HOUSE OF REPRESENTATIVES—*Thursday, April 29, 1999*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We know that in our prayers we can speak to You, O God, with any words we wish and with any thoughts we care to think. Give us boldness and honesty in our prayers so that we truly speak what is in our hearts. And give us wisdom in our minds so that in all things we may do justice, love mercy, and ever walk humbly with You. This is our earnest prayer. 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 Texas (Mr. GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GREEN of Texas 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minutes on each side.

NEVADA TRAVEL AND TOURISM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today on behalf of the great State of Nevada, I would like to personally thank the travel and tourism industry because of its lasting partnership and patronage.

Nevada ranks sixth in both direct domestic and international travel spending among all 50 States. Total travel expenditures in Nevada exceed $17 billion, travel payroll climbed well over $5 billion, and it employed more than 307,000 people.

To this effect I would like to specifically recognize the Grand Canyon Air Tour Industry which has served southern Nevada and the Grand Canyon for more than 70 years. This service provides enjoyment to over 800,000 passengers annually, of which 30 percent are over the age of 50, to the outstanding air tours of the Grand Canyon, truly one of America's most treasured sites.

Without the Grand Canyon tour industry, many handicapped would never be able to enjoy the deep, colored canyons or the magnificent raging Colorado River.

Again on behalf of my constituents and the many tourists who visit southern Nevada, thank you for your economic contributions and your continued steadfast service.

HOUSE SENDS TERRIBLE MESSAGE REGARDING KOSOVO

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Madam Speaker, I was elected to Congress 6 years ago and I came to Washington to work on health care and education for our children. But yesterday was one of the worst days I have served in 26 years of elected office. What a terrible message this House sent yesterday to our men and women serving our country in the Balkan conflict. The quote I heard ''taking ownership of this war'' by my Republican colleagues should be unacceptable, not only to myself but the American people. Our country's finest young men and women serving our Nation deserve more than politics as usual on this floor of the House. This reminds me of World War II when my Republican colleagues referred to World War II as ''Mr. Roosevelt's war.''

Please put your hatred aside for this President and realize that this conflict was not started by Bill Clinton, it was started by Serbia's murderers of civilians, and it was started by our commitment to NATO and to our allies who have protected us for 50 years from communism. Now your hatred of Bill Clinton is giving hope to our Nation's enemies who are trying to shoot down our men and women literally as we stand here today.

Please think and reflect on your action because our service people are in harm's way.

ON ORIOLES-CUBA BASEBALL GAME

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, it is ironic that as NATO forces are bombing the Butcher of the Balkans, the Clinton administration is cozying up to the Butcher of the Caribbean, Cuba's Fidel Castro.

In the aftermath of the tragedy in Colorado as we search for answers and discuss role models and values, it is ironic that the United States is preparing to play ball with the regime that violates the human rights and civil liberties of its people.

Monday's game between the Baltimore Orioles and the Cuban team will send a message to our children that America's pastime can also be an instrument for dictators; that money, power and individual interests are more important than freedom and democracy for the oppressed people of Cuba.

The May 3rd game, as the one played in Cuba, will be a political and public relations home run for Fidel Castro but it will be a strikeout for political prisoners, for human rights dissidents and the Cuban people as a whole.

Let us send the right message to our young people and to the international community as a whole that the U.S., its institutions and its symbols will not be accessories to the crimes committed by the Castro regime and that we will not be manipulated into covering up those crimes.

PRESIDENTIAL ASSAILANT JOHN HINCKLEY VACATIONS ON TAXPAYER DOLLARS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, John Hinckley shot President Reagan with intent to kill. He was acquitted by reason of insanity and confined to a hospital where after a routine search they found correspondence between Hinckley and mass murderers Charles Manson and Ted Bundy.

But despite all of this, a Federal judge ruled that Hinckley is not an inmate, that Hinckley is a guest and is thus entitled to supervised leave privileges.

Beam me up. Is it any wonder what is happening to our society? Hinckley, who shot the President with intent to kill, is now enjoying weekends in the country. What is next, Disney World?

I yield back the tragic ordeal of James Brady and the two policemen also shot by this bum now vacationing on taxpayer dollars.

GEORGIA TRAVEL AND TOURISM

(Mr. DEAL of Georgia asked and was given permission to address the House for 1 minute.)

Mr. DEAL of Georgia. Madam Speaker, I rise today to pay tribute to the travel and tourism industry in my State of Georgia and in my Ninth District. It is an industry that contributes some 190,000 jobs in my State.

My district is blessed to be the home of Lake Lanier which is the most visited Corps of Engineers lake in the United States and has some $2 billion of economic impact annually. We also have some 750,000 acres of the Chattahoochee National Forest.

The Appalachian Trail begins at Springer Mountain in my district and ends some 2,100 plus miles later in Maine.

We also have the Etowah Indian Mound and the Tallulah Gorge State Park. And in Dahlonega, Georgia, the first actual gold rush in our country was ignited there in 1828. The gold museum there is the second most visited museum in our State.

We also have the Chickamauga-Chattanooga National Battle Park which is the first military park in our Nation that celebrates the fact that it was a bloody 2 days in which over 35,000 men were either killed, wounded or missing. We have visitors that come from all over the world to visit that park.

A number of other attractions include our Prater's Mill, Chief Vann House and others. It is absolutely the reason why the tourism industry is referred to as America's largest services export.

U.S. ROLE IN KOSOVO TURNED INTO PARTISAN POLITICAL CONTEST

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Madam Speaker, yesterday Republicans turned the question of ethnic cleansing, NATO's future and America's role in the world into a partisan political contest. Well over 30 Republican Members switched their votes from supporting the air strikes to ending the conflict yesterday so that they could vote against President Clinton.

Now, after having voted in a way that is totally inconsistent and having voted, some of them actually voted to not only not withdraw the troops in Campbell I and then not to declare war and then they voted at the end not to support the President's air campaign to end the ethnic cleansing, to end the genocide, they want to load the appropriations bill that the President proposes to try to sustain our troops in the field and take it from $6 billion to $12 billion, all of it coming from Social Security.

It is inconceivable to be spending twice the amount the President asked for when you are not even willing to vote to stop the ethnic cleansing in Kosovo. It is outrageous and it cannot be tolerated.

SALUTING UNIONVILLE HIGH SCHOOL'S ''MAKE A DIFFERENCE'' PROGRAM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, last week I visited a high school in my district that was a great encouragement to me in the aftermath of the horrible tragedy in Littleton, Colorado.

As I met with several English honors classes at Unionville High School in Pennsylvania, I witnessed presentations by students who shared the results of community service assignments called ''Make A Difference'' projects. From planting trees to stream clean-up, to adopting a needy family, raising money to pay utility bills for a poor family, these kids did it all. Volunteering with school tutoring, helping a Salvation Army food bank, even sharing the joy of music with seniors at a nursing home, all of these activities gave the students a new perspective.

I listened to these thoughtful, well-organized and poised presentations about the lessons these students learned and the benefits of giving themselves to help others.

There are many wonderful people across this Nation who are making a difference in our neighborhoods, including students. We need to continue to praise our kids and teachers and remind them of the importance of their contributions to our communities.

Thank you, Unionville High School, Mrs. Sheeler and students. Keep it up.

AN INFAMOUS MOMENT IN THE HOUSE

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Madam Speaker, last night's vote failing to support the NATO air campaign against Milosevic was an infamous moment in this House. The majority proclaims its support for the troops but will not support what the troops are now risking their lives to do. The majority wants to double appropriations for an effort most of them apparently oppose. What is left for bipartisanship when the Republican majority will not use it in times as these? For them, there seems no water's edge. They mock the memory of that great Republican Senator from my home State, Arthur Vandenberg.

TOO MANY MISSIONS, TOO FEW RESOURCES

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Madam Speaker, our military problem is simple: too many missions, too few resources. This administration adds new missions every year and then gives the Pentagon fewer resources to accomplish them. And then to add insult to injury, our own continent remains vulnerable to a ballistic missile attack. A national missile defense system remains unbuilt, sacrificed on the altar of arms control. Instead of an America safe from a missile attack, we have a contract, a piece of paper with a country that no longer exists, the Soviet Union. That piece of paper, known as the ABM Treaty, does not keep America safe. It cannot protect us from the evil designs of Osama bin Laden, Saddam Hussein and other world troublemakers who hate America and despise the very liberty we represent.

Tyrannical regimes cannot abide the idea of liberty. The existence of liberty is a threat to the power of the despots, tyrants and dictators.

Meanwhile, as the world becomes a dangerous place, our military is ignored and a national missile defense system is rejected. This is the path of dangerous folly.

HOUSE VOTES REGARDING KOSOVO

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Madam Speaker, there is a vile partisanship in this Chamber. We may have a new Speaker, but make no mistake about it, we have the same utterly dysfunctional leadership that saw us through government shutdowns and that made a partisan mockery out of the constitutional impeachment responsibility in this body.

Yesterday more than 30 Members of the majority voted against stopping U.S. participation in the NATO action, against the horrendous ethnic cleansing of Slobodan Milosevic, but then refused to vote for a resolution in support of the NATO action. There can only be one explanation for the House vote against the NATO campaign. The Republican majority will seize any opportunity to strike at President Clinton, even if it means giving encouragement to such a vile criminal as Slobodan Milosevic. Our national interest must rise above our partisan inclinations. The memory of those killed and raped in Kosovo and the support of the brave men and women carrying out this mission on NATO's behalf deserve better than this vote.

□ 1015

MANY LIBERALS IN EDUCATION HAVE HOSTILE ATTITUDES TOWARDS PEOPLE WITH RELIGIOUSLY-INSPIRED VALUES

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Madam Speaker, the recent tragedy in Littleton, Colorado, points to an issue that has gone unaddressed for too long. Too many of our public schools are unsafe, and this is unacceptable.

What kind of system is it that allows kids to quote Hitler in the hallway, but which would see students get hauled into the principal's office for quoting the bible in the classroom? The pendulum has swung too far to the left.

Madam Speaker, many Americans believe that America has lost its way when our schools ignore the morals and the values that built this great Nation. But too many of the liberals in education have such a hostile attitude towards religion that they can not even conceive of a tolerant, multi-denominational religious presence in the public square which does not harm anyone's rights. Their caricatures of religious people are nothing but unfair stereotypes, and they falsely portray the agenda of ordinary people who think that religiously-inspired values are something to be proud of and something that has always made America great.

There is no magic solution for the problems we face in schools, but it is time for the pendulum to swing the other way, back to the virtues and the values that built this great Nation.

COST OF FAILURE INFINITELY GREATER THAN THE PRICE OF VICTORY

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Madam Speaker, Dante said that nothing was necessary for the spread of evil but that good men do nothing.

Yesterday, last night, shamefully the House of Representatives voted to do nothing. It sent an uncertain trumpet, not only to our NATO allies, but to one of the evils of this world: Slobodan Milosevic.

Let me read from a speech given by JOHN MCCAIN, not a member of my party, but one of this body, the Congress of the United States, that knows about war and knows about the American interest, not the partisan political interest. He said this:

Let me close by saying that both the Congress and the administration must show resolve and the confidence of a superpower. Our cause is just, and our early success is imperative. Let us keep our nerve and see the things through to the end. No matter how awful the images of war appear on television, the cost of failure, JOHN MCCAIN said correctly, are infinitely greater than the price of victory.

Madam Speaker, we failed last night. Let us not fail in the days ahead.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). Members should avoid references to members of the other body.

REPUBLICAN COMPLAINTS ABOUT ABUNDANT MILITARY SHORTAGES MET WITH SILENCE AT THE WHITE HOUSE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Madam Speaker, the war in Kosovo has exposed a military readiness and national security vulnerability that must be removed. Evidence of our current military shortage is abundant:

We are dangerously close to running out of air-launched cruise missiles, a situation unthinkable in the days of Ronald Reagan's strong leadership. More than half of the B1–B bombers in Ellsworth Air Force Base are not mission capable because they lack critical parts. We are diverting planes from their patrols over the Iraqi no-fly zone in order to fill out the Kosovo mission.

Republican complaints and oversight hearings about this deteriorating situation over the past 6 years have been met with silence in the White House and indifference in the press. No one seems to care. For four straight years, four straight years, the Republican Congress appropriated more money for defense than the President requested. But each year it is more of the same: an inadequate defense budget and insufficient resources.

Now will the President finally care?

INTRODUCTION OF THE RURAL TEACHERS' RECRUITMENT ACT OF 1999

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Madam Speaker, today I am introducing the Rural Teachers' Recruitment Act of 1999, a much needed measure designed to address teacher shortage, recruitment and retention. Recruiting and retaining quality teachers is so important and difficult in schools across the country. Accomplishing this goal in rural areas is even a greater task.

Madam Speaker, there is little motivation for teachers to teach and to remain in rural areas. My bill offers an incentive to teachers to teach in these unrepresented areas.

The Rural Teachers' Recruitment Act of 1999 allows rural local education agencies to submit an application to the Secretary of the Department of Education for a grant to develop incentives that they like for whatever they like, for recruitment and retaining teachers and providing opportunities.

As we move in the 21st century, it is time to ensure that we have talented, dedicated and qualified teachers. We must give these new teachers a reason to favor providing instruction in our rural areas. We must reduce the shortage of quality teachers in areas where they are most needed. Without these teachers, our communities and children are the ones who suffer.

Madam Speaker, I urge all of my colleagues in rural areas and urban areas to support my bill, the Rural Teachers' Recruitment Act of 1999.

LAST NIGHT'S APPALLING VOTE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, what have we wrought? I ended my time on the floor last night by speaking to this body of my shock and appall at our vote not to support those military men and women trying to save lives in the Kosovo area.

It is interesting, having gone to the Hershey retreat to uphold and promote bipartisanship, that yesterday I saw the crumbling edges of bipartisanship. I saw the repeat of the impeachment vote, the undermining of a President, not because one found good reason that there was no basis for this onslaught that is going on or this attack that is going on in Kosovo because of the enormous loss of life, but because we simply do not like him.

Madam Speaker, it is a shame that we would fall to partisanship while thousands and thousands and hundreds of thousands of women and children are being murdered and moved from their homes. What have we wrought?

Martin Luther King said injustice anywhere is injustice everywhere. My question to my Republican friends: Where is the outrage?

Stop the partisanship. Let us unify around saving lives, and standing up for American principles and believing that we must fight this humanitarian war.

CALLING ON THE PRESIDENT TO PROVIDE LEADERSHIP

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Madam Speaker, there was no vote taken yesterday not to

support our military. There was a vote taken not to endorse a policy that we should have been asked weeks ago before the bombing started to be part of. There was a vote not to endorse a policy that has not been explained to this Congress the way it should have been explained by the administration.

We have heard of vile partisanship on this House yesterday, but over 2 dozen members of the Democratic party voted with Republicans, Republicans voted with Democrats. We would be glad to have those 2 dozen members of that party if they do not want them.

This was not a statement about vile partisanship. This was a statement about principle. This is about whether foreign policy is driven by the Constitution or by CNN, and the Constitution says the President and the Congress should be involved in that.

I call on the President to provide the leadership that this Congress needs.

THIS PLACE IS GETTING CURIOUSER AND CURIOUSER

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute.)

Mr. MCDERMOTT. Madam Speaker, yesterday, as I listened to that debate, I thought of my time in the Vietnam war when I listened to soldiers and sailors and marines talk about what it was like fighting a war when the American people did not support them. I got to wonder what people think sitting on the flight line in Aviano in Italy today, asking themselves:

Where is the Congress? Are we going out there risking our lives, and they do not support us?

Now I watched last night when the leadership of this House stood by that back retail and did not turn a single vote around. Amazing. One can be the leader of this House, and they cannot change a single vote. They do not even speak to anybody to change a vote.

Now next week we will see it all different. Then we will have an appropriations act out here, and we will want to give money to an effort that we do not support.

Madam Speaker, Lewis Carroll must be writing the script because this place is getting curiouser and curiouser.

WHY IS SPARTANBURG HIGH SCHOOL SO SUCCESSFUL?

(Mr. DEMINT asked and was given permission to address the House for 1 minute.)

Mr. DEMINT. Madam Speaker, on a more positive note, the upstate region of South Carolina is home to Spartanburg High School, a four-time winner of the National Blue Ribbon Award. It is the only school in our Nation to achieve this honor four times.

Why Spartanburg High so successful? Caring parents, quality students, committed teachers, creative administrators, an active school board and encouraging community. The people have taken control of their school and have succeeded in spite of misguided federal programs and paperwork.

Do not just take my word for it. Yesterday the Spartanburg Herald Journal wrote an editorial praising Congress for passing legislation to give schools more flexibility. It read:

Federal lawmakers need to do more to free state and local educators so they can run their schools as they see fit. Education is a State and local matter.

I could not have said it better myself.

LAST NIGHT'S VOTE NOT TO SUPPORT NATO

(Mr. PASTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASTOR. Madam Speaker, I could understand a year ago when the majority, because of their hate for President Clinton, made the impeachment process a partisan procedure. But last night I could not believe that the vote to not support NATO was done because of the hate the majority has for the President.

What message have we sent to NATO? What message have we sent to our troops? That we do not support them.

The ironic thing is today, this afternoon, I am going to be asked to vote on the supplemental that doubles the request, and yet I am being asked to vote for a supplemental that the majority does not support, does not support the action of the NATO cause.

In the words of the great Congressman, the gentleman from Ohio (Mr. TRAFICANT), all I can say is:

Beam me up, Scotty.

AMENDING RULES OF HOUSE FOR 106TH CONGRESS

Mr. HASTINGS of Washington. Madam Speaker, I ask unanimous consent that the Committee on Rules be discharged from further consideration of the resolution (H. Res. 153) amending House Resolution 5, One Hundred Sixth Congress, as amended by House Resolution 129, One Hundred Sixth Congress, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 153

Resolved,

SECTION 1. AMENDMENT OF HOUSE RESOLUTION 5.

Section 2(f)(1) of House Resolution 5, One Hundred Sixth Congress, agreed to January 6, 1999 (as amended by House Resolution 129, One Hundred Sixth Congress, agreed to March 24, 1999), is amended by striking ''April 30, 1999'' and inserting ''May 14, 1999''.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WATER RESOURCES DEVELOPMENT ACT OF 1999

Mr. HASTINGS of Washington. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 154 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 154

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1480) to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendments the Committee shall rise and report the bill to the House with

such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1030

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, H.R. 154 is a structured rule providing 1 hour of general debate to be equally divided and controlled between the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for the purposes of amendment, modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution.

The rule waives points of order against consideration of the amendment in the nature of a substitute and makes in order only those amendments printed in part 2 of the Committee on Rules report accompanying the resolution.

Furthermore, the rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by the Member designated in the report, shall be considered as read, be debatable for the time specified in the report, equally divided and controlled by an opponent and proponent, shall not be subject to amendment, and shall not be subject to demand for a division of the question in the House or in the Committee of the Whole.

The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15 minute vote.

Finally, the rule provides for one motion to recommit with or without instructions.

Madam Speaker, the Water Resources Development Act of 1999, H.R. 1480, is the culmination of work that was begun in the 105th Congress on a variety of Bureau of Reclamation and U.S. Army Corps of Engineers water projects. In fact, I would like to take this opportunity to commend the chairman of the Committee on Transportation and Infrastructure and all committee members for their hard work on this important legislation.

The maintenance and improvement of water resource infrastructure is vital to the residents in my own district and to the people and economy of the entire Nation as a whole.

Specifically, H.R. 1480 authorizes 95 new water resource projects, makes necessary modifications to six existing projects, and authorizes the U.S. Army Corps of Engineers to conduct 26 studies on a variety of water resource issues. The bill authorizes $1.9 billion for these development projects, which are funded on a cost-share basis with non-Federal partners. These projects are being authorized only after detailed feasibility studies conducted by the U.S. Army Corps of Engineers and by a careful review of the Committee on Transportation and Infrastructure.

H.R. 1480 also addresses the concerns of those who believe that past water resource projects have had unintended impacts on the environment. In particular, the bill establishes a pilot program to explore the feasibility of natural flood control methods, and it makes it easier for nonprofit organizations to participate in U.S. Army Corps of Engineers environmental programs.

Madam Speaker, passage of the Water Resources Development Act of 1999 will allow needed maintenance and improvements to our Nation's navigation, irrigation, flood control and power generation infrastructure to move forward. I therefore encourage my colleagues to support H. Res. 154, which I believe is a fair rule, and to support the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. FROST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am supporting this rule, in spite of the fact that the rule is not open and it does limit amendments to those printed in the report of the Committee on Rules. While I am perfectly aware that every amendment submitted to the Committee on Rules was made in order, the committee's ranking member, the gentleman from Minnesota (Mr. OBERSTAR) did point out at the Committee on Rules hearing last night that water resources bills are nearly always considered under open rules, or, in some cases, under suspension of the rules.

The Democratic members of the Committee on Rules would not ordinarily support closing down a rule on legislation as important as this water resources development bill. In this case, however, we will not oppose the rule. This is because the majority and minority on the Committee on Transportation and Infrastructure have worked diligently to reach a number of compromises on controversial positions in the committee reported bill, and because every amendment submitted to the Committee on Rules has been made in order either in the manager's amendment or as a freestanding amendment.

The major controversy in the committee reported bill has been resolved in an amendment which will be self-executed into the text of the bill by virtue of adoption of the rule. The rule self-executes an amendment which removes language that would have allowed one Member to further development in his district at the expense of his neighbors along the Sacramento and American Rivers. I would like to commend the gentleman from New York (Mr. BOEHLERT) and the gentlewoman from California (Mrs. TAUSCHER) for their willingness to work out an agreement on this thorny issue.

In spite of this compromise, the bill does not satisfactorily resolve the issue of flood control for the city of Sacramento, California. Flood control has been and remains a serious and potentially deadly issue for Sacramento. Quite frankly, the flood protection provided in the bill is inadequate, but an amendment to be offered by the gentleman from Minnesota (Mr. OBERSTAR) seeks to improve those flood protection provisions and deserves the support of the House.

Madam Speaker, I would like to point out that there are many provisions in this legislation that are strongly supported by communities across the country. In particular, the committee has responded to the request of a community in my congressional district to alter the original flood control plans of the Corps of Engineers.

The city of Arlington, Texas, had requested that the committee include a locally preferred plan for flood control for Johnson Creek, a tributary of the Trinity River which flows through the cities of Arlington and Grand Prairie, in lieu of the original Corps plan.

This locally preferred plan, which will have a total cost of $20 million and a Federal share of $12 million, would allow the city of Arlington to include recreational facilities and environmental restoration along Johnson Creek, which will benefit the residents of that city on an ongoing basis, while assuring that adequate flood control will protect life and property in the surrounding area. I am particularly pleased that this amendment to the plan and the funding for it have been included in H.R. 1480.

Madam Speaker, I know that the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) are eager to move their legislation, especially now that the controversy on the Sacramento and American Rivers has been resolved. However, I must again point

out that a bill like water resources really should be considered under an open rule.

Madam Speaker, that being said, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, it is my pleasure to yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Madam Speaker, I rise in strong support of this rule, and I congratulate my friends on both sides of the aisle for their management of it. I would like to especially congratulate my friend the gentleman from New York (Mr. BOEHLERT) for the role that he has played in helping to fashion a compromise here. I would like to also congratulate the gentleman from Pennsylvania (Chairman SHUSTER) and the others who have worked on this measure, and, of course, the many Californians who have played a role in getting to where we are.

These projects are particularly important to western States, the 23 that have been authorized in this package that we are going to be considering. My State of California is very, very key, as I mentioned, because access to safe, usable water is obviously very, very critical to our State's survival.

This bill addresses past environmental concerns that water resources projects have had unintended impacts on the environment. For example, the bill establishes a pilot program to explore the feasibility of natural flood control methods, and, in addition to that, the bill makes it easier for nonprofit organizations to participate in U.S. Army Corps of Engineers environmental programs.

The rule also ensures that no provisions in the bill will interfere with California State water rights, which are balanced with great care by State laws that we have today. In particular, members of my delegation with communities wrestling with major water issues will be given the time that they need to work on compromise language that will be fair to everyone and address the concerns that are there.

So I urge strong support of the rule. I congratulate my friends on both sides of the aisle for having fashioned this compromise, and look forward to passage of both the rule and the bill itself.

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, many of our colleagues on our side of the aisle in committee and other Members have expressed surprise that we bring a water resources bill to the floor, any bill from our committee, to the floor under what amounts to a modified closed rule and to a very unusual self-executing provision in the rule that deals with the substantive provision of the bill.

My response is that not in my 36 years' experience on the committee have we done such a maneuver on a water resources bill. Generally this is a matter that is brought to the floor under an open rule, as we have nothing to fear. But in this case there were some extenuating circumstances.

This water resources bill has been held up for two Congresses over one project, and, even though that one issue of flood control protection for the city of Sacramento and water distribution for potential upstream users has not yet been satisfactorily resolved, it has at least been deferred to another time. That is the purpose of the self-executing provision in the rule.

The bill deals with all the rest of what is needed in the rest of this country. Indeed, as the previous speaker said, a good deal of this bill benefits the rest of the State of California outside of Sacramento.

So, reluctant as I would be to support this type of procedure for our committee, in this case, this exceptional case, it is a means to get through the problem that has held up all the rest of the country and deal substantively with the needs of other Members, and put off to another time the appropriate protection for the city of Sacramento.

So, Madam Speaker, I support the rule, with those caveats.

Mr. HASTINGS of Washington. Madam Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. BOEHLERT), the chairman of the subcommittee dealing with this issue.

Mr. BOEHLERT. Madam Speaker, I thank my colleague for yielding me time.

Madam Speaker, I want to rise in strong support of the rule. The chairman and the committee and the Committee on Rules have crafted a rule that provides for the fair consideration of the Water Resources and Development Act of 1999 and a rule that resolves the primary fiscal and environmental concerns that were raised about this legislation.

□ 1045

Specifically, the rule includes an amendment that I offered at the Committee on Rules yesterday that strips all water supply language that was opposed by the environmental community and the fiscal watchdog organizations like Taxpayers for Common Sense. In fact, the leading environmental and taxpayer groups have endorsed my amendment.

As the chairman of the Subcommittee on Water Resources and Environment, I am proud to report that we have labored long and hard in a bipartisan manner to craft this bill. Essentially, we are going forward with unfinished business. We should have concluded it at the end of the last Congress, but we were not able to do so because of a serious controversy about one region of the country. That controversy has now been resolved.

I think that WRDA 1999 specifically deals with the California water supply and Sacramento flood protection provisions in a very responsible way. Once again, let me report the environmental community is endorsing what we are about and so, too, are the fiscal watchdogs.

What I did was I listened, I learned, I heard and I heeded. So the bill we are bringing forward today has earned the support of a broad coalition of Republicans and Democrats alike. We are about the Nation's business. We are committed to dealing with infrastructure, and in this bill we are dealing with infrastructure in a very responsible way in the best interests of the entire Nation.

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BORSKI).

Mr. BORSKI. Madam Speaker, I want to just follow up with my distinguished colleague and chairman of our subcommittee, the gentleman from New York (Mr. BOEHLERT) and explain just briefly, if I may, that in the subcommittee we had a very partisan divide on this issue; and as a matter of fact, in the full committee in reporting the bill, there was still a very partisan struggle, if you will.

I am reminded somewhat of the old Mark Twain quote that ''whiskey is for drinking and water is for fighting.'' We fought a little bit in the subcommittee, and I particularly want to commend the gentlewoman from California (Mrs. TAUSCHER) for her efforts in subcommittee and full committee to bring this to light.

This rule, with the self-enacting rule will, in effect, do what the gentlewoman from California (Mrs. TAUSCHER) wanted to do in committee. I want to commend our distinguished chairman, because again, he had suggested to us in the strongest terms possible that he would continue to work with us to improve the bill. He has done so, and I support the rule.

Mr. GOSS. Madam Speaker, I encourage my colleagues to support this rule. It is a fair rule that makes in order every amendment that was offered, ensuring an open debate.

Let me begin by commending the transportation committee for resolving the issues that held this much needed legislation up over the last year. It is a critically important bill for my home state of Florida and the rest of the country. I am pleased to see that Congress, as evidenced by the funding levels in this bill, has once again turned back the Clinton-Gore administration's assault on beach renourishment projects. These vital projects serve the same function as other flood control projects: they

save lives and limit damage to property. I simply cannot understand the Clinton-Gore administration's continued neglect of these important projects. It is irresponsible and it's past time they got the message.

I am particularly grateful for the committee's attention to southwest Florida and the captiva project. In addition, I would point out that this bill will help us continue moving forward on the Everglades restoration program. The bill extends the authorization period for the Everglades "critical projects" so they can be funded and completed as planned. Once again, Congress has reaffirmed its commitment to the Everglades restoration program and is meeting its obligations to help restore this national treasure.

In conclusion, Madam Speaker, this is a fair rule and a good bill. I encourage my colleagues to support both.

Mr. FROST. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 154 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1480.

□ 1048

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1480) to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Pennsylvania (Mr. BORSKI), each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Chairman, I yield myself such time as I may consume. H.R. 1480, the Water Resources Development Act of 1999, is a comprehensive authorization of the water resources programs of the Army Corps of Engineers. It represents two-and-a-half years of bipartisan effort to preserve and develop the water infrastructure that is so vital to our Nation's safety and economic well-being.

First, let me thank and congratulate my colleagues on the Committee on Transportation and Infrastructure for their tireless efforts. I want to give special thanks to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee; the gentleman from New York (Mr. BOEHLERT), the chairman of the subcommittee; and the gentleman from Pennsylvania (Mr. BORSKI), the ranking member of the subcommittee.

This legislation is unfinished business that should be enacted as soon as possible. The 105th Congress failed to enact the Water Resources Development Act, largely because of a contentious flood control issue in California.

The bill we bring to the floor today, however, ends the impasse. It represents a fair and balanced compromise on all fronts.

Madam Chairman, this legislation accomplishes three important objectives. First, it reflects the committee's continuing commitment to improving the Nation's water infrastructure and keeping to a regular schedule for authorizations.

Second, it responds to policy initiatives to modernize the Corps of Engineers' activities and to achieve programmatic reforms.

Third, and this is very important, it takes advantage of the Corps' capabilities and recognizes evolving national priorities by expanding and creating new authorities for protecting and enhancing the environment.

Now, is this bill 100 percent perfect, free of controversy? I am sure it is not. We have heard concerns about a few provisions, and intend to address those as the bill progresses. There are also some differences between this legislation and the Senate counterpart that must be resolved. In many cases, people are not getting everything they want here, so many are not totally pleased, but it is a balanced compromise and one that we think deserves support.

Madam Chairman, as we move forward with this important legislation, I intend to work with all parties to ensure that the final product reflects a balance of all interests. I also want to assure my colleagues that we do intend to move another water resources bill that will really be the vehicle to address new items and requests that have arisen and are likely to arise in the coming months, and we intend indeed to move that legislation early in the next session.

This legislation is a strong bipartisan bill that reflects balance in every sense of the word, and a responsible approach to developing water infrastructure, preserving and enhancing the Federal, State and local partnerships.

Madam Chairman, I strongly urge my colleagues to support this legislation.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, before yielding, I would like to take this opportunity to commend the gentleman from Pennsylvania (Mr. BORSKI) for his splendid work over several years of trying to shape this bill and bring it to this point. He has been most diligent and deserves credit for the work product that we bring to the House today with great pride.

And now, Madam Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BORSKI), the ranking Democrat on the Subcommittee on Water Resources.

Mr. BORSKI. Madam Chairman, let me thank the distinguished ranking member for yielding me this time and for his outstanding leadership on all issues, but particularly on this water resources issue that is before us today. I also want to congratulate and commend the gentleman from Pennsylvania (Mr. SHUSTER), my friend, the distinguished chairman, and the gentleman from New York (Mr. BOEHLERT), my good friend and the subcommittee chairman, for, as always, listening to the members of the minority, working with us in a fair and bipartisan manner. The bill before us today is one which we all can support.

Madam Chairman, the committee on Transportation and Infrastructure strongly supports biennial legislation for the Corps' water resources program because it provides stability to Corps programs, certainly to local project sponsors, and timely response to changing circumstances.

The bill before us today authorizes major flood control navigation, shore protection, and other water resource development projects. These projects have gone through the traditional review and evaluation process of the Corps and have received favorable reports from the Chief of Engineers. Another 16 projects will be authorized to proceed to construction if their Chief's reports are complete by September 30, 1999.

This bill also establishes a new flood mitigation and riverine restoration pilot program that is modeled after the administration's proposed Challenge 21 program. It takes a broader approach to address the issues of flood protection, especially by using nonstructural measures and environmental restoration in a coherent manner. I see a great deal of value in this approach and expect overall savings as well as enhancement of the environment.

The bill also addresses current policies concerning shore protection and cost share of deep-draft harbors. With regard to shore protection and beach nourishment, I hope the provisions in this bill will bring the administration's policy more in line with congressional intent. The proposed change to harbor cost sharing is intended to proactively deal with potentially deeper draft requirements of new generations of oceangoing vessels.

Madam Chairman, we all know that our failure to enact the bill last year

during its normal cycle was due entirely to one issue: providing adequate flood protection for Sacramento, California. The bill, as reported by the committee, attempted to address this issue but further complicated the debate by adding numerous provisions relating to water supply. I am pleased that the adoption of the rule removed the offending water supply provisions from the bill. Any Federal involvement in a reallocation of water rights adversely affects the traditional State prerogative jealously guarded by the States and, in particular, by Western States. I do not believe the Federal Government should get involved in such matters.

Finally, I am concerned that the bill does not provide the adequate flood protection that Sacramento needs. I support a level of flood protection for Sacramento closer to 200 years, not to 117 in the current bill. That level would allow the issue to be disposed of once and for all. Future WRDAs would not be held hostage by similar disagreements as occurred last year.

Madam Chairman, but for the issue of flood protection for Sacramento, H.R. 1480 is a good bill and is worthy of the strong support of the House.

Mr. SHUSTER. Madam Chairman, I am pleased to yield 5 minutes to the gentleman from New York (Mr. BOEHLERT), the chairman of our distinguished subcommittee.

Mr. BOEHLERT. Madam Chairman, I thank the gentleman for yielding me this time.

Before anything else, I just wanted to pay tribute to the outstanding professionalism of the entire staff, the staff of the Subcommittee on Water Resources and Development and the full committee staff on the Committee on Transportation and Infrastructure. Mike Strachn and Jeff More, Ben Grumbles, the whole team on our side and on the other side, a team of very able professionals.

Secondly, I want to say this proves that we can work things out the way we should. Our Committee on Transportation and Infrastructure I think is the envy of a lot of other committees on Capitol Hill, because while we have differences, we come together in a bipartisan manner and we overcome those differences, and the product we have on the floor today is as a result of that.

Before us this morning we have a water resources bill that provides billions of dollars for flood protection, navigation improvements, water infrastructure and the enhancement of critical environmental resources. This legislation is critical to our Nation's ports, our Nation's cities, the millions of Americans who live along our Nation's rivers; and yes, this bill is critical to the environment, which is a very important subject that warms my heart.

I would like to share with my colleagues a list of some of the environmental provisions in the Water Resources Development Act of 1999. It authorizes a $100 million pilot project for nonstructural flood control and riverine environmental restoration. It enhances environmentally sensitive floodplain management measures. It authorizes an aquatic ecosystem restoration project. It reauthorizes a sediment decontamination program. It encourages beneficial reuse of dredge material. The list goes on and on.

Madam Chairman, I include the entire list at this point in the RECORD.

ENVIRONMENTAL HIGHLIGHTS OF H.R. 1480, THE WATER RESOURCES DEVELOPMENT ACT OF 1999

A. PROGRAMMATIC AND POLICY CHANGES

Authorizes a $100 million pilot program for nonstructural flood control and riverine environmental restoration

Advances environmentally sensitive floodplain management measures (including those involving nonstructural features such as buyouts and relocations)

Continues Corps' efforts to coordinate with FEMA's hazard mitigation program

Authorizes aquatic ecosystem restoration projects and makes programmatic changes to encourage new local sponsors

Reauthorizes sediment decontamination program and authorizes the development and testing of innovative dredging technologies to minimize release of contaminants and improve water quality

Encourages beneficial reuse of dredged material

Promotes a ''systems approach'' to sand management and beach nourishment

Expands Corps' efforts to control non-indigenous invasive aquatic plant species

Extends authorization for critical projects under the Everglades and South Florida ecosystem restoration program

Authorizes in-kind contributions to projects to enhance fish and wildlife resources thereby promoting additional local sponsorship of such projects

Encourages the use of innovative treatment technologies for watershed and environmental restoration and protection projects involving water quality

Authorizes development of coastal aquatic habitat management plans to address problems associated with toxic micro-organisms and the resulting degradation of ecosystems in tidal and non-tidal wetlands

Provides for restoration of abandoned and inactive coal mines

B. REGIONAL PROGRAMS

Reauthorizes and improves the Upper Mississippi Environmental Management Program

Directs a comprehensive study of the Great Lakes environment to promote effective planning and management

Increases the acreage cap for the Missouri River mitigation project to increase the program's effectiveness

Provides financial and technical assistance for management of non-indigenous species in the Great Lakes

Provides for aquatic restoration projects on the Lower Missouri River

Provides for aquatic resources restoration in the Pacific Northwest

Authorizes assistance for integrated water management planning for the State of Texas

C. MISCELLANEOUS PROJECTS AND PROVISIONS

Adds 3 additional projects to the Corps' Clean Lakes Program to improve water quality by reducing silt and sediment

Authorizes 3 projects for improvement of the environment under the authority of section 1135 of the Water Resources Development Act of 1986

Authorizes 16 projects for aquatic ecosystem restoration under the authority of section 206 of the Water Resources Development Act of 1996

Authorizes technical assistance for 8 watersheds for environmental restoration and protection.

Madam Chairman, whether it is helping clean up abandoned mines in the West or the development of nonstructural flood control measures in the East, or the establishment of aquatic restoration projects in the South, WRDA 1999 provides critical resources for the enhancement of our environment. In recent years we have seen a gradual greening of the Corps of Engineers, and the legislation before us today continues that trend. Our committee is most responsible for that greening of the Corps.

The Corps' traditional functions, flood control and navigation, are also continued in WRDA 1999. Dredging of our great harbors and navigation routes is a central component of this legislation. Moving bulk commodities such as grain and coal by water is essential to our growing economy.

□ 1100

WRDA 1999 provides increased protection for flooding for millions of Americans. Perhaps no place is a better example of that than the city of Sacramento, the capital of California, of why WRDA 1999 is so critically needed.

Today the city of Sacramento has only about 77 years of flood protection. The legislation before us today, this day, authorizes over $300 million for projects designed to increase the flood protection for Sacramento to nearly 140 years.

As my colleague, the gentleman from Pennsylvania (Mr. BORSKI), the ranking member of our subcommittee, has stated so eloquently, and we have no disagreement on this, we want to provide the maximum level of protection for Sacramento, and we are determined to do so. Not only are we investing $300 million in this bill. No, we are expediting studies of the possibility of elevating the Folsom Dam. We are expediting studies of the possibility of doing levee work south of the dam. We are looking at this in a very serious, professional way.

That is what we should do, because we want our final decisions to be made not based upon emotions, and we all can get very emotional about these subjects, but based upon facts. That is exactly what we are going to do.

We have moved responsibly to dramatically increase the flood protection for the capital of California, and I remain committed to the proposition that we can provide additional flood protection for Sacramento in next year's water bill.

The chairman of the full committee has indicated that as soon as this bill is behind us, we are going to start on WRDA 2000. There is a fundamental national interest in moving this legislation forward in a bipartisan, expeditious fashion.

WRDA 1999 is important to the lives and livelihood of millions of Americans, from Sacramento to Syracuse, from Savannah to Seattle, from Urbana to Utica. WRDA 1999 deserves our support.

Mr. OBERSTAR. Madam Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. STENHOLM), ranking member of the Committee on Agriculture.

Mr. STENHOLM. Madam Chairman, I thank the gentleman for yielding time to me.

I would like to thank the gentleman from Pennsylvania (Chairman SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Pennsylvania (Mr. BORSKI), and the gentleman from New York (Mr. BOEHLERT) for their action and hard work in bringing this bill to the floor.

I rise today to speak in favor of this legislation. I do it as the ranking member of the Committee on Agriculture, but also to make my colleagues aware of a rather ironic situation.

Section 501 would mandate that the Army Corps of Engineers would take control of some of the projects of the USDA's Natural Resources and Conservation Service. This would be done because of a $1.5 billion backlog in the USDA's small watershed program.

Local residents who have sponsored these projects have lost confidence in USDA's ability to provide funding, and they are now looking at other sources of funding. This situation is indicative of the lack of resources and support currently being provided to agriculture.

Funding for the NRCS's Small Watershed Program is no greater today than it was in the 1950s. In fact, the program has been virtually cut in half in the last 5 years. As a result, projects typically sit on the backlog list for more than a decade.

We cannot blame the sponsors. In essence, they are shopping for the most available source of funding. There simply is not enough funding in the USDA program to live up to existing responsibilities and commitments.

In 1937, the United States invested 6 percent of the Federal budget in USDA conservation programs. This is in stark contrast to the .16 percent included in the 1999 Federal budget. In 1937, Congress appropriated $440 million for financial assistance, and $23 million in technical assistance. In 1999 dollars, that would be $5.3 billion.

