Dr. Lawrence Gary, a preeminent scholar from Howard University, led a distinguished panel of experts that included doctors, researchers, government officials, veterans service representatives and community advocates. Participants at the event included: Dr. Eugene Oddone, Dr. Jeff Whittle, Georgia State Senator Ed Harbison, Dr. Sissy Awoke, Mr. Charles McLeod, Jr., Mr. Ralph Cooper, Mr. Dennis Wannemacher, Mr. Carroll Williams, Mr. Calvin Gross and Dr. Erwin Parson.

The panel was invited to help focus our attention on racial disparities in the veterans health care arena. The implications of these preliminary findings, as well as the urgent need to eliminate racial disparities in veterans health care led Congresswoman BROWN to call for the creation of a national working group to develop a series of legislative and policy recommendations to address these issues.

Our keynote speaker was Dr. Thomas Garthwaite, the Acting Under Secretary for Health at the Department of Veterans Affairs. Dr. Garthwaite stated that the VA is facing new challenges in the health care arena, specifically issues relating to veterans of African American descent. He noted concerns in the area of long-term care, increased rates of Hepatitis C, behavioral and mental illnesses, and homeless veterans. He stated that these problems are compounded by a rapidly aging veteran population and a continued lack of sufficient funding for veteran-related expenditures.

Congresswoman BROWN and I agreed that funding for veterans health care is inadequate. We believe that we cannot have a budget surplus, if we have not paid our dues to America’s veterans. Georgia State Senator Ed Harbison expressed the sentiment of many at the Braintrust when he stated, “It used to be said, that ‘old soldiers never die, they just simply fade away.’ But in 2000, its more like ‘old soldiers never die, they’re just ignored to death’!”

Dr. Erwin Parson, Vietnam veteran and health care professional, summarized the essence of the forum by acknowledging, “We know too well that little attention has been given to the issue of African American elderly health by society. Our elderly veterans, especially our African American elderly, have important health care needs that are not being met satisfactorily. We are aware that the stream of scientific studies on comparative health seem to always reach the same conclusion: race is a factor in access and quality of care for many life-threatening medical conditions which afflict American Averages.”

We found it disconcerting that studies found that race is often a controlling factor in the assessment and management of many administrative and clinical decisions in veterans health care. We all realize that accurate data is vital to evaluating the true health care needs of African American veterans. However, current research is much too sparse and fragmented. It is obvious that we urgently need to get better, more meaningful data on African American elderly veterans.

Finally, the reality is simply this: The aging veterans population is upon us now! We are grateful and will never forget that African Americans have fought gallantly for America, beginning as far back as the Revolutionary War. Gifts of our living ‘Legacy’ and, today, we honor that legacy when we care for those who gave all they had. Therefore, I believe we owe them a special debt of gratitude. Health care is something promised, a promise that must be paid in full. So let us honor them who honored us, and give them the best health care to be found anywhere in America, or the world.

At the conclusion of the session, Congresswoman BROWN and Ron Armstead, Executive Coordinator for the Veterans Braintrust, presided over our 11th annual awards ceremony. This event was conceived by Congresswoman BROWN and began 11 years ago with General Colin Powell in attendance. At this historical gathering General Powell was joined by some of the highest ranking African-American military officers ever to serve this great Nation: Lt. Gen. Julius Becton, USA, Ret., Brig. Gen. Hazel Johnson-Brown, USA, Ret., Dr. Roscoe Brown, Vice Adm. Samuel Gravely, Jr., USN, Ret., Gen. Frank Petersen, Jr., USMC, Ret., and Col. Fred Cherry, USAF, Ret.

Commenting on the significance and rich tradition of this awards ceremony, Congresswoman Rangel noted that each of these recipients has distinguished themselves as true patriots in the war for veterans’ rights, and they have not allowed racism to hamper their achievements.


Organizations receiving this year’s honors were: The Civil War Memorial Freedom Foundation, The Civil War Soldiers and Sailors Project (CWSS), and the National Minority Museum Foundation.

We also took a moment to recognize Jeanette Boone and Roy Martin from the Office of Senator John Kerry for their excellent assistance on behalf of African-American veterans.

Special citations were given to stalwarts in the battle for veterans rights. The first award was given to Dr. Erwin Parson, co-founder of the Congressional Black Caucus Veterans Braintrust and renowned expert in trauma/PTSD mental health. He was recognized for his 22 years of dedicated service to veterans and their families. The second award went to Congresswoman Corrine Brown (D-FL) Co-Chair of the CBC Veterans Braintrust and Ranking Member of the House Veterans Affairs Subcommittee on Oversight and Investigation. Ms. Brown has shown her continued and steadfast commitment to our nation’s veterans.

At the end of the ceremony, the Executive Committee members of the Braintrust and past awardees in attendance—Jerry Cochran, Arthur Barham, Morocco Coleman, Joann Williams, Ralph Cooper, Robert Blackwell, Ruben Johnson, Leroy Colston, Robert Powell, Calvin Gross, Daniel Smith and Brig. Gen. Clara Adams-Ende, USA, Ret.—were asked to stand and be publicly recognized.

In closing, I want to personally thank Congressional staff members Brittley Wise and Nick Martinelli, Executive Director of the Braintrust Ron Armstead and forum moderator Dr. Lawrence Gary for everything they did to make the event a success. We appreciate the assistance of forum evaluators Dr. Shari Miles, Director of the African American Women’s Institute, and Michael Tanner, Director of Health and Welfare Studies at the Cato Institute for all their hard work.

As I have said before and will say again, when veterans answered the call in faithful service, the nation in essence wrote them a check for certain benefits—and it is our duty as members of Congress and as American citizens to make sure this check never comes back marked “insufficient funds!” They were promised more. They have earned more. They deserve no less.
75TH ANNIVERSARY OF ST. LUCY’S CATHOLIC CHURCH

HON. SANDER M. LEVIN
OP OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. LEVIN. Mr. Speaker, on Sunday, December 5, 1999, the community of St. Lucy’s Catholic Church, will gather to celebrate their 75th Anniversary. I rise today to honor St. Lucy’s on this special occasion and pay tribute to their service to the community.

Like many other immigrant communities, Croatian immigrants came to the metro-Detroit area because of the promise of jobs and opportunities in lumber, mining and the automobile industry. After their arrival, they realized that a central component of their former life—the community church—was missing. They regained this sense of community when Father Oskar Suster was given permission by Bishop Michael Gallagher to form a new Catholic parish to serve the Croatian ethnic community. In 1924 they purchased their first building at the corner of Oak and Melbourne and Oaklands Avenue in Detroit.

Following in the name of their patron saint, St. Lucy’s Catholic Croatian Church has spent the last 75 years serving as a radiant light in the Croatian community. The Church, now located in Troy, Michigan, includes the sons and daughters of those original immigrants as well as many new arriving families. I have enjoyed participating in some of their activities and seeing firsthand the pride parishioners have in their Church and the sense of community it represents. I have also enjoyed the opportunity to participate in the community’s discussions on issues of special concern, especially those touching on events transpiring in the Balkans.