In 1999, the estimated appropriation for USDA conservation financial and technical assistance programs is $1.2 billion. These numbers speak for themselves. I would challenge my colleagues to make conservation spending a priority in order to meet the pressing needs in rural America.

Again, I thank the sponsors of this legislation for, in another way, dealing with a part of the problem for many areas, of which this was the only available opportunity that they had.

Mr. SHUSTER. Madam Chairman, I am pleased to yield 5 minutes to the distinguished gentleman from California (Mr. DOOLITTLE), a member of the committee.

Mr. DOOLITTLE. Madam Chairman, today we come to the floor with a very important bill, the water bill. I am very, very pleased to be able to support it. It contains many important projects across the country that can be developed with the passage and enactment of this legislation.

I would particularly like to thank for their work on our problem in Sacramento our chairman, the gentleman from Pennsylvania (Mr. SHUSTER), and our subcommittee chairman, the gentleman from New York (Mr. BOEHLERT) and their staffs. They have been tremendously helpful, and it has been a very, very difficult problem for us to resolve.

I would like to thank my colleagues from the Sacramento region who have been involved with me for months of intense negotiation with our staffs, the gentlemen from California, Mr. POMBO, Mr. OSE, Mr. HERGER, and Mr. MATSUI. All of us have worked hard to try and come up with a solution.

Ultimately that solution that we worked on did not materialize in the exact way that we had desired. But the bottom line is this, Madam Chairman, this bill today enables Sacramento to take a giant step forward in the area of flood control, achieving virtually a 1 hundred percent increase in the level of protection over what we presently have.

Madam Chairman, I would be less than candid if I did not say that this is still not what we need. But the truth of the matter is that we will never have what we need until, in one fashion or another, we are able to complete the construction of the Auburn Dam. It is the only solution that provides the level of flood protection for Sacramento. Everything else ultimately falls short.

But this is a political process, and one that requires a certain agreement between all the parties. We are moving in the right direction, and when we come to issues of water and flood control and so forth, I think if you are moving in the right direction and making progress, that is something that we have to acknowledge and encourage.

We are taking this step today. It is something that will be, I think, a very significant improvement for our community. Moreover, we do not do any harm, such as by passing the disastrous stepped release plan which is in the Senate bill, which would actually make things worse, increase the danger to life and property, and export flood control problems to those down below. So I am grateful to see that.

I cannot help but acknowledge that this process has revealed the tremendous problem we also face in our State, which is the shortage of water. Even in an average year we are short of water. In a drought year we are significantly short of water, by about 5 million acre feet a year.

We in California are going to have to address that problem, and in my own subcommittee which I chair, next month we will be specifically addressing that problem as we continue oversight over the Cal-Fed process. Water storage has to be developed.

I strongly encourage my colleagues to support this legislation.

Mr. OBERSTAR. Madam Chairman, I am pleased to yield 5 minutes to the gentleman from California (Mr. MATSUI), and to also commend him for his diligent work on behalf of his community and people who desperately need the flood control protection. He has been a vigilant advocate for the people he represents.

Mr. MATSUI. Madam Chairman, I first would like to thank the gentleman from Minnesota (Mr. OBERSTAR) for his very kind remarks and all of his help over the last decade, but particularly over the last 3 or 4 years that he has given me, along with the gentleman from Pennsylvania (Mr. BORSKI) as the subcommittee ranking member, obviously, and thanks to the gentleman from Minnesota (Mr. OBERSTAR) for all of the help he has given me as ranking member of the full committee as well.

I would like to turn to my colleagues on the other side, the other side of the aisle. Certainly the gentleman from Pennsylvania (Chairman SHUSTER) has been extremely helpful in trying to put together a consensus for all of us in the Sacramento region. I want to express my gratitude and thanks to him, along with the gentleman from New York (Mr. BOEHLERT), who has been tireless over the last 3 or 4 years on our behalf. The staffs of both majority and minority have been extremely helpful, as well. I do want to express my appreciation.

I also want to express my apologies to members of the subcommittee and certainly the Members of the entire House of Representatives. As we know, as the gentleman from Pennsylvania (Mr. BORSKI) and the gentleman from New York (Mr. BOEHLERT) have said, this bill had been delayed from the last Congress to this Congress. It was basically because of the Sacramento problem, and particularly about the flood control issue.

I know it was very difficult for the Members of this body, but I appreciate

the fact that there was tolerance to me and my constituents. I certainly would hope that I would never have to put my colleagues in that kind of imposition again.

I would like to, if I may, just comment a little bit about my problem in Sacramento County. We have about a 100-year protection, now. This bill would get us up to about 137 years protection, because it would modify the existing Folsom Dam in Sacramento County.

The problem with this, as all of us know, is the fact that we still would be by far the lowest community in terms of flood protection in this Nation. Just to read off a few, Kansas City currently has 500-year protection; St. Louis, 50-year protection; Dallas, Texas, 500-year; New Orleans, 300 years; Topeka, Kansas, 500 years; and Omaha, Nebraska, Tacoma and the quad cities all have 500-year protection.

We now will have, with this bill, 137 years. We wanted to get up to about 170 years, and we are, of course, afraid, because of the rainfall in northern California and the continuing uncertainty of our climate, that we could fall again in terms of hydrology studies.

We have approximately 600,000 people at risk. We have over six major regional hospitals. We have 100 public schools. All of these are at risk with respect to Sacramento County. This bill will go a long way, obviously, in making sure that we are given some additional level of protection, but we need more. I think my colleagues on both sides of the aisle know this, and would want to help us.

I would hope that as we proceed along over the next few weeks and perhaps months that we not confuse this issue. Sacramento County needs flood protection, and one of the real concerns that I have is that we have been tied into the whole issue of water supply.

I agree with the gentleman from California (Mr. DOOLITTLE), the previous speaker, that Northern California needs more water. We are the fastest growing region in America. We need more water. But we are trying to work that through right now with the State-Federal compact.

We have Bruce Babbitt from the Interior Department. Obviously, former Governor Wilson and now Governor Gray Davis are attempting through Cal-Fed to come up with a solution, because there are various competing interests in California with respect to the limited supply of water.

We do need to solve this problem, but it has to be done in a methodical way. But please, I urge my colleagues not to tie flood protection for 600,000 people with this issue that has been raging in the State of California for over 125 years. We are not going to solve the issue of water supply in California as long as it is tied to the whole issue of flood protection, which we need immediately.

The issue of water supply has to be an issue that is going to be dealt with from a larger perspective, from a Federal-State perspective, with all the water districts in California.

I am not, however, suggesting that my colleague up north of me, the gentleman from California (Mr. DOOLITTLE) is incorrect. Placer County is growing and it will need water in a few years. But that issue is one we need to work together on, not in an adversarial role on, and flood protection, unfortunately, puts us somewhat at odds.

So I want to express my thanks to my colleagues, all of them, the gentlewoman from California (Mrs. TAUSCHER) and all of them for all of the tolerance and help they have given my community and myself over the last few months, and I urge adoption of this bill.

Mr. SHUSTER. Madam Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. FORBES).

Mr. FORBES. Madam Chairman, I thank the distinguished chairman for yielding time to me.

Madam Chairman, I rise in strong support of the Water Resources Development Act of 1999, H.R. 1480. This is critically needed legislation, and I want to thank the chairman of the full committee, the gentleman from Pennsylvania (Mr. SHUSTER) for his leadership, and of course, my friend, the gentleman from New York (Mr. BOEHLERT) for really shepherding this bill, this much-needed bill, through the committee and bringing it to the floor, understanding that it had to go through some tenuous minefields getting fiscal watchdogs, environmental watchdogs to agree to this much-needed legislation.

I might remind my colleagues that the ritual here in Congress has been that this program, this important program, has been funded generally and sufficiently by the Congress, not by the administration, for years. Whether it be the current administration or previous administrations, they have not provided the Army Corps of Engineers, in my estimation, the kinds of support they need, and it has been Congress that has come to the rescue.

Again this year, it is the United States House of Representatives and this committee that have provided this adequate support. For over 150 years the Corps has done a phenomenal job of protecting our lives and property. If you come from a place like I do, on Long Island, New York, you understand the tremendous importance of the Army Corps program.

I might point out in this bill is the Atlantic Coast Monitoring Study, which is a very, very important undertaking that will study tides, erosion data, make future erosion predictions, and try to get ahead, if you will, of Mother Nature, to the extent that we can do that, and provide protection for our coastlines; very, very important.

I again thank the committee for recognizing that and bringing the other Federal agencies together with the Army Corps of Engineers to get a final plan in place by June 30 for the Moriches Inlet Island plan.

□ 1115

I thank the committee tremendously for this support. This is a tremendous program. It deserves the support that is demonstrated in this bill today, and I urge my colleagues to support it, and I hope the President will sign it.

Mr. OBERSTAR. Madam Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER), who has made a very valuable contribution to our committee in her service and has been a leader on these California water projects for the committee.

Mrs. TAUSCHER. Madam Chairman, I thank the gentleman for those kind words, and I also want to thank him and the ranking member, the gentleman from Pennsylvania (Mr. BORSKI) for all their help.

Madam Chairman, I rise in support of H.R. 1480, which has incorporated the Tauscher-Petri amendment to strip the controversial American River water supply provisions from H.R. 1480. I appreciate the work of the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from New York (Mr. BOEHLERT) and the gentleman from California (Mr. DREIER) to self-execute this important amendment as part of the rule.

As my colleagues know, H.R. 1480 traditionally funds flood control and port and harbor maintenance projects. This year, however, over $287 million in municipal water supply projects were included in the bill at the last minute which were wrong for the American taxpayer, wrong for the environment and wrong for the development of long-term water policy in my State of California. Over the past 2 weeks I have worked hard with members of the Committee on Transportation and Infrastructure and Members of the House in general to address the implications of this water grab.

The Bay-Delta in my district is the largest estuary on the West Coast and serves as the drinking water source for 22 million Californians. Moreover, it serves as a key component of the State's $24 billion agricultural industry. In California, water is a zero-sum game, and these ill-conceived projects that have been stripped out would have had devastating effects for water for two out of every three Californians. In addition, the projects were terribly expensive.

I am pleased to have been joined by the gentleman from Wisconsin (Mr. PETRI), Taxpayers for Common Sense,

Friends of the River and Friends of the Earth, and scores of other taxpayer and environmental organizations in effectively getting that message out. Officials throughout California, including Governor Gray Davis and Attorney General Bill Lockyer expressed extreme apprehension with the projects included in the bill.

Once again, I want to thank the gentleman from New York (Mr. BOEHLERT) and others for urging the removal of those audacious provisions from H.R. 1480.

At the same time, however, I must object to the concurrent removal of the much needed flood control for the city of Sacramento. That city currently has only 85 years of flood protection, making it the largest metropolitan area in the country without an adequate flood control system. That is why I urge support for the Oberstar amendment.

Mr. SHUSTER. Madam Chairman, I yield 1 minute to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Madam Chairman, I thank the chairman for his leadership on this incredibly important bill. I would also like to thank my good friend and neighbor, colleague, the gentleman from New York (Mr. BOEHLERT), who chairs the subcommittee, for the hard work he has done in bringing this bill to fruition; also to the ranking member, the gentleman from Minnesota (Mr. OBERSTAR). I want to thank them all for this terrific bill. The work that they have done is remarkable, getting it this far, given all the traps along the way.

The project that I am supporting has been identified by my community as the number one priority project, and we could not do it without the help of the Committee on Transportation and Infrastructure and the Army Corps of Engineers and the Environmental Protection Agency. This is a critical bill to my community, I strongly support it, and I urge all my colleagues to support this legislation.

Mr. OBERSTAR. Madam Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Chairman, I thank the esteemed ranking member for yielding me time and I would like to congratulate the chairman of the subcommittee and the ranking member, as well as the full committee chairman and ranking member on what I consider to be an excellent Water Resources Development Act piece of legislation.

This bill is vital in three major areas for my State and for many States across the Union. It contains investment in appropriate projects that are vital to the economic infrastructure and the competitiveness of the United States in the international economy.

In particular, we have provided for an authorization, should all of the environmental reviews be adequately completed by the Corps of Engineers, for the Columbia River. It is vital if the port of Portland is to compete in the Asia Rim, that they be able to accommodate the new larger class of ships.

It is vital in a number of other areas. The environment. Certainly we can say this is probably the most important piece of environmental legislation to pass this Congress. It contains money for a number of projects in my district: Amazon Creek; Springfield Millrace; going to look at nonstructural flood control alternatives for the Willamette River; Skinner Butte Park environmental restoration right in the heart of the largest city of my district; and, finally, it is good for salmon. It contains a large investment in a long overdue Willamette River temperature control project that I have been working on for almost a decade here in Congress. It is a large project, $65 million, but it will correct problems created by the Federal Government when those dams were constructed, which are destroying salmon runs in the McKenzie and Willamette Rivers.

All in all, this is an excellent piece of legislation. It is good for the economy, good for the environment, and good for water resources across the United States.

Mr. SHUSTER. Madam Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST), the chairman of one of our subcommittees.

Mr. GILCHREST. Madam Chairman, I too want to make some comments about the water bill of 1999, sort of a retroactive process.

There are a lot of good projects in here. As the previous speaker mentioned, there are a number of positive environmental provisions in here. There are several in particular in my district. One of those provisions is to correct a couple of previous mistakes by the Corps of Engineers in Chesapeake City, where a water pipe was cut as a result of dredging in the C&D Canal.

Another provision which is under evaluation to be corrected is an area where there is a dredge disposal site by the Corps of Engineers that was not managed properly and the wells of the community right now cannot be used as a result of the acidic leaching from that dredge disposal site. That will be corrected.

There is a small community on the ocean side called Snug Harbor. There is going to be some effort into producing nonstructural flood control measures.

And the other provision that is in the water bill, that I am very, very pleased with, is a study that has never been done before, not even by the Chesapeake Bay Program, NMFS, or Fish and Wildlife. This is a study to evaluate the nutrient loads into the Chesapeake Bay as a result of dredging across the entire bay.

Now, the Chesapeake Bay Program, what we have funded every single year with millions and millions and millions of dollars tries to evaluate the amount of nitrogen and phosphorus and other pollutants that get into the bay from all kinds of sources: from air deposition, from agricultural runoff, from shopping plazas, from housing developments, from roads; all kinds of sources, with one exception, and that is the nutrient pollution problem from dredging. In this bill there is going to be an 18-month study to determine the contribution of pollution nutrient overloads from dredging.

And if we are going to restore the Chesapeake Bay to the kind of health that is necessary for that marine ecosystem to be sustained for future generations, this is the kind of thing we really need to do, and this is in this bill and we are very pleased with it.

Mr. OBERSTAR. Madam Chairman, I yield 2 minutes to the distinguished gentleman from the State of Maryland (Mr. HOYER).

Mr. HOYER. Madam Chairman, I thank my friend from Minnesota and the chairman of the committee, and I rise in support of this bill and, in particular, section 573, which authorizes $7 million for the Corps of Engineers to work with USDA, Interior, EPA, NOAA and State and local agencies to develop strategies for dealing with toxic microorganisms and the damage they inflict on aquatic ecosystems.

I want to congratulate my friend and colleague, the gentleman from Maryland (Mr. WAYNE GILCHREST) on his support of this provision and his discussions just earlier about some of the studies he has undertaken and his support of making sure the Chesapeake Bay is what we want it to be.

Toxic microorganisms, Madam Chairman, are a serious threat. The summer before last, Maryland was struck by the toxic microorganism pfiesteria. Linked to the flow of excess nutrients and the loss of aquatic habitat in our waterways, toxic blooms like pfiesteria seriously impact regional economies and threaten sensitive aquatic resources.

Several Federal agencies, including the EPA, NOAA, and the Centers for Disease Control presently are assisting States impacted by these toxic algae blooms. I have worked diligently in the past, through the appropriations process, to ensure that these agencies have the proper resources to undertake this effort. Although they have responded quickly and made substantial progress, no single agency is tasked with taking a comprehensive look at the problem and developing a master plan.

Given its expertise in water resources modeling, water quality monitoring, watershed management and restoration, and environmental planning, the Corps of Engineers has a vital role to play in this process. Section 573 simply authorizes $7 million for the Corps' participation in these efforts, and I

urge my colleagues to support this important initiative and the bill itself.

Mr. OBERSTAR. Madam Chairman, I yield 2 minutes to the delegate from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Madam Chairman, I thank the gentleman from Minnesota for yielding me the time. I rise today to support the passage of H.R. 1480 to provide for the conservation and development of water and related resources projects, and I wish to thank the committee's leadership for moving this legislation quickly, well, not quickly, but successfully to the House floor.

The projects in this bill are important to the successful development of water-related projects across America. It helps to prepare communities to mitigate themselves against natural disasters and helps redress the destruction of storms past.

The projects for Guam are a prime example of repairing damages that were inflicted by a cumulative series of storms that have devastated Guam over the past decade. The most recent one, Supertyphoon Paka, was one of the largest and more powerful storms that have hit Guam in recent years. It inflicted a lot of damage to individual homes and businesses, but, most important, it nearly destroyed the lifeline of our island, which is our port facilities. Seaports are the direct link to an island's economic development activities and without them communities and families suffer.

Guam's plan to build a seawall to protect our harbor, the hardening of our piers, and the reconstruction of two of our largest marinas will help our island mitigate against any future damages caused by natural disasters. I might add that the development of these harbor projects are also very important for national defense.

I wish to thank again the chairman of the committee, the gentleman from Pennsylvania (Mr. SHUSTER); the subcommittee chairman the gentleman from New York (Mr. BOEHLERT); as well as the two ranking Members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. BORSKI) for their roles in moving this legislation and these projects successfully to the floor.

Mr. OBERSTAR. Madam Chairman, may I inquire as to how much time is remaining on our side?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 12 minutes remaining.

Mr. OBERSTAR. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would like to take this opportunity to pay tribute to the organization frequently mentioned in debate here but almost never discussed, the U.S. Army Corps of Engineers. It celebrates its 224th birthday this year. It is the Nation's oldest, largest, and most experienced government organization in the area of water and related land engineering matters. It has provided extraordinary, competent, lifesaving, economic development enhancing service to this country for two and a quarter centuries.

Little is it known that the Corps of Engineers, among its many responsibilities, had jurisdiction over Yellowstone Park.

□ 1130

The Corps managed Yellowstone for 30 years. And Lieutenant Dan Kingman of the Corps, later to become chief of engineers, wrote:

> The plan of development which I have submitted is given upon the supposition and in the earnest hope that it will be preserved as nearly as may be as the hand of nature left it, a source of pleasure to all who visit and a source of wealth to no one.

A fewer years later, John Muir, founder of the Sierra Club, said:

> The best service in forest protection, almost the only efficient service, is that rendered by the military. For many years, they have guarded the great Yellowstone Park, and now they are guarding Yosemite. They found it a desert as far as underbrush, grass and flowers are concerned. But, in 2 years, the skin of the mountains is healthy again, blessings on Uncle Sam's soldiers, as they have done the job well, and every pine tree is waving its arms for joy.

Another great American said: ''The military engineers are taking upon their shoulders the job of making the Mississippi River over again, a job transcended in size only by the original job of creating it.'' That was Mark Twain.

Those two statements together pay tribute to what the Corps of Engineers has done so admirably and the great legacy they have left for all Americans protected in floods, enhanced with river navigation programs, and protecting the great resource of the Great Lakes, one fifth of all the fresh water on the face of the Earth.

And that is the spirit in which we normally present the Water Resources Development Act, projects throughout our Nation to promote control of floods, to enhance river navigation, to protect our shores, to protect and restore the environment, to enhance navigation.

And that is mostly what this bill before us does today, with one flaw. It fails to give the capital of the world's sixth largest economy, the City of Sacramento, the flood protection it needs and deserves.

This deficiency comes from a dispute between two parts of the State of California that has resulted in flood control at Sacramento being held hostage for almost a decade. The amendment made in order by the self-executing rule, and which is now adopted because the rule has been adopted, gives the City of Sacramento only 117 years of flood protection, and that is the estimate of the Corps of Engineers in their 1997 analysis.

That is significantly less than the protection given cities of comparable size, the nearly 200 to 500 years protection for Santa Ana, Tacoma, New Orleans, St. Louis, Dallas, Kansas City, Omaha. Surely Sacramento deserves as much flood protection as those cities.

Today some 400,000 residents in Sacramento face an unacceptable risk of flood; 160,000 residential structures are in the flood plain in the capital city, 5,000 businesses, 1,200 government facilities, with an estimated value of $37 billion. The 55,000-acre flood plain includes seven of the nine major hospitals in the region and 130 schools.

Potential losses from flood in the City of Sacramento range from $7 billion to $16 billion depending on the size of the flood. Even at the lower end of the scale, flood losses in Sacramento would be comparable to the losses experienced in the Northridge earthquake a few years ago, to date the single largest disaster in U.S. history.

Now, I do not say these words and make those comments in the abstract. I have traveled several times to Sacramento. I have bicycled along the flood protection walls of the American River. I have traveled to Folsom Dam and further up river to the site once planned and once development begun on the Auburn Dam proposal by the Bureau of Reclamation. I understand what is at stake here.

Linking flood protection for Sacramento and reallocation of water through a new dam at Auburn has been in the works for many, many years. But the Bureau of Reclamation already stubbed its toe to the tune of $250 million developing the base for a dam right on the fault line of a major earthquake region in the upper reaches of the American River.

The Auburn Dam has already been rejected by the House in 1992 in a vote of 273–140. And it was rejected in 1996 in our Committee on Transportation and Infrastructure in a vote of 28 ayes, 35 nays. There is no reason to believe the vote would be any different today.

So why could we not have just simply accommodated whatever water resource needs there may be for the upper reaches of the American River, and at the same time provide Sacramento its requested 200-year flood protection, and have done it in this bill?

I had an amendment in committee to do that. I offered the amendment in committee to make the adjustments to Folsom, to widen the outlets so the gates can discharge more water, raise the level of the dam to allow more water to be discharged in advance of midwinter melt from the Sierra Nevada Mountains, where they get as much as 30 feet of snow and often have midwinter rains that cause not only runoff but melt, to accommodate that

runoff, accommodate in a larger basin and protect Sacramento and its residents and facilities, and also improve the levees at Sacramento to accommodate that increased runoff.

The amendment was defeated on a straight party-line vote. And now we come to the floor with this legislation that does not do what Sacramento truly deserves and, as the gentleman from California (Mr. MATSUI) said, does not really provide the water resources needs of the upper reaches of the American River Valley area.

There were several arguments made about the amendment that I offered. One was that the levee strengthening proposed for Sacramento in my amendment would create unacceptable risks to areas downstream. But that objection fails on closer scrutiny.

The Army Corps of Engineers analyzed that argument and rejected it. The Corps specifically stated this: ''Additional protection can be provided without adversely affecting the reaches below the mouth of the American River without project conditions.''

The Corps' plan includes several different structural and operational modifications to ensure that no flood threat is transferred to downstream interests. In addition, I talked with the City of Sacramento. They have committed to spend $100 million to mitigate any possible further adverse effects downstream.

Finally, my amendment specifically required that measures to increase the capacity of the levees be undertaken only after downstream mitigation features will have been constructed.

So absent any objective, substantive reason for opposition to the Sacramento amendment, I am left only to surmise that the real basis for opposition was the desire by upstream interests to withhold flood protection from Sacramento in hope that the Auburn Dam at some future time could be revived or that some alternative, far more expensive yet unstudied water distribution plan be enacted.

That is not the way to conduct the water resources business of the country. And while I am not prepared to accept this legislation as it is to go forward with the bill on the floor, the bill before us, I will not relent in my purpose of providing for Sacramento the protection that it rightly deserves and to address in a rational and responsible manner the water resources requirements upstream of Sacramento in an appropriate time frame.

We should not hold Sacramento hostage. We will have to come back at another time to address this issue. And I am confident that at that future time we will treat the lives and the property of the residents of Sacramento in an appropriate and responsible manner, as this committee has always done, absent these extraneous considerations.

Mr. BOEHLERT. Madam Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from New York.

Mr. BOEHLERT. As the gentleman from California (Mr. MATSUI) and the endless flow of visitors from Sacramento can attest, this Chair of this subcommittee is determined to work cooperatively to provide the maximum level of protection for Sacramento. That is a commitment.

Secondly, let me point out, we are nearly doubling the level of protection in this bill, as the gentleman from California (Mr. MATSUI) himself has indicated, from 77 to 137 years, and we are studying the feasibility and practicability and affordability of additional measures. So we will continue to work together to protect Sacramento.

Mr. OBERSTAR. Madam Chairman, I look forward to that happy outcome.

Mr. SHUSTER. Madam Chairman, I am pleased to yield such time as he may consume to the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Chairman, I would like to thank Chairman SHUSTER, Speaker HASTERT, and the other members of the leadership for their invaluable assistance in reaching a final compromise for our California area flood control. The compromise that is included in this bill is a win for those of us who have sought sincere dialogue and consensus in California flood control issues. More importantly, however, this legislation is also a partial win for northern California. I can testify from personal experience that California has a very real need for increased flood protection. For example, just two years ago the district I represent in norhtern California suffered a horrendous tragedy as a result of an inadequate flood control system. On January 2nd, 1997, a levee in my district near the community of Arboga suddenly broke, and as a result, three people drowned. This tragedy could have been avoided if flood control officials had been allowed to complete repairs on the levee when the problem was first acknowledged six years earlier. In 1955, almost directly across the river from the Arboga break, another levee broke and this time flooded Yuba City. However, instead of three people losing their lives 37 people died. Mr. Speaker and members, we have a natural phenomenon in California where heavy snowfall in the Sierra Nevada Mountains, followed by warm rains results in an overwhelming amount of water that flows into our Sacramento River Valley. There is no levee system in the world that can handle this kind of extreme flows. Until we build a flood control structure that can hold back this overwhelming flow of water and release it in a controlled manner, our levees are set up to fail. As California's first State Engineer, William Hall, said, "There are two types of levees, those that have failed and those that will." This legislation provides $26.6 million to complete flood control repairs along the Yuba River basin, but regrettably, it won't be enough. I hope and pray that it will not take another great tragedy before we are allowed to proceed with the development of a structure that can hold back these waters. Next time, it may not be just three or even 37 people who drown, but rather, if a levee breaks in Sacramento or in my Marysville and Yuba City area, we could be talking about thousands of people drowned by this type of flooding. I do, however, want to commend my colleagues, Mr. DOOLITTLE, Mr. MATSUI, Mr. POMBO and Mr. OSE for their hard work in reaching this historic compromise for further flood protection in our northern California area in a responsible manner. I therefore urge my colleagues to support this legislation and vote in favor of the 1999 Water Resources Development Act.

Mr. SHUSTER. Madam Chairman, I yield myself such time as I may consume.

I wish to emphasize, Madam Chairman, that with the passage of this legislation today, it will represent the 21st piece of legislation that the Committee on Transportation and Infrastructure of the House has brought to the floor and has seen passed.

In addition, thus far, six of our bills of the 21 pieces of legislation that have come to the floor have been signed into law, representing 25 percent of the public laws which have been signed into law thus far this year.

So the Committee on Transportation and Infrastructure is moving vigorously to bring important legislation to the floor. And I certainly want to compliment, on a bipartisan basis, the leadership on the other side of the aisle as well as my colleagues on our committee who have made this possible.

I want to particularly, in addition, recognize Dr. Joe Westphal, the Assistant Secretary of the Army, for the valuable steps that he set in motion last fall so that we could proceed; the water experts in the Corps of Engineers, especially Mr. Bob Childs in the Corps' Sacramento office, who has certainly made a major contribution; and to Mr. Dave Mendelsohn and Curt Haensel in our Legislative Counsel's Office for their expertise, patience, and undying efforts.

Jack Schenendorf, our chief of staff, is without fear, in my judgment. There never has been a more competent chief of staff in the history of the Congress that I am aware of, in my judgment.

I want to thank our water staff for the excellent work which they have done: Ben Grumbles, Jeff More, Carrie Jelsma on the Republican staff, Ken Kopocis, and Art Chan on the Democratic staff.

I would also like to thank John Anderson, the detailee of the Committee on Transportation and Infrastructure from the Corps of Engineers, for his fine work.

But the one person who needs to really be singled out for his superb work on the Sacramento River and American River issues, that person is Mike Strachn. His outstanding knowledge of water resource programs and his high standard of professionalism were of tremendous benefit to all Members of the House as we tried to work out these difficult issues. His efforts were in the highest tradition of the House and certainly has set an example for all staffs.

□ 1145

I want to compliment all the individuals on both sides of the aisle, both Members and staff, as well as the administration, who were involved in bringing us to this point today to be able to bring this very important national bipartisan legislation to the floor. I urge its passage.

Mrs. FOWLER. Madam Chairman, today, I rise in strong support of the Water Resources Development Act of 1999.

This bill authorizes vital projects for our nation's coast line and the shoreline of our rivers and tributaries, for dredging in our nation's harbors, and for flood control throughout our States.

My district includes over 100 miles of coastline, several ports and navigation channels. It is easy to understand how important this bill is to my district.

The corps projects authorized in this bill will protect and create avenues of commerce and transportation. Improvements to our harbors are necessary to open up access to our ports and enhance international trade. It is imperative to continue projects that preserve property and protect our beaches. Shore protection projects are particularly important to Florida and I applaud the committee's work in understanding the need for preserving our beaches—something that the administration has failed to do.

This bill protects and maintains our vast and crucial water resources not just in my district but, across the country.

I encourage my colleagues to join me in supporting this important legislation.

Mr. EVERETT. Madam Chairman, I rise in strong support of the Water Resources Development Act (H.R. 1480). This long overdue legislation authorizes important civil works projects of the Army Corps of Engineers to address critical water resource and management issues facing the Nation. This $4.2 billion national investment in flood control, navigation, and water quality initiatives goes a long way in meeting the water resource needs in virtually every part of the country.

In Alabama, we are blessed with many river systems that contribute significant environmental, commercial, and recreational benefits to the State and southeastern region. The Alabama/Coosa/Tallapoosa and the Appalachicola/Chattahoochee/Flint river systems both flow through my district and are important navigable waterways that, in addition to enhancing the environment, help drive the economy. This legislation continues to provide the Corps of Engineers with the necessary funds to continue the operation and maintenance of these systems.

Of particular note in my own district in southeast Alabama, flooding has been a problem. In the past decade, Coffee and Geneva counties have been subjected to three major floods that forced the evacuation of the towns of Elba and Geneva. The flooding resulted from heavy tropical storms and hurricanes, which are seasonal occurrences, and caused these old and outdated levees to fail. I am pleased that this legislation includes funds to rebuild both of these two levees to modern standards. Section 520 authorizes $12.9 million to repair and rehabilitate the Elba levee and section 521 authorizes $16.6 million to repair and rehabilitate the Geneva levee.

It's important that we move this overdue authorization forward, so I encourage the adoption of this measure in order to go to conference with the Senate to arrive at a final reauthorization bill for these water resource projects.

Mr. CRANE. Madam Chairman, I just wanted to take this opportunity to commend and thank the members of the Transportation and Infrastructure Committee, and its Subcommittee on Water Resources and Environment, for the good work they have done in assembling this year's version of the Water Resources Development Act (WRDA). As reported, H.R. 1480 authorizes numerous flood control, navigational improvement, beach restoration and ecosystem enhancement projects that will be of significant benefit to millions of Americans.

Let me cite one example with which I am particularly familiar. Thirteen years ago, the Des Plaines River, which flows through my congressional district in northeastern Illinois, went on a rampage, flooding over 10,000 homes and businesses, forcing 15,000 people to flee to drier ground, and causing at least $35 million in damages. A year later, there was another major flood along the Des Plaines and several times since the waters of that river have spilled over their banks. Just this past week, in fact, residents in the area were reminded of the threat posed by the Des Plaines, when a pair of rainstorms caused the river to crest 1.4 feet above flood stage in Gurnee, IL.

Much to my relief, and not just to mine alone, sections 101 and 408 of H.R. 1480 address this flood threat by authorizing (subject to the timely completion of the final Corps of Engineers report) the construction of the first phase of the Des Plaines River Flood Control Project and an expanded study of the options for Phase II. Assuming their wording remains unchanged and H.R. 1480 is enacted into law, those provisions will allow the Corps of Engineers to proceed expeditiously with work on three floodwater storage areas, the construction of a pair of levees, the raising of an existing dam and development of additional flood control alternatives. As a result, a 25-percent reduction in Des Plaines River flood damages can be expected when the authorized construction work is complete, the benefits of which are anticipated to exceed the costs by a ratio of 1.7 to 1. Furthermore, the groundwork will have been laid for the implementation of additional flood prevention and/or reduction measures.

In short, these efforts to mitigate, if not eliminate, flood damages along the Des Plaines are a win-win proposition. Thousands of people in the northern Chicago suburbs will profit because they will not suffer the same, or as severe, disruptions as they have in the past and millions of taxpayers will benefit because they are less likely to be asked to repair the damages that future flooding episodes would otherwise cause. Moreover, the same can be said for a number of the other projects in the bill, one reason being that, much to its credit, the U.S. Army Corps of Engineers takes very seriously its obligation to determine that water-resource projects under its jurisdiction have a favorable benefit-to-cost ratio. Also, it should be noted that H.R. 1480 contains a number of provisions aimed at making future flood control and water resource projects as environmentally friendly as possible.

To sum up, what we have before us today is a long-awaited bill which authorizes projects that promise substantial and cost-effective returns on the financial investment being made in them. With that thought very much in mind, let me reiterate my thanks to our Transportation and Infrastructure colleagues for bringing this WRDA99 bill before us today and let me urge my colleagues in the House to give H.R. 1480 their full support. It deserves no less.

Mr. VENTO. Madam Chairman, I would like to express my thanks and appreciation to the Transportation and Infrastructure Committee Chairman BUD SHUSTER and Ranking Member JIM OBERSTAR, and Water Resources and Environment Subcommittee Chairman SHERWOOD BOEHLERT and Ranking Member ROBERT BORSKI for their hard work and tireless effort to pass this long overdue and much needed legislation. I would also like to thank ranking member and friend JIM OBERSTAR for his special effort in providing the authorization needed to implement an important educational tool for the residents of Minnesota, the Mississippi Place. The Mississippi Place would bring together the Army Corps of Engineers, the U.S. Geological Survey, the Environmental Protection Agency and NASA to offer the nation an opportunity to develop a more complete understanding of the unique resource which the Upper Mississippi River System represents. Located on the banks of the Mississippi River in downtown St. Paul, Mississippi Place will provide these Federal entities an opportunity to partner with State, local, and educational institutions in providing the public with real time learning opportunities on important issues affecting the river. In addition, the Corps and the USGS will operate Mississippi River monitoring stations at Mississippi Place for practical research purposes while still being accessible to the public. Once again, I would like to thank my colleagues for their efforts in finally crafting this bipartisan legislation.

Mr. CASTLE. Madam Chairman, I have some serious concerns with the potential environmental and economic ramifications of the project authorized to deepen the Delaware River ship channel from 40 to 45 feet. I had prepared a number of amendments to address some of these concerns, but I have agreed to withhold them with the assurance from the chairman that we will address these concerns by working together as the process moves forward. It is essential that as this project moves forward, it does so in an environmentally and economically sound manner.

First, let met state that I am concerned with the environmental consequences that the project may have on the State of Delaware. I have heard from many of my constituents and there remains many unanswered questions that the Army Corps of Engineers has yet to address to Delaware's satisfaction.

I am concerned with the authority clarified in this bill to allow the local sponsor—the Delaware River Port Authority—to operate a revenue generating dredge spoil disposal operation that is designed to import dredge

spoils—that could be contaminated—and dump them at sites along the Delaware River. The Army Corps of Engineers requires a permit for this disposal with checks and balances to prevent environmentally unsafe disposal of the dredge spoils. Even so, it would be a great comfort to me to know that the Delaware Department of Natural Resources and Environmental Control (DNREC) has approved the details because there are many different ways to dispose of dredge spoils, each with a different degree of environmental protection. The method chosen needs to meet Delaware's standards because Delawareans living near these sites are the most at risk.

Furthermore, I want to make absolutely certain that the Coastal Zone Management consistency provisions apply to Federal activities relating to the Delaware River channel deepening project. DNREC has given its approval conditioned upon a list of requirements being met, however this conditional approval is not final approval as some have suggested in public meetings. The Army Corps of Engineers has given me assurances that they are fully aware they must meet the growing list of requirements before consistency approval from Delaware is effective.

Third, while this project has been authorized since 1992, last week, just prior to committee consideration of this bill, section 347 was included in this bill to relocate a portion of the channel along the Camden area. It is my understanding that this portion has been relocated to deeper water that will not require any dredging or disruption of the existing soils. In fact, this shift in the channel will make the project less expensive for the taxpayer because the Army Corps of Engineers will not have to dredge there. This is an encouraging development, but there should be more public notice for stakeholders and efforts made to inform the congressional delegations involved about changes to the project as originally authorized.

Madam Chairman, I also have concerns about the economic risks of this project to the American taxpayer. According to the Army Corps of Engineers benefit-cost analysis, over 80 percent of the benefits have been attributed to six oil facilities along the river channel. However, none of the benefitting oil companies have directly indicated outright support for the project. Although they are not legally required to commit to spending their own capital dollars to deepen their own berths to take advantage of a deeper channel, it seems prudent for Congress or the Army Corps of Engineers to seek assurances that they will make those expenditures before $300 million in taxpayer funds are committed to building the channel.

In light of these financial concerns, it seems particularly important that Congress reinforce the intent of Congress in 1992 when the project was first authorized. Report 102–842 accompanying the Water Resource Development Act of 1992 states on page 12:

> Committee comments.—The Committee believes that the non-Federal cost of the channel deepening should be funded by water transportation users, not surface transportation users. The Committee urges the Delaware River Port Authority to make every effort to ensure that the non-Federal cost of the project is borne by water transportation users.

There has been some discussion of bridge toll receipts being raised to help fund the non-Federal cost—$100 million. Although report language is not binding, raising bridge tolls would appear to violate the committee's intent. Before the Delaware River Port Authority raises bridge tolls, at a minimum it should demonstrate its efforts to raise the funds from water transportation users.

We must make sure that those projects Congress chooses to finance give Americans a sufficient return both on their tax dollar investment and their investment of natural resources. I look forward to continuing to address these fiscal and environmental concerns.

Mr. MOORE. Madam Chairman, I rise in support of the managers' amendment to H.R. 1480, the Water Resources Development Act of 1999, and in support of the underlying legislation.

I want to take this opportunity to thank publicly House Transportation Infrastructure Chairman BUD SHUSTER of Pennsylvania and ranking Democrat JIM OBERSTAR of Minnesota for their assistance in adding to the managers' amendment language I requested authorizing a badly needed flood control project for Turkey Creek Basin in Kansas City, MO, and Kansas City, KS.

This language also is included in S. 507, the Senate companion measure to H.R. 1480, which passed the other body by voice vote on April 19. This project is of significant importance to my congressional district. Turkey Creek flows from its urbanized drainage basis in Johnson County, KS, and into Kansas City, MO, and the Kansas River. Severe flooding has occurred along the basin, most recently in 1993 and again in 1998. An improvement plan has been prepared in partnership with the U.S. Corps of Engineers. This project will provide vitally needed protection for commercial and industrial areas in both cities. I hope that Congress also will approve later this year an appropriation I am seeking to complete design work on this project.

Once again, Madam Chairman, I commend the bipartisan leadership of the Transportation and Infrastructure Committee for bringing this important legislation to the House floor and my constituents and I very much appreciate their timely responsiveness to this request.

Mr. RILEY. Madam Chairman, I had planned to offer an amendment today that would have expressed the Sense of Congress that any water agreement entered into between the States of Alabama, Georgia, and Florida should comply with existing Federal environmental water quality protection laws as they are presently written. At the Committee's request, I have decided not to offer my amendment, with the understanding that Chairman SHUSTER has pledged to work with me to identify an appropriate legislative vehicle for my proposal.

I would like to clarify that my amendment would not have altered or expanded the Clean Water Act, it simply urged the States to ensure that water quality should be considered within the scope of all water quantity negotiations as consistent with current Federal law. We need to emphasize that the citizens of these States deserve to have not only the proper quantity of water they need, but also the highest quality of water.

Mr. SHAW. Madam Chairman, I rise today in support of the Water Resources Development Act of 1999.

I represent a district in South Florida with over 90 miles of coastline, and 100 miles of Intracoastal Waterway, so water projects are very important to my constituents. I commend Chairmen SHUSTER, BOEHLERT, and all of the members of the Water Resources Subcommittee for their perseverance in getting this bill to the floor.

One issue of much concern to my constituents is the continued participation of the federal government to renourish beaches. Despite the Administration's decision to abandon coastal communities across the country, for three years the Committee has continued to ensure adequate funding levels for desperately needed projects. When the Committee finally decided to adjust the cost share formula for new construction projects, I am grateful they provided for a phased-in approach over three years. This will give local sponsors the chance to prepare for a reduced federal share. I am optimistic that the change will provide the needed motivation to the Clinton Administration to send a realistic budget to the Congress next year, with sensible funding levels for shore protection.

On a related topic, I am most grateful to the Committee for including a provision in H.R. 1480 that will allow Broward County, Florida to be reimbursed for the federal portion of their beach renourishment project in two phases. Although this language was not included in the Senate version, I hope the language will be included in the final conference report.

Finally, the Committee is also to be commended for their willingness to assist the Florida congressional delegation on the Everglades restoration effort. Three provisions in the bill relating to land acquisition and the extension of critical projects authority will ensure the program moves forward unimpeded.

Madam Chairman, I urge my colleagues to vote for this bill.

Mr. BEREUTER. Madam Chairman, this Member rises in support of H.R. 1480, the Water Resources Development Act of 1999.

This Member would like to begin by commending the distinguished gentleman from Pennsylvania [Mr. SHUSTER], the Chairman of the Transportation and Infrastructure Committee, the distinguished gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the Transportation Committee, the distinguished gentleman from New York [Mr. BOEHLERT], the Chairman of the Water Resources and Environment Subcommittee, and the distinguished gentleman from Pennsylvania [Mr. BORSKI], the ranking member of the Subcommittee, for their extraordinary work in developing this bill and bringing it to the floor. This Member appreciates their diligence, persistence, and hard work.

This important legislation includes numerous projects designed to improve flood control, navigation, and shore protection. It also promotes environmental restoration and protection efforts across the nation.

In particular, this Member is pleased that the bill includes a provision he promoted which helps to ensure that the Missouri River Mitigation Project can be implemented as envisioned. In 1986, Congress authorized over

$50 million (more than $79 million in today's dollars if adjusted for inflation) to fund the Missouri River Mitigation Project to restore fish and wildlife habitat that were lost due to the construction of structures to implement the Pick-Sloan plan. At that time the Corps did not choose to include funding requests for implementing that Act in their budgeting process. That is why this Member, along with other Members who represent the four states bordering the channelized Missouri River (Nebraska, Iowa, Kansas and Missouri), have worked to provide funding to implement the Missouri River Mitigation Project which has just begun to become a reality during the last few years.

This project is specifically needed to restore fish and wildlife habitat lost due to the Federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains that are needed to support the wildlife and waterfowl that once lived along the river are dramatically reduced. And estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri and Kansas have been lost because of Federal action in creating the flood control projects and channelization of the Missouri River. Today's fishery resources are estimated to be only one-fifth of those which existed in pre-development days.

The success of the project has resulted in a concern related to the original study that outlined habitat needs. Under this study, acreage goals for each state were listed and these goals are generally considered to be an acreage limitation for each state. Nebraska and Kansas have already reached their acreage limits and Missouri is fast approaching its ceiling. Before long, Iowa will also reach its acreage limit.

To correct this problem, H.R. 1480 authorizes an increase in mitigation lands authorized to the four states to 25% of the lands lost, or 118,650 acres. In addition, the Corps of Engineers—in conjunction with the four states—is directed to study the amount of funds that would need to be authorized to achieve that acreage goal.

This Member is also pleased that H.R. 1480 also includes a provision which provides for the completion of the Wood River Flood Control Project. When completed, this important project in Nebraska's Third Congressional District will provide protection for an estimated 1,755 home and business structures in southern Grand Island, Nebraska. It is also expected to protect more than 5,000 acres of irrigated farmland and 7,000 to 8,000 acres of grassland.

Madam Chairman, this Member urges his colleagues to support H.R. 1480, the Water Resources Development Act of 1999.

Mr. GARY MILLER of California. Madam Chairman, I rise today in strong support of H.S. 1480, the ''Water Resources Development Act.''

The bill authorizes $4.2 billion for projects and programs of the Army Corps of Engineers civil works program.

It responds to pressing water infrastructure priorities, policy initiatives to update existing water resources programs,and opportunities to restore, protect, and enhance the aquatic environment.

Specifically, H.R. 1480 authorizes 95 new water resources projects, modifies 66 existing authorized projects, and authorizes the Corps. to conduct 26 studies to address a variety of water resources problems and opportunities.

The bill, Madam Chairman, is extremely important to my district, especially to the Chino Dairy Preserve in California.

The bill calls upon the Secretary of the Army, in coordination with the heads of other Federal agencies, to provide technical assistance to State and local agencies in the study, design, and implementation of measures for flood damage reduction and environmental restoration and protection in the Santa Ana River Watershed, with particular emphasis on structural and nonstructural measures in the vicinity of the Chino Dairy Preserve.

H.R. 1480 also calls upon the Secretary to conduct a feasibility study to determine the most cost-effective plan for flood damage reduction an environmental restoration and protection in the vicinity of the Chino Dairy Preserve, Santa Ana River Watershed, Orange County, and San Bernardino County, California.

I wish to extend my deep appreciation for the leadership shown by Chairman SHUSTER, Ranking Member OBERSTAR, Subcommittee Chairman BOEHLERT and Ranking Member BORSKI in drafting this important piece of legislation.

I ask my colleagues to vote for H.R. 1480.

Mr. WELLER. Madam Chairman, I rise today in support of H.R. 1480, the Water Resources Development Act. This important legislation includes a provision that will advance a flood control project important to thousands of my constituents and many residents of Chicago's South Suburbs. H.R. 1480 will advance the construction of the Thornton Reservoir, which is located in my Congressional District, through an innovative approach allowing the Metropolitan Water Reclamation District of Greater Chicago to work with the Natural Resources Conservation Service to build a transitional reservoir for Thorn Creek. Because of this project, my constituents in the South Suburbs of Chicago will see the much needed benefits of flood control more than a decade earlier than previously anticipated by the Army Corps of Engineers.

The innovative approach included in H.R. 1480 will allow the Metropolitan Water Reclamation District of Chicago to secure credit for the advance work which is critical to the development of the permanent Thornton Reservoir. The approach couples early protection with local/federal partnering resulting in significant benefits to area communities.

Frequent flooding has been a constant problem in the Chicago area. This has consistently been the cause of disruptions in major expressways, as well as rainwater and raw sewage back up into the basements of over 500,000 homes. The solution comes from the Tunnel and Reservoir Plan (TARP) through an intricate system of underground tunnels, pumping stations and storage reservoirs used to control this flooding and combined sewage pollution in the Chicago Metropolitan Area. The Thornton Reservoir is a crucial component of the TARP project. Once completed, the Thornton Reservoir will provide 5 billion gallons of floodwater storage. The reservoir will have a service area of 91 square miles and will provide flood relief to 131,000 dwellings in 18 communities.

The continuation of the TARP project and the Thornton Reservoir is important to 500,000 families in Chicago's South Suburbs. I urge my colleagues to support H.R. 1480.

Mr. BARRETT of Nebraska. Madam Chairman, I'm excited to rise in strong support for the Water Resources Development Act today. Three words can sum up my thoughts—finally, finally, finally!

This Water Resources bill contains a reauthorization for the Wood River/Warm Slough flood control project in Grand Island, Nebraska. The residents of Grand Island and I have been working on reauthorization and waiting for an opportunity to move it since 1997. Their patience has been tested, but I'm pleased I'm going to be able to report good news today.

Construction of the Wood River project was originally authorized in the 1996 Water Resources Development Act. Soon after the initial authorization, the Army Corps of Engineers had to revise its cost estimates for the project. The revision increased the cost by more than 20 percent, thus requiring congressional review and reauthorization.

The project eventually will provide flood protection for more than 1,700 structures in Grand Island and protect 5,000 acres of irrigated cropland. The project also will enhance wildlife habitat for many species, including the endangered Whooping Crane, and provide opportunities for wetlands development.

This is a good project that deserves our support. I wish to extend my sincere appreciation to the Transportation Committee for expeditiously moving this bill this spring. And thank you very, very much for your work on behalf of the residents of Grand Island, Nebraska.

Mr. KIND. Madam Chairman, I rise today as a co-chair of the upper Mississippi River congressional task force, in support of the upper Mississippi environmental management program which is part of WRDA 99.

The EMP is designed to evaluate, restore and enhance river and wetland habitat along a 1200 mile stretch of the upper Mississippi and Illinois Rivers. It is a cooperative effort among the U.S. Fish and Wildlife Service, the U.S. Geological Service, the Army Corps of Engineers and the 5 upper Mississippi River basin States.

The EMP has always had bipartisan support in Congress and the five midwestern States. I, along with Mr. OBERSTAR, Mr. GUTKNECHT and Mr. LEACH co-chair the 16 member upper Mississippi River congressional task force, which strongly supports expansion of the EMP.

WRDA 99 authorizes funding of $33.17 million each year for EMP.

EMP was established in 1986 by my predecessor Steve Gunderson. At the time EMP was only authorized for 15 years. This WRDA bill gives EMP a permanent authorization. In the past EMP projects faced funding challenges due to the uncertain future of the program. With adequate funding and permanent authorization the EMP will be able to continue it's outstanding work protecting this great natural resource.

The EMP is vital to the environmental and economic well being of the Mississippi River, and it enjoys strong bipartisan support throughout the upper Mississippi region.

Navigation along the upper Mississippi River supports 400,000 full and part-time jobs, which

produces over $4 billion in individual income. Recreation use totals 12 million visitors each year and 1.2 billion in direct and indirect expenditures annually. Communities along the river from St. Paul, Minnesota to St. Louis, Missouri are striving to enhance the river. The EMP helps to rehabilitate the natural areas up and down the river.

I urge the Members to support WRDA and the Environmental Management Program, and I thank the chairman for the time.

Mr. HILLEARY. Madam Chairman, I want to thank the distinguished Chairman of the Transportation and Infrastructure Committee for his cooperation and assistance in addressing an important concern in my district.

I appreciate that the chairman's manager's amendment includes language to allow the Corps of Engineers to conduct a feasibility study on improvements to a regional water supply for Cumberland County, Tennessee.

Water Supply has become a critical concern on the Cumberland Plateau. Recent growth and development throughout this region has placed extreme pressure on the six county water utility districts in Cumberland County and the City of Crossville to expand water supplies.

The Tennessee Department of Environment and Conservation worked with the water utility districts and local officials within Cumberland County to form a regional water planning partnership to work together to address their mutual problem.

By working together in this partnership, they will be able to resolve water issues, avoid and reduce impacts to natural streams and save time and taxpayers' money.

At the request of local and state officials, the Army Corps of Engineers conducted a regional water supply study. This Preliminary Engineering Report was completed earlier this year and provides Cumberland County residents with innovative alternatives for a water supply through the year 2050. This "state of the art" model can be used as a process for other local governments to effectively plan the use of their region's water resources.

The manager's amendment will help this rapidly growing county by allowing them to continue into the next phase of the process in solving their long-term water supply needs.

Again, I want to thank Chairman SHUSTER for his assistance and urge all my colleagues to support his amendment and the entire bill.

Mr. SHUSTER. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendments printed in part 1 of House Report 106–120, is considered as an original bill for the purpose of amendment under the 5-minute rule and is considered read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 1480

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 "Water Resources Development Act of 1999".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small flood control projects.
Sec. 103. Small bank stabilization projects.
Sec. 104. Small navigation projects.
Sec. 105. Small projects for improvement of the environment.
Sec. 106. Small aquatic ecosystem restoration projects.

TITLE II—GENERAL PROVISIONS

Sec. 201. Small flood control authority.
Sec. 202. Use of non-Federal funds for compiling and disseminating information on floods and flood damages.
Sec. 203. Contributions by States and political subdivisions.
Sec. 204. Sediment decontamination technology.
Sec. 205. Control of aquatic plants.
Sec. 206. Use of continuing contracts required for construction of certain projects.
Sec. 207. Support of Army civil works program.
Sec. 208. Water resources development studies for the Pacific region.
Sec. 209. Everglades and south Florida ecosystem restoration.
Sec. 210. Beneficial uses of dredged material.
Sec. 211. Harbor cost sharing.
Sec. 212. Aquatic ecosystem restoration.
Sec. 213. Watershed management, restoration, and development.
Sec. 214. Flood mitigation and riverine restoration pilot program.
Sec. 215. Shoreline management program.
Sec. 216. Assistance for remediation, restoration, and reuse.
Sec. 217. Shore damage mitigation.
Sec. 218. Shore protection.
Sec. 219. Flood prevention coordination.
Sec. 220. Annual passes for recreation.
Sec. 221. Cooperative agreements for environmental and recreational measures.
Sec. 222. Nonstructural flood control projects.
Sec. 223. Lakes program.
Sec. 224. Construction of flood control projects by non-Federal interests.
Sec. 225. Enhancement of fish and wildlife resources.
Sec. 226. Sense of Congress; requirement regarding notice.
Sec. 227. Periodic beach nourishment.
Sec. 228. Environmental dredging.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Missouri River Levee System.
Sec. 302. Ouzinkie Harbor, Alaska.
Sec. 303. Greers Ferry Lake, Arkansas.
Sec. 304. Ten- and Fifteen-Mile Bayous, Arkansas.
Sec. 305. Loggy Bayou, Red River below Denison Dam, Arkansas, Louisiana, Oklahoma, and Texas.
Sec. 306. Sacramento River, Glenn-Colusa, California.
Sec. 307. San Lorenzo River, California.
Sec. 308. Terminus Dam, Kaweah River, California.
Sec. 309. Delaware River mainstem and channel deepening, Delaware, New Jersey, and Pennsylvania.
Sec. 310. Potomac River, Washington, District of Columbia.
Sec. 311. Brevard County, Florida.
Sec. 312. Broward County and Hillsboro Inlet, Florida.
Sec. 313. Fort Pierce, Florida.
Sec. 314. Nassau County, Florida.
Sec. 315. Miami Harbor Channel, Florida.
Sec. 316. Lake Michigan, Illinois.
Sec. 317. Springfield, Illinois.
Sec. 318. Little Calumet River, Indiana.
Sec. 319. Ogden Dunes, Indiana.
Sec. 320. Saint Joseph River, South Bend, Indiana.
Sec. 321. White River, Indiana.
Sec. 322. Lake Pontchartrain, Louisiana.
Sec. 323. Larose to Golden Meadow, Louisiana.
Sec. 324. Louisiana State Penitentiary Levee, Louisiana.
Sec. 325. Twelve-mile Bayou, Caddo Parish, Louisiana.
Sec. 326. West Bank of the Mississippi River (East of Harvey Canal), Louisiana.
Sec. 327. Tolchester Channel, Baltimore Harbor and channels, Chesapeake Bay, Kent County, Maryland.
Sec. 328. Sault Sainte Marie, Chippewa County, Michigan.
Sec. 329. Jackson County, Mississippi.
Sec. 330. Tunica Lake, Mississippi.
Sec. 331. Bois Brule Drainage and Levee District, Missouri.
Sec. 332. Meramec River Basin, Valley Park Levee, Missouri.
Sec. 333. Missouri River mitigation project, Missouri, Kansas, Iowa, and Nebraska.
Sec. 334. Wood River, Grand Island, Nebraska.
Sec. 335. Absecon Island, New Jersey.
Sec. 336. New York Harbor and Adjacent Channels, Port Jersey, New Jersey
Sec. 337. Passaic River, New Jersey.
Sec. 338. Sandy Hook to Barnegat Inlet, New Jersey.
Sec. 339. Arthur Kill, New York and New Jersey.
Sec. 340. New York City watershed.
Sec. 341. New York State Canal System.
Sec. 342. Fire Island Inlet to Montauk Point, New york.
Sec. 343. Broken Bow Lake, Red River Basin, Oklahoma.
Sec. 344. Willamette River temperature control, Mckenzie Subbasin, Oregon.
Sec. 345. Aylesworth Creek Reservoir, Pennsylvania.
Sec. 346. Curwensville Lake, Pennsylvania.
Sec. 347. Delaware River, Pennsylvania and Delaware.
Sec. 348. Mussers Dam, Pennsylvania.
Sec. 349. Nine-Mile Run, Allegheny County, Pennsylvania.
Sec. 350. Raystown Lake, Pennsylvania.
Sec. 351. South Central Pennsylvania.
Sec. 352. Cooper River, Charleston Harbor, South Carolina.
Sec. 353. Bowie County Levee, Texas.
Sec. 354. Clear Creek, Texas.
Sec. 355. Cypress Creek, Texas.
Sec. 356. Dallas Floodway Extension, Dallas, Texas.
Sec. 357. Upper Jordan River, Utah.
Sec. 358. Elizabeth River, Chesapeake, Virginia.
Sec. 359. Bluestone Lake, Ohio River Basin, West Virginia.
Sec. 360. Greenbrier Basin, West Virginia.
Sec. 361. Moorefield, West Virginia.
Sec. 362. West Virginia and Pennsylvania Flood Control.
Sec. 363. Project reauthorizations.
Sec. 364. Project deauthorizations.
Sec. 365. American and Sacramento Rivers, California.
Sec. 366. Martin, Kentucky.

TITLE IV—STUDIES

Sec. 401. Upper Mississippi and Illinois Rivers levees and streambanks protection.
Sec. 402. Upper Mississippi River comprehensive plan.
Sec. 403. El Dorado, Union County, Arkansas.
Sec. 404. Sweetwater Reservoir, San Diego County, California.
Sec. 405. Whitewater River Basin, California.

Sec. 406. Little Econlackhatchee River Basin, Florida.
Sec. 407. Port Everglades Inlet, Florida.
Sec. 408. Upper Des Plaines River and tributaries, Illinois and Wisconsin.
Sec. 409. Cameron Parish west of Calcasieu River, Louisiana.
Sec. 410. Grand Isle and vicinity, Louisiana.
Sec. 411. Lake Pontchartrain seawall, Louisiana.
Sec. 412. Westport, Massachusetts.
Sec. 413. Southwest Valley, Albuquerque, New Mexico.
Sec. 414. Cayuga Creek, New York.
Sec. 415. Arcola Creek Watershed, Madison, Ohio.
Sec. 416. Western Lake Erie Basin, Ohio, Indiana, and Michigan.
Sec. 417. Schuylkill River, Norristown, Pennsylvania.
Sec. 418. Lakes Marion and Moultrie, South Carolina.
Sec. 419. Day County, South Dakota.
Sec. 420. Corpus Christi, Texas.
Sec. 421. Mitchell's Cut Channel (Caney Fork Cut), Texas.
Sec. 422. Mouth of Colorado River, Texas.
Sec. 423. Kanawha River, Fayette County, West Virginia.
Sec. 424. West Virginia ports.
Sec. 425. Great Lakes region comprehensive study.
Sec. 426. Nutrient loading resulting from dredged material disposal.
Sec. 427. Santee Delta focus area, South Carolina.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Corps assumption of NRCS projects.
Sec. 502. Construction assistance.
Sec. 503. Contaminated sediment dredging technology.
Sec. 504. Dam safety.
Sec. 505. Great Lakes remedial action plans.
Sec. 506. Sea Lamprey control measures in the Great Lakes.
Sec. 507. Maintenance of navigation channels.
Sec. 508. Measurement of Lake Michigan diversions.
Sec. 509. Upper Mississippi River environmental management program.
Sec. 510. Atlantic Coast of New York monitoring.
Sec. 511. Water control management.
Sec. 512. Beneficial use of dredged material.
Sec. 513. Design and construction assistance.
Sec. 514. Lower Missouri River aquatic restoration projects.
Sec. 515. Aquatic resources restoration in the Northwest.
Sec. 516. Innovative technologies for watershed restoration.
Sec. 517. Environmental restoration.
Sec. 518. Expedited consideration of certain projects.
Sec. 519. Dog River, Alabama.
Sec. 520. Elba, Alabama.
Sec. 521. Geneva, Alabama.
Sec. 522. Navajo Reservation, Arizona, New Mexico, and Utah.
Sec. 523. Augusta and Devalls Bluff, Arkansas.
Sec. 524. Beaver Lake, Arkansas.
Sec. 525. Beaver Lake trout production facility, Arkansas.
Sec. 526. Chino Dairy Preserve, California.
Sec. 527. Novato, California.
Sec. 528. Orange and San Diego Counties, California.
Sec. 529. Salton Sea, California.
Sec. 530. Santa Cruz Harbor, California.
Sec. 531. Point Beach, Milford, Connecticut.
Sec. 532. Lower St. Johns River Basin, Florida.
Sec. 533. Shoreline protection and environmental restoration, Lake Allatoona, Georgia.
Sec. 534. Mayo's Bar Lock and Dam, Coosa River, Rome, Georgia.
Sec. 535. Comprehensive flood impact response modeling system, Coralville Reservoir and Iowa River Watershed, Iowa.
Sec. 536. Additional construction assistance in Illinois.
Sec. 537. Kanopolis Lake, Kansas.
Sec. 538. Southern and Eastern Kentucky.
Sec. 539. Southeast Louisiana.
Sec. 540. Snug Harbor, Maryland.
Sec. 541. Welch Point, Elk River, Cecil County, and Chesapeake City, Maryland.
Sec. 542. West View Shores, Cecil County, Maryland.
Sec. 543. Restoration projects for Maryland, Pennsylvania, and West Virginia.
Sec. 544. Cape Cod Canal Railroad Bridge, Buzzards Bay, Massachusetts.
Sec. 545. St. Louis, Missouri.
Sec. 546. Beaver Branch of Big Timber Creek, New Jersey.
Sec. 547. Lake Ontario and St. Lawrence River water levels, New York.
Sec. 548. New York-New Jersey Harbor, New York and New Jersey.
Sec. 549. Sea Gate Reach, Coney Island, New York, New York.
Sec. 550. Woodlawn, New York.
Sec. 551. Floodplain mapping, New York.
Sec. 552. White Oak River, North Carolina.
Sec. 553. Toussaint River, Carroll Township, Ottawa County, Ohio.
Sec. 554. Sardis Reservoir, Oklahoma.
Sec. 555. Waurika Lake, Oklahoma, water conveyance facilities.
Sec. 556. Skinner Butte Park, Eugene, Oregon.
Sec. 557. Willamette River basin, Oregon.
Sec. 558. Bradford and Sullivan Counties, Pennsylvania.
Sec. 559. Erie Harbor, Pennsylvania.
Sec. 560. Point Marion Lock And Dam, Pennsylvania.
Sec. 561. Seven Points' Harbor, Pennsylvania.
Sec. 562. Southeastern Pennsylvania.
Sec. 563. Upper Susquehanna-Lackawanna watershed restoration initiative.
Sec. 564. Aguadilla Harbor, Puerto Rico.
Sec. 565. Oahe Dam to Lake Sharpe, South Dakota, study.
Sec. 566. Integrated water management planning, Texas.
Sec. 567. Bolivar Peninsula, Jefferson, Chambers, and Galveston Counties, Texas.
Sec. 568. Galveston Beach, Galveston County, Texas.
Sec. 569. Packery Channel, Corpus Christi, Texas.
Sec. 570. Northern West Virginia.
Sec. 571. Urbanized peak flood management research.
Sec. 572. Mississippi River Commission.
Sec. 573. Coastal aquatic habitat management.
Sec. 574. Abandoned and inactive noncoal mine restoration.
Sec. 575. Beneficial use of waste tire rubber.
Sec. 576. Site designation.
Sec. 577. Land conveyances.
Sec. 578. Namings.
Sec. 579. Folsom Dam and Reservoir additional storage and additional flood control studies.
Sec. 580. Wallops Island, Virginia.
Sec. 581. Detroit River, Detroit, Michigan.

SEC. 2. SECRETARY DEFINED.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) SAND POINT HARBOR, ALASKA.—The project for navigation, Sand Point Harbor, Alaska: Report of the Chief of Engineers dated October 13, 1998, at a total cost of $11,760,000, with an estimated Federal cost of $6,964,000 and an estimated non-Federal cost of $4,796,000.

(2) RIO SALADO, SALT RIVER, PHOENIX AND TEMPE, ARIZONA.—The project for flood control and environmental restoration, Rio Salado, Salt River, Phoenix and Tempe, Arizona: Report of the Chief of Engineers dated August 20, 1998, at a total cost of $88,048,000, with an estimated Federal cost of $56,355,000 and an estimated non-Federal cost of $31,693,000.

(3) TUCSON DRAINAGE AREA, ARIZONA.—The project for flood control, Tucson drainage area, Arizona: Report of the Chief of Engineers, dated May 20, 1998, at a total cost of $29,900,000, with an estimated Federal cost of $16,768,000 and an estimated non-Federal cost of $13,132,000.

(4) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The Folsom Dam Modification portion of the Folsom Modification Plan described in the United States Army Corps of Engineers Supplemental Information Report for the American River Watershed Project, California, dated March 1996, as modified by the report entitled ''Folsom Dam Modification Report, New Outlets Plan,'' dated March 1998, prepared by the Sacramento Area Flood Control Agency, at an estimated cost of $150,000,000, with an estimated Federal cost of $97,500,000 and an estimated non-Federal cost of $52,500,000. The Secretary shall coordinate with the Secretary of the Interior with respect to the design and construction of modifications at Folsom Dam authorized by this paragraph.

(B) REOPERATION MEASURES.—Upon completion of the improvements to Folsom Dam authorized by subparagraph (A), the variable space allocated to flood control within the Reservoir shall be reduced from the current operating range of 400,000-670,000 acre-feet to 400,000-600,000 acre-feet.

(C) MAKEUP OF WATER SHORTAGES CAUSED BY FLOOD CONTROL OPERATION.—The Secretary of the Interior shall enter into, or modify, such agreements with the Sacramento Area Flood Control Agency regarding the operation of Folsom Dam and reservoir as may be necessary in order that, notwithstanding any prior agreement or provision of law, 100 percent of the water needed to make up for any water shortage caused by variable flood control operation during any year at Folsom Dam and resulting in a significant impact on recreation at Folsom Reservoir shall be replaced, to the extent the water is available for purchase, by the Secretary of the Interior.

(D) SIGNIFICANT IMPACT ON RECREATION.—For the purposes of this paragraph, a significant impact on recreation is defined as any impact that results in a lake elevation at Folsom Reservoir below 435 feet above sea level starting on May 15 and ending on September 15 of any given year.

(5) SOUTH SACRAMENTO COUNTY STREAMS, CALIFORNIA.—The project for flood control, environmental restoration and recreation, South Sacramento County streams, California: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $65,500,000, with an estimated Federal cost of $41,200,000 and an estimated non-Federal cost of $24,300,000.

(6) UPPER GUADALUPE RIVER, CALIFORNIA.—The project for flood control and recreation, Upper Guadalupe River, California: Locally Preferred Plan (known as the ''Bypass Channel Plan''), Report of the Chief of Engineers dated

August 19, 1998, at a total cost of $140,285,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $96,285,000.

(7) YUBA RIVER BASIN, CALIFORNIA.—The project for flood control, Yuba River Basin, California: Report of the Chief of Engineers dated November 25, 1998, at a total cost of $26,600,000, with an estimated Federal cost of $17,350,000 and an estimated non-Federal cost of $9,250,000.

(8) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-BROADKILL BEACH, DELAWARE.—The project for hurricane and storm damage reduction, Delaware Bay coastline, Delaware and New Jersey-Broadkill Beach, Delaware: Report of the Chief of Engineers dated August 17, 1998, at a total cost of $9,049,000, with an estimated Federal cost of $5,674,000 and an estimated non-Federal cost of $3,375,000, and at an estimated average annual cost of $538,200 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $349,800 and an estimated annual non-Federal cost of $188,400.

(9) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-PORT MAHON, DELAWARE.—The project for ecosystem restoration, Delaware Bay coastline, Delaware and New Jersey-Port Mahon, Delaware: Report of the Chief of Engineers dated September 28, 1998, at a total cost of $7,644,000, with an estimated Federal cost of $4,969,000 and an estimated non-Federal cost of $2,675,000, and at an estimated average annual cost of $234,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $152,000 and an estimated annual non-Federal cost of $82,000.

(10) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELAWARE.—The project for navigation mitigation and hurricane and storm damage reduction, Delaware Bay coastline, Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware: Report of the Chief of Engineers dated February 3, 1999, at a total cost of $3,393,000, with an estimated Federal cost of $2,620,000 and an estimated non-Federal cost of $773,000, and at an estimated average annual cost of $196,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $152,000 and an estimated annual non-Federal cost of $44,000.

(11) JACKSONVILLE HARBOR, FLORIDA.—

(A) IN GENERAL.—The project for navigation, Jacksonville Harbor, Florida: Report of the Chief of Engineers April 21, 1999, at a total cost of $26,116,000, with an estimated Federal cost of $9,129,000 and an estimated non-Federal cost of $16,987,000.

(B) SPECIAL RULE.—Notwithstanding subparagraph (A), the Secretary may construct the project to a depth of 40 feet if the non-Federal interest agrees to pay any additional costs above those for the recommended plan.

(12) TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.—The project for navigation, Tampa Harbor-Big Bend Channel, Florida: Report of the Chief of Engineers dated October 13, 1998, at a total cost of $9,356,000, with an estimated Federal cost of $6,235,000 and an estimated non-Federal cost of $3,121,000.

(13) BRUNSWICK HARBOR, GEORGIA.—The project for navigation, Brunswick Harbor, Georgia: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $50,717,000, with an estimate Federal cost of $32,966,000 and an estimated non-Federal cost of $17,751,000.

(14) BEARGRASS CREEK, KENTUCKY.—The project for flood control, Beargrass Creek, Kentucky: Report of the Chief of Engineers, dated May 12, 1998, at a total cost of $11,171,300, with an estimated Federal cost of $7,261,500 and an estimated non-Federal cost of $3,909,800.

(15) AMITE RIVER AND TRIBUTARIES, LOUISIANA.—The project for flood control, Amite River and tributaries, Louisiana: Report of the Chief of Engineers dated December 23, 1996, at a total cost of $112,900,000, with an estimated Federal cost of $84,675,000 and an estimated non-Federal cost of $28,225,000. Cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), as in effect on October 11, 1996.

(16) BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MARYLAND AND VIRGINIA.—The project for navigation, Baltimore harbor anchorages and channels, Maryland and Virginia: Report of the Chief of Engineers, dated June 8, 1998, at a total cost of $28,430,000, with an estimated Federal cost of $19,000,000 and an estimated non-Federal cost of $9,430,000.

(17) RED RIVER LAKE AT CROOKSTON, MINNESOTA.—The project for flood control, Red River Lake at Crookston, Minnesota: Report of the Chief of Engineers, dated April 20, 1998, at a total cost of $8,950,000, with an estimated Federal cost of $5,720,000 and an estimated non-Federal cost of $3,230,000.

(18) LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.—The project for navigation mitigation, ecosystem restoration, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey: Report of the Chief of Engineers dated April 5, 1999, at a total cost of $15,952,000, with an estimated Federal cost of $12,118,000 and an estimated non-Federal cost of $3,834,000, and at an estimated average annual cost of $1,114,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $897,000 and an estimated annual non-Federal cost of $217,000.

(19) NEW JERSEY SHORE PROTECTION: TOWNSENDS INLET TO CAPE MAY INLET, NEW JERSEY.—The project for hurricane and storm damage reduction and ecosystem restoration, New Jersey Shore Protection: Townsends Inlet to Cape May Inlet, New Jersey: Report of the Chief of Engineers dated September 28, 1998, at a total cost of $56,503,000, with an estimated Federal cost of $36,727,000 and an estimated non-Federal cost of $19,776,000, and at an estimated average annual cost of $2,000,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,300,000 and an estimated annual non-Federal cost of $700,000.

(20) GUANAJIBO RIVER, PUERTO RICO.—The project for flood control, Guanajibo River, Puerto Rico: Report of the Chief of Engineers, dated February 27, 1996, at a total cost of $27,031,000, with an estimated Federal cost of $20,273,250 and an estimated non-Federal cost of $6,757,750. Cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act 1986 (33 U.S.C. 2213) as in effect on October 11, 1986.

(21) RIO GRANDE DE MANATI, BARCELONETA, PUERTO RICO.—The project for flood control, Rio Grande De Manati, Barceloneta, Puerto Rico: Report of the Chief of Engineers, dated January 22, 1999, at a total cost of $13,491,000, with an estimated Federal cost of $8,785,000 and an estimated non-Federal cost of $4,706,000.

(22) RIO NIGUA AT SALINAS, PUERTO RICO.—The project for flood control, Rio Nigua at Salinas, Puerto Rico: Report of the Chief of Engineers, dated April 15, 1997, at a total cost of $13,702,000, with an estimated Federal cost of $7,645,000 and an estimated non-Federal cost of $6,057,000.

(23) SALT CREEK, GRAHAM, TEXAS.—The project for flood control, environmental restoration and recreation, Salt Creek, Graham, Texas: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $10,080,000, with an estimated Federal cost of $6,560,000 and an estimated non-Federal cost of $3,520,000.

(b) PROJECTS SUBJECT TO REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Corps of Engineers, if the report is completed not later than September 30, 1999.

(1) NOME, ALASKA.—The project for navigation, Nome, Alaska, at a total cost of $24,608,000, with an estimated Federal cost of $19,660,000 and an estimated non-Federal cost of $4,948,000.

(2) SEWARD HARBOR, ALASKA.—The project for navigation, Seward Harbor, Alaska, at a total cost of $12,240,000, with an estimated Federal cost of $4,364,000 and an estimated non-Federal cost of $7,876,000.

(3) HAMILTON AIRFIELD, CALIFORNIA.—The project for wetlands restoration, Hamilton Airfield, California, at a total cost of $55,200,000, with an estimated Federal cost of $41,400,000 and an estimated non-Federal cost of $13,800,000.

(4) OAKLAND HARBOR, CALIFORNIA.—The project for navigation, Oakland Harbor, California, at a total cost of $256,650,000, with an estimated Federal cost of $143,450,000 and an estimated non-Federal cost of $113,200,000.

(5) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY: REEDS BEACH AND PIERCES POINT, NEW JERSEY.—The project for shore protection and ecosystem restoration, Delaware Bay Coastline, Delaware and New Jersey: Reeds Beach and Pierces Point, New Jersey, at a total cost of $4,057,000, with an estimated Federal cost of $2,637,000 and an estimated non-Federal cost of $1,420,000.

(6) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY: VILLAS AND VICINITY, NEW JERSEY.—The project for shore protection and ecosystem restoration, Delaware Bay Coastline, Delaware and New Jersey: Villas and Vicinity, New Jersey, at a total cost of $7,520,000, with an estimated Federal cost of $4,888,000 and an estimated non-Federal cost of $2,632,000.

(7) DELAWARE COAST FROM CAPE HENELOPEN TO FENWICK ISLAND, BETHANY BEACH/SOUTH BETHANY BEACH, DELAWARE.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henelopen to Fenwick Island, Bethany Beach/South Bethany Beach, Delaware, at a total cost of $22,205,000, with an estimated Federal cost of $14,433,000 and an estimated non-Federal cost of $7,772,000, and at an estimated average annual cost of $1,584,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,030,000 and an estimated annual non-Federal cost of $554,000.

(8) LITTLE TALBOT ISLAND, DUVAL COUNTY, FLORIDA.—The project for hurricane and storm damage prevention, Little Talbot Island, Duval County, Florida, at a total cost of $5,915,000, with an estimated Federal cost of $3,839,000 and an estimated non-Federal cost of $2,076,000.

(9) PONCE DE LEON INLET, FLORIDA.—The project for navigation and related purposes, Ponce de Leon Inlet, Volusia County, Florida, at a total cost of $5,454,000, with an estimated Federal cost of $2,988,000 and an estimated non-Federal cost of $2,466,000.

(10) SAVANNAH HARBOR EXPANSION, GEORGIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the project for navigation, Savannah Harbor expansion, Georgia, including implementation of the mitigation plan, with such modifications as the Secretary deems appropriate, at a total cost of $230,174,000 (of which amount a portion is authorized for implementation of the mitigation plan), with an estimated Federal cost of $145,160,000 and an estimated non-Federal cost of $85,014,000.

(B) CONDITIONS.—The project authorized by subparagraph (A) may be carried out only after—

(i) the Secretary, in consultation with affected Federal, State of Georgia, State of South Carolina, regional, and local entities, has reviewed and approved an environmental impact statement for the project that includes—

(I) an analysis of the impacts of project depth alternatives ranging from 42 feet through 48 feet; and

(II) a selected plan for navigation and an associated mitigation plan as required by section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283); and

(ii) the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Secretary have approved the selected plan and have determined that the mitigation plan adequately addresses the potential environmental impacts of the project.

(C) MITIGATION REQUIREMENTS.—The mitigation plan shall be implemented in advance of or concurrently with construction of the project.

(11) DES PLAINES RIVER, ILLINOIS.—The project for flood control, Des Plaines River, Illinois, at a total cost of $44,300,000 with an estimated Federal cost of $28,800,000 and an estimated non-Federal cost of $15,500,000.

(12) NEW JERSEY SHORE PROTECTION, BRIGANTINE INLET TO GREAT EGG HARBOR, BRIGANTINE ISLAND, NEW JERSEY.—The project for hurricane and storm damage reduction, New Jersey shore protection, Brigantine Inlet to Great Egg Harbor, Brigantine Island, New Jersey, at a total cost of $4,970,000, with an estimated Federal cost of $3,230,000 and an estimated non-Federal cost of $1,740,000, and at an estimated average annual cost of $465,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $302,000 and an estimated annual non-Federal cost of $163,000.

(13) COLUMBIA RIVER CHANNEL, OREGON AND WASHINGTON.—The project for navigation, Columbia River Channel, Oregon and Washington, at a total cost of $183,623,000 with an estimated Federal cost $106,132,000 and an estimated non-Federal cost of $77,491,000.

(14) JOHNSON CREEK, ARLINGTON, TEXAS.—The locally preferred project for flood control, Johnson Creek, Arlington, Texas, at a total cost of $20,300,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,300,000.

(15) HOWARD HANSON DAM, WASHINGTON.—The project for water supply and ecosystem restoration, Howard Hanson Dam, Washington, at a total cost of $75,600,000, with an estimated Federal cost of $36,900,000 and an estimated non-Federal cost of $38,700,000.

SEC. 102. SMALL FLOOD CONTROL PROJECTS.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, after completion of such study, shall carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) LANCASTER, CALIFORNIA.—Project for flood control, Lancaster, California, westside stormwater retention facility.

(2) GATEWAY TRIANGLE AREA, FLORIDA.—Project for flood control, Gateway Triangle area, Collier County, Florida.

(3) PLANT CITY, FLORIDA.—Project for flood control, Plant City, Florida.

(4) STONE ISLAND, LAKE MONROE, FLORIDA.—Project for flood control, Stone Island, Lake Monroe, Florida.

(5) OHIO RIVER, ILLINOIS.—Project for flood control, Ohio River, Illinois.

(6) REPAUPO CREEK, NEW JERSEY.—Project for flood control, Repaupo Creek, New Jersey.

(7) OWASCO LAKE SEAWALL, NEW YORK.—Project for flood control, Owasco Lake seawall, New York.

(8) PORT CLINTON, OHIO.—Project for flood control, Port Clinton, Ohio.

(9) NORTH CANADIAN RIVER, OKLAHOMA.—Project for flood control, North Canadian River, Oklahoma.

(10) ABINGTON TOWNSHIP, PENNSYLVANIA.—Project for flood control, Baeder and Wanamaker Roads, Abington Township, Pennsylvania.

(11) PORT INDIAN, WEST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.—Project for flood control, Port Indian, West Norriton Township, Montgomery County, Pennsylvania.

(12) PORT PROVIDENCE, UPPER PROVIDENCE TOWNSHIP, PENNSYLVANIA.—Project for flood control, Port Providence, Upper Providence Township, Pennsylvania.

(13) SPRINGFIELD TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.—Project for flood control, Springfield Township, Montgomery County, Pennsylvania.

(14) FIRST CREEK, KNOXVILLE, TENNESSEE.—Project for flood control, First Creek, Knoxville, Tennessee.

(15) METRO CENTER LEVEE, CUMBERLAND RIVER, NASHVILLE, TENNESSEE.—Project for flood control, Metro Center Levee, Cumberland River, Nashville, Tennessee.

(b) FESTUS AND CRYSTAL CITY, MISSOURI.—

(1) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Festus and Crystal City, Missouri, shall be $10,000,000.

(2) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project referred to in paragraph (1) to take into account the change in the Federal participation in such project pursuant to paragraph (1).

(3) COST SHARING.—Nothing in this section shall be construed to affect any cost-sharing requirement applicable to the project referred to in paragraph (1) under the Water Resources Development Act of 1986.

SEC. 103. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, after completion of such study, shall carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) SAINT JOSEPH RIVER, INDIANA.—Project for streambank erosion control, Saint Joseph River, Indiana.

(2) SAGINAW RIVER, BAY CITY, MICHIGAN.—Project for streambank erosion control, Saginaw River, Bay City, Michigan.

(3) BIG TIMBER CREEK, NEW JERSEY.—Project for streambank erosion control, Big Timber Creek, New Jersey.

(4) LAKE SHORE ROAD, ATHOL SPRINGS, NEW YORK.—Project for streambank erosion control, Lake Shore Road, Athol Springs, New York.

(5) MARIST COLLEGE, POUGHKEEPSIE, NEW YORK.—Project for streambank erosion control, Marist College, Poughkeepsie, New York.

(6) MONROE COUNTY, OHIO.—Project for streambank erosion control, Monroe County, Ohio.

(7) GREEN VALLEY, WEST VIRGINIA.—Project for streambank erosion control, Green Valley, West Virginia.

SEC. 104. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, after completion of such study, shall carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) GRAND MARAIS, ARKANSAS.—Project for navigation, Grand Marais, Arkansas.

(2) FIELDS LANDING CHANNEL, HUMBOLDT HARBOR, CALIFORNIA.—Project for navigation, Fields Landing Channel, Humboldt Harbor, California.

(3) SAN MATEO (PILLAR POINT HARBOR), CALIFORNIA.—Project for navigation San Mateo (Pillar Point Harbor), California.