Mr. Speaker, I ask my colleagues to join me in congratulating St. Lucy’s Croatian Church on the occasion of their 75th anniversary and wishing them many more years of important service to their community.

EXTENSIONS OF REMARKS

HON. DALE E. KILDEE
OP OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. KILDEE. Mr. Speaker, I rise before you to recognize an historic occasion. Memorial United Church of Christ recalls their 100th anniversary this month. I rise today to honor Bishop Odis A. Floyd, a里程数 old man of the faith who has served the Flint community for over 50 years.

Bishop Floyd attended Monterey College, Pensacola Junior College, Mott Community College, Toledo Bible College, and the United Theological Seminary from which he received his DD degree in 1990.

He was in 1964 that he accepted his call to ministry, for which all of us in the Flint community are forever grateful. In 1965 he began assisting his grandfather, the Rev. L.W. Owens in the organization of the New Jerusalem Missionary Baptist Church. Bishop Floyd was ordained in 1969, and became pastor in November of 1969 when his grandfather retired. In 1991 the church’s name was changed to the New Jerusalem Full Gospel Baptist Church. In 1993 he was consecrated to the office of Bishop by Paul S. Morton, Presiding Bishop of the Full Gospel Baptist Fellowship.

During his tenure at New Jerusalem, Bishop Floyd has presided over a growth in membership from 450 to more than 3,000. Following a terrible fire which destroyed the church, Bishop Floyd continued to serve the spiritual needs of his flock in a temporary facility. It was under his good guidance that the New Jerusalem congregation was able to construct a new, beautiful church in Flint. One need only step inside this stunning building to feel the warmth and the welcome of the people who helped make it possible.

Bishop Floyd is known not only in the Flint community, but throughout the country as a dynamic preacher, spiritual leader, moving gospel singer, and community activist. God has blessed him with a tremendous singing voice. Indeed, Bishop Floyd has been nominated for a Grammy award for the Best Soul Gospel Male Performance. His Sunday services are broadcast live on the church’s radio station, and are a favorite for those in the community who are home-bound or otherwise unable to attend church services.

And I know that our community is a better place to live in because of Bishop Floyd’s spiritual influence. I am pleased to ask my colleagues in the 106th Congress to join in congratulating Bishop Odis A. Floyd and celebrate his 30 years of pastoral service.

CENTENNIAL TRIBUTE TO MEMORIAL UNITED CHURCH OF CHRIST

HON. MARCY KAPTUR
OP OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Ms. KAPTUR. Mr. Speaker, I rise today to honor an historic occasion. Memorial United Church of Christ, East Toledo celebrates its 100th anniversary this month. In early 1899, Mr. J. Herman Overbeck came to East Toledo and organized the church. It was in 1907 that Mr. Overbeck’s vision became a reality. The church was established by a group of families who met in Mr. Overbeck’s home to discuss the need for a church in the area. The church was named Memorial United Church of Christ because it was established to honor the memory of those who had given their lives for the cause of Christ.

Over the years, the church has grown and changed. It has become a center of community life, offering a place of worship, education, and service to the community. Today, Memorial United Church of Christ is a vibrant and active church with a membership of over 1,000. The church continues to live out its mission of spreading the message of Jesus Christ in the community and beyond.

THE LEGAL EMPLOYMENT AUTHENTICATION PROGRAM (LEAP) ACT OF 1999

HON. DOUG BEREUTER
OP OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. BEREUTER. Mr. Speaker, today this Member rises with his distinguished colleague, the gentleman from Nebraska, Mr. BARRETT, in introducing the Legal Employment and Authentication program (LEAP) Act of 1999 which will provide employers nationwide with the tools they need to hire a legal workforce. While some businesses clearly have flouted the laws prohibiting the employment of illegal aliens, many other businesses have indeed tried to comply with the laws. Unfortunately, the current employment verification programs provided by the INS for compliance with those laws have fallen short. The programs fail to detect sophisticated forms of identity and document fraud used by illegal aliens. Also, the current programs are limited to businesses based in seven states.
The proposed LEAP Act we are introducing would create a strictly voluntary employment verification program to address those faults. It will grant all participating employers access to information regarding a newly hired employees’ eligibility to work in this country, and it will be available to all states.

This Member is pleased to be an original cosponsor of this legislation, urges Members to cosponsor it, and strongly supports the passage of LEAP early in the next session of the 106th Congress.

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. DeGETTE. Mr. Speaker, I rise today to honor the heroic acts of Frank Moya. Earlier in November, Mr. Moya, a well-known attorney in my hometown of Denver, Colorado, thwarted an attack and saved someone’s life. Mr. Moya was leaving the Arapahoe County Justice Center when he heard that a woman was being attacked in the parking lot. Without hesitation, Mr. Moya rushed to the scene where he saw the victim being viciously stabbed by her estranged husband. He saved her life by jumping in and personally subduing the attacker.

In today’s often apathetic world, Mr. Moya has demonstrated courage and selflessness by coming to the aid of someone in need of help. He acted swiftly and without regard to his own safety in order to save the life of another. The world could use a hundred more like him and I am proud to count him as a fellow Denverite and friend. Colorado’s first congressional district is fortunate to have Mr. Moya as one of its citizens. On behalf of myself as well as other residents of Denver and Colorado, I would like to thank Mr. Moya for his heroic actions.

INTRODUCTION OF THE NEW INSURANCE COVERAGE EQUITY ACT (NICE ACT)

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. MALONEY of Connecticut. Mr. Speaker, access to prescription drugs can mean the difference between life and death, or between health and chronic disease, particularly for senior citizens. While Medicare covers prescriptions administered in hospitals, two-thirds of older Americans have no insurance or inadequate coverage for outpatient medication. As a result, millions of seniors must pay high retail prices for drugs or inappropriately limit their drug use.

Many seniors who are not able to afford their prescription dosage only buy part of their necessary medication, and take a small portion of the required dosage. Others forgo basic life necessities such as food and heating fuel to pay for their medicine.

EXTENSIONS OF REMARKS

As a strong supporter of modernizing and strengthening Medicare, I am introducing the New Insurance Coverage Equity Act (the NICE Act) to make sure that all seniors have access to affordable drug coverage.

Time and time again, I have heard from seniors in my district about their difficulty in obtaining the critical prescription drugs they need. One woman told me that she can only afford to pay for a week’s worth of medicine each month instead of filling her entire prescription. That means that instead of taking her medication all month long, she spreads seven pills out over four weeks. Unfortunately, she is not alone.

I recently spoke to a married couple in my district. Both husband and wife have expensive prescription medications they must take, but they simply can’t afford to pay for both. Because his wife is more ill than he is, the husband stopped taking his medicine in order to pay for his wife’s.

I have heard similar stories from so many other seniors. That is why I have developed the NICE Act, which creates a comprehensive prescription drug program that will make essential medication more affordable for all seniors. My legislation not only provides access to affordable medicine but it also gives older Americans choices.

The NICE Act creates a prescription medicine program modeled after the coverage available to Members of Congress. It would help seniors pay for all of their prescription needs at their local drug store. At the same time it would also cover seniors with pre-existing conditions—which other plans often exclude.

Under the NICE Act, every older American who chooses to enroll would receive financial assistance for their prescription drug coverage. At a minimum, individuals would receive assistance equal to 25% of the cost. For seniors living at or below 150% of the poverty rate—$12,075 for an individual and $16,275 for a couple—the NICE Act would cover the entire premium for their prescription drugs. Older Americans living between 150% and 175% of the poverty rate—$14,088 for an individual and $18,988 for a couple—would only have to pay as much as they could afford on a sliding scale.

Under my legislation, seniors would also have the right to either keep their existing coverage or participate in the NICE program. No senior would be forced to change their current coverage. The NICE program is entirely voluntary.

Finally, my proposal is funded primarily from the on-budget surplus without any tax increase.

Mr. Speaker, Congress must act now to help seniors receive the vital prescription drug coverage they rely on to live. As a vigorous supporter of modernizing and strengthening Medicare, I will continue to do everything I can to make prescription drugs accessible for our senior citizens. For that reason, I am introducing the New Insurance Coverage Equity Act today, and I urge all my colleagues to join me in sponsoring this common sense approach to making prescriptions affordable for our seniors.

TRIBUTE TO U.S. MARINE CORPS CAPTAIN SARAH DEAL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the achievements of U.S. Marine
Corps Captain Sarah Deal. Captain Deal deserves the warmest, most heartfelt congratulations for her accomplishment of becoming the first female pilot in Marine Corps history. Her achievements reflect her courage, determination and self-belief. On behalf of Ohio’s lawmakers and citizens, I wish to pay tribute to this outstanding young woman.

Growing up in Pemberville, Ohio, Captain Deal always had a passion for flying, in part inspired by her father, a former Marine, who worked as an engineer testing jet engines. A graduate from Eastwood High School, she went on to study aviation at Kent State University. From there, she made the tough choice to join the United States Marine Corps to begin training as an air traffic control officer. Even though women were allowed to fly in the Army, Navy and Air Force, she still chose the Marines, knowing that the only way she would be allowed to fly would be recreationally. However, her difficult choice was rewarded with the landmark Defense Department decision in 1993, ordering the armed forces to end their ban on women flying combat missions. Following the announcement, Captain Deal immediately chose to attend Marine flight school despite being the only woman there. Her persistence and hard work were rewarded in April 1995, when her father had the pleasure of pinning her wings to her uniform at her graduation ceremony in Milton, Florida.

Abigail Adams once wrote in a letter to her husband, “all history and every age exhibit instances of patriotic virtue in the female sex; which considering our situation equals the most heroic of yours.” Captain Deal follows in the footsteps of the legendary Grace Hopper, mathematician and computer pioneer, who became the first female Rear Admiral in the US Navy. And of Sally Ride, the first female U.S. astronaut. And of Mary Hallaren, champion for permanent status for women in the military after World War II and subsequent director of the Women’s Auxiliary Corps from 1947–1953. All these women have proved there is nothing that cannot equally be achieved by women in our armed forces. Captain Deal’s achievements are a proud demonstration of what can be achieved by women in today’s society. Her achievements offer hope and encouragement to all women to follow their dreams and to pursue paths that have previously been unjustly denied them. Her efforts have been a key factor in breaking the gender barrier that existed in the armed forces and in opening the eyes of others to more tolerant attitudes.

This month Captain Deal will be inducted into the Ohio Women’s Hall of Fame, in recognition of her achievements. On behalf of Ohio’s Ninth District, I would like to wish Captain Deal every success with her military career and in her current assignment with the Marine Corps Air Station in Miramar, California. We are truly grateful for her service to our country and once again congratulate her for all her achievements. Her virtue and patriotism are a shining example to all women, and indeed, all people in this Nation.
EXTENSIONS OF REMARKS

December 20, 1999

Tribute to Reverend Dr. Louis Rawls, Pastor of the Tabernacle Missionary Baptist Church of Chicago, IL

HON. BOBBY L. RUSH
OF ILLINOIS

In the House of Representatives
Thursday, November 18, 1999

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to and honor the Reverend Dr. Louis Rawls on the occasion of the celebration his tenure as Pastor of the Tabernacle Missionary Baptist Church of Chicago, Illinois.

Dr. Rawls was born July 16, 1905 in Union, Mississippi to the union of James Rawls, Sr. and Louiza Donnell. Dr. Rawls accepted the call of the Lord at the age of twenty-six. He served as pastor of Canaan Baptist Church for nearly ten years. In 1941, the Lord directed Dr. Rawls to organize the Tabernacle Baptist Church, where he has served as Pastor, preacher and teacher for the past fifty-eight years. With the power of the Holy Spirit, Dr. Rawls has felowshipped more than 23,000 souls into the church.

Dr. Rawls graduated from Wendell Phillips High School in 1928 and Moody Bible Institute in 1934. Dr. Rawls is the recipient of eight earned degrees and six honorary degrees. Dr. Rawls was a founding member of the Chicago Baptist Institute and the founder of the Illinois Baptist State Convention. He has served on numerous boards including, the NAACP, the National Association of Evangelists and the National Religious Broadcasters of America.

Building a ministry that focuses on the total man, Dr. Rawls founded the Willa Rawls Manor and the Tabernacle Community Hospital and Health Center. Dr. Rawls has worked extensively in the civil rights movement with numerous boards including, the NAACP, the National Association of Evangelists and the National Religious Broadcasters of America.

Mr. Speaker, I am proud to join with thousands of family and friends who will gather in Chicago on November 27, 1999 to recognize the life achievements of Reverend Dr. Louis Rawls, Pastor of the Tabernacle Missionary Baptist Church and I want to encourage Dr. Rawls to continue to be steadfast and unmovable always abounding in the work of the Lord. I am truly honored to pay tribute to this outstanding Servant of God and am privileged to enter these words into the Congressional Record of the United States House of Representatives.

MICHAEL J. SCHULTZ
OF PENNSYLVANIA

In the House of Representatives
Thursday, November 18, 1999

Mr. MASCARA. Mr. Speaker, I rise today to pay tribute to and honor the Reverend Dr. Louis Rawls, Pastor of the Tabernacle Missionary Baptist Church of Chicago, Illinois.

Dr. Rawls was born July 16, 1905 in Union, Mississippi to the union of James Rawls, Sr. and Louiza Donnell. Dr. Rawls accepted the call of the Lord at the age of twenty-six. He served as pastor of Canaan Baptist Church for nearly ten years. In 1941, the Lord directed Dr. Rawls to organize the Tabernacle Baptist Church, where he has served as Pastor, preacher and teacher for the past fifty-eight years. With the power of the Holy Spirit, Dr. Rawls has felowshipped more than 23,000 souls into the church.