(4) AGANA MARINA, GUAM.—Project for navigation, Agana Marina, Guam.

(5) AGAT MARINA, GUAM.—Project for navigation, Agat Marina, Guam.

(6) APRA HARBOR FUEL PIERS, GUAM.—Project for navigation, Apra Harbor Fuel Piers, Guam.

(7) APRA HARBOR PIER F–6, GUAM.—Project for navigation, Apra Harbor Pier F–6, Guam.

(8) APRA HARBOR SEAWALL, GUAM.—Project for navigation including a seawall, Apra Harbor, Guam.

(9) GUAM HARBOR, GUAM.—Project for navigation, Guam Harbor, Guam.

(10) ILLINOIS RIVER NEAR CHAUTAUQUA PARK, ILLINOIS.—Project for navigation, Illinois River near Chautauqua Park, Illinois.

(11) WHITING SHORELINE WATERFRONT, WHITING, INDIANA.—Project for navigation, Whiting Shoreline Waterfront, Whiting, Indiana.

(12) NARAGUAGUS RIVER, MACHIAS, MAINE.—Project for navigation, Naraguagus River, Machias, Maine.

(13) UNION RIVER, ELLSWORTH, MAINE.—Project for navigation, Union River, Ellsworth, Maine.

(14) DETROIT WATERFRONT, MICHIGAN.—Project for navigation, Detroit River, Michigan, including dredging and removal of a reef.

(15) FORTESCUE INLET, DELAWARE BAY, NEW JERSEY.—Project for navigation for Fortescue Inlet, Delaware Bay, New Jersey.

(16) BUFFALO AND LASALLE PARK, NEW YORK.—Project for navigation, Buffalo and LaSalle Park, New York.

(17) STURGEON POINT, NEW YORK.—Project for navigation, Sturgeon Point, New York.

SEC. 105. SMALL PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, after completion of such study, shall carry out the project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a):

(1) ILLINOIS RIVER IN THE VICINITY OF HAVANA, ILLINOIS.—Project for the improvement of the environment, Illinois River in the vicinity of Havana, Illinois.

(2) KNITTING MILL CREEK, VIRGINIA.—Project for the improvement of the environment, Knitting Mill Creek, Virginia.

(b) PINE FLAT DAM, KINGS RIVER, CALIFORNIA.—The Secretary shall carry out under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)) a project to construct a turbine bypass at Pine Flat Dam, Kings River, California, in accordance with the Project Modification Report and Environmental Assessment dated September 1996.

SEC. 106. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, after completion of such study, shall carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) CONTRA COSTA COUNTY, BAY DELTA, CALIFORNIA.—Project for aquatic ecosystem restoration, Contra Costa County, Bay Delta, California.

(2) INDIAN RIVER, FLORIDA.—Project for aquatic ecosystem restoration and lagoon restoration, Indian River, Florida.

(3) LITTLE WEKIVA RIVER, FLORIDA.—Project for aquatic ecosystem restoration and erosion control, Little Wekiva River, Florida.

(4) COOK COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration and lagoon restoration and protection, Cook County, Illinois.

(5) GRAND BATTURE ISLAND, MISSISSIPPI.—Project for aquatic ecosystem restoration, Grand Batture Island, Mississippi.

(6) HANCOCK, HARRISON, AND JACKSON COUNTIES, MISSISSIPPI.—Project for aquatic ecosystem

restoration and reef restoration along the Gulf Coast, Hancock, Harrison, and Jackson Counties, Mississippi.

(7) MISSISSIPPI RIVER AND RIVER DES PERES, ST. LOUIS, MISSOURI.—Project for aquatic ecosystem restoration and recreation, Mississippi River and River Des Peres, St. Louis, Missouri.

(8) HUDSON RIVER, NEW YORK.—Project for aquatic ecosystem restoration, Hudson River, New York.

(9) ONEIDA LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Oneida Lake, Oneida County, New York.

(10) OTSEGO LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Otsego Lake, Otsego County, New York.

(11) NORTH FORK OF YELLOW CREEK, OHIO.—Project for aquatic ecosystem restoration, North Fork of Yellow Creek, Ohio.

(12) WHEELING CREEK WATERSHED, OHIO.—Project for aquatic ecosystem restoration, Wheeling Creek watershed, Ohio.

(13) SPRINGFIELD MILLRACE, OREGON.—Project for aquatic ecosystem restoration, Springfield Millrace, Oregon.

(14) UPPER AMAZON CREEK, OREGON.—Project for aquatic ecosystem restoration, Upper Amazon Creek, Oregon.

(15) LAKE ONTELAUNEE RESERVOIR, BERKS COUNTY, PENNSYLVANIA.—Project for aquatic ecosystem restoration and distilling pond facilities, Lake Ontelaunee Reservoir, Berks County, Pennsylvania.

(16) BLACKSTONE RIVER BASIN, RHODE ISLAND AND MASSACHUSETTS.—Project for aquatic ecosystem restoration and fish passage facilities, Blackstone River Basin, Rhode Island and Massachusetts.

TITLE II—GENERAL PROVISIONS

SEC. 201. SMALL FLOOD CONTROL AUTHORITY.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended—

(1) by striking ''construction of small projects'' and inserting ''implementation of small structural and nonstructural projects''; and

(2) by striking ''$5,000,000'' and inserting ''$7,000,000''.

SEC. 202. USE OF NON-FEDERAL FUNDS FOR COMPILING AND DISSEMINATING INFORMATION ON FLOODS AND FLOOD DAMAGES.

The last sentence of section 206(b) of the Flood Control Act of 1960 (33 U.S.C. 709a(b)) is amended by inserting before the period the following: ''; except that this limitation on fees shall not apply to funds voluntarily contributed by such entities for the purpose of expanding the scope of the services requested by such entities''.

SEC. 203. CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS.

Section 5 of the Flood Control Act of June 22, 1936 (33 U.S.C. 701h), is amended by inserting ''or environmental restoration'' after ''flood control''.

SEC. 204. SEDIMENT DECONTAMINATION TECHNOLOGY.

Section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863) is amended—

(1) by adding at the end of subsection (a) the following:

''(4) PRACTICAL END-USE PRODUCTS.—Technologies selected for demonstration at the pilot scale shall be intended to result in practical end-use products.

''(5) ASSISTANCE BY THE SECRETARY.—The Secretary shall assist the project to ensure expeditious completion by providing sufficient quantities of contaminated dredged material to conduct the full-scale demonstrations to stated capacity.'';

(2) in subsection (c) by striking the first sentence and inserting the following: ''There is authorized to be appropriated to carry out this section $22,000,000 to complete technology testing, technology commercialization, and the development of full scale processing facilities within the New York/New Jersey Harbor.''; and

(3) by adding at the end the following:

''(e) SUPPORT.—In carrying out the program under this section, the Secretary is encouraged to utilize contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.''.

SEC. 205. CONTROL OF AQUATIC PLANTS.

Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (a) by inserting ''arundo,'' after ''milfoil,'';

(2) in subsection (b) by striking ''$12,000,000'' and inserting ''$15,000,000.''; and

(3) by adding at the end the following:

''(c) SUPPORT.—In carrying out this program, the Secretary is encouraged to utilize contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.''.

SEC. 206. USE OF CONTINUING CONTRACTS REQUIRED FOR CONSTRUCTION OF CERTAIN PROJECTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall not implement a fully allocated funding policy with respect to a water resources project if initiation of construction has occurred but sufficient funds are not available to complete the project. The Secretary shall enter into continuing contracts for such project.

(b) INITIATION OF CONSTRUCTION CLARIFIED.—For the purposes of this section, initiation of construction for a project occurs on the date of enactment of an Act that appropriates funds for the project from 1 of the following appropriation accounts:

(1) Construction, General.

(2) Operation and Maintenance, General.

(3) Flood Control, Mississippi River and Tributaries.

SEC. 207. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

The requirements of section 2361 of title 10, United States Code, shall not apply to any contract, cooperative research and development agreement, cooperative agreement, or grant entered into under section 229 of the Water Resources Development Act of 1996 (110 Stat. 3703) between the Secretary and Marshall University or entered into under section 350 of this Act between the Secretary and Juniata College.

SEC. 208. WATER RESOURCES DEVELOPMENT STUDIES FOR THE PACIFIC REGION.

Section 444 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended by striking ''interest of navigation'' and inserting ''interests of water resources development, including navigation, flood damage reduction, and environmental restoration''.

SEC. 209. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) PROGRAM EXTENSION.—Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in subparagraph (B) by striking ''1999'' and inserting ''2000''; and

(2) in subparagraph (C)(i) by striking ''1999'' and inserting ''2003''.

(b) CREDIT.—Section 528(b)(3) of such Act is amended by adding at the end the following:

''(D) CREDIT OF PAST AND FUTURE ACTIVITIES.—The Secretary may provide a credit to the non-Federal interests toward the non-Federal share of a project implemented under subparagraph (A). The credit shall be for reasonable costs of work performed by the non-Federal interests if the Secretary determines that the work substantially expedited completion of the project and is compatible with and an integral part of the project, and the credit is provided pursuant to a specific project cooperation agreement.''.

(c) CALOOSAHATCHEE RIVER BASIN, FLORIDA.—Section 528(e)(4) of such Act is amended by inserting before the period at the end of the first sentence the following: ''if the Secretary determines that such land acquisition is compatible with and an integral component of the Everglades and South Florida ecosystem restoration, including potential land acquisition in the Caloosahatchee River basin or other areas''.

SEC. 210. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (106 Stat. 4826–4827) is amended—

(1) in subsection (c) by striking ''cooperative agreement in accordance with the requirements of section 221 of the Flood Control Act of 1970'' and inserting ''binding agreement with the Secretary''; and

(2) by adding at the end the following:

''(g) NON-FEDERAL INTERESTS.—Notwithstanding section 221(b) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5b(b)), the Secretary, after coordination with the appropriate State and local government officials having jurisdiction over an area in which a project under this section will be carried out, may allow a nonprofit entity to serve as the non-Federal interest for the project.''.

SEC. 211. HARBOR COST SHARING.

(a) IN GENERAL.—Sections 101 and 214 of the Water Resources Development Act of 1986 (33 U.S.C. 2211 and 2241; P.L. 99–662) are amended by striking ''45 feet'' each place it appears and inserting ''53 feet''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall only apply to a project, or separable element thereof, on which a contract for physical construction has not been awarded before the date of enactment of this Act.

SEC. 212. AQUATIC ECOSYSTEM RESTORATION.

Section 206 of the Water Resources Development Act of 1996 (110 Stat. 3679–3680) is amended—

(1) by adding at the end of subsection (b) the following: ''Before October 1, 2003, the Federal share may be provided in the form of grants or reimbursements of project costs.''; and

(2) by adding at the end of subsection (c) the following: ''Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), the Secretary, after coordination with the appropriate State and local government officials having jurisdiction over an area in which a project under this section will be carried out, may allow a nonprofit entity to serve as the non-Federal interest for the project.''.

SEC. 213. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

(a) NONPROFIT ENTITY AS NON-FEDERAL INTEREST.—Section 503(a) of the Water Resources Development Act of 1996 (110 Stat. 3756) is amended by adding at the end the following: ''Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), the Secretary, after coordination with the appropriate State and local government officials having jurisdiction over an area in which a project under this section will be carried out, may allow a nonprofit entity to serve as the non-Federal interest for the project.''.

(b) PROJECT LOCATIONS.—Section 503(d) of such Act is amended—

(1) in paragraph (7) by inserting before the period at the end '', including Clear Lake''; and

(2) by adding at the end the following:

''(14) Fresno Slough watershed, California.

''(15) Hayward Marsh, Southern San Francisco Bay watershed, California.

''(16) Kaweah River watershed, California.

''(17) Malibu Creek watershed, California.

''(18) Illinois River watershed, Illinois.

''(19) Catawba River watershed, North Carolina.

''(20) Cabin Creek basin, West Virginia.

''(21) Lower St. Johns River basin, Florida.''.

SEC. 214. FLOOD MITIGATION AND RIVERINE RESTORATION PILOT PROGRAM.

(a) IN GENERAL.—The Secretary may undertake a program for the purpose of conducting projects that reduce flood hazards and restore the natural functions and values of rivers throughout the United States.

(b) STUDIES AND PROJECTS.—

(1) AUTHORITY.—In carrying out the program, the Secretary may conduct studies to identify appropriate flood damage reduction, conservation, and restoration measures and may design and implement projects described in subsection (a).

(2) CONSULTATION AND COORDINATION.—The studies and projects carried out under this section shall be conducted, to the maximum extent practicable, in consultation and coordination with the Federal Emergency Management Agency and other appropriate Federal agencies, and in consultation and coordination with appropriate State, tribal, and local agencies.

(3) NONSTRUCTURAL APPROACHES.—The studies and projects shall emphasize, to the maximum extent practicable and appropriate, nonstructural approaches to preventing or reducing flood damages.

(4) USE OF STATE, TRIBAL, AND LOCAL STUDIES AND PROJECTS.—The studies and projects shall include consideration of and coordination with any State, tribal, and local flood damage reduction or riverine and wetland restoration studies and projects that conserve, restore, and manage hydrologic and hydraulic regimes and restore the natural functions and values of floodplains.

(c) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(2) ENVIRONMENTAL RESTORATION AND NONSTRUCTURAL FLOOD CONTROL PROJECTS.—The non-Federal interests shall pay 35 percent of the cost of any environmental restoration or nonstructural flood control project carried out under this section. The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for such projects. The value of such land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this paragraph.

(3) STRUCTURAL FLOOD CONTROL PROJECTS.—Any structural flood control measures carried out under this section shall be subject to cost sharing in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)).

(4) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(d) PROJECT JUSTIFICATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law or requirement for economic justification established pursuant to section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2), the Secretary may implement a project under this section if the Secretary determines that the project—

(A) will significantly reduce potential flood damages;

(B) will improve the quality of the environment; and

(C) is justified considering all costs and beneficial outputs of the project.

(2) ESTABLISHMENT OF SELECTION AND RATING CRITERIA AND POLICIES.—Not later than 180 days after the date of enactment of this section, the Secretary, in cooperation with State, tribal, and local agencies, shall develop, and transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, criteria for selecting and rating projects to be carried out under this section and shall establish policies and procedures for carrying out the studies and projects undertaken under this section. Such criteria shall include, as a priority, the extent to which the appropriate State government supports the project.

(e) PRIORITY AREAS.—In carrying out this section, the Secretary shall examine the potential for flood damage reductions at appropriate locations, including the following:

(1) Upper Delaware River, New York.

(2) Willamette River floodplain, Oregon.

(3) Pima County, Arizona, at Paseo De Las Iglesias and Rillito River.

(4) Los Angeles and San Gabriel Rivers, California.

(5) Murrieta Creek, California.

(6) Napa County, California, at Yountville, St. Helena, Calistoga, and American Canyon.

(7) Santa Clara basin, California, at Upper Guadalupe River and tributaries, San Francisquito Creek, and Upper Penitencia Creek.

(8) Pine Mount Creek, New Jersey.

(9) Chagrin River, Ohio.

(10) Blair County, Pennsylvania, at Altoona and Frankstown Township.

(11) Lincoln Creek, Wisconsin.

(f) PROGRAM REVIEW.—

(1) IN GENERAL.—The program established under this section shall be subject to an independent review to evaluate the efficacy of the program in achieving the dual goals of flood hazard mitigation and riverine restoration.

(2) REPORT.—Not later than April 15, 2003, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the findings of the review conducted under this subsection with any recommendations concerning continuation of the program.

(g) COST LIMITATIONS.—

(1) MAXIMUM FEDERAL COST PER PROJECT.—No more than $30,000,000 may be expended by the United States on any single project under this section.

(2) COMMITTEE RESOLUTION PROCEDURE.—

(A) LIMITATION ON APPROPRIATIONS.—No appropriation shall be made to construct any project under this section the total Federal cost of construction of which exceeds $15,000,000 if the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(B) REPORT.—For the purpose of securing consideration of approval under this paragraph, the Secretary shall transmit a report on the proposed project, including all relevant data and information on all costs.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $25,000,000 for fiscal year 2000;

(2) $25,000,000 for fiscal year 2001 if $12,500,000 or more is appropriated to carry out subsection (e) for fiscal year 2000;

(3) $25,000,000 for fiscal year 2002 if $12,500,000 or more is appropriated to carry out subsection (e) for fiscal year 2001; and

(4) $25,000,000 for fiscal year 2003 if $12,500,000 or more is appropriated to carry out subsection (e) for fiscal year 2002.

SEC. 215. SHORELINE MANAGEMENT PROGRAM.

(a) REVIEW.—The Secretary shall review the implementation of the Corps of Engineers' shoreline management program, with particular attention to inconsistencies in implementation among the divisions and districts of the Corps of Engineers and complaints by or potential inequities regarding property owners in the Savannah District including an accounting of the number and disposition of complaints over the last 5 years in the District.

(b) REPORT.—As expeditiously as practicable after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the review conducted under subsection (a).

SEC. 216. ASSISTANCE FOR REMEDIATION, RESTORATION, AND REUSE.

(a) IN GENERAL.—The Secretary may provide to State and local governments assessment, planning, and design assistance for remediation, environmental restoration, or reuse of areas located within the boundaries of such State or local governments where such remediation, environmental restoration, or reuse will contribute to the conservation of water and related resources of drainage basins and watersheds within the United States.

(b) BENEFICIAL USE OF DREDGED MATERIAL.—In providing assistance under subsection (a), the Secretary shall encourage the beneficial use of dredged material, consistent with the findings of the Secretary under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2000 through 2004.

SEC. 217. SHORE DAMAGE MITIGATION.

(a) IN GENERAL.—Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i; 100 Stat. 4199) is amended by inserting after ''navigation works'' the following: ''and shore damages attributable to the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway''.

(b) PALM BEACH COUNTY, FLORIDA.—The project for navigation, Palm Beach County, Florida, authorized by section 2 of the River and Harbor Act of March 2, 1945 (59 Stat. 11), is modified to authorize the Secretary to undertake beach nourishment as a dredged material disposal option under the project.

(c) GALVESTON COUNTY, TEXAS.—The Secretary may place dredged material from the Gulf Intracoastal Waterway on the beaches along Rollover Pass, Galveston County, Texas, to stabilize beach erosion.

SEC. 218. SHORE PROTECTION.

(a) NON-FEDERAL SHARE OF PERIODIC NOURISHMENT.—Section 103(d) of the Water Resources Development Act of 1986 (100 Stat. 4085–5086) is amended—

(1) by inserting ''(1) CONSTRUCTION.—'' before ''Costs of constructing'';

(2) by inserting at the end the following:

''(2) PERIODIC NOURISHMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of costs of periodic nourishment measures for shore protection or beach erosion control that are carried out—

''(i) after January 1, 2001, shall be 40 percent;

''(ii) after January 1, 2002, shall be 45 percent; and

''(iii) after January 1, 2003, shall be 50 percent;

''(B) BENEFITS TO PRIVATELY OWNED SHORES.—All costs assigned to benefits of periodic nourishment measures to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of

private lands shall be borne by the non-Federal interest and all costs assigned to the protection of federally owned shores for such measures shall be borne by the United States.''; and

(C) by indenting paragraph (1) (as designated by subparagraph (A) of this paragraph) and aligning such paragraph with paragraph (2) (as added by subparagraph (B) of this paragraph).

(b) UTILIZATION OF SAND FROM OUTER CONTINENTAL SHELF.—Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended by striking ''an agency of the Federal Government'' and inserting ''a Federal, State, or local government agency''.

(c) REPORT ON NATION'S SHORELINES.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall report to Congress on the state of the Nation's shorelines.

(2) CONTENTS.—The report shall include—

(A) a description of the extent of, and economic and environmental effects caused by, erosion and accretion along the Nation's shores and the causes thereof;

(B) a description of resources committed by local, State, and Federal governments to restore and renourish shorelines;

(C) a description of the systematic movement of sand along the Nation's shores; and

(D) recommendations regarding (i) appropriate levels of Federal and non-Federal participation in shoreline protection, and (ii) utilization of a systems approach to sand management.

(3) UTILIZATION OF SPECIFIC LOCATION DATA.—In developing the report, the Secretary shall utilize data from specific locations on the Atlantic, Pacific, Great Lakes, and Gulf of Mexico coasts.

(d) NATIONAL COASTAL DATA BANK.—

(1) ESTABLISHMENT OF DATA BANK.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish a national coastal data bank containing data on the geophysical and climatological characteristics of the Nation's shorelines.

(2) CONTENT.—To the extent practical, the national coastal data bank shall include data regarding current and predicted shoreline positions, information on federally-authorized shore protection projects, and data on the movement of sand along the Nation's shores, including impediments to such movement caused by natural and manmade features.

(3) ACCESS.—The national coastal data bank shall be made readily accessible to the public.

SEC. 219. FLOOD PREVENTION COORDINATION.

Section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) FLOOD PREVENTION COORDINATION.—The Secretary shall coordinate with the Director of the Federal Emergency Management Agency and the heads of other Federal agencies to ensure that flood control projects and plans are complementary and integrated to the extent practicable and appropriate.''.

SEC. 220. ANNUAL PASSES FOR RECREATION.

Section 208(c)(4) of the Water Resources Development Act of 1996 (16 U.S.C. 460d note; 110 Stat. 3680) is amended by striking ''1999, or the date of transmittal of the report under paragraph (3)'' and inserting ''2003''.

SEC. 221. COOPERATIVE AGREEMENTS FOR ENVIRONMENTAL AND RECREATIONAL MEASURES.

(a) IN GENERAL.—The Secretary is authorized to enter into cooperative agreements with non-Federal public bodies and non-profit entities for the purpose of facilitating collaborative efforts involving environmental protection and restoration, natural resources conservation, and recreation in connection with the development, operation, and management of water resources projects under the jurisdiction of the Department of the Army.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes—

(1) a listing and general description of the cooperative agreements entered into by the Secretary with non-Federal public bodies and entities under subsection (a);

(2) a determination of whether such agreements are facilitating collaborative efforts; and

(3) a recommendation on whether such agreements should be further encouraged.

SEC. 222. NONSTRUCTURAL FLOOD CONTROL PROJECTS.

(a) ANALYSIS OF BENEFITS.—Section 308 of the Water Resources Development Act of 1990 (33 U.S.C. 2318; 104 Stat. 4638) is amended—

(1) in the heading to subsection (a) by inserting ''ELEMENTS EXCLUDED FROM'' before ''BENEFIT-COST'';

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(3) by inserting after subsection (a) the following:

''(b) FLOOD DAMAGE REDUCTION BENEFITS.—In calculating the benefits of a proposed project for nonstructural flood damage reduction, the Secretary shall calculate benefits of nonstructural projects using methods similar to structural projects, including similar treatment in calculating the benefits from losses avoided from both structural and nonstructural alternatives. In carrying out this subsection, the Secretary should avoid double counting of benefits.''.

(b) REEVALUATION OF FLOOD CONTROL PROJECTS.—At the request of a non-Federal interest for a flood control project, the Secretary shall conduct a reevaluation of a previously authorized project to consider nonstructural alternatives in light of the amendments made by subsection (a).

(c) COST SHARING.—Section 103(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(b)) is amended by adding at the end the following: ''At any time during construction of the project, where the Secretary determines that the costs of lands, easements, rights-of-way, dredged material disposal areas, and relocations in combination with other costs contributed by the non-Federal interests will exceed 35 percent, any additional costs for the project, but not to exceed 65 percent of the total costs of the project, shall be a Federal responsibility and shall be contributed during construction as part of the Federal share.''.

SEC. 223. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (110 Stat. 3758) is amended—

(1) by striking ''and'' at the end of paragraph (15);

(2) by striking the period at the end of paragraph (16) and inserting a semicolon; and

(3) by adding at the end the following:

''(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and measures to address excessive sedimentation and high nutrient concentration; and

''(18) Osgood Pond, Milford, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation.

''(19) Flints Pond, Hollis, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation.''.

SEC. 224. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) CONSTRUCTION BY NON-FEDERAL INTERESTS.—Section 211(d)(1) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(d)(1)) is amended—

(1) by striking ''(b) or'';

(2) by striking ''Any non-Federal'' and inserting the following:

''(A) STUDIES AND DESIGN ACTIVITIES UNDER SUBSECTION (b).—A non-Federal interest may only carry out construction for which studies and design documents are prepared under subsection (b) if the Secretary approves such construction. The Secretary shall approve such construction unless the Secretary determines, in writing, that the design documents do not meet standard practices for design methodologies or that the project is not economically justified or environmentally acceptable or does not meet the requirements for obtaining the appropriate permits required under the Secretary's authority. The Secretary shall not unreasonably withhold approval. Nothing in this subparagraph may be construed to affect any regulatory authority of the Secretary.

''(B) STUDIES AND DESIGN ACTIVITIES UNDER SUBSECTION (c).—Any non-Federal''; and

(3) by aligning the remainder of subparagraph (B) (as designated by paragraph (2) of this subsection) with subparagraph (A) (as inserted by paragraph (2) of this subsection).

(b) CONFORMING AMENDMENT.—Section 211(d)(2) of such Act is amended by inserting ''(other than paragraph (1)(A))'' after ''this subsection''.

(c) REIMBURSEMENT.—

(1) IN GENERAL.—Section 211(e)(1) of such Act is amended—

(A) in the matter preceding subparagraph (1) by inserting after ''constructed pursuant to this section'' the following: ''and provide credit for the non-Federal share of the project'';

(B) by striking ''and'' at the end of subparagraph (A);

(C) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(D) by adding at the end the following:

''(C) if the construction work is reasonably equivalent to Federal construction work.''.

(2) SPECIAL RULES.—Section 211(e)(2)(A) of such Act is amended—

(A) by striking ''subject to amounts being made available in advance in appropriations Acts'' and inserting ''subject to appropriations''; and

(B) by inserting after ''the cost of such work'' the following: '', or provide credit (depending on the request of the non-Federal interest) for the non-Federal share of such work,''.

(3) SCHEDULE AND MANNER OF REIMBURSEMENTS.—Section 211(e) of such Act (33 U.S.C. 701b–13(e)) is amended by adding at the end the following:

''(6) SCHEDULE AND MANNER OF REIMBURSEMENT.—

''(A) BUDGETING.—The Secretary shall budget and request appropriations for reimbursements under this section on a schedule that is consistent with a Federal construction schedule.

''(B) COMMENCEMENT OF REIMBURSEMENTS.—Reimbursements under this section may commence upon approval of a project by the Secretary.

''(C) CREDIT.—At the request of a non-Federal interest, the Secretary may reimburse the non-Federal interest by providing credit toward future non-Federal costs of the project.

''(D) SCHEDULING.—Nothing in this paragraph shall affect the President's discretion to schedule new construction starts.''.

SEC. 225. ENHANCEMENT OF FISH AND WILDLIFE RESOURCES.

Section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)) is amended

by inserting after the second sentence the following: ''Not more than 80 percent of the non-Federal share of such first costs may be satisfied through in-kind contributions, including facilities, supplies, and services that are necessary to carry out the enhancement project.''.

SEC. 226. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

SEC. 227. PERIODIC BEACH NOURISHMENT.

(a) IN GENERAL.—Section 506(a) of the Water Resources Development Act of 1996 (110 Stat. 3757) is amended by adding at the end the following:

''(5) LEE COUNTY, FLORIDA.—Project for shoreline protection, Lee County, Captiva Island segment, Florida.''.

(b) PROJECTS.—Section 506(b)(3) of such Act (110 Stat. 3758) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively.

SEC. 228. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639–4640) is amended—

(1) in subsection (b)(1) by striking ''50'' and inserting ''35''; and

(2) in subsection (d) by striking ''non-Federal responsibility'' and inserting ''shared as a cost of construction''.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. MISSOURI RIVER LEVEE SYSTEM.

The project for flood control, Missouri River Levee System, authorized by section 10 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved December 22, 1944 (58 Stat. 897), is modified to provide that project costs totaling $2,616,000 expended on Units L–15, L–246, and L–385 out of the Construction, General account of the Corps of Engineers before the date of enactment of the Water Resources Development Act of 1986 (33 U.S.C. 2201 note) shall not be treated as part of total project costs.

SEC. 302. OUZINKIE HARBOR, ALASKA.

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for navigation, Ouzinkie Harbor, Alaska, shall be $8,500,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in the Federal participation in such project pursuant to subsection (a).

(c) COST SHARING.—Nothing in this section shall be construed to affect any cost-sharing requirement applicable to the project referred to in subsection (a) under the Water Resources Development Act of 1986.

SEC. 303. GREERS FERRY LAKE, ARKANSAS.

The project for flood control, Greers Ferry Lake, Arkansas, authorized by the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved June 28, 1938 (52 Stat. 1218), is modified to authorize the Secretary to construct water intake facilities for the benefit of Lonoke and White Counties, Arkansas.

SEC. 304. TEN- AND FIFTEEN-MILE BAYOUS, ARKANSAS.

The project for flood control, St. Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to expand the project boundaries to include Ten- and Fifteen-Mile Bayous near West Memphis, Arkansas. Notwithstanding section 103(f) of the Water Resources Development Act of 1986 (100 Stat. 4086), the flood control work at Ten- and Fifteen-Mile Bayous shall not be considered separable elements of the St. Francis Basin project.

SEC. 305. LOGGY BAYOU, RED RIVER BELOW DENISON DAM, ARKANSAS, LOUISIANA, OKLAHOMA, AND TEXAS.

The project for flood control on the Red River Below Denison Dam, Arkansas, Louisiana, Oklahoma, and Texas, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to direct the Secretary to conduct a study to determine the feasibility of expanding the project to include mile 0.0 to mile 7.8 of Loggy Bayou between the Red River and Flat River. If the Secretary determines as a result of the study that the project should be expanded, the Secretary may assume responsibility for operation and maintenance of the expanded project.

SEC. 306. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.

(a) IN GENERAL.—The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled ''An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes'', approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), and title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), is further modified to authorize the Secretary—

(1) to carry out the portion of the project at Glenn-Colusa, California, at a total cost of $26,000,000, with an estimated Federal cost of $20,000,000 and an estimated non-Federal cost of $6,000,000; and

(2) to carry out bank stabilization work in the vicinity of the riverbed gradient facility, particularly in the vicinity of River Mile 208.

(b) CREDIT.—The Secretary shall provide the non-Federal interests for the project referred to in subsection (a) a credit of up to $4,000,000 toward the non-Federal share of the project costs for the direct and indirect costs incurred by the non-Federal sponsor in carrying out activities associated with environmental compliance for the project. Such credit may be in the form of reimbursements for costs which were incurred by the non-Federal interests prior to an agreement with the Corps of Engineers, to include the value of lands, easements, rights-of-way, relocations, or dredged material disposal areas.

SEC. 307. SAN LORENZO RIVER, CALIFORNIA.

The project for flood control and habitat restoration, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to authorize the Secretary to expand the boundaries of the project to include bank stabilization for a 1,000-foot portion of the San Lorenzo River.

SEC. 308. TERMINUS DAM, KAWEAH RIVER, CALIFORNIA.

(a) TRANSFER OF TITLE TO ADDITIONAL LAND.—If the non-Federal interests for the project for flood control and water supply, Terminus Dam, Kaweah River, California, authorized by section 101(b)(5) of the Water Resources Development Act of 1996 (110 Stat. 3667), transfers to the Secretary without consideration title to perimeter lands acquired for the project by the non-Federal interests, the Secretary may accept the transfer of such title.

(b) LANDS, EASEMENT, AND RIGHTS-OF-WAY.—Nothing in this section shall be construed to change, modify, or otherwise affect the responsibility of the non-Federal interests to provide lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for the Terminus Dam project and to perform operation and maintenance for the project.

(c) OPERATION AND MAINTENANCE.—Upon request by the non-Federal interests, the Secretary shall carry out operation, maintenance, repair, replacement, and rehabilitation of the project if the non-Federal interests enter into a binding agreement with the Secretary to reimburse the Secretary for 100 percent of the costs of such operation, maintenance, repair, replacement, and rehabilitation.

(d) HOLD HARMLESS.—The non-Federal interests shall hold the United States harmless for ownership, operation, and maintenance of lands and facilities of the Terminus Dam project title to which is transferred to the Secretary under this section.

SEC. 309. DELAWARE RIVER MAINSTEM AND CHANNEL DEEPENING, DELAWARE, NEW JERSEY, AND PENNSYLVANIA.

The project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802), is modified as follows:

(1) The Secretary is authorized to provide non-Federal interests credit toward cash contributions required for construction and subsequent to construction for engineering and design and construction management work that is performed by non-Federal interests and that the Secretary determines is necessary to implement the project. Any such credits extended shall reduce the Philadelphia District's private sector performance goals for engineering work by a like amount.

(2) The Secretary is authorized to provide to non-Federal interests credit toward cash contributions required during construction and subsequent to construction for the costs of construction carried out by the non-Federal interest on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

(3) The Secretary is authorized to enter into an agreement with a non-Federal interest for the payment of disposal or tipping fees for dredged material from a Federal project other than for the construction or operation and maintenance of the new deepening project as described in the Limited Reevaluation Report of May 1997, where the non-Federal interest has supplied the corresponding disposal capacity.

(4) The Secretary is authorized to enter into an agreement with a non-Federal interest that will provide that the non-Federal interest may carry out or cause to have carried out, on behalf of the Secretary, a disposal area management program for dredged material disposal areas necessary to construct, operate, and maintain the project and to authorize the Secretary to reimburse the non-Federal interest for the costs of the disposal area management program activities carried out by the non-Federal interest.

SEC. 310. POTOMAC RIVER, WASHINGTON, DISTRICT OF COLUMBIA.

The project for flood control authorized by section 5 of the Flood Control Act of June 22, 1936 (69 Stat. 1574), as modified by section 301(a)(4) of the Water Resources Development Act of 1996 (110 Stat. 3707), is further modified to authorize the Secretary to construct the project at a Federal cost of $5,965,000.

SEC. 311. BREVARD COUNTY, FLORIDA.

(a) STUDY.—The Secretary, in cooperation with the non-Federal interest, shall conduct a study of any damage to the project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), to determine whether the damage is the result of a Federal navigation project.

(b) CONDITIONS.—In conducting the study, the Secretary shall utilize the services of an independent coastal expert who shall consider all relevant studies completed by the Corps of Engineers and the project's local sponsor. The study shall be completed within 120 days of the date of enactment of this Act.

(c) MITIGATION OF DAMAGES.—After completion of the study, the Secretary shall mitigate any damage to the shoreline protection project that is the result of a Federal navigation project. The costs of the mitigation shall be allocated to the Federal navigation project as operation and maintenance.

SEC. 312. BROWARD COUNTY AND HILLSBORO INLET, FLORIDA.

The project for shoreline protection, Broward County and Hillsboro Inlet, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090), is modified to authorize the Secretary to reimburse the non-Federal interest for the Federal share of the cost of preconstruction planning and design for the project upon execution of a contract to construct the project if the Secretary determines such work is compatible with and integral to the project.

SEC. 313. FORT PIERCE, FLORIDA.

(a) IN GENERAL.—The project for shore protection and harbor mitigation, Fort Pierce, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092) and section 506(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3757), is modified to incorporate an additional 1 mile into the project in accordance with a final approved General Reevaluation Report, at a total cost for initial nourishment for the entire project of $9,128,000, with an estimated Federal cost of $7,073,500 and an estimated non-Federal cost of $2,054,500.

(b) PERIOD NOURISHMENT.—Periodic nourishment is authorized for the project in accordance with section 506(a)(2) of Water Resources Development Act of 1996 (110 Stat. 3757).

(c) REVISION OF THE PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in Federal participation in the project pursuant to subsection (a).

SEC. 314. NASSAU COUNTY, FLORIDA.

The project for beach erosion control, Nassau County (Amelia fIsland), Florida, authorized by section 3(a)(3) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to construct the project at a total cost of $17,000,000, with an estimated Federal cost of $13,300,000 and an estimated non-Federal cost of $3,700,000.

SEC. 315. MIAMI HARBOR CHANNEL, FLORIDA.

The project for navigation, Miami Harbor Channel, Florida, authorized by section 101(a)(9) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to include construction of artificial reefs and related environmental mitigation required by Federal, State, and local environmental permitting agencies for the project.

SEC. 316. LAKE MICHIGAN, ILLINOIS.

The project for storm damage reduction and shoreline erosion protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), is modified to authorize the Secretary to provide a credit against the non-Federal share of the cost of the project for costs incurred by the non-Federal interest—

(1) in constructing Reach 2D and Segment 8 of Reach 4 of the project; and

(2) in reconstructing Solidarity Drive in Chicago, Illinois, prior to entry into a project cooperation agreement with the Secretary.

SEC. 317. SPRINGFIELD, ILLINOIS.

Section 417 of the Water Resources Development Act of 1996 (110 Stat. 3743) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) COST SHARING.—The non-Federal share of assistance provided under this section before, on, or after the date of enactment of this subsection shall be 50 percent.''.

SEC. 318. LITTLE CALUMET RIVER, INDIANA.

The project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Corps of Engineers, at a total cost of $167,000,000, with an estimated Federal cost of $122,000,000 and an estimated non-Federal cost of $45,000,000.

SEC. 319. OGDEN DUNES, INDIANA.

(a) STUDY.—The Secretary shall conduct a study of beach erosion in and around the town of Ogden Dunes, Indiana, to determine whether the damage is the result of a Federal navigation project.

(b) MITIGATION OF DAMAGES.—After completion of the study, the Secretary shall mitigate any damage to the beach and shoreline that is the result of a Federal navigation project. The cost of the mitigation shall be allocated to the Federal navigation project as operation and maintenance.

SEC. 320. SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.

(a) MAXIMUM TOTAL EXPENDITURE.—The maximum total expenditure for the project for streambank erosion, recreation, and pedestrian access features, Saint Joseph River, South Bend, Indiana, shall be $7,800,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in the Federal participation in such project pursuant to subsection (a).

(c) COST SHARING.—Nothing in this section shall be construed to affect any cost-sharing requirement applicable to the project referred to in subsection (a) under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

SEC. 321. WHITE RIVER, INDIANA.

The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved June 22, 1936 (49 Stat. 1586), and modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), is further modified to authorize the Secretary to undertake riverfront alterations as described in the Central Indianapolis Waterfront Concept Master Plan, dated February 1994, at a total cost of $110,975,000, with an estimated Federal cost of $52,475,000 and an estimated non-Federal cost of $58,500,000.

SEC. 322. LAKE PONTCHARTRAIN, LOUISIANA.

The project for hurricane-flood protection, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified—

(1) to direct the Secretary to conduct a study to determine the feasibility of constructing a pump adjacent to each of the 4 proposed drainage structures for the Saint Charles Parish feature of the project; and

(2) to authorize the Secretary to construct such pumps upon completion of the study.

SEC. 323. LAROSE TO GOLDEN MEADOW, LOUISIANA.

The project for hurricane protection Larose to Golden Meadow, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to direct the Secretary to convert the Golden Meadow floodgate into a navigation lock if the Secretary determines that the conversion is feasible.

SEC. 324. LOUISIANA STATE PENITENTIARY LEVEE, LOUISIANA.

The Louisiana State Penitentiary Levee project, Louisiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117), is modified to direct the Secretary to provide credit to the non-Federal interest toward the non-Federal share of the cost of the project. The credit shall be for cost of work performed by the non-Federal interest prior to the execution of a project cooperation agreement as determined by the Secretary to be compatible with and an integral part of the project.

SEC. 325. TWELVE-MILE BAYOU, CADDO PARISH, LOUISIANA.

The Secretary shall be responsible for maintenance of the levee along Twelve-Mile Bayou from its junction with the existing Red River Below Denison Dam Levee approximately 26 miles upstream to its terminus at high ground in the vicinity of Black Bayou, Caddo Parish, Louisiana, if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the levee was constructed in accordance with appropriate design and engineering standards.

SEC. 326. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.

(a) IN GENERAL.—The project for flood control and storm damage reduction, West Bank of the Mississippi River (East of Harvey Canal), Louisiana, authorized by section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4128) and section 101(a)(17) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified—

(1) to provide that any liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) from the construction of the project is a Federal responsibility; and

(2) to authorize the Secretary to carry out operation and maintenance of that portion of the project included in the report of the Chief of Engineers, dated May 1, 1995, referred to as ''Algiers Channel'', if the non-Federal sponsor reimburses the Secretary for the amount of such operation and maintenance included in the report of the Chief of Engineers.

(b) COMBINATION OF PROJECTS.—The Secretary shall carry out work authorized as part of the Westwego to Harvey Canal project, the East of Harvey cannal project, and the Lake Cataouatche modifications as a single project, to be known as the West Bank and vicinity, New Orleans, Louisiana, hurricane protection project, with a combined total cost of $280,300,000.

SEC. 327. TOLCHESTER CHANNEL, BALTIMORE HARBOR AND CHANNELS, CHESAPEAKE BAY, KENT COUNTY, MARYLAND.

The project for navigation, Tolchester Channel, Baltimore Harbor and Channels, Chesapeake Bay, Kent County, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), is modified to authorize the Secretary to straighten the navigation channel in accordance with the District Engineer's Navigation Assessment Report and Environmental

Assessment, dated April 30, 1997. This modification shall be carried out in order to improve navigation safety.

SEC. 328. SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.

The project for navigation Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254–4255) and modified by section 330 of the Water Resources Development Act of 1996 (110 Stat. 3717–3718), is further modified to provide that the amount to be paid by non-Federal interests pursuant to section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)) and subsection (a) of such section 330 shall not include any interest payments.

SEC. 329. JACKSON COUNTY, MISSISSIPPI.

The project for environmental infrastructure, Jackson County, Mississippi, authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835) and modified by section 504 of the Water Resources Development Act of 1996 (110 Stat. 3757), is further modified to direct the Secretary to provide a credit, not to exceed $5,000,000, against the non-Federal share of the cost of the project for the costs incurred by the Jackson County Board of Supervisors since February 8, 1994, in constructing the project if the Secretary determines that such costs are for work that the Secretary determines is compatible with and integral to the project.

SEC. 330. TUNICA LAKE, MISSISSIPPI.

The project for flood control, Mississippi River Channel Improvement Project, Tunica Lake, Mississippi, authorized by the Act entitled: ''An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes'', approved May 15, 1928 (45 Stat. 534–538), is modified to include construction of a weir at the Tunica Cutoff, Mississippi.

SEC. 331. BOIS BRULE DRAINAGE AND LEVEE DISTRICT, MISSOURI.

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be allocated for the project for flood control, Bois Brule Drainage and Levee District, Missouri, authorized pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be $15,000,000.

(b) REVISION OF THE PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in Federal participation in the project pursuant to subsection (a).

(c) COST SHARING.—Nothing in this section shall be construed to affect any cost-sharing requirement applicable to the project referred to in subsection (a) under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

SEC. 332. MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MISSOURI.

The project for flood control, Meramec River Basin, Valley Park Levee, Missouri, authorized by section 2(h) of an Act entitled ''An Act to deauthorize several projects within the jurisdiction of the Army Corps of Engineers'' (95 Stat. 1682–1683) and modified by section 1128 of the Water Resources Development Act of 1986, (100 Stat. 4246), is further modified to authorize the Secretary to construct the project at a maximum Federal expenditure of $35,000,000.

SEC. 333. MISSOURI RIVER MITIGATION PROJECT, MISSOURI, KANSAS, IOWA, AND NEBRASKA.

(a) IN GENERAL.—The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska, authorized by section 601 of the Water Resources Development Act of 1986 (100 Stat. 4143), is modified to increase by 118,650 acres the lands and interests in lands to be acquired for the project.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with the States of Nebraska, Iowa, Kansas, and Missouri, shall conduct a study to determine the cost of restoring, under the authority of the Missouri River fish and wildlife mitigation project, a total of 118,650 acres of lost Missouri River habitat.

(2) REPORT.—The Secretary shall report to Congress on the results of the study not later than 6 months after the date of enactment of this Act.

SEC. 334. WOOD RIVER, GRAND ISLAND, NEBRASKA.

The project for flood control, Wood River, Grand Island, Nebraska, authorized by section 101(a)(19) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Corps of Engineers dated June 29, 1998, at a total cost of $17,039,000, with an estimated Federal cost of $9,730,000 and an estimated non-Federal cost of $7,309,000.

SEC. 335. ABSECON ISLAND, NEW JERSEY.

The project for storm damage reduction and shoreline protection, Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island, New Jersey, authorized by section 101(b)(13) of the Water Resources Development Act of 1996 (110 Stat. 3668), is modified to provide that, if, after October 12, 1996, the non-Federal interests carry out any work associated with the project that is later recommended by the Chief of Engineers and approved by the Secretary, the Secretary may credit the non-Federal interests toward the non-Federal share of the cost of the project an amount equal to the Federal share of the cost of such work, without interest.

SEC. 336. NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY

The project for navigation, New York Harbor and Adjacent Channels, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is modified to authorize the Secretary to construct that portion of the project that is located between Military Ocean Terminal Bayonne and Global Terminal in Bayonne, New Jersey, substantially in accordance with the report of the Corps of Engineers, at a total cost of $103,267,000, with an estimated Federal cost of $76,909,000 and an estimated non-Federal cost of $26,358,000.

SEC. 337. PASSAIC RIVER, NEW JERSEY.

Section 101(a)(18)(B) of the Water Resources Development Act of 1990 (104 Stat. 4608–4609) is amended by inserting '', including an esplanade for safe pedestrian access with an overall width of 600 feet'' after ''public access to Route 21''.

SEC. 338. SANDY HOOK TO BARNEGAT INLET, NEW JERSEY.

The project for shoreline protection, Sandy Hook to Barnegat Inlet, New Jersey, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is modified—

(1) to include the demolition of Long Branch pier and extension of Ocean Grove pier; and

(2) to authorize the Secretary to reimburse the non-Federal sponsor for the Federal share of costs associated with the demolition of Long Branch pier and the construction of the Ocean Grove pier.

SEC. 339. ARTHUR KILL, NEW YORK AND NEW JERSEY.

The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 301(b)(11) of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to construct the portion of the project at Howland Hook Marine Terminal substantially in accordance with the report of the Corps of Engineers, dated September 30, 1998, at a total cost of $315,700,000, with an estimated Federal cost of $183,200,000 and an estimated non-Federal cost of $132,500,000.

SEC. 340. NEW YORK CITY WATERSHED.

Section 552(i) of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking ''$22,500,000'' and inserting ''$42,500,000''.

SEC. 341. NEW YORK STATE CANAL SYSTEM.

Section 553(e) of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking ''$8,000,000'' and inserting ''$18,000,000''.

SEC. 342. FIRE ISLAND INLET TO MONTAUK POINT, NEW YORK.

The project for combined beach erosion control and hurricane protection, Fire Island Inlet to Montauk Point, Long Island, New York, authorized by the River and Harbor Act of 1960 (74 Stat. 483) and modified by the River and Harbor Act of 1962, the Water Resources Development Act of 1974, and the Water Resources Development Act of 1986, is further modified to direct the Secretary, in coordination with the heads of other Federal departments and agencies, to complete all procedures and reviews expeditiously and to adopt and transmit to Congress not later than June 30, 1999, a mutually acceptable shore erosion plan for the Fire Island Inlet to Moriches Inlet reach of the project.

SEC. 343. BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.

The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 309) and modified by section 203 of the Flood Control Act of 1962 (76 Stat. 1187), section 102(v) of the Water Resources Development Act of 1992 (106 Stat. 4808), and section 338 of the Water Resources Development Act of 1996 (110 Stat. 3720), is further modified to require the Secretary to make seasonal adjustments to the top of the conservation pool at the project as follows (if the Secretary determines that the adjustments will be undertaken at no cost to the United States and will adequately protect impacted water and related resources):

(1) Maintain an elevation of 599.5 from November 1 through March 31.

(2) Increase elevation gradually from 599.5 to 602.5 during April and May.

(3) Maintain an elevation of 602.5 from June 1 to September 30.

(4) Decrease elevation gradually from 602.5 to 599.5 during October.

SEC. 344. WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.

(a) IN GENERAL.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon, authorized by section 101(a)(25) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary to construct the project substantially in accordance with the Feature Memorandum dated July 31, 1998, at a total cost of $64,741,000.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall report to Congress on the reasons for the cost growth of the Willamette River project and outline the steps the Corps of Engineers is taking to control project costs, including the application of value engineering and other appropriate measures. In the report, the Secretary shall also include a cost estimate for, and recommendations on the advisability of, adding fish screens to the project.

SEC. 345. AYLESWORTH CREEK RESERVOIR, PENNSYLVANIA.

The project for flood control, Aylesworth Creek Reservoir, Pennsylvania, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is modified to authorize the Secretary to transfer, in each of fiscal years 1999 and 2000, $50,000 to the Aylesworth Creek Reservoir Park Authority for recreational facilities.

SEC. 346. CURWENSVILLE LAKE, PENNSYLVANIA.

Section 562 of the Water Resources Development Act of 1996 (110 Stat. 3784) is amended by adding at the end the following: ''The Secretary shall provide design and construction assistance for recreational facilities at Curwensville Lake and, when appropriate, may require the non-Federal interest to provide not more than 25 percent of the cost of designing and constructing such facilities. The Secretary may transfer, in each of fiscal years 1999 through 2003, $100,000 to the Clearfield County Municipal Services and Recreation Authority for recreational facilities.''.

SEC. 347. DELAWARE RIVER, PENNSYLVANIA AND DELAWARE.

The project for navigation, Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4014), is modified to authorize the Secretary to extend the channel of the Delaware River at Camden, New Jersey, to within 150 feet of the existing bulkhead and to relocate the 40-foot deep Federal navigation channel, eastward within Philadelphia Harbor, from the Ben Franklin Bridge to the Walt Whitman Bridge, into deep water.

SEC. 348. MUSSERS DAM, PENNSYLVANIA.

Section 209 of the Water Resources Development Act of 1992 (106 Stat. 4830) is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

SEC. 349. NINE-MILE RUN, ALLEGHENY COUNTY, PENNSYLVANIA.

The Nine-Mile Run project, Allegheny County, Pennsylvania, carried out pursuant to section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330; 110 Stat. 3679–3680), is modified to authorize the Secretary to provide a credit toward the non-Federal share of the project for costs incurred by the non-Federal interest in preparing environmental and feasibility documentation for the project before entering into an agreement with the Corps of Engineers with respect to the project if the Secretary determines such costs are for work that is compatible with and integral to the project.

SEC. 350. RAYSTOWN LAKE, PENNSYLVANIA.

(a) RECREATION PARTNERSHIP INITIATIVE.—Section 519(b) of the Water Resources Development Act of 1996 (110 Stat. 3765) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) ENGINEERING AND DESIGN SERVICES.—The Secretary may perform, at full Federal expense, engineering and design services for project infrastructure expected to be associated with the development of the site at Raystown Lake, Hesston, Pennsylvania.''.

(b) CONSTRUCTION ASSISTANCE.—

(1) IN GENERAL.—Consistent with the master plan described in section 318 of the Water Resources Development Act of 1992 (106 Stat. 4848), the Secretary may provide a grant to Juniata College for the construction of facilities and structures at Raystown Lake, Pennsylvania, to interpret and understand environmental conditions and trends. As a condition of the receipt of such financial assistance, officials at Juniata College shall coordinate with the Baltimore District of the Army Corps of Engineers.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for fiscal years beginning after September 30, 1998, to carry out this subsection.

SEC. 351. SOUTH CENTRAL PENNSYLVANIA.

Section 313(g)(1) of the Water Resources Development Act of 1992 (106 Stat. 4846) is amended by striking ''$80,000,000'' and inserting ''$180,000,000''.

SEC. 352. COOPER RIVER, CHARLESTON HARBOR, SOUTH CAROLINA.

The project for rediversion, Cooper River, Charleston Harbor, South Carolina, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731) and modified by title I of the Energy and Water Development Appropriations Act, 1992 (105 Stat. 516), is further modified to authorize the Secretary to pay to the State of South Carolina not more than $3,750,000 if the Secretary and the State enter into a binding agreement for the State to perform all future operation of, including associated studies to assess the efficacy of, the St. Stephen, South Carolina, fish lift. The agreement must specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of such payment in the event the State suspends or terminates operation of the fish lift or fails to operate the fish lift in a manner satisfactory to the Secretary. Maintenance of the fish lift shall remain a Federal responsibility.

SEC. 353. BOWIE COUNTY LEVEE, TEXAS.

The project for flood control, Red River Below Denison Dam, Texas and Oklahoma, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to direct the Secretary to implement the Bowie County Levee feature of the project in accordance with the plan defined as Alternative B in the draft document entitled ''Bowie County Local Flood Protection, Red River, Texas Project Design Memorandum No. 1, Bowie County Levee'', dated April 1997. In evaluating and implementing this modification, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 354. CLEAR CREEK, TEXAS.

Section 575 of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by adding at the end the following:

''(c) CLEAR CREEK, TEXAS.—In any evaluation of economic benefits and costs for the project for flood control, Clear Creek, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742) that occurs after the date of enactment of this subsection, the Secretary shall include the costs and benefits of nonstructural measures undertaken, including any buyout or relocation actions, of non-Federal interests within the drainage area of such project before the date of the evaluation in the determination of conditions existing before the construction of the project.''.

SEC. 355. CYPRESS CREEK, TEXAS.

(a) IN GENERAL.—The project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is modified to authorize the Secretary to carry out a nonstructural flood control project at a total cost of $5,000,000.

(b) REIMBURSEMENT FOR WORK.—The Secretary may reimburse the non-Federal interest for the Cypress Creek project for work done by the non-Federal interest on the nonstructural flood control project in an amount equal to the estimate of the Federal share, without interest, of the cost of such work—

(1) if, after authorization and before initiation of construction of such nonstructural project, the Secretary approves the plans for construction of such nonstructural project by the non-Federal interest; and

(2) if the Secretary finds, after a review of studies and design documents prepared to carry out such nonstructural project, that construction of such nonstructural project is economically justified and environmentally acceptable.

SEC. 356. DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.

The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) and modified by section 351 of the Water Resources Development Act of 1996 (110 Stat. 3724), is further modified—

(1) to add environmental restoration and recreation as project purposes; and

(2) to authorize the Secretary to construct the project substantially in accordance with the Chain of Wetlands Plan in the report of the Corps of Engineers at a total cost of $123,200,000, with an estimated Federal cost of $80,000,000 and an estimated non-Federal cost of $43,200,000.

SEC. 357. UPPER JORDAN RIVER, UTAH.

The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (104 Stat. 4610) and modified by section 301(a)(14) of the Water Resources Development Act of 1996 (110 Stat. 3709), is further modified to direct the Secretary to carry out the locally preferred project, entitled ''Upper Jordan River Flood Control Project, Salt Lake County, Utah—Supplemental Information'' and identified in the document of Salt Lake County, Utah, dated July 30, 1998, at a total cost of $12,870,000, with an estimated Federal cost of $8,580,000 and an estimated non-Federal cost of $4,290,000.

SEC. 358. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.

Notwithstanding any other provision of law, after September 30, 1999, the city of Chesapeake, Virginia, shall not be obligated to make the annual cash contribution required under paragraph 1(9) of the Local Cooperation Agreement dated December 12, 1978, between the Government and the city for the project for navigation, southern branch of Elizabeth River, Chesapeake, Virginia.

SEC. 359. BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.

Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810) is amended by striking ''take such measures as are technologically feasible'' and inserting ''implement Plan C/G, as defined in the Evaluation Report of the District Engineer, dated December 1996,''.

SEC. 360. GREENBRIER BASIN, WEST VIRGINIA.

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790) is amended by striking ''$12,000,000'' and inserting ''$73,000,000.''

SEC. 361. MOOREFIELD, WEST VIRGINIA.

Effective October 1, 1999, the project for flood control, Moorefield, West Virginia, authorized by section 101(a)(25) of the Water Resources Development Act of 1990 (104 Stat. 4610-4611), is modified to provide that the non-Federal interest shall not be required to pay the unpaid balance, including interest, of the non-Federal share of the cost of the project.

SEC. 362. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.

Section 581(a) of the Water Resources Development Act of 1996 (110 Stat. 3790) is amended to read as follows:

''(a) IN GENERAL.—The Secretary may design and construct—

''(1) flood control measures in the Cheat and Tygart River basins, West Virginia, at a level of protection that is sufficient to prevent any future losses to these communities from flooding

such as occurred in January 1996 but no less than a 100-year level of protection; and

''(2) structural and nonstructural flood control, streambank protection, stormwater management, and channel clearing and modification measures in the Lower Allegheny, Lower Monongahela, West Branch Susquehanna, and Juniata River basins, Pennsylvania, at a level of protection that is sufficient to prevent any future losses to communities in these basins from flooding such as occurred in January 1996, but no less than a 100-year level of flood protection with respect to those measures that incorporate levees or floodwalls.''.

SEC. 363. PROJECT REAUTHORIZATIONS.

(a) LEE CREEK, ARKANSAS AND OKLAHOMA.—The project for flood protection on Lee Creek, Arkansas and Oklahoma, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1078) and deauthorized pursuant to section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)), is authorized to be carried out by the Secretary.

(b) INDIAN RIVER COUNTY, FLORIDA.—The project for shore protection, Indian River County, Florida, authorized by section 501 of the Water Resources and Development Act of 1986 (100 Stat. 4134) and deauthorized pursuant to section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)), is authorized to be carried out by the Secretary.

(c) LIDO KEY, FLORIDA.—The project for shore protection, Lido Key, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819) and deauthorized pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C 579a(b)(2)), is authorized to be carried out by the Secretary.

(d) ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA.—

(1) IN GENERAL.—The project for shore protection and storm damage reduction, St. Augustine, St. Johns County, Florida, authorized by section 501 of the Water Resources Development Act of 1986 and deauthorized pursuant to section 1001(a) of such Act (33 U.S.C. 579a(a)), is authorized to include navigation mitigation as a project purpose and to be carried out by the Secretary substantially in accordance with the General Reevaluation Report dated November 18, 1998, at a total cost of $16,086,000, with an estimated Federal cost of $12,949,000 and an estimated non-Federal cost of $3,137,000.

(2) PERIODIC NOURISHMENT.—The Secretary is authorized to carry out periodic nourishment for the project for a 50-year period at an estimated average annual cost of $1,251,000, with an estimated annual Federal cost of $1,007,000 and an estimated annual non-Federal cost of $244,000.

(e) CASS RIVER, MICHIGAN (VASSAR).—The project for flood protection, Cass River, Michigan (Vassar), authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311) and deauthorized pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), is authorized to be carried out by the Secretary.

(f) SAGINAW RIVER, MICHIGAN (SHIAWASSEE FLATS).—The project for flood control, Saginaw River, Michigan (Shiawassee Flats), authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311) and deauthorized pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), is authorized to be carried out by the Secretary.

(g) PARK RIVER, GRAFTON, NORTH DAKOTA.—The project for flood control, Park River, Grafton, North Dakota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121) and deauthorized pursuant to section 1001(a) of such Act (33 U.S.C. 579a(a)), is authorized to be carried out by the Secretary.

(h) MEMPHIS HARBOR, MEMPHIS, TENNESSEE.—The project for navigation, Memphis Harbor, Memphis, Tennessee, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4145) and deauthorized pursuant to 1001(a) of such Act (33 U.S.C 579a(a)), is authorized to be carried out by the Secretary.

SEC. 364. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) BRIDGEPORT HARBOR, CONNECTICUT.—That portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), consisting of a 2.4-acre anchorage area, 9 feet deep, and an adjacent 0.6-acre anchorage, 6 feet deep, located on the west side of Johnsons River.

(2) CLINTON HARBOR, CONNECTICUT.—That portion of the project for navigation, Clinton Harbor, Connecticut, authorized by the Rivers and Harbors Act of 1945, House Document 240, 76th Congress, 1st Session, lying upstream of a line designated by the 2 points N158,592.12, E660,193.92 and N158,444.58, E660,220.95.

(3) BASS HARBOR, MAINE.—The following portions of the project for navigation, Bass Harbor, Maine, authorized on May 7, 1962, under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) Beginning at a bend in the project, N149040.00, E538505.00, thence running easterly about 50.00 feet along the northern limit of the project to a point N149061.55, E538550.11, thence running southerly about 642.08 feet to a point, N14877.64, E538817.18, thence running southwesterly about 156.27 feet to a point on the westerly limit of the project, N148348.50, E538737.02, thence running northerly about 149.00 feet along the westerly limit of the project to a bend in the project, N148489.22, E538768.09, thence running northwesterly about 610.39 feet along the westerly limit of the project to the point of origin.

(B) Beginning at a point on the westerly limit of the project, N148118.55, E538689.05, thence running southeasterly about 91.92 feet to a point, N148041.43, E538739.07, thence running southerly about 65.00 feet to a point, N147977.86, E538725.51, thence running southwesterly about 91.92 feet to a point on the westerly limit of the project, N147927.84, E538648.39, thence running northerly about 195.00 feet along the westerly limit of the project to the point of origin.

(4) BOOTHBAY HARBOR, MAINE.—The project for navigation, Boothbay Harbor, Maine, authorized by the River and Harbor Act of 1912 (37 Stat. 201).

(5) BUCKSPORT HARBOR, MAINE.—That portion of the project for navigation, Bucksport Harbor, Maine, authorized by the River and Harbor Act of 1902, consisting of a 16-foot deep channel beginning at a point N268.748.16, E423.390.76, thence running north 47 degrees 02 minutes 23 seconds east 51.76 feet to a point N268.783.44, E423.428.64, thence running north 67 degrees 54 minutes 32 seconds west 1513.94 feet to a point N269.352.81, E422.025.84, thence running south 47 degrees 02 minutes 23 seconds west 126.15 feet to a point N269.266.84, E421.933.52, thence running south 70 degrees 24 minutes 28 seconds east 1546.79 feet to the point of origin.

(6) EAST BOOTHBAY HARBOR, MAINE.—The project for navigation, East Boothbay Harbor, Maine, authorized by the first section of the Act entitled, ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 25, 1910 (36 Stat. 631).

(7) WELLS HARBOR, MAINE.—The following portions of the project for navigation, Wells Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480):

(A) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,992.00, E394,831.00, thence running south 83 degrees 58 minutes 14.8 seconds west 10.38 feet to a point N177,990.91, E394,820.68, thence running south 11 degrees 46 minutes 47.7 seconds west 991.76 feet to a point N177,020.04, E394,618.21, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,018.00, E394,628.00, thence running north 11 degrees 46 minutes 22.8 seconds east 994.93 feet to the point of origin.

(B) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N177,778.07, E394,336.96, thence running south 51 degrees 58 minutes 32.7 seconds west 15.49 feet to a point N177,768.53, E394,324.76, thence running south 11 degrees 46 minutes 26.5 seconds west 672.87 feet to a point N177,109.82, E394,187.46, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,107.78, E394,197.25, thence running north 11 degrees 46 minutes 25.4 seconds east 684.70 feet to the point of origin.

(C) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,107.78, E394,197.25, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,109.82, E394,187.46, thence running south 11 degrees 46 minutes 15.7 seconds west 300.00 feet to a point N176,816.13, E394,126.26, thence running south 78 degrees 12 minutes 21.4 seconds east 9.98 feet to a point N176,814.09, E394,136.03, thence running north 11 degrees 46 minutes 29.1 seconds east 300.00 feet to the point of origin.

(D) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,018.00, E394,628.00, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,020.04, E394,618.21, thence running south 11 degrees 46 minutes 44.0 seconds west 300.00 feet to a point N176,726.36, E394,556.97, thence running south 78 degrees 12 minutes 30.3 seconds east 10.03 feet to a point N176,724.31, E394,566.79, thence running north 11 degrees 46 minutes 22.4 seconds east 300.00 feet to the point of origin.

(8) FALMOUTH HARBOR, MASSACHUSETTS.—That portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 lying southeasterly of a line commencing at a point N199,286.41, E844,394.91, thence running north 66 degrees 52 minutes 3.31 seconds east 472.95 feet to a point N199,472.21, E844,829.83, thence running north 43 degrees 9 minutes 28.3 seconds east 262.64 feet to a point N199,633.80, E845,009.48, thence running north 21 degrees 40 minutes 11.26 seconds east 808.38 feet to a point N200,415.05, E845,307.98, thence running north 32 degrees 25 minutes 29.01 seconds east 160.76 feet to a point N200,550.75, E845,394.18, thence running north 24 degrees 56 minutes 42.29 seconds east 1,410.29 feet to a point N201,829.48, E845,988.97.

(9) GREEN HARBOR, MASSACHUSETTS.—That portion of the project for navigation, Green Harbor, Massachusetts, undertaken pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), consisting of the 6-foot deep channel beginning at a point along the west limit of the existing project, North 395990.43, East 831079.16, thence running northwesterly about 752.85 feet to a point, North 396722.80, East 830904.76, thence running northwesterly about 222.79 feet to a point along the west limit of the existing project, North 396844.34, East 830718.04, thence running southwesterly about 33.72 feet along the west limit of the existing project to a point, North 396810.80, East 830714.57, thence running southeasterly about 195.42 feet along the west limit of the existing project to a point, North 396704.19, East

830878.35, thence running about 544.66 feet along the west limit of the existing project to a point, North 396174.35, East 831004.52, thence running southeasterly about 198.49 feet along the west limit of the existing project to the point of beginning.

(10) NEW BEDFORD AND FAIRHAVEN HARBOR, MASSACHUSETTS.—The following portions of the project for navigation, New Bedford and Fairhaven Harbor, Massachusetts:

(A) A portion of the 25-foot spur channel leading to the west of Fish Island, authorized by the River and Harbor Act of 3 March 1909, beginning at a point with coordinates N232,173.77, E758,791.32, thence running south 27 degrees 36 minutes 52.8 seconds west 38.2 feet to a point N232,139.91, E758,773.61, thence running south 87 degrees 35 minutes 31.6 seconds west 196.84 feet to a point N232,131.64, E758,576.94, thence running north 47 degrees 47 minutes 48.4 seconds west 502.72 feet to a point N232,469.35, E758,204.54, thence running north 10 degrees 10 minutes 20.3 seconds west 438.88 feet to a point N232,901.33, E758,127.03, thence running north 79 degrees 49 minutes 43.1 seconds east 121.69 feet to a point N232,922.82, E758,246.81, thence running south 04 degrees 29 minutes 17.6 seconds east 52.52 feet to a point N232,870.46, E758,250.92, thence running south 23 degrees 56 minutes 11.2 seconds east 49.15 feet to a point N323,825.54, E758,270.86, thence running south 79 degrees 49 minutes 27.0 seconds west 88.19 feet to a point N232,809.96, E758,184.06, thence running south 10 degrees 10 minutes 25.7 seconds east 314.83 feet to a point N232,500.08, E758,239.67, thence running south 56 degrees 33 minutes 56.1 seconds east 583.07 feet to a point N232,178.82, E758,726.25, thence running south 85 degrees 33 minutes 16.0 seconds east to the point of origin.

(B) A portion of the 30-foot west maneuvering basin, authorized by the River and Harbor Act of 3 July 1930, beginning at a point with coordinates N232,139.91, E758,773.61, thence running north 81 degrees 49 minutes 30.1 seconds east 160.76 feet to a point N232,162.77, E758.932.74, thence running north 85 degrees 33 minutes 16.0 seconds west 141.85 feet to a point N232,173.77, E758,791.32, thence running south 27 degrees 36 minutes 52.8 seconds west to the point of origin.

(b) ANCHORAGE AREA, CLINTON HARBOR, CONNECTICUT.—That portion of the Clinton Harbor, Connecticut, navigation project referred to in subsection (a)(2) beginning at a point beginning: N158,444.58, E660,220.95, thence running north 79 degrees 37 minutes 14 seconds east 833.31 feet to a point N158,594.72, E661,040.67, thence running south 80 degrees 51 minutes 53 seconds east 181.21 feet to a point N158,565.95, E661,219.58, thence running north 57 degrees 38 minutes 04 seconds west 126.02 feet to a point N158,633.41, E660,113.14, thence running south 79 degrees 37 minutes 14 seconds west 911.61 feet to a point N158,469.17, E660,216.44, thence running south 10 degrees 22 minutes 46 seconds east 25 feet returning to a point N158,444.58, E660,220.95 is redesignated as an anchorage area.

(c) WELLS HARBOR, MAINE.—

(1) PROJECT MODIFICATION.—The project for navigation, Wells Harbor, Maine, navigation project referred to in subsection (a)(7) is modified to authorize the Secretary to realign the channel and anchorage areas based on a harbor design capacity of 150 craft.

(2) REDESIGNATIONS.—

(A) 6-FOOT ANCHORAGE.—The following portions of the project for navigation, Wells Harbor, Maine, navigation project referred to in subsection (a)(7) shall be redesignated as part of the 6-foot anchorage:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,990.91, E394,820.68, thence running south 83 degrees 58 minutes 40.8 seconds west 94.65 feet to a point N177,980.98, E394,726.55, thence running south 11 degrees 46 minutes 22.4 seconds west 962.83 feet to a point N177,038.40, E394,530.10, thence running south 78 degrees 13 minutes 45.7 seconds east 90.00 feet to a point N177,020.04, E394,618.21, thence running north 11 degrees 46 minutes 47.7 seconds east 991.76 feet to the point of origin.

(ii) The portion of the 10-foot inner harbor settling basin the boundaries of which begin at a point with coordinates N177,020.04, E394,618.21, thence running north 78 degrees 13 minutes 30.5 seconds west 160.00 feet to a point N177,052.69, E394,461.58, thence running south 11 degrees 46 minutes 45.4 seconds west 299.99 feet to a point N176,759.02, E394,400.34, thence running south 78 degrees 13 minutes 17.9 seconds east 160 feet to a point N176,726.36, E394,556.97, thence running north 11 degrees 46 minutes 44.0 seconds east 300.00 feet to the point of origin.

(B) 6-FOOT CHANNEL.—The following portion of the project for navigation, Wells Harbor, Maine, navigation project referred to in subsection (a)(7) shall be redesignated as part of the 6-foot channel: the portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N178,102.26, E394,751.83, thence running south 51 degrees 59 minutes 42.1 seconds west 526.51 feet to a point N177,778.07, E394,336.96, thence running south 11 degrees 46 minutes 26.6 seconds west 511.83 feet to a point N177,277.01, E394,232.52, thence running south 78 degrees 13 minutes 17.9 seconds east 80.00 feet to a point N177,260.68, E394,310.84, thence running north 11 degrees 46 minutes 24.8 seconds east 482.54 feet to a point N177,733.07, E394,409.30, thence running north 51 degrees 59 minutes 41.0 seconds east 402.63 feet to a point N177,980.98, E394,726.55, thence running north 11 degrees 46 minutes 27.6 seconds east 123.89 feet to the point of origin.

(3) REALIGNMENT.—The 6-foot anchorage area described in paragraph (2)(B) shall be realigned to include the area located south of the inner harbor settling basin in existence on the date of enactment of this Act beginning at a point with coordinates N176,726.36, E394,556.97, thence running north 78 degrees 13 minutes 17.9 seconds west 160.00 feet to a point N176,759.02, E394,400.34, thence running south 11 degrees 47 minutes 03.8 seconds west 45 feet to a point N176,714.97, E394,391.15, thence running south 78 degrees 13 minutes 17.9 seconds 160.00 feet to a point N176,682.31, E394,547.78, thence running north 11 degrees 47 minutes 03.8 seconds east 45 feet to the point of origin.

(4) RELOCATION.—The Secretary may relocate the settling basin feature of the project for navigation, Wells Harbor, Maine, navigation project referred to in subsection (a)(7) to the outer harbor between the jetties.

(d) ANCHORAGE AREA, GREEN HARBOR, MASSACHUSETTS.—The portion of the Green Harbor, Massachusetts, navigation project referred to in subsection (a)(9) consisting of a 6-foot deep channel that lies northerly of a line whose coordinates are North 394825.00, East 831660.00 and North 394779.28, East 831570.64 is redesignated as an anchorage area.

SEC. 365. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.

(a) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662–3663), is modified to direct the Secretary to include the following improvements as part of the overall project:

(1) Raising the left bank of the non-Federal levee upstream of the Mayhew Drain for a distance of 4,500 feet by an average of 2.5 feet.

(2) Raising the right bank of the American River levee from 1,500 feet upstream to 4,000 feet downstream of the Howe Avenue bridge by an average of 1 feet.

(3) Modifying the south levee of the Natomas Cross Canal for a distance of 5 miles to ensure that the south levee is consistent with the level of protection provided by the authorized levee along the east bank of the Sacramento River.

(4) Modifying the north levee of the Natomas Cross Canal for a distance of 5 miles to ensure that the height of the levee is equivalent to the height of the south levee as authorized by paragraph (3).

(5) Installing gates to the existing Mayhew Drain culvert and pumps to prevent backup of floodwater on the Folsom Boulevard side of the gates.

(6) Installation of a slurry wall in the north levee of the American River from the east levee of the Natomas east Main Drain upstream for a distance of approximately 1.2 miles.

(7) Installation of a slurry wall in the north levee of the American River from 300 feet west of Jacob Lane north for a distance of approximately 1 mile to the end of the existing levee.

(b) COST LIMITATIONS.—Section 101(a)(1)(A) of the Water Resources Development Act of 1996 (110 Stat. 3662) is amended by striking ''at a total cost of'' and all that follows through ''$14,225,000,'' and inserting the following: ''at a total cost of $91,900,000, with an estimated Federal cost of $68,925,000 and an estimated non-Federal cost of $22,975,000,''.

(c) COST SHARING.—For purposes of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), the modifications authorized by this section shall be subject to the same cost sharing in effect for the project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662).

SEC. 366. MARTIN, KENTUCKY.

The project for flood control, Martin, Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339) is modified to authorize the Secretary to take all necessary measures to prevent future losses that would occur from a flood equal in magnitude to a 100-year frequency event.

TITLE IV—STUDIES

SEC. 401. UPPER MISSISSIPPI AND ILLINOIS RIVERS LEVEES AND STREAMBANKS PROTECTION.

The Secretary shall conduct a study of erosion damage to levees and infrastructure on the upper Mississippi and Illinois Rivers and the impact of increased barge and pleasure craft traffic on deterioration of levees and other flood control structures on such rivers.

SEC. 402. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

(a) DEVELOPMENT.—The Secretary shall develop a plan to address water and related land resources problems and opportunities in the Upper Mississippi and Illinois River Basins, extending from Cairo, Illinois, to the headwaters of the Mississippi River, in the interest of systemic flood damage reduction by means of a mixture of structural and nonstructural flood control and floodplain management strategies, continued maintenance of the navigation project, management of bank caving and erosion, watershed nutrient and sediment management, habitat management, recreation needs, and other related purposes.

(b) CONTENTS.—The plan shall contain recommendations on future management plans and actions to be carried out by the responsible Federal and non-Federal entities and shall specifically address recommendations to authorize construction of a systemic flood control project in

accordance with a plan for the Upper Mississippi River. The plan shall include recommendations for Federal action where appropriate and recommendations for follow-on studies for problem areas for which data or current technology does not allow immediate solutions.

(c) CONSULTATION AND USE OF EXISTING DATA.—The Secretary shall consult with appropriate State and Federal agencies and shall make maximum use of existing data and ongoing programs and efforts of States and Federal agencies in developing the plan.

(d) COST SHARING.—Development of the plan under this section shall be at Federal expense. Feasibility studies resulting from development of such plan shall be subject to cost sharing under section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(e) REPORT.—The Secretary shall submit a report that includes the comprehensive plan to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate not later than 3 years after the date of enactment of this Act.

SEC. 403. EL DORADO, UNION COUNTY, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of improvements to regional water supplies for El Dorado, Union County, Arkansas.

SEC. 404. SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.

The Secretary shall conduct a study of the potential water quality problems and pollution abatement measures in the watershed in and around Sweetwater Reservoir, San Diego County, California.

SEC. 405. WHITEWATER RIVER BASIN, CALIFORNIA.

The Secretary shall undertake and complete a feasibility study for flood damage reduction in the Whitewater River basin, California, and, based upon the results of such study, give priority consideration to including the recommended project, including the Salton Sea wetlands restoration project, in the flood mitigation and riverine restoration pilot program authorized in section 214 of this Act.

SEC. 406. LITTLE ECONLACKHATCHEE RIVER BASIN, FLORIDA.

The Secretary shall conduct a study of pollution abatement measures in the Little Econlackhatchee River basin, Florida.

SEC. 407. PORT EVERGLADES INLET, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of carrying out a sand bypass project at Port Everglades Inlet, Florida.

SEC. 408. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS AND WISCONSIN.

(a) IN GENERAL.—The Secretary is directed to conduct a study of the upper Des Plaines River and tributaries, Illinois and Wisconsin, upstream of the confluence with Salt Creek at Riverside, Illinois, to determine the feasibility of improvements in the interests of flood damage reduction, environmental restoration and protection, water quality, recreation, and related purposes.

(b) SPECIAL RULE.—In conducting the study, the Secretary may not exclude from consideration and evaluation flood damage reduction measures based on restrictive policies regarding the frequency of flooding, drainage area, and amount of runoff.

SEC. 409. CAMERON PARISH WEST OF CALCASIEU RIVER, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for storm damage reduction and environmental restoration, Cameron Parish west of Calcasieu River, Louisiana.

SEC. 410. GRAND ISLE AND VICINITY, LOUISIANA.

In carrying out a study of the storm damage reduction benefits to Grand Isle and vicinity, Louisiana, the Secretary shall include benefits that a storm damage reduction project for Grand Isle and vicinity, Louisiana, may have on the mainland coast of Louisiana as project benefits attributable to the Grand Isle project.

SEC. 411. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA.

(a) IN GENERAL.—The Secretary shall complete a post-authorization change report on the project for hurricane-flood protection, Lake Pontchartrain, Louisiana, and vicinity, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), to incorporate and accomplish structural modifications to the seawall fronting protection along the south shore of Lake Pontchartrain from the New Basin Canal on the west to the Inner harbor Navigation Canal on the east.

(b) REPORT.—The Secretary shall ensure expeditious completion of the post-authorization change report required by subsection (a) not later than 180 days after the date of enactment of this section.

SEC. 412. WESTPORT, MASSACHUSETTS.

The Secretary shall conduct a study to determine the feasibility of carrying out a navigation project for the town of Westport, Massachusetts, and the possible beneficial uses of dredged material for shoreline protection and storm damage reduction in the area. In determining the benefits of the project, the Secretary shall include the benefits derived from using dredged material for shoreline protection and storm damage reduction.

SEC. 413. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

The Secretary shall undertake and complete a feasibility study for flood damage reduction in the Southwest Valley, Albuquerque, New Mexico, and, based upon the results of such study, give priority consideration to including the recommended project in the flood mitigation and riverine restoration pilot program authorized in section 214 of this Act.

SEC. 414. CAYUGA CREEK, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control for Cayuga Creek, New York.

SEC. 415. ARCOLA CREEK WATERSHED, MADISON, OHIO.

The Secretary shall conduct a study to determine the feasibility of a project to provide environmental restoration and protection for the Arcola Creek watershed, Madison, Ohio.

SEC. 416. WESTERN LAKE ERIE BASIN, OHIO, INDIANA, AND MICHIGAN.

(a) IN GENERAL.—The Secretary shall conduct a study to develop measures to improve flood control, navigation, water quality, recreation, and fish and wildlife habitat in a comprehensive manner in the western Lake Erie basin, Ohio, Indiana, and Michigan, including watersheds of the Maumee, Ottawa, and Portage Rivers.

(b) COOPERATION.—In carrying out the study, the Secretary shall cooperate with interested Federal, State, and local agencies and nongovernmental organizations and consider all relevant programs of such agencies.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study, including findings and recommendations.

SEC. 417. SCHUYLKILL RIVER, NORRISTOWN, PENNSYLVANIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control for Schuylkill River, Norristown, Pennsylvania, including improvement to existing stormwater drainage systems.

SEC. 418. LAKES MARION AND MOULTRIE, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for Lakes Marion and Moultrie to provide water supply, treatment, and distribution to Calhoun, Clarendon, Colleton, Dorchester, Orangeburg, and Sumter Counties, South Carolina.

SEC. 419. DAY COUNTY, SOUTH DAKOTA.

The Secretary shall conduct an investigation of flooding and other water resources problems between the James River and Big Sioux watersheds in South Dakota and an assessment of flood damage reduction needs of the area.

SEC. 420. CORPUS CHRISTI, TEXAS.

The Secretary shall include, as part of the study authorized in a resolution of the Committee on Public Works and Transportation of the House of Representatives, dated August 1, 1990, a review of two 175-foot-wide barge shelves on either side of the navigation channel at the Port of Corpus Christi, Texas.

SEC. 421. MITCHELL'S CUT CHANNEL (CANEY FORK CUT), TEXAS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Mitchell's Cut Channel (Caney Fork Cut), Texas.

SEC. 422. MOUTH OF COLORADO RIVER, TEXAS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation at the mouth of the Colorado River, Texas, to provide a minimum draft navigation channel extending from the Colorado River through Parkers Cut (also known as ''Tiger Island Cut''), or an acceptable alternative, to Matagorda Bay.

SEC. 423. KANAWHA RIVER, FAYETTE COUNTY, WEST VIRGINIA.

The Secretary shall conduct a study to determine the feasibility of developing a public port along the Kanawha River in Fayette County, West Virginia, at a site known as ''Longacre''.

SEC. 424. WEST VIRGINIA PORTS.

The Secretary shall conduct a study to determine the feasibility of expanding public port development in West Virginia along the Ohio River and navigable portion of the Kanawha River from its mouth to river mile 91.0

SEC. 425. GREAT LAKES REGION COMPREHENSIVE STUDY.

(a) STUDY.—The Secretary shall conduct a comprehensive study of the Great Lakes region to ensure the future use, management, and protection of water and related resources of the Great Lakes basin. Such study shall include a comprehensive management plan specifically for St. Clair River and Lake St. Clair.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes the strategic plan for Corps of Engineers programs in the Great Lakes basin and details of proposed Corps of Engineers environmental, navigation, and flood damage reduction projects in the region.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,400,000 for fiscal years 2000 through 2003.

SEC. 426. NUTRIENT LOADING RESULTING FROM DREDGED MATERIAL DISPOSAL.

(a) STUDY.—The Secretary shall conduct a study of nutrient loading that occurs as a result of discharges of dredged material into open-water sites in the Chesapeake Bay.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 427. SANTEE DELTA FOCUS AREA, SOUTH CAROLINA.