Dr. Rawls graduated from Wendell Phillips High School in 1928 and Moody Bible Institute in 1934. Dr. Rawls is the recipient of eight earned degrees and six honorary degrees. Dr. Rawls was a founding member of the Chicago Baptist Institute and the founder of the Illinois Baptist State Convention. He has served on numerous boards including, the NAACP, the National Association of Evangelists and the National Religious Broadcasters of America.

Building a ministry that focuses on the total man, Dr. Rawls founded the Willa Rawls Manor and the Tabernacle Community Hospital and Health Center. Dr. Rawls has worked extensively in the civil rights movement with numerous boards including, the NAACP, the National Association of Evangelists and the National Religious Broadcasters of America.

Mr. Speaker, I am proud to join with thousands of family and friends who will gather in Chicago on November 27, 1999 to recognize the life achievements of Reverend Dr. Louis Rawls, Pastor of the Tabernacle Missionary Baptist Church and I want to encourage Dr. Rawls to continue to be steadfast and unmovable always abounding in the work of the Lord. I am truly honored to pay tribute to this outstanding Servant of God and am privileged to enter these words into the Congressional Record of the United States House of Representatives.
Mike was recently elected by his peers to lead the 12,000 employer-member Pennsylvania Builders Association (PBA) into the next century. Because of my close and long-standing professional relationship, I do not believe PBA could be placed in more capable hands.

Mike Schultz is a small businessman. He is the owner of Michael J. Schultz Construction and has been in the home building business for 32 years. In a long and distinguished history with the PBA, Mike has served as vice president, secretary and treasurer. Additionally, he has served as the southwestern Pennsylvania regional vice president and chairman of the public relations/public affairs committee. In 1992, he was recognized as the PBA small contractor of the year, an award I know he cherishes.

Mike has visited my Washington DC office on a number of occasions in his role as a member of the PBA’s legislative committee and as a delegate for the National Association of Home Builders. Needless to say, he has been professional and convincing in his presentation on behalf of the home building industry. It is not surprising that he was chosen as a delegate for the White House Conference on Small Business in Washington DC.

Therefore, I am pleased to be among those to honor Mike as he assumes his duties as the President of the Pennsylvania Builders Association. Mike, I wish you success in this post and as always, I look forward to working with you and your association as we move into this millennium. I am proud that you are one of my 20th Congressional District constituents.

STUDENT LOAN INTEREST RATE INDEX

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to speak about H.R. 1180, the Work Incentives Improvement Act. As a senior member of the House Committee on Banking and Financial Services, I want to provide my colleagues with an explanation of one provision in this conference report.

Specifically, this legislation updates the funding formula for the Federal Family Education Loan Program by changing the lender interest rate index for the 91-day Treasury bill rate to the 90-day commercial paper rate. The interest rate index switch has a strong bipartisan backing, including the supporter of the Chairman and ranking Democratic member of both the Committee on Education and Workforce and its Subcommittee on Postsecondary Education, Training and Life-Long Learning. Additionally, this change will not in any way affect the interest rate paid by individuals on their student loans. This change only affects the interest rate index used to calculate lender returns for the Federal Family Education Loan Program.

The change flows from the agreement made on lender yields during last year’s debate over the Higher Education Act. The provision on the Higher Education Act recognized that there were serious questions about whether the Treasury bill was still the appropriate index to use. Consequently, the Higher Education Act asked for a study. Over the last year, a great majority of the people who have intensively examined this matter have concluded that the Treasury bill index has serious shortcomings, which will worsen as the federal government continues to run a budget surplus and the market diminishes for Treasury securities.

Furthermore, in June 1999 testimony before the Senate Committee on Finance, Deputy Secretary of the Treasury Stuart Eizenstat acknowledged this problem. He stated, "As the supply of Treasuries dwindles in the future, as we gradually reduce the debt held by the public, there would be a shift to an index of other securities issued by high quality corporations and government sponsored enterprises that would likely become benchmarks for the broader securities markets." Deputy Secretary Eizenstat further said that, "The Federal Reserve currently uses Treasury securities to conduct open market operations, but it has not always been that way, nor would it have to be in the future. As with other market participants, the Federal Reserve would adapt to such a changing environment by substituting other debt securities for Treasuries."

Mr. Speaker, that is exactly what this legislation does. It substitutes the 90-day commercial paper rate, with an appropriate adjustment determined by the Congressional Budget Office to reduce federal outlays by tens of millions of dollars, for the 91-day Treasury bill.

This change is as important for students and their families as it is for providers of student loans. Without this change, the private sector will experience periods of time, such as the majority of last year, when it cannot issue asset backed securities to fund student loans. Because the private sector’s index, the two out of every three dollars of student loans, we must stabilize this important source of funding. Stability and liquidity in the market help all participants, including students and their families, and colleges and universities.

Today, our fiscal and economic climate is dramatically different from what it was when the 91-day Treasury bill was selected as the index for the student loan program. Twenty-five years ago, the federal deficit and the Treasury bill market were both quite large, while the 90-day commercial paper markets were relatively small. Today the situation is reversed. The government has a budget surplus, and the size of the Treasury bill market is less than half of what it was as recently as 1996. Moreover, the volume of outstanding student loans has grown from $7 billion to $120 billion, and the commercial paper and London interbank offered rate (LIBOR) markets have exploded in size.

The simple truth—as anyone on Wall Street will attest, is that the overwhelming majority of student loans are based on LIBOR and commercial paper rates, not Treasury bill rates. The federal government should recognize this change in the marketplace and revise its statutes accordingly.

Changing the interest rate index will not harm students, and it will not harm the federal government. Instead, it will help both by ensuring that a large and liquid market remains available for student loans.

Finally, Mr. Speaker, some people have tried to use this issue to reopen the debate between the merits of direct lending and guaranteed lending. That is a red herring. This change will not adversely affect the direct loan program or the competitive balance between direct and guaranteed loans. This change is simply a technical fix to reflect transformations in the marketplace that scores of financial experts have acknowledged.

It is time to switch the interest rate index used to calculate lender returns for the Federal Family Education Loan Program. I encourage all my colleagues to read the following recommendations from the Chairman and ranking Democratic members of the House Committee on Education and Workforce and its Subcommittee on Postsecondary Education, Training and Life-Long Learning.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, WASHINGTON, DC, NOVEMBER 8, 1999.

Hon. Bill Archer, Chairman, House Ways and Means Committee, Longworth House Office Building, Washington, DC.

Hon. Tom Bilisky, Chairman, House Commerce Committee, Rayburn House Office Building, Washington, DC.

Hon. Dick Armey, Majority Leader, House of Representatives, the Capitol, Washington, DC.

Hon. Charles Rangel, Ranking Minority Member, House Ways and Means Committee, Longworth House Office Building, Washington, DC.

Hon. John Dingell, Ranking Minority Member, House Commerce Committee, Ford House Office Building, Washington, DC.

Dear Colleagues, We are writing to clear up some misinformation regarding Section 409 of H.R. 1180, the Work Incentives Improvement Act.

At issue is a provision that was added to H.R. 1180 that would update the index on which lender returns are based in the Federal Family Education Loan Program (FFELP). Last year, as we reauthorized the Higher Education Act of 1965, the Committee became convinced that the 91-day Treasury bill, which is the index used for the last 25 years to determine the interest rate on guaranteed student loans, was becoming an out of date tool for determining lender yields. The Committee made it clear that a large and liquid market remains available for student loans.

While the Committee was willing to explore other mechanisms for determining lender yields during reauthorization, the complexity of the issue required us to form a study group, made up of a broad range of stakeholders in the program, to determine the financial instrument that would be most efficient and cost effective. Unfortunately, the study group failed to reach consensus on an appropriate alternative index. To date, the only proposal that has been put forth.
EXTENSIONS OF REMARKS
THE CHARTER BOAT INDUSTRY
HON. DONNA MC CHRISTENSEN
OF THE VIRGIN ISLANDS
IN THE HOUSE OF REPRESENTATIVES
Friday, November 19, 1999

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to introduce a bill to help to revitalize the charter boat industry in my district by giving charter boat operators the ability to compete against their competitors in the neighboring non-U.S. jurisdictions. In the almost three years that I have served as the elected representative of the people of the U.S. Virgin Islands in the House of Representatives, there have been few other issues that have generated more passion and concern among the people of Virgin Islands business community than this one.

Mr. Speaker, the Passenger Vessel Safety Act, which was enacted on December 20, 1993, made several changes to the laws for passenger vessels. One such change, which required uninspected vessels weighing less than 100 gross tons to carry not more than 6 passengers, has had a significant negative impact on the charter boat industry, as well as the overall economy of my district. The limitation of only six passengers for uninspected vessels has resulted in virtually all vessels, which are able to carry more than 6 passengers, leaving U.S. Virgin Islands waters and relocating to the nearby British Virgin Islands.

According to Virgin Islands charter boat industry officials, approximately one third of all charters on crewed yachts carry more than six passengers and less than twelve. Just about all of this type of business has relocated to other areas, primarily the British Virgin Islands which is located only 12 miles from St. Thomas. Additionally, it is estimated that each charter yacht and their clientele spend over $500,000 annually.

Because the international standards for the inspection of passenger vessels only apply to vessels that carry more than 12 passengers, foreign registered vessels cannot comply with U.S. laws and enter U.S.V.I. waters carrying more than six passengers. Guests who might otherwise enjoy visiting the U.S.V.I. while chartering in the BVI are not able to visit us if their charter numbers more than six passengers.

Mr. Speaker, enactment of this bill is important to the Virgin Islands because of its potential to help revitalize our currently stagnant economy. As recently as 1988, U.S.V.I. marine businesses generated more than $85 million in revenue. But that figure has dropped to less than $15 million today, because of the decline in the industry due to the change in law.

I urge my colleagues to join me in supporting this bill which is vitally important to the economy of the U.S. Virgin Islands, due to its heavy dependence on tourism.

THE ISSUE IS PROTECTING THE RULE OF LAW
HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. CONYERS. Mr. Speaker, today I am pleased to submit for the RECORD a memorandum on the importance of the rule of law in our constitutional democracy written by Professor Harold Norris. Widely regarded as one of our Nation’s foremost constitutional law experts, Professor Norris is an emeritus professor of constitutional law at the Detroit College of Law at Michigan State University. A man of honor and great integrity, Professor Norris shaped the careers of many of Michigan’s foremost attorneys and members of the State and Federal judiciary. Throughout his long life, Professor Norris has provided insight and profound constitutional issues throughout my congressional career, most recently during the impeachment proceedings against President Clinton. Professor Norris’ commitment to the spirit of our Constitution and the Bill of Rights and his zealous defense of our civil liberties should be heeded by all Americans.

(From the Bradenton Herald, Oct. 19, 1998)

THE ISSUE IS PROTECTING THE RULE OF LAW
(Professor Harold Norris)

On two separate occasions, the American people have decided that William Jefferson Clinton is fit to be President of the United States by electing him to that office. To proceed to nullify a presidential election on the basis of authoritarian, privacy-invading questions about sex, questions the government does not have the legal power to ask, is producing irreparable harm to our nation and to its Constitution. There is no crime of perjury arising out of questions the government doesn’t have and should not have the legal authority to ask. We must stop this terrible carnal carnival, this tragic, malevolent, partisan, anguishing national experience.

E lecting a president under our Constitution is the most important expression of the political sovereignty of the whole of the American people. To diminish, countermand or nullify the legitimacy of a presidential election for behavior rooted in personal private conduct diminishes, devalues our Constitution, our nation, the office of the president, the rule of law itself. The purpose of the Constitution to unify the nation in opposition to autocracy and to abuse of constitutional authority is being dangerously undermined and diminished by the presently-invoked processes of political and unconstitutional impeachment.

Perjury and subornation of perjury, rooted and based exclusively upon an illegal invasion of personal privacy like sex, is not “treason, bribery, or high crimes and misdeemors.” Elizabeth Holtzman, former U.S. representative and former New York City prosecutor, concluded in an Op-Ed in the New York Times that perjury in the Clinton matter is a “manufactured” crime. She wrote (Aug. 10):
"As one of the authors of the original Inde- pendent Counsel Act, I never dreamed that a special prosecutor would be using his au- thorized powers to investigate accusations about a president’s (private and legal) sexual conduct. Starr is manufacturing the circ- umstances in which criminal conduct may occur. . ."

Moreover the investigation and prosecu- tion of Mr. Starr using methods such as due process has undermined the credibility of the fact-finding process itself. The President of the United States should be as protected by the Bill of Rights as any person, or else. . .

The Supreme Court determined in the Paula Jones case that a distinction must be drawn between incidents involving the president in his capacity as a private citizen and those occurring in the course of the exercise of his constitutional duties. Everything connected with Monica Lewinsky and Paula Jones involves not a private individual and had nothing whatsoever to do with the presidential office. As President Theodore Roosevelt cogently observed, “in the United States there is no person can be brought to the law but no person can be below the law, either.” The president must therefore be judged according to constitutional principles and the rule of law, nothing else.

There has been no suggestion that any- thing the independent counsel is investigat- ing involves the president’s constitu- tional duties. Unless the independent counsel has substantial evidence that President Clin- ton has violated his constitutional duties, Mr. Starr has no basis whatsoever for mak- ing a report to Congress suggesting that im- peachment be contemplated. Any suggestion that the president could be impeached for conduct occurring as a private individual or because some members of Congress might dislike his character or image and consider him “unfit for office” is clearly contrary to the intent of the framers and the explicit language of the Constitution.