The Secretary shall conduct a study of the Santee Delta focus area, South Carolina, to determine the feasibility of carrying out a project

for enhancing wetlands values and public recreational opportunities in the area.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. CORPS ASSUMPTION OF NRCS PROJECTS.

(a) LLAGAS CREEK, CALIFORNIA.—The Secretary is authorized to complete the remaining reaches of the Natural Resources Conservation Service's flood control project at Llagas Creek, California, undertaken pursuant to section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), substantially in accordance with the Natural Resources Conservation Service watershed plan for Llagas Creek, Department of Agriculture, and in accordance with the requirements of local cooperation as specified in section 4 of such Act, at a total cost of $45,000,000, with an estimated Federal cost of $21,800,000 and an estimated non-Federal cost of $23,200,000.

(b) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—

(1) IN GENERAL.—The Thornton Reservoir project, an element of the project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to include additional permanent flood control storage attributable to the Natural Resources Conservation Service Thornton Reservoir (Structure 84), Little Calumet River Watershed, Illinois, approved under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.).

(2) COST SHARING.—Costs for the Thornton Reservoir project shall be shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(3) TRANSITIONAL STORAGE.—The Secretary of Agriculture may cooperate with non-Federal interests to provide, on a transitional basis, flood control storage for the Natural Resources Conservation Service Thornton Reservoir (Structure 84) in the west lobe of the Thornton quarry in advance of Corps' construction.

(4) CREDITING.—The Secretary may credit against the non-Federal share of the Thornton Reservoir project all design, lands, easements, rights-of-way (as of the date of authorization), and construction costs incurred by the non-Federal interests before the signing of the project cooperation agreement.

(5) REEVALUATION REPORT.—The Secretary shall determine the credits authorized by paragraph (4) that are integral to the Thornton Reservoir project and the current total project costs based on a limited reevaluation report.

SEC. 502. CONSTRUCTION ASSISTANCE.

Section 219(e) of the Water Resources Development Act of 1992 (106 Stat. 4836–4837) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) $25,000,000 for the project described in subsection (c)(2);

''(6) $20,000,000 for the project described in subsection (c)(9);

''(7) $30,000,000 for the project described in subsection (c)(16); and

''(8) $30,000,000 for the project described in subsection (c)(17).''.

SEC. 503. CONTAMINATED SEDIMENT DREDGING TECHNOLOGY.

(a) CONTAMINATED SEDIMENT DREDGING PROJECT.—

(1) REVIEW.—The Secretary shall conduct a review of innovative dredging technologies designed to minimize or eliminate contamination of a water column upon removal of contaminated sediments. The Secretary shall complete such review by June 1, 2001.

(2) TESTING.—After completion of the review under paragraph (1), the Secretary shall select the technology of those reviewed that the Secretary determines will increase the effectiveness of removing contaminated sediments and significantly reduce contamination of the water column. Not later than December 31, 2001, the Secretary shall enter into an agreement with a public or private entity to test such technology in the vicinity of Peoria Lakes, Illinois.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 504. DAM SAFETY.

(a) ASSISTANCE.—The Secretary is authorized to provide assistance to enhance dam safety at the following locations:

(1) Healdsburg Veteran's Memorial Dam, California

(2) Felix Dam, Pennsylvania

(3) Kehly Run Dam, Pennsylvania

(4) Owl Creek Reservoir, Pennsylvania

(5) Sweet Arrow Lake Dam, Pennsylvania

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $6,000,000 to carry out this section.

SEC. 505. GREAT LAKES REMEDIAL ACTION PLANS.

Section 401(a)(2) of the Water Resources Development Act of 1990 (110 Stat. 3763) is amended by adding at the end the following: ''Nonprofit public or private entities may contribute all or a portion of the non-Federal share.''.

SEC. 506. SEA LAMPREY CONTROL MEASURES IN THE GREAT LAKES.

(a) IN GENERAL.—In conjunction with the Great Lakes Fishery Commission, the Secretary is authorized to undertake a program for the control of sea lampreys in and around waters of the Great Lakes. The program undertaken pursuant to this section may include projects which consist of either structural or nonstructural measures or a combination thereof.

(b) COST SHARING.—Projects carried out under this section on lands owned by the United States shall be carried out at full Federal expense. The non-Federal share of the cost of any such project undertaken on lands not in Federal ownership shall be 35 percent.

(c) NON-FEDERAL INTERESTS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), the Secretary, after coordination with the appropriate State and local government officials having jurisdiction over an area in which a project under this section will be carried out, may allow a nonprofit entity to serve as the non-Federal interest for the project.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2000 through 2005.

SEC. 507. MAINTENANCE OF NAVIGATION CHANNELS.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended by adding at the end the following:

''(12) Acadiana Navigation Channel, Louisiana.

''(13) Contraband Bayou, Louisiana, as part of the Calcasieu River and Pass Ship Channel.

''(14) Lake Wallula Navigation Channel, Washington.

''(15) Wadley Pass (also known as McGriff Pass), Suwanee River, Florida.''.

SEC. 508. MEASUREMENT OF LAKE MICHIGAN DIVERSIONS.

Section 1142(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20 note; 100 Stat. 4253) is amended by striking ''$250,000'' and inserting ''$1,250,000''.

SEC. 509. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.

(a) AUTHORIZED ACTIVITIES.—Section 1103(e)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)) is amended—

(1) by inserting ''and'' at the end of subparagraph (A);

(2) in subparagraph (B) by striking ''long-term resource monitoring program; and'' and inserting ''long-term resource monitoring, computerized data inventory and analysis, and applied research program.''; and

(3) by striking subparagraph (C) and inserting the following:

''In carrying out subparagraph (A), the Secretary shall establish an independent technical advisory committee to review projects, monitoring plans, and habitat and natural resource needs assessments.''.

(b) REPORTS.—Section 1103(e)(2) of such Act (33 U.S.C. 652(e)(2)) is amended to read as follows:

''(2) REPORTS.—Not later than December 31, 2004, and not later than December 31st of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall transmit to Congress a report that—

''(A) contains an evaluation of the programs described in paragraph (1);

''(B) describes the accomplishments of each of such programs;

''(C) provides updates of a systemic habitat needs assessment; and

''(D) identifies any needed adjustments in the authorization.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1103(e) of such Act (33 U.S.C. 652(e)) is amended—

(1) in paragraph (3) by striking ''not to exceed'' and all that follows before the period at the end and inserting ''$22,750,000 for fiscal year 1999 and each fiscal year thereafter'';

(2) in paragraph (4) by striking ''not to exceed'' and all that follows before the period at the end and inserting ''$10,420,000 for fiscal year 1999 and each fiscal year thereafter''; and

(3) by striking paragraph (5) and inserting the following:

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)(A) $350,000 for each of fiscal years 1999 through 2009.''.

(d) TRANSFER OF AMOUNTS.—Section 1103(e)(6) of such Act is amended to read as follows:

''(6) TRANSFER OF AMOUNTS.—For fiscal year 1999, and each fiscal year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer not to exceed 20 percent of the amounts appropriated to carry out subparagraph (A) or (B) of paragraph (1) to the amounts appropriated to carry out the other of such subparagraphs.''.

(e) HABITAT NEEDS ASSESSMENT.—Section 1103(h)(2) of such Act (33 U.S.C. 652(h)(2)) is amended by adding at the end the following: ''The Secretary shall complete the on-going habitat needs assessment conducted under this paragraph not later than September 30, 2000, and shall include in each report required by subsection (e)(2) the most recent habitat needs assessment conducted under this paragraph.''.

(f) CONFORMING AMENDMENTS.—Section 1103 of such Act (33 U.S.C. 652) is amended—

(1) in subsection (e)(7) by striking ''paragraphs (1)(B) and (1)(C)'' and inserting ''paragraph (1)(B)''; and

(2) in subsection (f)(2)—

(A) by striking ''(2)(A)'' and inserting ''(2)''; and

(B) by striking subparagraph (B).

SEC. 510. ATLANTIC COAST OF NEW YORK MONITORING.

Section 404(c) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended by striking ''1993, 1994, 1995, 1996, and 1997'' and inserting ''1993 through 2003''.

SEC. 511. WATER CONTROL MANAGEMENT.

(a) IN GENERAL.—In evaluating potential improvements for water control management activities and consolidation of water control management centers, the Secretary may consider a regionalized water control management plan but may not implement such a plan until the date on which a report is transmitted under subsection (b).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate a report containing the following:

(1) A description of the primary objectives of streamlining water control management activities.

(2) A description of the benefits provided by streamlining water control management activities through consolidation of centers for such activities.

(3) A determination of whether or not benefits to users of regional water control management centers will be retained in each district office of the Corps of Engineers that does not have a regional center.

(4) A determination of whether or not users of such regional centers will receive a higher level of benefits from streamlining water management control management activities.

(5) A list of the Members of Congress who represent a district that currently includes a water control management center that is to be eliminated under a proposed regionalized plan.

SEC. 512. BENEFICIAL USE OF DREDGED MATERIAL.

The Secretary is authorized to carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) BODEGA BAY, CALIFORNIA.—A project to make beneficial use of dredged materials from a Federal navigation project in Bodega Bay, California.

(2) SABINE REFUGE, LOUISIANA.—A project to make beneficial use of dredged materials from Federal navigation projects in the vicinity of Sabine Refuge, Louisiana.

(3) HANCOCK, HARRISON, AND JACKSON COUNTIES, MISSISSIPPI.—A project to make beneficial use of dredged material from a Federal navigation project in Hancock, Harrison, and Jackson Counties, Mississippi.

(4) ROSE CITY MARSH, ORANGE COUNTY, TEXAS.—A project to make beneficial use of dredged material from a Federal navigation project in Rose City Marsh, Orange County, Texas.

(5) BESSIE HEIGHTS MARSH, ORANGE COUNTY, TEXAS.—A project to make beneficial use of dredged material from a Federal navigation project in Bessie Heights Marsh, Orange County, Texas.

SEC. 513. DESIGN AND CONSTRUCTION ASSISTANCE.

Section 507(2) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended to read as follows:

''(2) Expansion and improvement of Long Pine Run Dam and associated water infrastructure in accordance with the requirements of subsections (b) through (e) of section 313 of the Water Resources Development Act of 1992 (106 Stat. 4845) at a total cost of $20,000,000.''.

SEC. 514. LOWER MISSOURI RIVER AQUATIC RESTORATION PROJECTS.

(a) IN GENERAL.—Not later than 1 year after funds are made available for such purposes, the Secretary shall complete a comprehensive report—

(1) identifying a general implementation strategy and overall plan for environmental restoration and protection along the Lower Missouri River between Gavins Point Dam and the confluence of the Missouri and Mississippi Rivers; and

(2) recommending individual environmental restoration projects that can be considered by the Secretary for implementation under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330; 110 Stat. 3679–3680).

(b) SCOPE OF PROJECTS.—Any environmental restoration projects recommended under subsection (a) shall provide for such activities and measures as the Secretary determines to be necessary to protect and restore fish and wildlife habitat without adversely affecting private property rights or water related needs of the region surrounding the Missouri River, including flood control, navigation, and enhancement of water supply, and shall include some or all of the following components:

(1) Modification and improvement of navigation training structures to protect and restore fish and wildlife habitat.

(2) Modification and creation of side channels to protect and restore fish and wildlife habitat.

(3) Restoration and creation of fish and wildlife habitat.

(4) Physical and biological monitoring for evaluating the success of the projects.

(c) COORDINATION.—To the maximum extent practicable, the Secretary shall integrate projects carried out in accordance with this section with other Federal, tribal, and State restoration activities.

(d) COST SHARING.—The report under subsection (a) shall be undertaken at full Federal expense.

SEC. 515. AQUATIC RESOURCES RESTORATION IN THE NORTHWEST.

(a) IN GENERAL.—In cooperation with other Federal agencies, the Secretary is authorized to develop and implement projects for fish screens, fish passage devices, and other similar measures agreed to by non-Federal interests and relevant Federal agencies to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, and Idaho.

(b) PROCEDURE AND PARTICIPATION.—

(1) CONSULTATION REQUIREMENT; USE OF EXISTING DATA.—In providing assistance under subsection (a), the Secretary shall consult with other Federal, State, and local agencies and make maximum use of data and studies in existence on the date of enactment of this Act.

(2) PARTICIPATION BY NON-FEDERAL INTERESTS.—Participation by non-Federal interests in projects under this section shall be voluntary. The Secretary shall not take any action under this section that will result in a non-Federal interest being held financially responsible for an action under a project unless the non-Federal interest has voluntarily agreed to participate in the project.

(c) COST SHARING.—Projects carried out under this section on lands owned by the United States shall be carried out at full Federal expense. The non-Federal share of the cost of any such project undertaken on lands not in Federal ownership shall be 35 percent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal years beginning after September 30, 1999.

SEC. 516. INNOVATIVE TECHNOLOGIES FOR WATERSHED RESTORATION.

The Secretary shall use, and encourage the use of, innovative treatment technologies, including membrane technologies, for watershed and environmental restoration and protection projects involving water quality.

SEC. 517. ENVIRONMENTAL RESTORATION.

(a) ATLANTA, GEORGIA.—Section 219(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4835) is amended by inserting before the period ''and watershed restoration and development in the regional Atlanta watershed, including Big Creek and Rock Creek''.

(b) PATERSON AND PASSAIC VALLEY, NEW JERSEY.—Section 219(c)(9) of such Act (106 Stat. 4836) is amended to read as follows:

''(9) PATERSON, PASSAIC COUNTY, AND PASSAIC VALLEY, NEW JERSEY.—Drainage facilities to alleviate flooding problems on Getty Avenue in the vicinity of St. Joseph's Hospital for the City of Paterson, New Jersey, and Passaic County, New Jersey, and innovative facilities to manage and treat additional flows in the Passaic Valley, Passaic River basin, New Jersey.''.

SEC. 518. EXPEDITED CONSIDERATION OF CERTAIN PROJECTS.

The Secretary shall expedite completion of the reports for the following projects and proceed directly to project planning, engineering, and design:

(1) Arroyo Pasajero, San Joaquin River basin, California, project for flood control.

(2) Success Dam, Tule River, California, project for flood control and water supply.

(3) Alafia Channel, Tampa Harbor, Florida, project for navigation.

SEC. 519. DOG RIVER, ALABAMA.

(a) IN GENERAL.—The Secretary is authorized to establish, in cooperation with non-Federal interests, a pilot project to restore natural water depths in the Dog River, Alabama, between its mouth and the Interstate Route 10 crossing, and in the downstream portion of its principal tributaries.

(b) FORM OF ASSISTANCE.—Assistance provided under subsection (a) shall be in the form of design and construction of water-related resource protection and development projects affecting the Dog River, including environmental restoration and recreational navigation.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project carried out with assistance under this section shall be 90 percent.

(d) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal sponsor provide all lands, easements, rights of way, relocations, and dredged material disposal areas including retaining dikes required for the project.

(e) OPERATION MAINTENANCE.—The non-Federal share of the cost of operation, maintenance, repair, replacement, or rehabilitation of the project carried out with assistance under this section shall be 100 percent.

(f) CREDIT TOWARD NON-FEDERAL SHARE.—The value of the lands, easements, rights of way, relocations, and dredged material disposal areas, including retaining dikes, provided by the non-Federal sponsor shall be credited toward the non-Federal share.

SEC. 520. ELBA, ALABAMA.

The Secretary is authorized to repair and rehabilitate a levee in the city of Elba, Alabama at a total cost of $12,900,000.

SEC. 521. GENEVA, ALABAMA.

The Secretary is authorized to repair and rehabilitate a levee in the city of Geneva, Alabama at a total cost of $16,600,000.

SEC. 522. NAVAJO RESERVATION, ARIZONA, NEW MEXICO, AND UTAH.

(a) IN GENERAL.—In cooperation with other appropriate Federal and local agencies, the Secretary shall undertake a survey of, and provide technical, planning, and design assistance for, watershed management, restoration, and development on the Navajo Indian Reservation, Arizona, New Mexico, and Utah.

(b) COST SHARING.—The Federal share of the cost of activities carried out under this section shall be 75 percent. Funds made available under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) may be used by the Navajo Nation in meeting the non-Federal share of the cost of such activities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,000,000 for fiscal years beginning after September 30, 1999.

SEC. 523. AUGUSTA AND DEVALLS BLUFF, ARKANSAS.

(a) IN GENERAL.—The Secretary is authorized to perform operations, maintenance, and rehabilitation on 37 miles of levees in and around Augusta and Devalls Bluff, Arkansas.

(b) REIMBURSEMENT.—After performing the operations, maintenance, and rehabilitation under subsection (a), the Secretary shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs allocated to benefits to a Federal wildlife refuge of such operations, maintenance, and rehabilitation.

SEC. 524. BEAVER LAKE, ARKANSAS.

(a) WATER SUPPLY STORAGE REALLOCATION.—The Secretary shall reallocate approximately 31,000 additional acre-feet at Beaver Lake, Arkansas, to water supply storage at no additional cost to the Beaver Water District or the Carroll-Boone Water District above the amount that has already been contracted for. At no time may the bottom of the conservation pool be at an elevation that is less than 1,076 feet NGVD.

(b) CONTRACT PRICING.—The contract price for additional storage for the Carroll-Boone Water District beyond that which is provided for in subsection (a) shall be based on the original construction cost of Beaver Lake and adjusted to the 1998 price level net of inflation between the date of initiation of construction and the date of enactment of this Act.

SEC. 525. BEAVER LAKE TROUT PRODUCTION FACILITY, ARKANSAS.

(a) EXPEDITED CONSTRUCTION.—The Secretary shall construct, under the authority of section 105 of the Water Resources Development Act of 1976 (90 Stat. 2921) and section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251–4252), the Beaver Lake trout hatchery as expeditiously as possible, but in no event later than September 30, 2002.

(b) MITIGATION PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary, in conjunction with the State of Arkansas, shall prepare a plan for the mitigation of effects of the Beaver Dam project on Beaver Lake. Such plan shall provide for construction of the Beaver Lake trout production facility and related facilities.

SEC. 526. CHINO DAIRY PRESERVE, CALIFORNIA.

(a) TECHNICAL ASSISTANCE.—The Secretary, in coordination with the heads of other Federal agencies, shall provide technical assistance to State and local agencies in the study, design, and implementation of measures for flood damage reduction and environmental restoration and protection in the Santa Ana River watershed, California, with particular emphasis on structural and nonstructural measures in the vicinity of the Chino Dairy Preserve.

(b) COMPREHENSIVE STUDY.—The Secretary shall conduct a feasibility study to determine the most cost-effective plan for flood damage reduction and environmental restoration and protection in the vicinity of the Chino Dairy Preserve, Santa Ana River watershed, Orange County and San Bernardino County, California.

SEC. 527. NOVATO, CALIFORNIA.

The Secretary shall carry out a project for flood control under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Rush Creek, Novato, California.

SEC. 528. ORANGE AND SAN DIEGO COUNTIES, CALIFORNIA.

The Secretary, in cooperation with local governments, may prepare special area management plans in Orange and San Diego Counties, California, to demonstrate the effectiveness of using such plans to provide information regarding aquatic resources. The Secretary may use such plans in making regulatory decisions and issue permits consistent with such plans.

SEC. 529. SALTON SEA, CALIFORNIA.

(a) TECHNICAL ASSISTANCE.—The Secretary, in coordination with other Federal agencies, shall provide technical assistance to Federal, State, and local agencies in the study, design, and implementation of measures for the environmental restoration and protection of the Salton Sea, California.

(b) STUDY.—The Secretary, in coordination with other Federal, State, and local agencies, shall conduct a study to determine the most effective plan for the Corps of Engineers to assist in the environmental restoration and protection of the Salton Sea, California.

SEC. 530. SANTA CRUZ HARBOR, CALIFORNIA.

The Secretary is authorized to modify the cooperative agreement with the Santa Cruz Port District, California, to reflect unanticipated additional dredging effort and to extend such agreement for 10 years.

SEC. 531. POINT BEACH, MILFORD, CONNECTICUT.

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for hurricane and storm damage reduction, Point Beach, Milford, Connecticut, shall be $3,000,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in the Federal participation in such project.

(c) COST SHARING.—Nothing in this section shall be construed to affect any cost-sharing requirement applicable to the project referred to in subsection (a) under section 101 of the Water Resources Development Act of 1986 (31 U.S.C. 2211).

SEC. 532. LOWER ST. JOHNS RIVER BASIN, FLORIDA.

(a) COMPUTER MODEL.—

(1) IN GENERAL.—The Secretary may apply the computer model developed under the St. Johns River basin feasibility study to assist non-Federal interests in developing strategies for improving water quality in the Lower St. Johns River basin, Florida.

(2) COST SHARING.—The non-Federal share of the cost of assistance provided under this subsection shall be 50 percent.

(b) TOPOGRAPHIC SURVEY.—The Secretary is authorized to provide 1-foot contour topographic survey maps of the Lower St. Johns River basin, Florida, to non-Federal interests for analyzing environmental data and establishing benchmarks for subbasins.

SEC. 533. SHORELINE PROTECTION AND ENVIRONMENTAL RESTORATION, LAKE ALLATOONA, GEORGIA.

(a) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, is authorized to carry out the following water-related environmental restoration and resource protection activities to restore Lake Allatoona and the Etowah River in Georgia:

(1) LAKE ALLATOONA/ETOWAH RIVER SHORELINE RESTORATION DESIGN.—Develop pre-construction design measures to alleviate shoreline erosion and sedimentation problems.

(2) LITTLE RIVER ENVIRONMENTAL RESTORATION.—Conduct a feasibility study to evaluate environmental problems and recommend environmental infrastructure restoration measures for the Little River within Lake Allatoona, Georgia.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1999—

(1) $850,000 to carry out subsection (a)(1); and

(2) $250,000 to carry out subsection (a)(2).

SEC. 534. MAYO'S BAR LOCK AND DAM, COOSA RIVER, ROME, GEORGIA.

The Secretary is authorized to provide technical assistance, including planning, engineering, and design assistance, for the reconstruction of the Mayo's Bar Lock and Dam, Coosa River, Rome, Georgia. The non-Federal share of assistance under this section shall be 50 percent.

SEC. 535. COMPREHENSIVE FLOOD IMPACT RESPONSE MODELING SYSTEM, CORALVILLE RESERVOIR AND IOWA RIVER WATERSHED, IOWA.

(a) IN GENERAL.—The Secretary, in cooperation with the University of Iowa, shall conduct a study and develop a Comprehensive Flood Impact Response Modeling System for Coralville Reservoir and the Iowa River watershed, Iowa.

(b) CONTENTS OF STUDY.—The study shall include—

(1) an evaluation of the combined hydrologic, geomorphic, environmental, economic, social, and recreational impacts of operating strategies within the Iowa River watershed;

(2) development of an integrated, dynamic flood impact model; and

(3) development of a rapid response system to be used during flood and other emergency situations.

(c) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study and modeling system together with such recommendations as the Secretary determines to be appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $900,000 for each of fiscal years 2000 through 2004.

SEC. 536. ADDITIONAL CONSTRUCTION ASSISTANCE IN ILLINOIS.

The Secretary may carry out the project for Georgetown, Illinois, and the project for Olney, Illinois, referred to in House Report Number 104–741, accompanying Public Law 104–182.

SEC. 537. KANOPOLIS LAKE, KANSAS.

(a) WATER STORAGE.—The Secretary shall offer to the State of Kansas the right to purchase water storage in Kanopolis Lake, Kansas, at a price calculated in accordance with and in a manner consistent with the terms of the memorandum of understanding entitled ''Memorandum of Understanding Between the State of Kansas and the U.S. Department of the Army Concerning the Purchase of Municipal and Industrial Water Supply Storage'', dated December 11, 1985.

(b) EFFECTIVE DATE.—For the purposes of this section, the effective date of that memorandum of understanding shall be deemed to be the date of enactment of this Act.

SEC. 538. SOUTHERN AND EASTERN KENTUCKY.

Section 531(h) of the Water Resources Development Act of 1996 (110 Stat. 3774) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

SEC. 539. SOUTHEAST LOUISIANA.

Section 533(c) of the Water Resources Development Act of 1996 (110 Stat. 3775) is amended by striking ''$100,000,000'' and inserting ''$200,000,000''.

SEC. 540. SNUG HARBOR, MARYLAND.

(a) IN GENERAL.—The Secretary, in coordination with the Director of the Federal Emergency Management Agency, is authorized—

(1) to provide technical assistance to the residents of Snug Harbor, in the vicinity of Berlin, Maryland, for purposes of flood damage reduction;

(2) to conduct a study of a project for nonstructural measures for flood damage reduction in the vicinity of Snug Harbor, Maryland, taking into account the relationship of both the

Ocean City Inlet and Assateague Island to the flooding; and

(3) after completion of the study, to carry out the project under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(b) FEMA ASSISTANCE.—The Director, in coordination with the Secretary and under the authorities of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note), may provide technical assistance and nonstructural measures for flood damage mitigation in the vicinity of Snug Harbor, Maryland.

(c) FEDERAL SHARE.—The Federal share of the cost of assistance under this section shall not exceed $3,000,000. The non-Federal share of such cost shall be determined in accordance with the Water Resources Development Act of 1986 or the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as appropriate.

SEC. 541. WELCH POINT, ELK RIVER, CECIL COUNTY, AND CHESAPEAKE CITY, MARYLAND.

(a) SPILLAGE OF DREDGED MATERIALS.—The Secretary shall carry out a study to determine if the spillage of dredged materials that were removed as part of the project for navigation, Inland Waterway from Delaware River to Chesapeake Bay, Delaware and Maryland, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030), is a significant impediment to vessels transiting the Elk River near Welch Point, Maryland. If the Secretary determines that the spillage is an impediment to navigation, the Secretary may conduct such dredging as may be required to permit navigation on the river.

(b) DAMAGE TO WATER SUPPLY.—The Secretary shall carry out a study to determine if additional compensation is required to fully compensate the city of Chesapeake, Maryland, for damage to the city's water supply resulting from dredging of the Chesapeake and Delaware Canal project. If the Secretary determines that such additional compensation is required, the Secretary may provide the compensation to the city of Chesapeake.

SEC. 542. WEST VIEW SHORES, CECIL COUNTY, MARYLAND.

Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out an investigation of the contamination of the well system in West View Shores, Cecil County, Maryland. If the Secretary determines that the disposal site from any Federal navigation project has contributed to the contamination of the wells, the Secretary may provide alternative water supplies, including replacement of wells, at full Federal expense.

SEC. 543. RESTORATION PROJECTS FOR MARYLAND, PENNSYLVANIA, AND WEST VIRGINIA.

Section 539 of the Water Resources Development Act of 1996 (110 Stat. 3776–3777) is amended—

(1) in subsection (a)(1) by striking ''technical'';

(2) in subsection (a)(1) by inserting ''(or in the case of projects located on lands owned by the United States, to Federal interests)'' after ''interests'';

(3) in subsection (a)(3) by inserting ''or in conjunction'' after ''consultation''; and

(4) by inserting at the end of subsection (d) the following: ''Funds authorized to be appropriated to carry out section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) are authorized for projects undertaken under subsection (a)(1)(B).''.

SEC. 544. CAPE COD CANAL RAILROAD BRIDGE, BUZZARDS BAY, MASSACHUSETTS.

(a) ALTERNATIVE TRANSPORTATION.—The Secretary is authorized to provide up to $300,000 for alternative transportation that may arise as a result of the operation, maintenance, repair, and rehabilitation of the Cape Cod Canal Railroad Bridge.

(b) OPERATION AND MAINTENANCE CONTRACT RENEGOTIATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into negotiation with the owner of the railroad right-of-way for the Cape Cod Canal Railroad Bridge for the purpose of establishing the rights and responsibities for the operation and maintenance of the Bridge. The Secretary is authorized to include in any new contract the termination of the prior contract numbered ER–W175–ENG–1.

SEC. 545. ST. LOUIS, MISSOURI.

(a) DEMONSTRATION PROJECT.—The Secretary, in consultation with local officials, shall conduct a demonstration project to improve water quality in the vicinity of St. Louis, Missouri.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,700,000 to carry out this section.

SEC. 546. BEAVER BRANCH OF BIG TIMBER CREEK, NEW JERSEY.

Upon request of the State of New Jersey or a political subdivision thereof, the Secretary may compile and disseminate information on floods and flood damages, including identification of areas subject to inundation by floods, and provide technical assistance regarding floodplain management for Beaver Branch of Big Timber Creek, New Jersey.

SEC. 547. LAKE ONTARIO AND ST. LAWRENCE RIVER WATER LEVELS, NEW YORK.

Upon request, the Secretary shall provide technical assistance to the International Joint Commission and the St. Lawrence River Board of Control in undertaking studies on the effects of fluctuating water levels on the natural environment, recreational boating, property flooding, and erosion along the shorelines of Lake Ontario and the St. Lawrence River in New York. The Commission and Board are encouraged to conduct such studies in a comprehensive and thorough manner before implementing any change to water regulation Plan 1958–D.

SEC. 548. NEW YORK-NEW JERSEY HARBOR, NEW YORK AND NEW JERSEY.

The Secretary may enter into cooperative agreements with non-Federal interests to investigate, develop, and support measures for sediment management and reduction of contaminant sources which affect navigation in the Port of New York-New Jersey and the environmental conditions of the New York-New Jersey Harbor estuary. Such investigation shall include an analysis of the economic and environmental benefits and costs of potential sediment management and contaminant reduction measures.

SEC. 549. SEA GATE REACH, CONEY ISLAND, NEW YORK, NEW YORK.

The Secretary is authorized to construct a project for shoreline protection which includes a beachfill with revetment and T-groin for the Sea Gate Reach on Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, New York District, entitled ''Field Data Gathering, Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention'', at a total cost of $9,000,000, with an estimated Federal cost of $5,850,000 and an estimated non-Federal cost of $3,150,000.

SEC. 550. WOODLAWN, NEW YORK.

(a) IN GENERAL.—The Secretary shall provide planning, design, and other technical assistance to non-Federal interests for identifying and mitigating sources of contamination at Woodlawn Beach in Woodlawn, New York.

(b) COST SHARING.—The non-Federal share of the cost of assistance provided under this section shall be 50 percent.

SEC. 551. FLOODPLAIN MAPPING, NEW YORK.

(a) IN GENERAL.—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas in the State of New York.

(b) REQUIREMENTS.—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately show the flood inundation of each property by flood risk in the floodplain. The maps shall be produced in a high resolution format and shall be made available to all flood prone areas in the State of New York in an electronic format.

(c) PARTICIPATION OF FEMA.—The Secretary and the non-Federal sponsor of the project shall work with the Director of the Federal Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) FORMS OF ASSISTANCE.—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal sponsor or provide reimbursements of project costs.

(e) FEDERAL SHARE.—The Federal share of the cost of the project shall be 75 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,000,000 for fiscal years beginning after September 30, 1998.

SEC. 552. WHITE OAK RIVER, NORTH CAROLINA.

The Secretary shall conduct a study to determine if water quality deterioration and sedimentation of the White Oak River, North Carolina, are the result of the Atlantic Intracoastal Waterway navigation project. If the Secretary determines that the water quality deterioration and sedimentation are the result of the project, the Secretary shall take appropriate measures to mitigate the deterioration and sedimentation.

SEC. 553. TOUSSAINT RIVER, CARROLL TOWNSHIP, OTTAWA COUNTY, OHIO.

The Secretary is authorized to provide technical assistance for the removal of military ordnance from the Toussaint River, Carroll Township, Ottawa County, Ohio.

SEC. 554. SARDIS RESERVOIR, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall accept from the State of Oklahoma or an agent of the State an amount, as determined under subsection (b), as prepayment of 100 percent of the water supply cost obligation of the State under Contract No. DACW56–74–JC–0314 for water supply storage at Sardis Reservoir, Oklahoma.

(b) DETERMINATION OF AMOUNT.—The amount to be paid by the State of Oklahoma under subsection (a) shall be subject to adjustment in accordance with accepted discount purchase methods for Federal Government properties as determined by an independent accounting firm designated by the Director of the Office of Management and Budget. The cost of such determination shall be paid for by the State of Oklahoma or an agent of the State.

(c) EFFECT.—Nothing in this section affects any of the rights or obligations of the parties to the contract referred to in subsection (a).

SEC. 555. WAURIKA LAKE, OKLAHOMA, WATER CONVEYANCE FACILITIES.

For the project for construction of the water conveyances authorized by the first section of Public Law 88–253 (77 Stat. 841), the requirement for the Waurika Project Master Conservancy District to repay the $2,900,000 in costs (including interest) resulting from the October 1991 settlement of the claim before the United States Claims Court, and the payment of $1,190,451 of the final cost representing the difference between the 1978 estimate of cost and the actual cost determined after completion of such project in 1991, are waived.

SEC. 556. SKINNER BUTTE PARK, EUGENE, OREGON.

(a) STUDY.—The Secretary shall conduct a study of the south bank of the Willamette River, in the area of Skinner Butte Park from Ferry Street Bridge to the Valley River footbridge, to

determine the feasibility of carrying out a project to stabilize the river bank, and to restore and enhance riverine habitat, using a combination of structural and bioengineering techniques.

(b) CONSTRUCTION.—If, upon completion of the study, the Secretary determines that the project is feasible, the Secretary shall participate with non-Federal interests in the construction of the project.

(c) COST SHARE.—The non-Federal share of the cost of the project shall be 35 percent.

(d) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall provide lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction of the project. The value of such items shall be credited toward the non-Federal share of the cost of the project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal years beginning after September 30, 1999.

SEC. 557. WILLAMETTE RIVER BASIN, OREGON.

The Secretary, Director of the Federal Emergency Management Agency, Administrator of the Environmental Protection Agency, and heads of other appropriate Federal agencies shall, using existing authorities, assist the State of Oregon in developing and implementing a comprehensive basin-wide strategy in the Willamette River basin of Oregon for coordinated and integrated management of land and water resources to improve water quality, reduce flood hazards, ensure sustainable economic activity, and restore habitat for native fish and wildlife. The heads of such Federal agencies may provide technical assistance, staff and financial support for development of the basin-wide management strategy. The heads of Federal agencies shall seek to exercise flexibility in administrative actions and allocation of funding to reduce barriers to efficient and effective implementing of the strategy.

SEC. 558. BRADFORD AND SULLIVAN COUNTIES, PENNSYLVANIA.

The Secretary is authorized to provide assistance for water-related environmental infrastructure and resource protection and development projects in Bradford and Sullivan Counties, Pennsylvania, using the funds and authorities provided in title I of the Energy and Water Development Appropriations Act, 1999 (Public Law 105–245) under the heading ''CONSTRUCTION, GENERAL'' (112 Stat. 1840) for similar projects in Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, and Monroe Counties, Pennsylvania.

SEC. 559. ERIE HARBOR, PENNSYLVANIA.

The Secretary may reimburse the appropriate non-Federal interest not more than $78,366 for architect and engineering costs incurred in connection with the Erie Harbor basin navigation project, Pennsylvania.

SEC. 560. POINT MARION LOCK AND DAM, PENNSYLVANIA.

The project for navigation, Point Marion Lock and Dam, Borough of Point Marion, Pennsylvania, as authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110), is modified to direct the Secretary, in the operation and maintenance of the project, to mitigate damages to the shoreline, at a total cost of $2,000,000. The cost of the mitigation shall be allocated as an operation and maintenance cost of a Federal navigation project.

SEC. 561. SEVEN POINTS' HARBOR, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary is authorized, at full Federal expense, to construct a breakwater-dock combination at the entrance to Seven Points' Harbor, Pennsylvania.

(b) OPERATION AND MAINTENANCE COSTS.—All operation and maintenance costs associated with the facility constructed under this section shall be the responsibility of the lessee of the marina complex at Seven Points' Harbor.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $850,000 to carry out this section.

SEC. 562. SOUTHEASTERN PENNSYLVANIA.

Section 566(b) of the Water Resources Development Act of 1996 (110 Stat. 3786) is amended by inserting ''environmental restoration,'' after ''water supply and related facilities,''.

SEC. 563. UPPER SUSQUEHANNA-LACKAWANNA WATERSHED RESTORATION INITIATIVE.

(a) IN GENERAL.—The Secretary, in cooperation with appropriate Federal, State, and local agencies and nongovernmental institutions, is authorized to prepare a watershed plan for the Upper Susquehanna-Lackawanna Watershed (USGS Cataloguing Unit 02050107). The plan shall utilize geographic information system and shall include a comprehensive environmental assessment of the watershed's ecosystem, a comprehensive flood plain management plan, a flood plain protection plan, water resource and environmental restoration projects, water quality improvement, and other appropriate infrastructure and measures.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of preparation of the plan under this section shall be 50 percent. Services and materials instead of cash may be credited toward the non-Federal share of the cost of the plan.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years beginning after September 30, 1999.

SEC. 564. AGUADILLA HARBOR, PUERTO RICO.

The Secretary shall conduct a study to determine if erosion and additional storm damage risks that exist in the vicinity of Aguadilla Harbor, Puerto Rico, are the result of a Federal navigation project. If the Secretary determines that such erosion and additional storm damage risks are the result of the project, the Secretary shall take appropriate measures to mitigate the erosion and storm damage.

SEC. 565. OAHE DAM TO LAKE SHARPE, SOUTH DAKOTA, STUDY.

Section 441 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended—

(1) by inserting ''(a) INVESTIGATION.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) REPORT.—Not later than September 30, 1999, the Secretary shall transmit to Congress a report on the results of the investigation under this section. The report shall include the examination of financing options for regular maintenance and preservation of the lake. The report shall be prepared in coordination and cooperation with the Natural Resources Conservation Service, other Federal agencies, and State and local officials.''.

SEC. 566. INTEGRATED WATER MANAGEMENT PLANNING, TEXAS.

(a) IN GENERAL.—The Secretary, in cooperation with other Federal agencies and the State of Texas, shall provide technical, planning, and design assistance to non-Federal interests in developing integrated water management plans and projects that will serve the cities, counties, water agencies, and participating planning regions under the jurisdiction of the State of Texas.

(b) PURPOSES OF ASSISTANCE.—Assistance provided under subsection (a) shall be in support of non-Federal planning and projects for the following purposes:

(1) Plan and develop integrated, near- and long-term water management plans that address the planning region's water supply, water conservation, and water quality needs.

(2) Study and develop strategies and plans that restore, preserve, and protect the State's and planning region's natural ecosystems.

(3) Facilitate public communication and participation.

(4) Integrate such activities with other ongoing Federal and State projects and activities associated with the State of Texas water plan and the State of Texas legislation.

(c) COST SHARING.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent, of which up to ½ of the non-Federal share may be provided as in kind services.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for the fiscal years beginning after September 30, 1999.

SEC. 567. BOLIVAR PENINSULA, JEFFERSON, CHAMBERS, AND GALVESTON COUNTIES, TEXAS.

(a) SHORE PROTECTION PROJECT.—The Secretary is authorized to design and construct a shore protection project between the south jetty of the Sabine Pass Channel and the north jetty of the Galveston Harbor Entrance Channel in Jefferson, Chambers, and Galveston Counties, Texas, including beneficial use of dredged material from Federal navigation projects.

(b) APPLICABILITY OF BENEFIT-COST RATIO WAIVER AUTHORITY.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), notwithstanding any limitation on the purpose of projects to which such section applies, to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 568. GALVESTON BEACH, GALVESTON COUNTY, TEXAS.

The Secretary is authorized to design and construct a shore protection project between the Galveston South Jetty and San Luis Pass, Galveston County, Texas, using innovative nourishment techniques, including beneficial use of dredged material from Federal navigation projects.

SEC. 569. PACKERY CHANNEL, CORPUS CHRISTI, TEXAS.

(a) IN GENERAL.—The Secretary shall construct a navigation and storm protection project at Packery Channel, Mustang Island, Texas, consisting of construction of a channel and a channel jetty and placement of sand along the length of the seawall.

(b) ECOLOGICAL AND RECREATIONAL BENEFITS.—In evaluating the project, the Secretary shall include the ecological and recreational benefits of reopening the Packery Channel.

(c) APPLICABILITY OF BENEFIT-COST RATIO WAIVER AUTHORITY.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), notwithstanding any limitation on the purpose of projects to which such section applies, to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 570. NORTHERN WEST VIRGINIA.

The projects described in the following reports are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in such reports:

(1) PARKERSBURG, WEST VIRGINIA.—Report of the Corps of Engineers entitled ''Parkersburg/Vienna Riverfront Park Feasibility Study'', dated June 1998, at a total cost of $8,400,000, with an estimated Federal cost of $4,200,000, and an estimated non-Federal cost of $4,200,000.

(2) WEIRTON, WEST VIRGINIA.—Report of the Corps of Engineers entitled ''Feasibility Master Plan for Weirton Port and Industrial Center, West Virginia Public Port Authority'', dated December 1997, at a total cost of $18,000,000, with an estimated Federal cost of $9,000,000, and an estimated non-Federal cost of $9,000,000.

(3) ERICKSON/WOOD COUNTY, WEST VIRGINIA.—Report of the Corps of Engineers entitled ''Feasibility Master Plan for Erickson/Wood County Port District, West Virginia Public Port Authority'', dated July 7, 1997, at a total cost of $28,000,000, with an estimated Federal cost of $14,000,000, and an estimated non-Federal cost of $14,000,000.