We must resist as vigorously and effect- ively as possible any effort by the inde- pendent counsel to rewrite the Constitution to serve political ends. The ultimate sacrifice made by millions of men and women to preserve the integrity of the Con- stitution for more than 200 years requires nothing less.

There has been a tabloidization of the whole range of the American press and tele-

vision. In a full self-mesmerized frenzy on the possible of utilization, the constitu- tional requirements of due process in grand juries, investigations and impeachments have been ignored, and fairness has been sub- ordinated to a persistent partisan political purpose. The special prosecutor’s press has displaced decency, dignity, civility and respect. Unless the Constitution and rule of law genuinely prevail, the country will in- evitably move to continual constitutional crises and indeed, disunity and disinte- gration. Only a citizenry aware of the Constitu- tion, rights and responsibilities can prevent the unraveling of the nation and preserve its sovereignty. Our Constitution will not survive the crim- inalization of the privacy of a president.

In a democratic non-totalitarian country that protects the liberty, privacy, and dig- nity of a person, there can be no crime of perjury for failing or refusing to answer question about sex, questions the govern- ment has no right to ask. As a 34-year vet- erans member of Congress, John Conyers of Michigan, devoted constitutionalist and Democrat, Chairman of the Judiciary Committee, put the question before Congress and the country: “The issue is not Mr. Clin- ton; the issue is to preserve, protect, and de- fence our law and the integrity of the Constitution. Without law, there is tyranny and anarchy.”

TRIBUTE TO CALVIN JERRY POWELL

HON. ALLEN BOYD
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES
Friday, November 19, 1999

Mr. BOYD. Mr. Speaker, I rise today to pay tribute to the life and work of Corporal Calvin Jerry Powell. Corporal Powell, a member of the Jasper Police Department in Northern Florida, was killed in the line of duty in late September of this year. He was a two year veteran. Corporal Powell, 27, was a two year veteran. Corporal Powell loved his job and was very well liked by the entire force, he will be sorely missed.

There are many lessons we can take from the tragic and senseless loss of Corporal Pow- ell. Police officers put their lives at risk every- day in order to ensure our safety, security and peace of mind. When a death such as this oc- curs, particularly in a closely knit community like Jasper, it shakes us to the core. Each day, we need to reflect on the sacrifices made by our officers and truly appreciate how vital the role of these brave men and women are to our own lives.

Mr. Speaker, we mourn the loss of Corporal Powell along with his family and the Jasper Community. Our prayers are with his wife and two children during this difficult time. He will be missed beyond any expression of words.

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31293

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

SPEECH OF
HON. TOM BLILEY
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. BLILEY. Mr. Speaker, earlier today, the House passed a consolidated appropriations act funding a number of agencies for fiscal year 2000.

Among the legislative items attached to that measure was a provision imposing a morato- rium on the Administration’s organ allocation regulations. Under the legislation we passed earlier today, that moratorium extends for 42 days. That moratorium is not a sufficient amount of time for Congress to complete its work in legislating changes in the National Organ Transplant Act.

Accordingly, the legislation we currently have under consideration, the Ticket to Work and Work Incentives Improvement Act of 1999, goes a step further. This legislation ex- tends the moratorium an additional 90 days. I fully expect that President Clinton will sign the consolidated appropriations measure into law in the near future. When he does so, under the terms of that law, the first moratorium of 42 days will begin.

I further anticipate that the President will sign the Work Incentives legislation after he signs the appropriations bill. When he does so, it is my firm belief that H.R. 1180’s 90-day moratorium will then begin. As the legislative language of the bill states: “The final rule enti- tled ‘Organ Procurement and Transportation Network’, promulgated by the Secretary of Health and Human Services on April 2, 1998 (63 Fed. Reg. 16295 et seq.) (relating to part 121 of title 42, Code of Federal Regulations), together with the amendments to such rules promulgated on October 20, 1999 (64 Fed. Reg. 56649 et seq.) shall not become effective before the expiration of the 90-day period begin- ning on the date of the enactment of this Act.” As the Chairman of the Committee with exclusive jurisdiction of the matter, and the au- thor of this provision, my legislative intent is that, when the Work Incentives legislation is signed into law, it will begin a new 90-day moratorium period.

In the unlikely event that President Clinton signs the consolidated appropriations measure after the Work Incentives measure, I also want to be clear about my legislative intent. Be- cause Congress acted on the appropriations measure first, the Secretary of Health and Human Services should view the moratorium set forth in the Work Incentives measure as Congress’ last statement. In other words, if the Work Incentives measure is signed after the appropriations bill, Congress’ intent is that a 90-day moratorium remain in effect from the date of enactment of H.R. 1180.

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- In the House of Representatives
- Mr. Boyd, Mr. Speaker, I rise today to pay tribute to the life and work of Corporal Calvin Jerry Powell.
- Corporal Powell, a member of the Jasper Police Department in Northern Florida, was killed in the line of duty in late September of this year.
- Corporal Powell loved his job and was very well liked by the entire force. He will be sorely missed.
- There are many lessons we can take from the tragic and senseless loss of Corporal Powell. Police officers put their lives at risk every day in order to ensure our safety, security and peace of mind.
- Mr. Speaker, we mourn the loss of Corporal Powell along with his family and the Jasper Community.
- Our prayers are with his wife and two children during this difficult time. He will be missed beyond any expression of words.
- Mr. Bliley, Mr. Speaker, earlier today, the House passed a consolidated appropriations act funding a number of agencies for fiscal year 2000.
- Among the legislative items attached to that measure was a provision imposing a morato- rium on the Administration’s organ allocation regulations.
- Under the legislation we passed earlier today, that moratorium extends for 42 days.
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- In the unlikely event that President Clinton signs the consolidated appropriations measure after the Work Incentives measure, I also want to be clear about my legislative intent. Because Congress acted on the appropriations measure first, the Secretary of Health and Human Services should view the moratorium set forth in the Work Incentives measure as Congress’ last statement. In other words, if the Work Incentives measure is signed after the appropriations bill, Congress’ intent is that a 90-day moratorium remain in effect from the date of enactment of H.R. 1180.

The extension of the 90-day moratorium on the National Organ Transplant Act is an important provision to ensure that Congress has the necessary time to complete its work on the Ticket to Work and Work Incentives Improvement Act of 1999.

The extension of the 90-day moratorium is critical to allowing Congress to complete its work on the Ticket to Work and Work Incentives Improvement Act of 1999. This provision is necessary to ensure that the law truly reflects Congress’ intent and that the country’s organ allocation system is protected.

The extension of the 90-day moratorium is a crucial step in ensuring that Congress has the time necessary to complete its work on the Ticket to Work and Work Incentives Improvement Act of 1999. This provision is essential to guaranteeing that the law truly reflects Congress’ intent and that the nation’s organ allocation system is protected.
A TRIBUTE IN HONOR OF FRANCIS H. DUEHAY, MAYOR OF THE CITY OF CAMBRIDGE, MASSACHUSETTS

HON. MICHAEL E. CAPUANO
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Friday, November 19, 1999

Mr. CAPUANO. Mr. Speaker, I rise to acknowledge the forthcoming retirement of Francis H. Duehay, Mayor of the City of Cambridge, Massachusetts.