(4) MONONGAHELA RIVER, WEST VIRGINIA.—Monongahela River, West Virginia, Comprehensive Study Reconnaissance Report, dated September 1995, consisting of the following elements:

(A) Morgantown Riverfront Park, Morgantown, West Virginia, at a total cost of $1,600,000, with an estimated Federal cost of $800,000 and an estimated non-Federal cost of $800,000.

(B) Caperton Rail to Trail, Monongahela County, West Virginia, at a total cost of $4,425,000, with an estimated Federal cost of $2,212,500 and an estimated non-Federal cost of $2,212,500.

(C) Palatine Park, Fairmont, West Virginia, at a total cost of $1,750,000, with an estimated Federal cost of $875,000 and an estimated non-Federal cost of $875,000.

SEC. 571. URBANIZED PEAK FLOOD MANAGEMENT RESEARCH.

(a) IN GENERAL.—The Secretary shall develop and implement a research program to evaluate opportunities to manage peak flood flows in urbanized watersheds located in the State of New Jersey.

(b) SCOPE OF RESEARCH.—The research program authorized by subsection (a) shall be accomplished through the New York District. The research shall specifically include the following:

(1) Identification of key factors in urbanized watersheds that are under development and impact peak flows in the watersheds and downsteam of the watersheds.

(2) Development of peak flow management models for 4 to 6 watersheds in urbanized areas located with widely differing geology, areas, shapes, and soil types that can be used to determine optimal flow reduction factors for individual watersheds.

(3) Utilization of such management models to determine relationships between flow and reduction factors and change in imperviousness, soil types, shape of the drainage basin, and other pertinent parameters from existing to ultimate conditions in watersheds under consideration for development.

(4) Development and validation of an inexpensive accurate model to establish flood reduction factors based on runoff curve numbers, change in imperviousness, the shape of the basin, and other pertinent factors.

(c) REPORT TO CONGRESS.—The Secretary shall evaluate policy changes in the planning process for flood control projects based on the results of the research authorized by this section and transmit to Congress a report not later than 3 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry-out this section $3,000,000 for fiscal years beginning after September 30, 1999.

(e) FLOW REDUCTION FACTORS DEFINED.—In this section, the term ''flow reduction factors'' means the ratio of estimated allowable peak flows of stormwater after projected development when compared to pre-existing conditions.

SEC. 572. MISSISSIPPI RIVER COMMISSION.

Section 8 of the Flood Control Act of May 15, 1928 (Public Law 391, 70th Congress), is amended by striking ''$7,500'' and inserting ''$21,500.''

SEC. 573. COASTAL AQUATIC HABITAT MANAGEMENT.

(a) IN GENERAL.—The Secretary may cooperate with the Secretaries of Agriculture and the Interior, the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, other appropriate Federal, State, and local agencies, and affected private entities, in the development of a management strategy to address problems associated with toxic microorganisms and the resulting degradation of ecosystems in the tidal and nontidal wetlands and waters of the United States for the States along the Atlantic Ocean. As part of such management strategy, the Secretary may provide planning, design, and other technical assistance to each participating State in the development and implementation of nonregulatory measures to mitigate environmental problems and restore aquatic resources.

(b) COST SHARING.—The Federal share of the cost of measures undertaken under this section shall not exceed 65 percent.

(c) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(d) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $7,000,000 for fiscal years beginning after September 30, 1999.

SEC. 574. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

(a) IN GENERAL.—The Secretary is authorized to provide technical, planning, and design assistance to Federal and non-Federal interests for carrying out projects to address water quality problems caused by drainage and related activities from abandoned and inactive noncoal mines.

(b) SPECIFIC MEASURES.—Assistance provided under subsection (a) may be in support of projects for the following purposes:

(1) Management of drainage from abandoned and inactive noncoal mines.

(2) Restoration and protection of streams, rivers, wetlands, other waterbodies, and riparian areas degraded by drainage from abandoned and inactive noncoal mines.

(3) Demonstration of management practices and innovative and alternative treatment technologies to minimize or eliminate adverse environmental effects associated with drainage from abandoned and inactive noncoal mines.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance under subsection (a) shall be 50 percent; except that the Federal share with respect to projects located on lands owned by the United States shall be 100 percent.

(d) EFFECT ON AUTHORITY OF THE SECRETARY OF THE INTERIOR.—Nothing in this section shall be construed as affecting the authority of the Secretary of the Interior under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

(e) TECHNOLOGY DATABASE FOR RECLAMATION OF ABANDONED MINES.—The Secretary is authorized to provide assistance to non-Federal and non-profit entities to develop, manage, and maintain a database of conventional and innovative, cost-effective technologies for reclamation of abandoned and inactive noncoal mine sites. Such assistance shall be provided through the rehabilitation of abandoned mine sites program, managed by the Sacramento District Office of the Corps of Engineers.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 575. BENEFICIAL USE OF WASTE TIRE RUBBER.

(a) IN GENERAL.—The Secretary is authorized to conduct pilot projects to encourage the beneficial use of waste tire rubber, including crumb rubber, recycled from tires. Such beneficial use may include marine pilings, underwater framing, floating docks with built-in flotation, utility poles, and other uses associated with transportation and infrastructure projects receiving Federal funds. The Secretary shall, when appropriate, encourage the use of waste tire rubber, including crumb rubber, in such federally funded projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years beginning after September 30, 1998.

SEC. 576. SITE DESIGNATION.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended by striking ''January 1, 2000'' and inserting ''January 1, 2005''.

SEC. 577. LAND CONVEYANCES.

(a) EXCHANGE OF LAND IN PIKE COUNTY, MISSOURI.—

(1) EXCHANGE OF LAND.—Subject to paragraphs (3) and (4), at such time as Holnam Inc. conveys all right, title, and interest in and to the land described in paragraph (2)(A) to the United States, the Secretary shall convey all right, title, and interest in the land described in paragraph (2)(B) to Holnam Inc.

(2) DESCRIPTION OF LANDS.—The lands referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—152.45 acres with existing flowage easements situated in Pike County, Missouri, described a portion of Government Tract Number FM–9 and all of Government Tract Numbers FM–11, FM–10, FM–12, FM–13, and FM–16, owned and administered by the Holnam Inc.

(B) FEDERAL LAND.—152.61 acres situated in Pike County, Missouri, known as Government Tract Numbers FM–17 and a portion of FM–18, administered by the Corps of Engineers.

(3) CONDITIONS OF EXCHANGE.—The exchange of land authorized by paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) FEDERAL LAND.—The instrument of conveyance used to convey the land described in paragraph (2)(B) to Holnam Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9–Foot Navigation Project.

(ii) NON-FEDERAL LAND.—The conveyance of the land described in paragraph (2)(A) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) REMOVAL OF IMPROVEMENTS.—Holnam Inc. may remove any improvements on the land described in paragraph (2)(A). The Secretary may require Holnam Inc. to remove any improvements on the land described in paragraph (2)(A). In either case, Holnam Inc. shall hold the United States harmless from liability, and the United States shall not incur cost associated with the removal or relocation of any such improvements.

(C) TIME LIMIT FOR EXCHANGE.—The land exchange authorized by paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(D) LEGAL DESCRIPTION.—The Secretary shall provide the legal description of the land described in paragraph (2). The legal description shall be used in the instruments of conveyance of the land.

(E) ADMINISTRATIVE COSTS.—The Secretary shall require Holnam Inc. to pay reasonable administrative costs associated with the exchange.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the land conveyed to Holnam Inc. by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the

United States by Holnam Inc. under paragraph (1), Holnam Inc. shall make a payment equal to the excess in cash or a cash equivalent to the United States.

(b) CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) FAIR MARKET VALUE.—The term ''fair market value'' means the amount for which a willing buyer would purchase and a willing seller would sell a parcel of land, as determined by a qualified, independent land appraiser.

(B) PREVIOUS OWNER OF LAND.—The term ''previous owner of land'' means a person (including a corporation) that conveyed, or a descendant of a deceased individual who conveyed, land to the Corps of Engineers for use in the Candy Lake project in Osage County, Oklahoma.

(2) LAND CONVEYANCES.—

(A) IN GENERAL.—The Secretary shall convey, in accordance with this subsection, all right, title, and interest of the United States in and to the land acquired by the United States for the Candy Lake project in Osage County, Oklahoma.

(B) PREVIOUS OWNERS OF LAND.—

(i) IN GENERAL.—The Secretary shall give a previous owner of land the first option to purchase the land described in subparagraph (A).

(ii) APPLICATION.—

(I) IN GENERAL.—A previous owner of land that desires to purchase the land described in subparagraph (A) that was owned by the previous owner of land, or by the individual from whom the previous owner of land is descended, shall file an application to purchase the land with the Secretary not later than 180 days after the official date of notice to the previous owner of land under paragraph (3).

(II) FIRST TO FILE HAS FIRST OPTION.—If more than 1 application is filed to purchase a parcel of land described in subparagraph (A), the first option to purchase the parcel of land shall be determined in the order in which applications for the parcel of land were filed.

(iii) IDENTIFICATION OF PREVIOUS OWNERS OF LAND.—As soon as practicable after the date of enactment of this Act, the Secretary shall, to the extent practicable, identify each previous owner of land.

(iv) CONSIDERATION.—Consideration for land conveyed under this paragraph shall be the fair market value of the land.

(C) DISPOSAL.—Any land described in subparagraph (A) for which an application to purchase the land has not been filed under subparagraph (B)(ii) within the applicable time period shall be disposed of in accordance with law.

(D) EXTINGUISHMENT OF EASEMENTS.—All flowage easements acquired by the United States for use in the Candy Lake project in Osage County, Oklahoma, are extinguished.

(3) NOTICE.—

(A) IN GENERAL.—The Secretary shall notify—

(i) each person identified as a previous owner of land under paragraph (2)(B)(iii), not later than 90 days after identification, by United States mail; and

(ii) the general public, not later than 90 days after the date of enactment of this Act, by publication in the Federal Register.

(B) CONTENTS OF NOTICE.—Notice under this paragraph shall include—

(i) a copy of this subsection;

(ii) information sufficient to separately identify each parcel of land subject to this subsection; and

(iii) specification of the fair market value of each parcel of land subject to this subsection.

(C) OFFICIAL DATE OF NOTICE.—The official date of notice under this paragraph shall be the later of—

(i) the date on which actual notice is mailed; or

(ii) the date of publication of the notice in the Federal Register.

(c) LAKE HUGO, OKLAHOMA, AREA LAND CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall convey at fair market value to Choctaw County Industrial Authority, Oklahoma, the property described in paragraph (2).

(2) DESCRIPTION.—The property to be conveyed under paragraph (1) is—

(A) that portion of land at Lake Hugo, Oklahoma, above elevation 445.2 located in the N½ of the NW¼ of Section 24, R 18 E, T 6 S, and the S½ of the SW¼ of Section 13, R 18 E, T 6 S bounded to the south by a line 50 north on the centerline of Road B of Sawyer Bluff Public Use Area and to the north by the ½ quarter section line forming the south boundary of Wilson Point Public Use Area; and

(B) a parcel of property at Lake Hugo, Oklahoma, commencing at the NE corner of the SE¼ SW¼ of Section 13, R 18 E, T 6 S, 100 feet north, then east approximately ½ mile to the county line road between Section 13, R 18 E, T 6 S, and Section 18, R 19 E, T 6 S.

(3) TERMS AND CONDITIONS.—The conveyances under this subsection shall be subject to such terms and conditions, including payment of reasonable administrative costs and compliance with applicable Federal floodplain management and flood insurance programs, as the Secretary considers necessary and appropriate to protect the interests of the United States.

(d) CONVEYANCE OF PROPERTY IN MARSHALL COUNTY, OKLAHOMA.—

(1) IN GENERAL.—The Secretary shall convey to the State of Oklahoma all right, title, and interest of the United States to real property located in Marshall County, Oklahoma, and included in the Lake Texoma (Denison Dam), Oklahoma and Texas, project consisting of approximately 1,580 acres and leased to the State of Oklahoma for public park and recreation purposes.

(2) CONSIDERATION.—Consideration for the conveyance under paragraph (1) shall be the fair market value of the real property, as determined by the Secretary. All costs associated with the conveyance under paragraph (1) shall be paid by the State of Oklahoma.

(3) DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be paid by the State of Oklahoma.

(4) ENVIRONMENTAL COMPLIANCE.—Before making the conveyance under paragraph (1), the Secretary shall—

(A) conduct an environmental baseline survey to determine if there are levels of contamination for which the United States would be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) ensure that the conveyance complies with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(5) OTHER TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States, including reservation by the United States of a flowage easement over all portions of the real property to be conveyed that are at or below elevation 645.0 NGVD.

(e) SUMMERFIELD CEMETERY ASSOCIATION, OKLAHOMA, LAND CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall transfer to the Summerfield Cemetery Association, Oklahoma, all right, title, and interest of the United State in and to the land described in paragraph (3) for use as a cemetery.

(2) REVERSION.—If the land to be transferred under this subsection ever cease to be used as a not-for-profit cemetery or for other public purposes the land shall revert to the United States.

(3) DESCRIPTION.—The land to be conveyed under this subsection is the approximately 10 acres of land located in Leflore County, Oklahoma, and described as follows:

INDIAN BASIN MERIDIAN

Section 23, Township 5 North, Range 23 East

SW SE SW NW
NW NE NW SW
N½ SW SW NW.

(4) CONSIDERATION.—The conveyance under this subsection shall be without consideration. All costs associated with the conveyance shall be paid by the Summerfield Cemetery Association, Oklahoma.

(5) OTHER TERMS AND CONDITIONS.—The conveyance under this subsection shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(f) DEXTER, OREGON.—

(1) IN GENERAL.—The Secretary shall convey to the Dexter Sanitary District all right, title, and interest of the United States in and to a parcel of land consisting of approximately 5 acres located at Dexter Lake, Oregon, under lease to the Dexter Sanitary District.

(2) CONSIDERATION.—Land to be conveyed under this section shall be conveyed without consideration. If the land is no longer held in public ownership or no longer used for wastewater treatment purposes, title to the land shall revert to the Secretary.

(3) TERMS AND CONDITIONS.—The conveyance by the United States shall be subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(4) DESCRIPTION.—The exact acreage and description of the land to be conveyed under paragraph (1) shall be determined by such surveys as the Secretary considers necessary. The cost of the surveys shall be borne by the Dexter Sanitary District.

(g) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

(1) IN GENERAL.—Upon execution of an agreement under paragraph (4) and subject to the requirements of this subsection, the Secretary shall convey, without consideration, to the State of South Carolina all right, title, and interest of the United States to the lands described in paragraph (2) that are managed, as of the date of enactment of this Act, by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes in connection with the Richard B. Russell Dam and Lake, South Carolina, project.

(2) DESCRIPTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the lands to be conveyed under paragraph (1) are described in Exhibits A, F, and H of Army Lease Number DACW21–1–93–0910 and associated Supplemental Agreements or are designated in red in Exhibit A of Army License Number DACW21–3–85–1904; except that all designated lands in the license that are below elevation 346 feet mean sea level or that are less than 300 feet measured horizontally from the top of the power pool are excluded from the conveyance. Management of the excluded lands shall continue in accordance with the terms of Army License Number DACW21–3–85–1904 until the Secretary and the State enter into an agreement under paragraph (4).

(B) SURVEY.—The exact acreage and legal description of the lands to be conveyed under

paragraph (1) shall be determined by a survey satisfactory to the Secretary, with the cost of the survey to be paid by the State. The State shall be responsible for all other costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(3) TERMS AND CONDITIONS.—

(A) MANAGEMENT OF LANDS.—All lands that are conveyed under paragraph (1) shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary. If the lands are not managed for such purposes in accordance with the plan, title to the lands shall revert to the United States. If the lands revert to the United States under this subparagraph, the Secretary shall manage the lands for such purposes.

(B) TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(4) PAYMENTS.—

(A) AGREEMENTS.—The Secretary is authorized to pay to the State of South Carolina not more than $4,850,000 if the Secretary and the State enter into a binding agreement for the State to manage for fish and wildlife mitigation purposes, in perpetuity, the lands conveyed under this subsection and the lands not covered by the conveyance that are designated in red in Exhibit A of Army License Number DACW21–3–85–1904.

(B) TERMS AND CONDITIONS.—The agreement shall specify the terms and conditions under which the payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment in the event the State fails to manage the lands in a manner satisfactory to the Secretary.

(h) CHARLESTON, SOUTH CAROLINA.—The Secretary is authorized to convey the property of the Corps of Engineers known as the ''Equipment and Storage Yard'', located on Meeting Street in Charleston, South Carolina, in as-is condition for fair-market value with all proceeds from the conveyance to be applied by the Corps of Engineers, Charleston District, to offset a portion of the costs of moving or leasing (or both) an office facility in the city of Charleston.

(i) CLARKSTON, WASHINGTON.—

(1) IN GENERAL.—The Secretary shall convey to the Port of Clarkston, Washington, all right, title, and interest of the United States in and to a portion of the land described in Army Lease Number DACW68–1–97–22, consisting of approximately 31 acres, the exact boundaries of which shall be determined by the Secretary and the Port of Clarkston.

(2) ADDITIONAL LAND.—The Secretary may convey to the Port of Clarkston, Washington, at fair market value as determined by the Secretary, such additional land located in the vicinity of Clarkston, Washington, as the Secretary determines to be excess to the needs of the Columbia River Project and appropriate for conveyance.

(3) TERMS AND CONDITIONS.—The conveyances made under paragraphs (1) and (2) shall be subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States, including a requirement that the Port of Clarkston pay all administrative costs associated with the conveyances (including the cost of land surveys and appraisals and costs associated with compliance with applicable environmental laws, including regulations).

(4) USE OF LAND.—The Port of Clarkston shall be required to pay the fair market value, as determined by the Secretary, of any land conveyed pursuant to paragraph (1) that is not retained in public ownership or is used for other than public park or recreation purposes, except that the Secretary shall have a right of reverter to reclaim possession and title to any such land.

(j) LAND CONVEYANCE TO MATEWAN, WEST VIRGINIA.—

(1) IN GENERAL.—The United States shall convey by quit claim deed to the Town of Matewan, West Virginia, all right, title, and interest of the United States in and to four parcels of land deemed excess by the Secretary of the Army, acting through the Chief of the U.S. Army Corps of Engineers, to the structural project for flood control constructed by the Corps of Engineers along the Tug Fork River pursuant to section 202 of Public Law 96–367.

(2) PROPERTY DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

(A) A certain parcel of land in the State of West Virginia, Mingo County, Town of Matewan, and being more particularly bounded and described as follows:

Beginning at a point on the southerly right-of-way line of a 40-foot-wide street right-of-way (known as McCoy Alley), having an approximate coordinate value of N228,695, E1,662,397, in the line common to the land designated as U.S.A. Tract No. 834, and the land designated as U.S.A. Tract No. 837, said point being South 51°52′ East 81.8 feet from an iron pin and cap marked M–12 on the boundary of the Matewan Area Structural Project, on the north right-of-way line of said street, at a corner common to designated U.S.A. Tracts Nos. 834 and 836; thence, leaving the right-of-way of said street, with the line common to the land of said Tract No. 834, and the land of said Tract No. 837.

South 14°37′ West 46 feet to the corner common to the land of said Tract No. 834, and the land of said Tract No. 837; thence, leaving the land of said Tract No. 837, severing the lands of said Project.

South 14°37′ West 46 feet.

South 68°07′ East 239 feet.

North 26°05′ East 95 feet to a point on the southerly right-of-way line of said street; thence, with the right-of-way of said street, continuing to sever the lands of said Project.

South 63°55′ East 206 feet; thence, leaving the right-of-way of said street, continuing to sever the lands of said Project.

South 26°16′ West 63 feet; thence, with a curve to the left having a radius of 70 feet, a delta of 33°58′, an arc length of 41 feet, the chord bearing.

South 09°17′ West 41 feet; thence, leaving said curve, continuing to sever the lands of said Project.

South 07°42′ East 31 feet to a point on the right-of-way line of the floodwall; thence, with the right-of-way of said floodwall, continuing to sever the lands of said Project.

South 77°04′ West 71 feet.

North 77°10′ West 46 feet.

North 67°07′ West 254 feet.

North 67°54′ West 507 feet.

North 57°49′ West 66 feet to the intersection of the right-of-way line of said floodwall with the southerly right-of-way line of said street; thence, leaving the right-of-way of said floodwall and with the southerly right-of-way of said street, continuing to sever the lands of said Project.

North 83°01′ East 171 feet.

North 89°42′ East 74 feet.

South 83°39′ East 168 feet.

South 83°38′ East 41 feet.

South 77°26′ East 28 feet to the point of beginning, containing 2.59 acres, more or less. The bearings and coordinate used herein are referenced to the West Virginia State Plane Coordinate System, South Zone.

(B) A certain parcel of land in the State of West Virginia, Mingo County, Town of Matewan, and being more particularly bounded and described as follows:

Beginning at an iron pin and cap designated Corner No. M2–2 on the southerly right-of-way line of the Norfolk and Western Railroad, having an approximate coordinate value of N228,755 E1,661,242, and being at the intersection of the right-of-way line of the floodwall with the boundary of the Matewan Area Structural Project; thence, leaving the right-of-way of said floodwall and with said Project boundary, and the southerly right-of-way of said Railroad.

North 59°45′ East 34 feet.

North 69°50′ East 44 feet.

North 58°11′ East 79 feet.

North 66°13′ East 102 feet.

North 69°43′ East 98 feet.

North 77°39′ East 18 feet.

North 72°39′ East 13 feet to a point at the intersection of said Project boundary, and the southerly right-of-way of said Railroad, with the westerly right-of-way line of State Route 49/10; thence, leaving said Project boundary, and the southerly right-of-way of said Railroad, and with the westerly right-of-way of said road.

South 03°21′ East 100 feet to a point at the intersection of the westerly right-of-way of said road with the right-of-way of said floodwall; thence, leaving the right-of-way of said road, and with the right-of-way line of said floodwall.

South 79°30′ West 69 feet.

South 78°28′ West 222 feet.

South 80°11′ West 65 feet.

North 38°40′ West 14 feet to the point of beginning, containing 0.53 acre, more or less. The bearings and coordinate used herein are referenced to the West Virginia State Plane Coordinate System, South Zone.

(C) A certain parcel of land in the State of West Virginia, Mingo County, Town of Matewan, and being more particularly bounded and described as follows:

Beginning at a point on the southerly right-of-way line of the Norfolk and Western Railroad, having an approximate coordinate value of N228,936 E1,661,672, and being at the intersection of the easterly right-of-way line of State Route 49/10 with the boundary of the Matewan Area Structural Project; thence, leaving the right-of-way of said road, and with said Project boundary, and the southerly right-of-way of said Railroad.

North 77°49′ East 89 feet to an iron pin and cap designated as U.S.A. Corner No. M–4.

North 79°30′ East 74 feet to an iron pin and cap designated as U.S.A. Corner No. M–5–1; thence, leaving the southerly right-of-way of said Railroad, and continuing with the boundary of said Project.

South 06°33′ East 102 to an iron pipe and cap designated U.S.A. Corner No. M–6–1 on the northerly right-of-way line of State Route 49/28; thence, leaving the boundary of said Project, and with the right-of-way of said road, severing the lands of said Project.

North 80°59′ West 171 feet to a point at the intersection of the Northerly right-of-way line of said State Route 49/28 with the easterly right-of-way line of said State Route 49/10; thence, leaving the right-of-way of said State Route 49/28 and with the right-of-way of said State Route 49/10.

North 03°21′ West 42 feet to the point of beginning, containing 0.27 acre, more or less. The bearings and coordinate used herein are referenced to the West Virginia State Plane Coordinate System, South Zone.

(D) A certain parcel of land in the State of West Virginia, Mingo County, Town of Matewan, and being more particularly bounded and described as follows:

Beginning at a point at the intersection of the easterly right-of-way line of State Route 49/10 with the right-of-way line of the floodwall, having an approximate coordinate value of N228,826 E1,661,679; thence, leaving the right-of-way of

said floodwall, and with the right-of-way of said State Route 49/10.

North 03°21′ West 23 feet to a point at the intersection of the easterly right-of-way line of said State Route 49/10 with the southerly right-of-way line of State Route 49/28; thence, leaving the right-of-way of said State Route 49/10 and with the right-of-way of said State Route 49/28.

South 80°59′ East 168 feet.

North 82°28′ East 45 feet to an iron pin and cap designated as U.S.A. Corner No. M–8–1 on the boundary of the Western Area Structural Project; thence, leaving the right-of-way of said State Route 49/28, and with said Project boundary.

South 08°28′ East 88 feet to an iron pin and cap designated as U.S.A. Corner No. M–9–1 point on the northerly right-of-way line of a street (known as McCoy Alley); thence, leaving said Project boundary and with the northerly right-of-way of said street.

South 83°01′ West 38 feet to a point on the right-of-way line of said floodwall; thence, leaving the right-of-way of said street, and with the right-of-way of said floodwall.

North 57°49′ West 180 feet.

South 79°30′ West 34 feet to a point of beginning, containing 0.24 acre, more or less. The bearings and coordinate used herein are referenced to the West Virginia State Plane Coordinate System, South Zone.

SEC. 578. NAMINGS.

(a) FRANCIS BLAND FLOODWAY DITCH, ARKANSAS.—

(1) DESIGNATION.—8-Mile Creek in Paragould, Arkansas, shall be known and designated as the ''Francis Bland Floodway Ditch''.

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the creek referred to in paragraph (1) shall be deemed to be a reference to the ''Francis Bland Floodway Ditch''.

(b) LAWRENCE BLACKWELL MEMORIAL BRIDGE, ARKANSAS.—

(1) DESIGNATION.—The bridge over lock and dam numbered 4 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall be known and designated as the ''Lawrence Blackwell Memorial Bridge''.

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the bridge referred to in paragraph (1) shall be deemed to be a reference to the ''Lawrence Blackwell Memorial Bridge''.

SEC. 579. FOLSOM DAM AND RESERVOIR ADDITIONAL STORAGE AND ADDITIONAL FLOOD CONTROL STUDIES.

(a) FOLSOM FLOOD CONTROL STUDIES.—

(1) IN GENERAL.—The Secretary, in consultation with the State of California and local water resources agencies, shall undertake a study of increasing surcharge flood control storage at the Folsom Dam and Reservoir.

(2) LIMITATIONS.—The study of the Folsom Dam and Reservoir undertaken under paragraph (1) shall assume that there is to be no increase in conservation storage at the Folsom Reservoir.

(3) REPORT.—Not later than March 1, 2000, the Secretary shall transmit to Congress a report on the results of the study under this subsection.

(b) AMERICAN AND SACRAMENTO RIVERS FLOOD CONTROL STUDY.—

(1) IN GENERAL.—The Secretary shall undertake a study of all levees on the American River and on the Sacramento River downstream and immediately upstream of the confluence of such Rivers to access opportunities to increase potential flood protection through levee modifications.

(2) DEADLINE FOR COMPLETION.—Not later than March 1, 2000, the Secretary shall transmit to Congress a report on the results of the study undertaken under this subsection.

SEC. 580. WALLOPS ISLAND, VIRGINIA.

(a) EMERGENCY ACTION.—The Secretary shall take emergency action to protect Wallops Island, Virginia, from damaging coastal storms, by improving and extending the existing seawall, replenishing and renourishing the beach, and constructing protective dunes.

(b) REIMBURSEMENT.—The Secretary shall seek reimbursement from other Federal agencies whose resources are protected by the emergency action taken under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000.

SEC. 581. DETROIT RIVER, DETROIT, MICHIGAN.

(a) IN GENERAL.—The Secretary is authorized to repair and rehabilitate the seawalls on the Detroit River in Detroit, Michigan.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1999, $1,000,000 to carry out this section.

The CHAIRMAN. No amendment shall be in order except those printed in part 2 of that report. Each amendment may be offered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in part 2 of House Report 106–120.

AMENDMENT NO. 1 OFFERED BY MR. SHUSTER

Mr. SHUSTER. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in part 2 of House Report 106–120 offered by Mr. SHUSTER:

In section 101(a)(6) of the bill, strike ''at a total cost of'' and all that follows and insert the following:

at a total cost of $140,328,000, with an estimated Federal cost of $70,164,000 and an estimated non-Federal cost of $70,164,000.

In section 101(a)(8) of the bill, strike all after ''$3,375,000'' and insert a period.

In section 101(a)(9) of the bill, strike all after ''$2,675,000'' and insert a period.

In section 101(a)(10) of the bill, strike all after ''$773,000'' and insert a period.

In section 101(a)(18) of the bill, strike all after ''$3,834,000'' and insert a period.

In section 101(a)(19) of the bill, strike all after ''$19,776,000'' and insert a period.

In section 101(a) of the bill, after paragraph (4) insert the following:

(5) OAKLAND HARBOR, CALIFORNIA.—The project for navigation, Oakland Harbor, California: Report of the Chief of Engineers dated April 21, 1999, at a total cost of $252,290,000, with an estimated Federal cost of $128,081,000 and an estimated non-Federal cost of $124,209,000.

In section 101(a) of the bill, after paragraph (10) insert the following:

(11) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-VILLAS AND VICINITY, NEW JERSEY.—The project for shore protection and ecosystem restoration, Delaware Bay coastline, Delaware and New Jersey-Villas and vicinity, New Jersey: Report of the Chief of Engineers dated April 21, 1999, at a total cost of $7,520,000, with an estimated Federal cost of $4,888,000 and an estimated non-Federal cost of $2,632,000.

(12) DELAWARE COAST FROM CAPE HENELOPEN TO FENWICK ISLAND, BETHANY BEACH/SOUTH BETHANY BEACH, DELAWARE.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henelopen to Fenwick Island, Bethany Beach/South Bethany Beach, Delaware: Report of the Chief of Engineers dated April 21, 1999, at a total cost of $22,205,000, with an estimated Federal cost of $14,433,000 and an estimated non-Federal cost of $7,772,000.

In section 101(a) of the bill, insert after paragraph (17) the following (and redesignate paragraphs accordingly):

(18) TURKEY CREEK BASIN, KANSAS CITY, MISSOURI, AND KANSAS CITY, KANSAS.—The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas: Report of the Chief of Engineers dated April 21, 1999, at a total cost of $42,875,000, with an estimated Federal cost of $25,596,000 and an estimated non-Federal cost of $17,279,000.

In section 101(b)(7) of the bill, strike all after ''$7,772,000'' and insert a period.

In section 101(b)(12) of the bill, strike all after ''$1,740,000'' and insert a period.

In section 101(b) of the bill, strike paragraph (4) and insert the following:

(4) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY: OAKWOOD BEACH, NEW JERSEY.—The project for shore protection, Delaware Bay Coastline, Delaware and New Jersey: Oakwood Beach, New Jersey, at a total cost of $3,360,000, with an estimated Federal cost of $2,184,000 and an estimated non-Federal cost of $1,176,000.

In section 101(b) of the bill, strike paragraphs (6) and (7) and redesignate accordingly.

At the end of section 104 of the bill, insert the following:

(18) FAIRPORT HARBOR, OHIO.—Project for navigation, Fairport Harbor, Ohio, including a recreation channel.

At the end of title II of the bill, insert the following:

SEC. 229. WETLANDS MITIGATION.

In carrying out a water resources project that involves wetlands mitigation and that has an impact that occurs within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

Conform the table of contents of the bill accordingly.

In section 304 of the bill, insert ''River'' after ''St. Francis''.

In section 310 of the bill—

(1) insert '', Potomac River, Washington, District of Columbia,'' after ''for flood control'';

(2) strike ''as'' and insert ''and''; and

(3) strike ''$5,965,000'' and insert ''$6,129,000''.

In section 326 of the bill, strike ''cannal'' and insert ''Canal''.

In section 351 of the bill—

(1) insert ''(a) AUTHORIZATION OF APPROPRIATIONS.—'' before ''Section''; and

(2) add at the end the following:

(b) CORPS OF ENGINEERS EXPENSES.—Section 313(g) of such Act (106 Stat. 4846) is amended by adding at the end the following:

''(4) CORPS OF ENGINEERS EXPENSES.—10 percent of the amounts appropriated to carry out this section for each of fiscal years 2000 through 2002 may be used by the Corps of Engineers district offices to administer and implement projects under this section at 100 percent Federal expense.''.

Strike section 354 of the bill and insert the following:

SEC. 354. CLEAR CREEK, TEXAS.

Section 575 of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended—

(1) in subsection (a)—

(A) by inserting ''or nonstructural (buyout) actions'' after ''flood control works constructed''; and

(B) by inserting ''or nonstructural (buyout) actions'' after ''construction of the project''; and

(2) in subsection (b)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(C) by adding at the end the following:

''(4) the project for flood control, Clear Creek, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742).''.

In section 356 of the bill, strike ''modified—'' and all that follows and insert the following:

modified to add environmental restoration and recreation as project purposes.

In section 363(d) of the bill, strike ''(1) IN GENERAL.—''.

In section 363(d) of the bill, strike paragraph (2).

In section 364(a) of the bill, after paragraph (5) insert the following (and redesignate paragraph (6) as paragraph (7)):

(6) CARVERS HARBOR, VINALHAVEN, MAINE.—That portion of the project for navigation, Carvers Harbor, Vinalhaven, Maine, authorized by the Act of June 3, 1896 (commonly known as the ''River and Harbor Appropriations Act of 1896'') (29 Stat. 202, chapter 314), consisting of the 16-foot anchorage beginning at a point with coordinates N137,502.04, E895,156.83, thence running south 6 degrees 34 minutes 57.6 seconds west 277.660 feet to a point N137,226.21, E895,125.00, thence running north 53 degrees, 5 minutes 42.4 seconds west 127.746 feet to a point N137,302.92, E895022.85, thence running north 33 degrees 56 minutes 9.8 seconds east 239.999 feet to the point of origin.

In section 364(a) of the bill, after paragraph (7), (as so redesignated) insert the following (redesignate subsequent paragraphs accordingly):

(8) SEARSPORT HARBOR, SEARSPORT, MAINE.—That portion of the project for navigation, Searsport Harbor, Searsport, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), consisting of the 35-foot turning basin beginning at a point with coordinates N225,008.38, E395,464.26, thence running north 43 degrees 49 minutes 53.4 seconds east 362.001 feet to a point N225,269.52, E395,714.96, thence running south 71 degrees 27 minutes 33.0 seconds east 1,309.201 feet to a point N224,853.22, E396,956.21, thence running north 84 degrees 3 minutes 45.7 seconds west 1,499.997 feet to the point of origin.

In section 364(c) of the bill—

(1) strike ''(a)(7)'' each place it appears and insert ''(a)(9)'';

(2) strike ''project for navigation,'' each place it appears; and

(3) add at the end the following:

(5) ADDITIONAL ACTIONS.—In carrying out the operation and the maintenance of the Wells Harbor, Maine, navigation project referred to in subsection (a)(9), the Secretary shall undertake each of the actions of the Corps of Engineers specified in section IV(B) of the memorandum of agreement relating to the project dated January 20, 1998, including those actions specified in such section IV(B) that the parties agreed to ask the Corps of Engineers to undertake.

In section 364(d) of the bill, strike ''(a)(9)'' and insert ''(a)(11)''.

At the end of title III of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 367. SOUTHERN WEST VIRGINIA PILOT PROGRAM.

Section 340(g) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended to read as follows:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program under this section $40,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.''.

SEC. 368. BLACK WARRIOR AND TOMBIGBEE RIVERS, JACKSON, ALABAMA.

The project for navigation, Black Warrior and Tombigbee Rivers, vicinity of Jackson, Alabama, as authorized by section 106 of the Energy and Water Development Appropriations Act, 1987 (100 Stat. 3341–199), is modified to authorize the Secretary to acquire lands for mitigation of the habitat losses attributable to the project, including the navigation channel, dredged material disposal areas, and other areas directly impacted by construction of the project. Notwithstanding section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283), the Secretary may construct the project prior to acquisition of the mitigation lands if the Secretary takes such actions as may be necessary to ensure that any required mitigation lands will be acquired not later than 2 years after initiation of construction of the new channel and such acquisition will fully mitigate any adverse environmental impacts resulting from the project.

SEC. 369. TROPICANA WASH AND FLAMINGO WASH, NEVADA.

Any Federal costs associated with the Tropicana and Flamingo Washes, Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803), incurred by the non-Federal interest to accelerate or modify construction of the project, in cooperation with the Corps of Engineers, shall be considered to be eligible for reimbursement by the Secretary.

SEC. 370. COMITE RIVER, LOUISIANA.

The Comite River Diversion Project for flood control, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (106 Stat. 4802–4803) and modified by section 301(b)(5) of the Water Resources Development Act of 1996 (110 Stat. 3709–3710), is further modified to authorize the Secretary to include the costs of highway relocations to be cost shared as a project construction feature if the Secretary determines that such treatment of costs is necessary to facilitate construction of the project.

SEC. 371. ST. MARY'S RIVER, MICHIGAN.

The project for navigation, St. Mary's River, Michigan, is modified to direct the Secretary to provide an additional foot of overdraft between Point Louise Turn and the Locks and Sault Saint Marie, Michigan, consistent with the channels upstream of Point Louise Turn. The modification shall be carried out as operation and maintenance to improve navigation safety.

At the end of section 408 of the bill, add the following:

(c) CONSULTATION AND USE OF EXISTING DATA.—The Secretary shall consult with appropriate State and Federal agencies and shall make maximum use of existing data and ongoing programs and efforts of States and Federal agencies in conducting the study.

In section 425(a) of the bill, strike ''Such study'' and all that follows.

In section 425(c) of the bill, strike ''$1,400,000'' and insert ''$1,000,000''.

At the end of title IV of the bill, insert the following (and conform the table of contents of the bill accordingly):

SEC. 428. DEL NORTE COUNTY, CALIFORNIA.

The Secretary shall undertake and complete a feasibility study for designating a permanent disposal site for dredged materials from Federal navigation projects in Del Norte County, California.

SEC. 429. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

(a) PLAN.—The Secretary, in coordination with State and local governments and appropriate Federal and provincial authorities of Canada, shall develop a comprehensive management plan for St. Clair River and Lake St. Clair. Such plan shall include the following elements:

(1) The causes and sources of environmental degradation.

(2) Continuous monitoring of organic, biological, metallic, and chemical contamination levels.

(3) Timely dissemination of information of such contamination levels to public authorities, other interested parties, and the public.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report that includes the plan developed under subsection (a), together with recommendations of potential restoration measures.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $400,000.

SEC. 430. CUMBERLAND COUNTY, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of improvements to regional water supplies for Cumberland County, Tennessee.

In the matter proposed to be inserted in section 219(e) of the Water Resources Development Act of 1992 by section 502 of the bill, strike ''and'' at the end of paragraph (7) and all that follows through paragraph (8) and insert the following:

''(8) $30,000,000 for the project described in subsection (c)(17);

''(9) $20,000,000 for the project described in subsection (c)(19);

''(10) $15,000,000 for the project described in subsection (c)(20);

''(11) $11,000,000 for the project described in subsection (c)(21);

''(12) $2,000,000 for the project described in subsection (c)(22);

''(13) $3,000,000 for the project described in subsection (c)(23);

''(14) $1,500,000 for the project described in subsection (c)(24);

''(15) $2,000,000 for the project described in subsection (c)(25);

''(16) $8,000,000 for the project described in subsection (c)(26);

''(17) $8,000,000 for the project described in subsection (c)(27), of which $3,000,000 shall be available only for providing assistance for the Montoursville Regional Sewer Authority, Lycoming County;

''(18) $10,000,000 for the project described in subsection (c)(28); and

''(19) $1,000,000 for the project described in subsection (c)(29).''.

At the end of section 517 of the bill, insert the following:

(c) NASHUA, NEW HAMPSHIRE.—Section 219(c) of such Act is amended by adding at the end the following:

''(19) NASHUA, NEW HAMPSHIRE.—A sewer and drainage system separation and rehabiliation program for Nashua, New Hampshire.''.

(d) FALL RIVER AND NEW BEDFORD, MASSACHUSETTS.—Section 219(c) of such Act is further amended by adding at the end the following:

''(20) FALL RIVER AND NEW BEDFORD, MASSACHUSETTS.—Elimination or control of combined sewer overflows in the cities of Fall River and New Bedford, Massachusetts.''.

(e) ADDITIONAL PROJECT DESCRIPTIONS.—Section 219(c) of such Act is further amended by adding at the end the following:

''(21) FINDLAY TOWNSHIP, PENNSYLVANIA.—Water and sewer lines in Findlay Township, Allegheny County, Pennsylvania.

''(22) DILLSBURG BOROUGH AUTHORITY, PENNSYLVANIA.—Water and sewer systems in Franklin Township, York County, Pennsylvania.

''(23) HAMPTON TOWNSHIP, PENNSYLVANIA.—Water, sewer, and stormsewer improvements in Hampton Township, Cumberland County, Pennsylvania.

''(24) TOWAMENCIN TOWNSHIP, PENNSYLVANIA.—Sanitary sewer and water lines in Towamencin Township, Montgomery County, Pennsylvania.

''(25) DAUPHIN COUNTY, PENNSYLVANIA.—Combined sewer and water system rehabilitation for the City of Harrisburg, Dauphin County, Pennsylvania.

''(26) LEE, NORTON, WISE, AND SCOTT COUNTIES, VIRGINIA.—Water supply and wastewater treatment in Lee, Norton, Wise, and Scott Counties, Virginia.