Frank Duehay has been an elected official in the City of Cambridge for 36 consecutive years, having first won a seat on the Cambridge School Committee in 1963. After having served four terms on the School Committee, he ran for the Cambridge City Council in 1971 and has served continuously since that time. Mayor Duehay first served as Mayor of the City of Cambridge for the 1980–1981 term, and in 1985 when he was elected to complete the term of Mayor Leonard Russell, who died in office.

An elected member of the School Committee, Mayor Duehay introduced the Community Schools Program, which involved parents in the hiring of teachers and principals. He also was Chairman of the School Committee at the time when Cambridge successfully segregated its school system. While on the City Council, Mayor Duehay chaired the Health and Hospitals Committee and oversaw the evolution of the Cambridge Health System, as it has now become one of the country’s finest health care systems. He has been active in issues relating to municipal finance, zoning and planning, provision of neighborhood services, environmental protection, affordable housing, historic preservation and economic development. Most recently, he has led Council efforts to design and fund new affordable housing programs.

Mayor Duehay has served as Chair of the Trustees of First Parish (Unitarian Universalist) Church in Cambridge where he is a long time member. He is a board member of Tutoring Plus, The Cambridge Homes, and the Phillips Brooks House at Harvard University; and is an active member of several committees with the National League of Cities and the Massachusetts Municipal Association (MMA). Moreover, he has served as Chairman of the Cambridge-Yervan, Armenia Sister City Committee. Currently, Mayor Duehay is serving as MMA Vice President and in 1998 was the President of the Massachusetts Association of City and Town Councillors.

In his most recent term as Mayor, Mayor Duehay was Chairman of the Cambridge Kids Council, Chairman of the Welfare Reform Task Force, and successfully administered the Mayor’s Summer Youth Employment Program, which provide jobs to 400 Cambridge residents. During his term as Mayor, Frank Duehay presided over the City Council with civility and dignity. He brought a true sense of professionalism to the body and with his departure, an era of Cambridge government will come to a close.

Mayor Duehay will now retire to the role of private, yet active citizen. He has the great fortune of being married to Jane Kenworthy.

EXTENSIONS OF REMARKS

Lewis, an attorney and Decision Reporter with the Massachusetts Supreme Court. Mayor Duehay held both positions as he steps away from the ubiquitous window. It was an honor for me to serve alongside this true gentleman.

A TRIBUTE TO DR. C. RONALD KAHN

HON. GEORGE R. NETHERCUTT, JR.
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Friday, November 19, 1999

Mr. NETHERCUTT. Mr. Speaker, I rise today to pay special tribute to one of our nation’s leading research scientists, Dr. C. Ronald Kahn of the Joslin Diabetes Center in Boston, Massachusetts.

Kahn has dedicated his highly distinguished professional career toward the elimination of diabetes, and has made significant strides in contributing to our understanding and treatment of this debilitating and vicious disease. Dr. Kahn’s awards and achievements include elected membership to the National Academy of Sciences. The Academy is a private organization of distinguished scientists and engineers dedicated to furthering science and its use for the general welfare. In October, Dr. Kahn was elected membership to the Academy’s prestigious Institute of Medicine, of which there are only 588 currently in active status. As a member of the Institute, Dr. Kahn will be involved in protecting and advancing the health professions and science, promoting research related to health, improving the nation’s health care and addressing critical issues affecting public health.

Dr. Kahn is currently Executive Vice President and Director of the internationally known Joslin Diabetes Center, a 100 year old diabetes treatment, research and education institution affiliated with Harvard Medical School. Dr. Kahn is the Mary K. Iaccoca Professor of Medicine at the Harvard Medical School.

Dr. Kahn chaired the Diabetes Research Working Group, which was established by Congress to provide recommendations on how Federal dollars for diabetes research can be spent most effectively to reverse the diabetes epidemic. In this landmark study, Dr. Kahn reported that the death rate from diabetes has increased by 30 percent since 1980, killing one American every three minutes. The DRWG recommended an increase of $385 million over present NIH funding for diabetes research, for a total of $827 million annually through all NIH institutes.

Throughout his distinguished career, Dr. Kahn has made significant scientific contributions to advancing the understanding and treatment of diabetes and its complications. Diabetes affects an estimated 16 million Americans, about one-third of whom do not know they have the disease. It is a leading cause of heart disease, blindness, stroke, nerve damage, kidney disease and other serious complications.

In the years that Dr. Kahn has served as Research Director at Joslin, the Center’s research has truly achieved preeminence on a worldwide basis. Dr. Kahn’s immense energy, talent, and intellect have helped Joslin achieve preeminence in the study of diabetes and care of people with diabetes.

Scientific contributions by Dr. Kahn and his colleagues have contributed greatly to the understanding of cellular mechanisms that lead to diabetes and related complications. Throughout his academic career, he has trained numerous research fellows who are now making their own scientific contributions in laboratories around the world.

A native of Louisville, Kentucky and a resident of Newton, Massachusetts, Dr. Kahn received his undergraduate and medical degrees from the University of Louisville. After training in internal medicine at Washington University’s Barnes Hospital, he worked at the National Institutes of Health for 11 years. There he rose to head the Section on Cellular and Molecular Physiology of the Diabetes Branch of the National Institutes of Health’s National Institute of Diabetes and Digestive and Kidney Disorders.

Dr. Kahn is a member of numerous distinguished professional organizations. He has published numerous scientific papers over the years and has served on the editorial boards of many of the most prestigious medical journals.

Dr. Kahn has received many awards and honors. These include highest scientific and research awards from the American Federation of Clinical Research, the American Diabetes Association, the Juvenile Diabetes Foundation and the International Diabetes Federation. He holds honorary Doctorate of Science degrees from the University of Paris and the University of Louisville.

In conclusion, Mr. Speaker, I believe all will share in the appreciation we extend to Dr. Kahn for his tireless efforts toward the alleviation of pain and suffering from diabetes. Dr. Kahn’s outstanding achievements serve to inspire others in his profession, as well as those of us who are not trained in the medical profession, to do all that we can to find a cure for diabetes and stop the tremendous toll this disease is taking on humanity.

PROCLAMATION NO. 2526

HON. MATT SALMON
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Friday, November 19, 1999

Mr. SALMON. Mr. Speaker, the severe treatment of Japanese Americans and aliens during World War II has been extensively detailed. Not as chronicled is the less pervasive, but still serious discrimination on the basis of ethnicity suffered by Americans or aliens of Italian and German descent. To this end, Congressman Rick Lazio’s Wartime Violation of Italian and German Descent Act, which passed the House last week, would provide Americans with a sharper account of the discrimination suffered by Italian Americans during World War II. But, history would still lack a clear picture of the German-American experience.

It’s clear that certain Americans of German descent experienced injustices similar to other ethnic groups during World War II. For example, consider the case of Arthur D. Jacobs, an...
American of German descent, who now lives in my district. Mr. Jacobs published a book earlier this year, The Prison Called Crystal City, Hohenasberg that details his account of internment in the United States and Germany. Mr. Jacobs and his family spent time at Ellis Island, Crystal City, TX, and finally a prison camp in Germany. The event that put Mr. Jacobs ordeal in motion was the leveling of unsubstantiated, anonymous charges against his father.

The book has generated national interest. The November 1st edition of the American Library Association’s Booklist offered the following review of the book:

There has been very little written about the terrible punishment that was meted out to thousands of German Americans during World War II. That’s why Jacob’s book is an important one. This modest tome opens up a hidden and disgraceful chapter in our history for all to see.

The internment of Mr. Jacobs and his family was not an isolated case. Arnold Kramer, a Texas A&M professor specializing in European history and author of Undue Process: The Untold Story of American Alien Internment, observed in his book that about 15 percent of the 10,905 German aliens and Americans interned were committed Nazis, while the rest “were ordinary American citizens.”

In the 48 hours following the bombing of Pearl Harbor President Franklin Roosevelt issued Proclamation 2525, 2526, and 2527, which authorized restrictive rules for aliens of Japanese, German, and Italian descent, respectively. These proclamations coupled with Executive Order 9066, which authorized the War Department to exclude certain persons from designated military areas, resulted in hardships and the deprivation of certain fundamental rights for the targeted populations. A 1980 Congressional Research Service Report, The Internment of German and Italian Aliens Compared With the Internment of Japanese Aliens in the United States During World War II: A Brief History and Analysis, revealed that the War Department would not support the “collective evacuation of German and Italian aliens from the West Coast or from anywhere else in the United States” but would authorize individual exclusion orders “against both aliens and citizens under the authority of Executive Order 9066.” In other words, German and Italian Americans and aliens could still be denied basic civil liberties because of their heritage.

Ideally, Congress would address both the Italian American and German American experience during World War II. On a per capita basis, it appears that significantly more Americans or aliens of German descent were interned than Italian Americans. According to personal Justice Denied, a report of the Commission on Wartime Relocation and Internment of Civilians issued in 1982, the Justice Department had interned 1,393 Germans and 264 Italians by February 16, 1942. Moreover, the Commission’s report contains evidence that German Americans were considered to be more of a threat than German Americans. For instance, the Secretary of War in 1942 instructed the military commander in charge of implementing Executive Order 9066 to consider plans for excluding German aliens, but to ignore the Italians. And later in the year, the Attorney General announced that Italians would no longer be considered “aliens of enemy nationality.” No such clarification was ever issued for German Americans. Finally, President Franklin Roosevelt dismissed the threat of those of Italian descent living in America, referring to them as “a lot of opera singers.”

As we reach the end of the century, I urge my colleagues to pursue a full historical accounting of the experiences of all Americans who suffered discrimination during the Second World War as expeditiously as possible.

HEALTHCARE RESEARCH AND QUALITY ACT OF 1999

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BLILEY. Mr. Speaker, I am pleased that we are witnessing today the passage of legislation that is critical to improving the quality of health care in this country. The Healthcare Research and Quality Act of 1999 will significantly increase health care research and science-based evidence to improve the quality of patient care.

The health care system is a dramatically different system today than a decade ago when the Congress established the Agency for Health Care Policy and Research. The financing and delivery of health care has changed as we have moved to more complex systems such as managed care. At the same time, there has been an explosion of new medical information stemming from our biomedical research advances. As a result, patients and providers face increased difficulty in tracking and understanding the latest scientific findings.

The legislation we are passing today represents the joint efforts of Senators FRIST, JEFFORDS and KENNEDY, together with Representatives BLIRAKIS, DINGELL, and BROWN. Senator FRIST introduced the first version of this bill in June of 1998, and until last week this legislation was considered (and passed) as part of the Patient's Bill of Rights Act in that body. In the House, Representative BLIRAKIS introduced a companion bill, H.R. 2506, on September 14, 1999. Following Commerce Committee hearings and mark-ups, the House voted overwhelmingly—417 to 7—to pass H.R. 2506 on September 28, 1999. Late last week, the Senate separated the AHCPR legislation from its Patients’ Bill of Rights, and passed S. 580 by unanimous consent. This bill, which is before us today, reflects agreement between the authorizing House and Senate committees on legislation that each body has acted on with the broadest bipartisan support.

S. 580 reauthorizes the Agency for Healthcare Research and Quality for fiscal years 2000–2005, renames the agency the "Agency for Healthcare Research and Quality," and re-focuses the agency’s mission to become the focal point for supporting federal health care research and quality improvement activities.

The new Agency for Healthcare Research and Quality will promote the generation of information regarding medical advances; build public-private partnerships to advance and share true quality measures; report annually on the state of quality, and cost, of the nation’s health care; aggressively support improved information systems for health quality; support primary care research, and address issues of access in underserved areas and among priority populations; facilitate innovation in patient care with streamlined evaluation and assessment of new technologies; and coordinate quality improvement efforts of the federal government to avoid disjointed, uncoordinated, or duplicative efforts.

AHCPR fills a vital federal role by investing in health services research to ensure we reap the full rewards of our investment in basic and biomedical research. AHCPR takes these medical advances and helps us understand how to best utilize these advances in daily clinical practice. The Agency has demonstrated their ability to close this gap between basic research and clinical practice.

As I noted earlier, S. 580 contains some modifications that reflect agreement between the authorizing House and Senate committees. I will not list all of the changes we have made, but I would like to highlight a few.

First, I am pleased that our bill has an increased emphasis on research regarding the delivery of health care in inner city and rural areas and of health care issues for priority populations including low-income groups, minority groups, women, children, the elderly, and individuals with special health care needs including individuals with disabilities and individuals who need chronic care or end-of-life health care. The legislation will ensure that individuals with special health care needs will be addressed throughout the research portfolio of the Agency.

A second provision included in the bill which I believe is extremely important for improving the health of our nation’s children is the authorization to provide support for payments to children’s hospitals for graduate medical education programs. The bill authorizes funding to the 59 freestanding children’s hospital across the country that do not receive any GME funds today. These 59 hospitals represent over 20 percent of the total number of children’s hospitals in the U.S. and they train nearly 30 percent of the nation’s pediatricians, about 50 percent of all pediatric specialists, and over 65 percent of all pediatric specialists.

I believe this is a strong addition to our bill which will ensure the training of pediatric physicians to improve the quality of health care for our children.

Mr. Speaker, this legislation would not have come to fruition without the contributions of many individuals. I would like to take this moment to express my gratitude to Representatives BLIRAKIS, DINGELL, and BROWN, and to Senators FRIST and his colleagues. I look forward to witnessing the enactment of S. 580 into law this year which will greatly improve the quality of health care for all Americans.