''(27) NORTHEAST PENNSYLVANIA.—Water-related infrastructure in Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, and Monroe Counties, Pennsylvania, including assistance for the Montoursville Regional Sewer Authority, Lycoming County.

''(28) CALUMET REGION, INDIANA.—Water-related infrastructure in Lake and Porter Counties, Indiana.

''(29) CLINTON COUNTY, PENNSYLVANIA.—Water-related infrastructure in Clinton County, Pennsylvania.''.

At the end of section 518 of the bill, insert the following:

(4) Columbia Slough, Portland, Oregon, project for ecosystem restoration.

(5) Ohio River Greenway, Indiana, project for environmental restoration and recreation.

In section 523(b) of the bill, strike ''the Secretary shall'' and insert ''the Secretary may''.

After section 573 of the bill, insert the following:

SEC. 574. WEST BATON ROUGE PARISH, LOUISIANA.

The Secretary shall expedite completion of the report for the West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, and enhancement modifications along the Mississippi River.

Conform the table of contents of the bill accordingly.

At the end of section 578 of the bill, add the following:

(k) MERRISACH LAKE, ARKANSAS COUNTY, ARKANSAS.—

(1) LAND CONVEYANCE.—Notwithstanding any other provision of law, the Secretary shall convey to eligible private property owners at fair market value, as determined by the Secretary, all right, title, and interest of the United States in and to certain lands acquired for Navigation Pool No. 2, McClellan-Kerr Arkansas River Navigation System, Merrisach Lake Project, Arkansas County, Arkansas.

(2) PROPERTY DESCRIPTION.—The lands to be conveyed under paragraph (1) include those lands lying between elevation 163, National Geodetic Vertical Datum of 1929, and the Federal Government boundary line for Tract Numbers 102, 129, 132–1, 132–2, 132–3, 134, 135, 136–1, 136–2, 138, 139, 140, 141, 142, 143, 144, and 145, located in sections 18, 19, 29, 30, 31, and 32, Township 7 South, Range 2 West, and the SE¼ of Section 36, Township 7 South, Range 3 West, Fifth Principal Meridian, with the exception of any land designated for public park purposes.

(3) TERMS AND CONDITIONS.—Any lands conveyed under paragraph (1) shall be subject to—

(A) a perpetual flowage easement prohibiting human habitation and restricting construction activities;

(B) the reservation of timber rights by the United States; and

(C) such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(4) ELIGIBLE PROPERTY OWNER DEFINED.—In this subsection, the term ''eligible private property owner'' means the owner of record of land contiguous to lands owned by the United States in connection with the project referred to in paragraph (1).

In section 583(b) of the bill, strike ''The Secretary shall'' and insert ''The Secretary may''.

At the end of title V of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 585. NORTHEASTERN MINNESOTA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program for providing environmental assistance to non-Federal interests in northeastern Minnesota.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in northeastern Minnesota, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In the event of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward its share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) REPORT.—Not later than December 31, 2001, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) NORTHEASTERN MINNESOTA DEFINED.—In this section, the term ''northeastern Minnesota'' means the counties of Cook, Lake, St. Louis, Koochiching, Itasca, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, Benton, Sherburne, Isanti, and Chisago, Minnesota.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000 for fiscal years beginning after September 30, 1999. Such sums shall remain available until expended.

SEC. 586. ALASKA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program for providing environmental assistance to non-Federal interests in Alaska.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Alaska, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(c) OWNERSHIP REQUIREMENTS.—The Secretary may provide assistance for a project under this section only if the project is publicly owned or is owned by a native corporation as defined by section 1602 of title 43, United States Code.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In the event of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward its share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) REPORT.—Not later than December 31, 2001, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal years beginning after September 30, 1999. Such sums shall remain available until expended.

SEC. 587. CENTRAL WEST VIRGINIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program for providing environmental assistance to non-Federal interests in central West Virginia.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in central West Virginia, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In the event of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward its share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) REPORT.—Not later than December 31, 2001, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) CENTRAL WEST VIRGINIA DEFINED.—In this section, the term ''central West Virginia'' means the counties of Mason, Jackson, Putnam, Kanawha, Roane, Wirt, Calhoun, Clay, Nicholas, Braxton, Gilmer, Lewis, Upshur, Randolph, Pendleton, Hardy, Hampshire, Morgan, Berkeley, and Jefferson, West Virginia.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal years beginning after September 30, 1999. Such sums shall remain available until expended.

SEC. 588. SACRAMENTO METROPOLITAN AREA WATERSHED RESTORATION, CALIFORNIA.

(a) IN GENERAL.—The Secretary is authorized to undertake environmental restoration activities included in the Sacramento Metropolitan Water Authority's ''Watershed Management Plan''. These activities shall be limited to cleanup of contaminated groundwater resulting directly from the acts of any Federal agency or Department of the Federal government at or in the vicinity of McClellan Air Force Base, California; Mather Air Force Base, California; Sacramento Army Depot, California; or any location within the watershed where the Federal government would be a responsible party under any Federal environmental law.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years beginning after September 30, 1999.

SEC. 589. ONONDAGA LAKE.

(a) IN GENERAL.—The Secretary is authorized to plan, design, and construct projects for the environmental restoration, conservation, and management of Onondaga Lake, New York, and to provide, in coordination with the Administrator of the Environmental Protection Agency, financial assistance to the State of New York and political subdivisions thereof for the development and implementation of projects to restore, conserve, and manage Onondaga Lake.

(b) PARTNERSHIP.—In carrying out this section, the Secretary shall establish a partnership with appropriate Federal agencies (including the Environmental Protection Agency) and the State of New York and political subdivisions thereof for the purpose of project development and implementation. Such partnership shall be dissolved not later than 15 years after the date of enactment of this Act.

(c) COST SHARING.—The non-Federal share of the cost of a project constructed under subsection (a) shall be not less than 30 percent of the total cost of the project and may be provided through in-kind services.

(d) EFFECT ON LIABILITY.—Financial assistance provided under this section shall not relieve from liability any person who would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out the purposes of this section.

SEC. 590. EAST LYNN LAKE, WEST VIRGINIA.

The Secretary shall defer any decision relating to the leasing of mineral resources underlying East Lynn Lake, West Virginia, project lands to the Federal entity vested with such leasing authority.

SEC. 591. EEL RIVER, CALIFORNIA.

The Secretary shall conduct a study to determine if flooding in the city of Ferndale, California, is the result of a Federal flood control project on the Eel River. If the Secretary determines that the flooding is the result of the project, the Secretary shall take appropriate measures (including dredging of the Salt River and construction of sediment ponds at the confluence of Francis, Reas, and Williams Creeks) to mitigate the flooding.

SEC. 592. NORTH LITTLE ROCK, ARKANSAS.

(a) IN GENERAL.—The Secretary shall review a report prepared by the non-Federal interest concerning flood protection for the Dark Hollow area of North Little Rock, Arkansas. If the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is economically justified, technically sound, and environmentally acceptable, the Secretary shall carry out the project.

(b) TREATMENT OF DESIGN AND PLAN PREPARATION COSTS.—The costs of design and preparation of plans and specifications shall be included as project costs and paid during construction.

SEC. 593. UPPER MISSISSIPPI RIVER, MISSISSIPPI PLACE, ST. PAUL, MINNESOTA.

(a) IN GENERAL.—The Secretary may enter into a cooperative agreement to participate in a project for the planning, design, and construction of infrastructure and other improvements at Mississippi Place, St. Paul, Minnesota.

(b) COST SHARING.—

(1) IN GENERAL.—The Federal share of the cost of the project shall be 50 percent. The Federal share may be provided in the form of grants or reimbursements of project costs.

(2) CREDIT FOR NON-FEDERAL WORK.—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for reasonable costs incurred by the non-Federal interests as a result of participation in the planning, design, and construction of the project.

(3) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for land, easements, rights-of-way, and relocations provided by the non-Federal interest with respect to the project.

(4) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for the project shall be 100 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 to carry out this section.

MODIFICATION OF AMENDMENT NO. 1 OFFERED BY MR. SHUSTER

Mr. SHUSTER. Madam Chairman, I ask unanimous consent that the manager's amendment be modified with the modification I have placed at the desk. My modification would correct a technical mistake in the amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment No. 1 printed in part 2 of House Report 106–120 offered by Mr. SHUSTER:

On page 1, after line 3, strike the next five sentences.

On page 2, line 22, strike the period and add at the end '', and at an estimated average annual cost of $1,584,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,030,000 and an estimated annual non-Federal cost of $554,000.''

On page 3, after line 8, strike the next two sentences.

On page 5, after ''$6,129,000''.'' and before the next sentence, insert the following:

''In section 314 of the bill, strike ''(Amelia fIsland)'' and insert ''(Amelia Island)''.

On page 7, strike the first two sentences.

On page 32, after line 14, insert the following:

(f) REPEAL.—Section 401 of the Great Lakes Critical Programs Act of 1990 (104 Stat 3010) and section 411 of the Water Resources Development Act of 1990 (104 Stat 4648) are repealed as of the date of the enactment of this Act.

At the end of title III of the bill, add the following new section:

SEC. 367. CITY OF CHARLEVOIX REIMBURSEMENT, MICHIGAN.

The Secretary shall review and, if consistent with authorized project purposes, reimburse the city of Charlevoix, Michigan, for the Federal share of costs associated with construction of the new revetment connection to the Federal navigation project at Charlevoix Harbor, Michigan.

Conform the table of contents of the bill accordingly.

Mr. SHUSTER (during the reading). Madam Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. OBERSTAR. Madam Chairman, reserving the right to object, I do so for the purpose of yielding to the gentleman for an explanation.

Mr. SHUSTER. I thank the gentleman for yielding.

Madam Chairman, this amendment corrects provisions in the manager's amendment that were found to have unintended effects. And it adds two other noncontroversial items. The modification has been worked out with the minority.

Mr. OBERSTAR. Madam Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 154, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Chairman, I yield myself such time as I may consume. This is a bipartisan, noncontroversial package. It makes technical and conforming changes. It makes modifications to several projects in the reported bill. It includes environmental restoration and infrastructure projects. It includes flood control and navigation projects. It includes studies. It includes provisions based on discussions with other committees.

I urge my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield myself such time as I may consume. The amendment continues the tradition of addressing the urgent concerns of Members by including several high priority, time-sensitive projects and provisions that could not be considered in their ordinary and customary time.

I do want to thank the chairman of the committee for being so fully cooperative and responsive and participating in the time-honored tradition of our committee in a bipartisan manner.

Madam Chairman, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Chairman, I thank the gentleman for yielding time to me. I wanted to especially on this bill come down here to the floor and compliment the chairman of the full committee, the gentleman from Pennsylvania (Mr. SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for including language in this bill relative to a study by the Corps of Engineers on the Western Lake Erie Basin Watershed at the crossroads of the Great Lakes.

I want to just put on the record, without the help of these two gentlemen, our part of America could not solve the significant water problem that we have crossing several jurisdictions. This bill is so important. I hope every Member understands how hard these men have worked to really help every single corner of America. We have waited for years for this bill as our cities flood and our rural areas get devastated by extra water because of all of the development that has occurred in our region.

We cannot solve this problem without them and without the help of the Corps being the umbrella entity that brings all these multiple jurisdictions together across Indiana, Ohio and Michigan. I just want to thank them for being men of the future and paying attention to places like Toledo, Ohio and the crossroads of the Great Lakes. Our hats are off to them.

Madam Chairman, I include the following memorandum for the RECORD:

MEMORANDUM

To: Marcy.
From: George.
Subject: Western Lake Erie Basin Watershed Study Talking Points.
Date: April 29, 1999.

The 1999 Water Resources Development Act, H.R. 1480, includes a provision authorizing the Western Lake Erie Watershed study.

The Western Lake Erie Basin is the crossroads of the Great Lakes.

The Maumee River, which empties into Lake Erie at Toledo is the largest tributary to the Great Lakes. My District and the City of Toledo sit at the mouth of the Maumee.

The Corps of Engineers and other government agencies have conducted numerous studies in the Western Lake Erie basin, but no one has ever looked at the watershed as a whole.

We understand now the indispensable interrelationship between the various elements of the watershed's ecosystem, the water, the farmland, the cities, the suburbs.

If we are going to sustain the productive resources of the Western Lake Erie Basin, we must understand how all these elements work together.

I hope and expect that this study will lead to an understanding of our region on which we can plan a sustainable future.

Mr. OBERSTAR. Madam Chairman, I want to say to the gentlewoman from Ohio, I have not heard such kind words in 6 months. It is good to have those comments.

Madam Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Madam Chairman, I thank the distinguished ranking member for yielding me this time.

Let me try to continue the kind words as we go along here. To the gentleman from Minnesota (Mr. OBERSTAR) and to the chairman of the full committee and to the chairman of the Subcommittee on Water Resources and Environment on which I serve as well as to our ranking member, let me thank them for finally getting this bill to the floor. This is unfinished business from the 105th Congress. It is certainly one that is important to the people I represent and the region in which I come from. I want to thank particularly my side of the aisle for working with me as well as with the majority to make certain that East Coast residents will continue to have access to the goods that ships carry and the jobs our ports produce.

When we talk about international trade, 95 percent of all of the Nation's commerce moves through ports like that of the Port of New York and New Jersey. If we are to take advantage of that trade, then we have to have ocean-going ports that can take care of the next generation of ocean-going ships. This project and the bill that encompasses the project that I am talking about will help my region fight off economic trouble and ensure healthy growth by making the port receptive for more and larger ships for years to come. It will widen, deepen and align the harbor's channels to improve navigational safety to make way for the new generation of ocean-going ships.

The bill also contains important environmental considerations insofar as it contains provisions on sediment decontamination and sediment management which are enormous issues in the Port of New York and New Jersey and for that fact in other parts of the country. And it demonstrates the Federal commitment to deepening our harbors and channels which is unfortunately in direct contrast to some of the signals we have been getting within the region from the Governor of New York who has been holding us hostage on issues not related to the port's mission and the Port Authority.

We believe that it is important for the 20 million consumers in the region to get products that will be cheaper. We believe for the 180,000 jobs and $20 billion of economic activity that the Port of New York and New Jersey presently enjoys and which all the projections are that will grow dramatically, we believe that in essence for all of the economic opportunity yet to come as a result of international trade that this bill, the Water Resources Development Act, is an appropriate Federal response that will inure to the benefit of the region and to our country as this port is one of the vital natural resources that we have in this country in the promotion of international trade.

I want to thank again the chairman of both the full committee and the subcommittee and the ranking member of the full committee and subcommittee for making this a reality.

Mr. SHUSTER. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER), as modified.

The amendment, as modified, was agreed to.

The CHAIRMAN. The Chair is advised that amendment No. 2 will not be offered.

It is now in order to consider amendment No. 3 printed in part 2 of House Report 106–120.

Does any Member rise to offer that amendment?

If not, it is now in order to consider amendment No. 4 printed in part 2 of House Report 106–120.

Does any Member rise to offer that amendment?

Mr. PICKETT. Madam Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. PICKETT. Madam Chairman, I rise to engage the chairman of the Committee on Transportation and Infrastructure in a colloquy.

I had intended to offer an amendment today concerning a project at Sandbridge Beach in the City of Virginia Beach, Virginia. I have decided not to offer the amendment if the chairman can assure me that this important project will receive attention by the committee in the future.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. PICKETT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, I thank the gentleman for withholding his amendment. I will state that it is my intention to consider his proposal on the Sandbridge Beach project as we move forward with water resources legislation including our WRDA 2000 bill which we anticipate moving quickly in the next session.

Mr. PICKETT. I thank the gentleman.

The CHAIRMAN. Is the gentleman from Virginia offering amendment No. 5?

Mr. PICKETT. No, Madam Chairman, I am not.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part 2 of House Report 106–120.

Does any Member rise to offer that amendment?

Mr. OBERSTAR. Madam Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Madam Chairman, I take this time to express my appreciation to the gentleman from Pennsylvania for the splendid cooperation that we have always enjoyed on this committee in working out matters. But for a little half billion dollar bump in the road over this California project, this bill would have been disposed of 2 years ago.

I appreciate the continuing good will on the part of the gentleman from Pennsylvania and understanding of these problems as well as the chairman of the subcommittee. I also want to express my great appreciation for his patience to the gentleman from Pennsylvania (Mr. BORSKI).

I do want to cite for extraordinary commendable service Ken Kopocis, our chief staff member on the Subcommittee on Waters Resources and Environment who has done yeoman's service. The chairman was kind enough to mention him, but I want to reinforce my appreciation for Ken's devoted endeavors, and that of Ward McCarragher and Dave Heymsfeld and Art Chan on our committee who all have given such enormous time and effort to the unfolding of this legislation and bringing us to this point today. We can pass this bill relatively uncontroversial.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HERGER) having assumed the chair, Mrs. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1480) to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, pursuant to House Resolution 154, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

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

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 5, not voting 11, as follows:

[Roll No. 104]

YEAS—418

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)

NAYS—5

Hefley
Paul
Sanford
Sensenbrenner
Sununu

NOT VOTING—11

Aderholt
Blagojevich
Brown (CA)
Cooksey
Engel
Slaughter
Smith (MI)
Strickland
Tauzin
Wynn
Young (FL)

□ 1219

Mr. SENSENBRENNER changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Michigan. Mr. Speaker, I missed the vote on H.R. 1480, the Water Resources Development Act because I was detained away from the Capitol and the vote closed as I returned. Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 103 and 104.

Had I been present, I would have voted ''yes'' or ''aye'' on rollcall votes 103 and 104.

GENERAL LEAVE

Mr. SHUSTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1480.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Madam Speaker, I take this time to inquire about next week's schedule from the distinguished majority leader.

Mr. ARMEY. Madam Speaker, will the gentleman yield?

Mr. MENENDEZ. Madam Speaker, I yield to the distinguished majority

leader for purposes of discussing next week's schedule.

Mr. ARMEY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I am pleased to announce that we have concluded our legislative business for the week. On Monday, May 3, the House will meet at 2 o'clock p.m. for a pro forma session. There will be no legislative business and no votes on that day.

On Tuesday, May 4, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices. Members should note that we anticipate votes after 2 p.m. on Tuesday.

On Wednesday, May 5, and Thursday, May 6, the House will take up the following measures, both of which will be subject to rules: The emergency Kosovo supplemental bill for fiscal year 1999 and H.R. 833, the Bankruptcy Reform Act of 1999. It is our hope that the conference report on H.R. 4, the National Missile Defense bill, will also be available next week.

Madam Speaker, we should finish legislative business and have Members on their way home to their families on Thursday, May 6.

Mr. MENENDEZ. Madam Speaker, if the majority leader would allow a question, could the majority leader tell us on which day next week the Kosovo supplemental will be on the floor and for what amount it will be?

Mr. ARMEY. Madam Speaker, I thank the gentleman for his inquiry. Let me say I can say with a high degree of certainty that the legislation will be on the floor on Thursday of next week, and, of course, it will be up to the Committee on Appropriations to report it. I cannot give the figure in terms of its amount until after the committee has its markup, I think later today.

Mr. MENENDEZ. If the majority leader would answer one other question: Is it the majority leader's intention, or does he know if that supplemental will include a supplemental for Central America and for the farming community in the country?

Mr. ARMEY. I thank the gentleman for his inquiry. As the gentleman knows, we had that legislation pass through the House. We have gone to conference with the Senate. We wait upon the Senate with respect to that earlier supplemental report that has the inclusions that the gentleman speaks of. It is our anticipation that the week following next we would have that back in conference, as well as the Kosovo work, and we should be able to complete all supplemental work on both bills by the end of the week following next.

Mr. MENENDEZ. I thank the majority leader. For many of us it is a real concern, the Central American farming package. While we face one emergency, we have another emergency with 1 million people to the south of our border who we are concerned about in the context of immigration and in the context of disease and the context of helping to rebuild their countries. We would certainly hope that we could in a bipartisan way work expeditiously to make sure that that emergency is equally as resolved.

Mr. ARMEY. Madam Speaker, I appreciate the gentleman's remarks.

EXPRESSING SENSE OF CONGRESS REGARDING SOCIAL PROBLEM OF CHILD ABUSE AND NEGLECT

Mr. FLETCHER. Madam Speaker, I ask unanimous consent that the Committee on Education and the Workforce and the Committee on the Judiciary be discharged from further consideration of the concurrent resolution (H. Con. Res. 93) expressing the sense of the Congress regarding the social problem of child abuse and neglect and supporting efforts to enhance public awareness of this problem, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 93

Whereas each year more than 3,000,000 children in the United States are reported as suspected victims of child abuse and neglect;

Whereas more than 500,000 American children are currently unable to live safely with their families and have been placed in foster homes and institutions;

Whereas it is estimated that more than 1,000 children in the United States, 78 percent of whom are less than 5 years of age and 38 percent of whom are less than 1 year of age, lose their lives each year as a direct result of abuse and neglect;

Whereas the tragic social problem of child abuse and neglect results in human and economic costs due to its relationship to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency; and

Whereas April has been designated by the President as Child Abuse Prevention Month to focus public awareness on this social ill: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that—

(A) the faith community, nonprofit organizations, State and local officials involved in prevention of child abuse and neglect, and volunteers throughout the United States should recommit themselves and mobilize their resources to assist children in danger of abuse or neglect;

(B) Federal resources should be marshalled in a manner that maximizes their impact on the prevention of child abuse and neglect;

(C) because abuse and neglect of children increases the likelihood that they will later engage in criminal activity, State and local officials should be provided with increased flexibility that allows them to use Federal law enforcement resources in the fight to prevent child abuse and neglect if they consider that use appropriate; and

(D) child protective services agencies, law enforcement agencies, and the judicial system should coordinate their efforts to the maximum extent possible to prevent child abuse and neglect; and

(2) the Congress—

(A) supports efforts in the United States to—

(i) focus the attention of the Nation on the disturbing problem of child abuse;

(ii) demonstrate gratitude to the people in the United States who work to keep children safe; and

(iii) encourage individuals to take action in their own communities to make them healthier places in which children can grow and thrive; and

(B) commends the faith community, nonprofit organizations, State and local officials involved in prevention of child abuse and neglect, and volunteers throughout America for their efforts on behalf of abused and neglected children everywhere.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. FLETCHER) is recognized for 1 hour.

Mr. FLETCHER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Virginia (Mr. SCOTT) pending which I yield myself such time as I may consume.

Mr. SCOTT. Madam Speaker, I ask unanimous consent that the gentlewoman from Ohio (Mrs. JONES) be allowed to manage the time and yield debate time on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. FLETCHER. Madam Speaker, I am here today to recognize the continued and very good efforts by the gentlewoman from Ohio (Ms. PRYCE) who has offered this resolution, and I stand honored to speak on this very important resolution.

This resolution calls for a greater commitment toward recognizing the problem of child abuse and neglect and encourages more to be done for its prevention. Specifically it promotes greater coordination between child protective services agencies, law enforcement agencies and the judicial system in working to prevent such abuse and neglect. Additionally, it commends the work of those who keep children safe, including those in the faith community, nonprofit organizations, State and local agencies and volunteer organizations.

Madam Speaker, as you know, April is Child Abuse Prevention Month. The estimated number of children seriously injured by all forms of maltreatment quadrupled between 1986 and 1997. The estimated number of sexually abused children increased by 83 percent, the number of physically neglected children rose 102 percent, there was a 333 percent increase in the estimated number of emotionally neglected children,

and the estimated number of physically abused children rose 42 percent. Now 500,000 American children are currently unable to live safely with their families and have been placed in foster homes and institutions.

During Child Abuse Prevention Month, we should focus the Nation's attention on this national tragedy and demonstrate gratitude to the people in the United States who work to keep our children safe. Moreover, Congress should continue working to help State and local officials in their effort to prevent child abuse.

With my personal experience I have witnessed this firsthand, and in my practice in caring for patients, I am thinking back of one patient in particular, one small child that we cared for at the University of Kentucky Medical Center.

□ 1230

A child that was abused to the extent that they were comatose. I think, why should this happen in this great United States. I look at the impact that this has on the events that have occurred, and not only that, but we look at what has happened recently as to how much do we really care about our children.

Certainly I am honored to speak on this, the resolution of the gentlewoman from Ohio (Ms. JONES), and I certainly commend her on this. As we are addressing and focusing more attention on this issue, I hope that we can reduce the number of abused children in this tragedy in the United States and certainly continue to work.

This concurrent resolution will express the growing problem of child abuse and neglect. It also focuses on enhancing public awareness. We believe that the faith community, nonprofit organizations, State and local officials involved in abuse and neglect, and volunteers across America must recommit themselves to ending this alarming trend.

Federal dollars should be used in a constructive manner to maximize the prevention of child abuse in our local communities. It is time for this Nation to focus more attention and resources on the disturbing problem of child abuse. We need to encourage individuals to take actions in their communities to ensure a happy, healthy environment for our children.

Mr. Speaker, I reserve the balance of my time.

Mrs. JONES of Ohio. Mr. Speaker, I yield myself such time as I may consume.

It gives me great pause as I stand in this Chamber this afternoon to bring to the floor this resolution with regard to child abuse in America. The statistics are numbing. In 1997 over 3 million children were reported for child abuse and neglect to child protective agencies. Between 1988 and 1997, child abuse reporting levels increased by 41 percent. Currently, 47 out of every 1,000 children are reported as victims of child mistreatment. In 1997, 1,054,000 children were victims of child abuse, or in other numbers, 15 out of every 1,000 U.S. children.

A child in the United States is twice as likely to be reported as abused or neglected as to be enrolled in Head Start. Mr. Speaker, 37 percent of American parents reported insulting or swearing at their children within the last 12 months. One of three of all Americans have witnessed an adult physically abuse a child, and two out of three have seen an adult emotionally abuse a child.

In 1996, 1,185 child abuse fatalities were reported. Between 1995 and 1997, 78 percent of these children were less than 5 years old at the time of their death. Mr. Speaker, 38 percent were under the age of 1 year old.

It is time that we as a Congress and we as a Nation wake up and understand the impact that child abuse has not only on the child, but the child who witnesses the abuse; not only on the child as a child, but when he or she becomes a juvenile or becomes an adult and again, on their own become a child abuser. It is time that we figure out how we can prevent child abuse in our country, and how we can marshal the necessary assets for it, in light of the fact that our dollars are innumerable, in order to deal with this issue.

We have all been numbed over the past week, week and a half about the events in Colorado. We are numb today about a similar event in Canada. We are numbed about the use of guns by our children, but contemplate acting out such as these children did with guns could, in fact, be a result of child abuse in their earlier life. Many of the statistics have shown that someone who was an abused child is likely to be an abuser later on in life, is likely to act out in some type of conduct that would be inappropriate.

I am pleased to stand on the floor of this House today to talk about solving the issue of child abuse and neglect in our country.

Prior to coming to Congress, I served for 8 years as the Cuyahoga County prosecutor in Cleveland, Ohio, and it was part of my responsibility to deal with the issue of child abuse and neglect. One of the things that we were able to do in that jurisdiction was to in fact train assistant prosecutors who, in fact, were specially trained to handle child abuse and neglect cases. We found that we had an overwhelming greater success in winning our prosecutions because they were specially trained. In addition, we were able to take the attorneys who represent Cuyahoga County as attorneys in court on the civil side on abuse and neglect, to give them an opportunity to call the shots; in other words, to make the legal determination with regard to when we would proceed with a case of abuse or neglect or when we would not proceed.

I take my hat off today to the workers in the child protection services. I take my hat off today to law enforcement in child protection services, and to the attorneys, because if one does that work day after day and one sees the young people who have been abused and neglected, not only at the hands of their parents or their loved ones but the hands of children in similar age groups, one will understand how it is a profession that causes high burnout.

I am pleased to be a sponsor of a piece of legislation called CAPE, in conjunction with my colleague from Ohio (Ms. PRYCE), and we have other sponsors as well. Under the CAPE Act we are proposing that dollars that are collected from forfeiture in drug cases be allocated to provide for dollars to train child protection workers.

Currently, under the law as it exists, only $10 million is allocated for that purpose. Under the law that we have proposed, $20 million would be allocated to provide additional dollars through the Byrne Grant proposal for training for child protection workers.

In addition, dollars could be allocated to provide for child protection workers to have access to various criminal records, so that when they are making a determination with regard to where young people are assigned or what families they are assigned to, they would take that information into consideration. As I said, it is important.

My colleagues see the blue ribbon that we are all wearing today, all of us throughout the House, all of us all over Capitol Hill. The blue ribbon stands for Child Abuse Prevention Month, but it also stands for the young people who were killed in Colorado. It is time, it is time, it is time that we as a Nation wake up.

Mr. Speaker, I reserve the balance of my time.

Mr. FLETCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the good doctor, the gentleman from Kentucky (Mr. FLETCHER) for yielding me this time.

Mr. Speaker, for the past few weeks we have all been mourning the loss of the 12 innocent children who were so brutally slain in Littleton, Colorado. Today, we take this time to focus on other innocent children who lose their lives to other inconceivable acts of violence.

As many know, the President declared April as Child Abuse Prevention Month, and we bring this bipartisan resolution to the floor to help focus the Nation's attention on this national tragedy.

During the time which I stand before my colleagues for the next few minutes, at least one child will be reported

abused or neglected in my home State of Ohio. By the time this hour of debate is over, 20 children will have been reported abused or neglected, 480 by day's end, and that is just one State, and those are just the reported cases. These statistics are staggering.

But sometimes statistics are too sterile to demonstrate the real tragedy, because child abuse cases are not just statistics. Each case involves an innocent, fragile, living, breathing child who has a name and a face. Each bruise, broken bone, cigarette burn or death not only hurts that child, but also hurts all of us, because it so often means one less bright light for our Nation's future.

A sad fact, Mr. Speaker, is that many child abusers are themselves victims of abuse or neglect, which suggests a vicious cycle of criminality. Aside from its relationship to crime and delinquency, child abuse and neglect is also closely linked to drug and alcohol abuse, domestic violence and welfare dependency. Therefore, in a very real sense child abuse prevention also is crime prevention, drug prevention and welfare dependency prevention.

If we only could have paid more attention up front to prevent the abuse of those who years later will fill our jails or sleep on the streets strung out on drugs, or abuse their own spouse and children. We can make a difference if we stop the abuse now. We can reduce these problems in our future.

We must recognize that our children are our Nation's most precious resource and redouble our efforts to fight child abuse. This is why we are here today.

Throughout this month, a number of us have been wearing blue ribbons, as the gentlewoman from Ohio (Mrs. JONES) referred to, as part of a campaign which is being waged across the Nation during Child Abuse Prevention Month. In fact, I received my blue ribbon from my constituent, Debbie Sendek, Executive Director of the Ohio Committee to Prevent Child Abuse. Debbie Sendek is but one of the thousands of unsung heroes across our Nation who are in our communities on the front lines in the fight to protect our children, and it is all of these unsung heroes that we recognize and commend today through this resolution.

However, I am sure that we would all agree that the most important goal of Child Abuse Prevention Month is to protect our children. With 3 million children in the United States reported as victims of child abuse and neglect every year, we have a lot to do. While April is Child Abuse Prevention Month, I believe Congress must rededicate itself to fighting this national tragedy 12 months a year, and we need to make sure that this resolution is only the beginning and not the end of our efforts.

Congress must continue seeking ways to help those on the State and local level to fight child abuse. To do this, I have joined with colleagues on both sides of the aisle in introducing the Child Abuse Prevention and Enforcement Act, or the CAPE Act. In a nutshell, this bill will provide State and local officials greater flexibility to use existing Federal law enforcement resources for child abuse prevention. Also, the bill would double the earmark from $10 million to $20 million in the crime victims fund for child abuse victims. All of these funds come from forfeited bail bonds, forfeited assets and fines paid to the Federal Government, not from taxpayers' dollars.

The bill has the support of the National Child Abuse Coalition, Prevent Child Abuse America, and the Christian Coalition, just to name a few, and I urge all of my colleagues to sign on.

Mr. Speaker, abused children do not have a powerful voting block; they do not have high-paid lobbyists in Washington to champion their cause. That is why we must take this initiative and work it together in a bipartisan fashion to continue the fight to protect our Nation's children.

Finally, I would like to thank my fellow original cosponsors of this resolution for their support: the gentleman from Texas (Mr. DELAY), without whose help we would not be here today; the gentleman from Illinois (Mr. HYDE); the gentleman from Florida (Mr. MCCOLLUM); the gentleman from Pennsylvania (Mr. GOODLING); the gentlewoman from Connecticut (Mrs. JOHNSON); the gentleman from Illinois (Mr. EWING); the gentleman from Pennsylvania (Mr. GREENWOOD); the gentleman from Virginia (Mr. SCOTT); and my good friend, the gentlewoman from the great State of Ohio (Mrs. JONES), who has had so much personal experience in this area.

To recognize all of those who work tirelessly in the field who see these tragedies up close, we dedicate this month, and set our sights to do what we can as the United States Congress to stem the tide of one of the saddest, most horrifying aspects of this great country, and that is child abuse.

Mr. Speaker, I urge adoption of the resolution.

Mrs. JONES of Ohio. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me this time. Let me congratulate both the gentlewoman from Ohio (Ms. PRYCE) and the gentlewoman from Ohio (Mrs. JONES) for their leadership, and simply to add my voice in support of H. Con. Res. 93, and particularly emphasizing the need for protecting our children in America.

□ 1245

This is Child Abuse and Neglect Awareness Month, the month of April. I would simply like to say to my colleagues, let us look to the future when such a day will not be needed or such a month will not be needed.

As a cochair of the Congressional Children's Caucus, we have committed ourselves to promoting children as a national agenda. In the last session we were able to secure an additional $11 million to support the Children's Mental Health Services Program under Health and Human Services.

What we find with respect to our children who are abused and neglected are the kinds of devastating numbers that suggest that more than 500,000 American children are currently unable to live safely with their families, and have been placed in foster homes and institutions.

We also find it estimated that more than 1,000 children in the United States, 78 percent of whom are less than 5 years of age and 38 percent of whom are less than 1 year of age, lose their lives each year as a direct result of abuse and neglect.

If any of us can express the priceless feeling of cuddling a 5-year-old, a 1-year-old, maybe a 13-year-old, we are obviously outraged at the thought of those children being abused physically or mentally, and not getting the fullness of what an adult can give, which is loving and nurturing.

This tragic social problem is an epidemic, so I join with my colleagues to ask for and to give encouragement to the faith community, the nonprofit organizations, State and local officials involved in prevention of child abuse and neglect, and volunteers throughout the United States. We ask them to recommit themselves. We also applaud the works that they have done.

In my own hometown in Houston, Harris County, I have had the pleasure of co-chairing a committee that promoted foster parents to encourage them, to recruit more of them, so that in instances of tragic circumstances where we find a child from an abused home, we can immediately transfer that child into a loving foster care circumstance.

How terrible it is to read in our newspapers that a foster care situation was not available, or that a child protection services worker could not find a place for that child, or who had visited that abusive home and had left that child in the abusive home with the hope that it would get better, only to find in the next morning's news, to read that the child is dead because it was left in a home that was abusive and had no support system.

I believe we must promote foster care, parenting and foster care systems, and we should support them, provide the resources for those foster care parents.

Then I think it is imperative, as I wear the ribbon in commemoration of this month, but as well, the tragic killing of those young people in Littleton,

Colorado, along with all the other young people who have died at the hands of violence, to know that some of those who were the perpetrators suffered from child abuse and neglect, and we did not intervene at an early age.

I also say we should promote more funding for mental health services for our children, with more funding for school nurses, more funding for guidance counselors.

Most of all, let me say that we all should embrace this month with a recommitment in support of, one, the legislation, the CAPE Act, but as well, a recommitment that maybe in our lifetime we will not celebrate or commemorate, rather, the month that has to bring attention to child abuse and neglect; that we can say we have wiped it out, we have extinguished it, that we really do what this Nation should do, which is to love our children and to save our children.

I thank the gentlewoman for her courtesies for extending me this time.

Mr. FLETCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in support of House Concurrent Resolution 93.

As we have heard, April is Child Abuse Prevention Month. For any parent or adult who has witnessed the despair in a child's eyes after he or she has gone for so long without the love and nurturing that he or she so strongly craves and needs, it is heartwrenching.

Mr. Speaker, we know many of the results that come from child abuse. The majority of juvenile offenders, teenage runaways and adult criminals in this country were abused as children.

In a home for young, unwed troubled mothers in my district in Lancaster, Pennsylvania, called Beth Shalom, I have visited many of these young ladies who have suffered through terrible childhoods full of abuse, and they are now struggling not to repeat the patterns with their own young children.

Mr. Speaker, we also know that the most harsh price of child abuse is death. As we have heard, more than 1,000 children in the United States, 78 percent under the age of 5, 38 percent under the age of 1, lose their lives every year as a direct result of abuse and neglect. This is a tragedy happening in America today.

Mr. Speaker, we cannot call attention to this issue just once a year. Our efforts require a year-round focus and a continuation of our work with State and local officials who are working so hard to prevent child abuse.

This must be a community effort. Our children deserve all of the love and energy we have to keep them safe and healthy. I strongly support this resolution, and urge the Members to vote in favor.

Mrs. JONES of Ohio. Mr. Speaker, I yield such time as she may consume to my colleague from the great State of North Carolina (Mrs. EVA CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me the time, I thank her for her leadership, and I also appreciate the fact that this is a bipartisan effort led by the great State of Ohio and other Members who are joining with us.

Mr. Speaker, this is a time where we recognize child abuse, but hopefully, as the previous speaker said, this is not a one-time-a-year event, but this is a recognition that our children are our most precious gift. They represent our future. They are our hope. Therefore, we should be investing in their healthy existence. We should have been investing in their safe existence, as well.

Child abuse has many aspects to it. First, we do want to support this resolution, which gives public advocacy to it and recognizes the many individuals who are in there professionally doing it every day. It does take a lot for them to stay in that. It takes a continuous commitment to have that energy and not be burned out, so we want to commend those professionals who are in there.

We also want to commend a comprehensive approach. There is obviously a law enforcement part of this, there is a health enforcement part of this, there is a psychological and mental health part of this, there is a spiritual involvement with this, and the community as a whole should be involved. We need to see this as a community response, where all of us have an opportunity to play a part.

I am reminded of a poem that Edward Hale has said, and others have reminded us this week of that. It says, ''I am only one, but I am one. What I can do, I ought to do. By God's grace, I will do it.''

Here is an opportunity where individual actions with a parent who is having problems and struggling with overcoming his or her past of having been an abused child, now trying to struggling to be a decent and honorable parent, we need to engage ourselves as individuals with that.

Again, I commend all of our colleagues to support this resolution, but more than just support this resolution, to be engaged in this worthwhile activity, making sure that our children not only are healthy and safe, but making sure that their lives are the kinds of lives that will be productive and they will make a contribution.

Mr. FLETCHER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I commend the leadership of the gentleman from Kentucky (Mr. FLETCHER) and the gentlewoman from Ohio (Mrs. TUBBS JONES) in bringing this legislation to the floor.

As people honor April as Child Abuse Prevention Month by wearing blue ribbons, listening to speeches, mourning innocent lives lost or damaged, and celebrating the valiant efforts of those who have made a difference, my prayer is that we as a Nation would recommit ourselves to this issue.

We as parents and Americans must realize our collective responsibility for the well-being of our children. Their future is, indeed, our country's future, and therein lies a moral imperative that we cannot afford to ignore.

The numbers are daunting. In 1997, there were 3 million cases of child abuse and neglect. Today, at least 500,000 American children are in foster care and institutions because they cannot live safely with their own families.

Unfortunately, costs of government programs skyrocket, while there are more broken families, more abused children, more teenaged parents, and more foster children getting bumped around for years without being adopted.

This resolution expresses the sense of Congress that current statistics merit our commitment to intervene in the vicious cycle of child abuse. It says that we need to marshal Federal resources in order to maximize their impact on the prevention of child abuse and neglect. Sometimes it is clear that the most effective reform by the Federal Government is to simply cut red tape and empower local communities.

As with most social problems, government can only do so much to solve them. Local communities, families, and individuals must join together with government agencies to fight and to address the needs of children in the system.

My wife, Christine, and I have two foster kids in our home, and have had over the past 2 years. We have also been involved as volunteers for the Court-Appointed Special Advocates, CASA, and child advocates of Fort Bend County for almost 5 years. We have only recently talked publicly of our family life, in the hopes that others might be encouraged to become involved with the children at risk in their own communities.

The strength of America, the true greatness of America, is not only in the moral fiber of her people and in the integrity of her leaders, but also is revealed by how we treat those who are the most vulnerable.

There are none more vulnerable in our society, none heard less, than the children that suffer from abuse and neglect. We must be their voice. We must speak loudly and speak out with our time and our resources and our love. Get involved. No effort is too small and no child beyond our reach.

Let me just close by commending my colleague, the gentlewoman from Ohio (Ms. DEBORAH PRYCE), one of the best

mothers and legislators I know. I so appreciate her efforts on behalf of our Nation's children, and I am honored to join her as an original cosponsor of the child abuse prevention and awareness resolution, as well as the Child Abuse Prevention and Enforcement Act.

Mrs. JONES of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to review a few more facts with the Members. As I stated earlier, I served as the Cuyahoga County Prosecutor, prosecuting child abuse in Cuyahoga County and being responsible for abuse and neglect cases.

I also have had the opportunity to serve for 10 years as a judge in Cuyahoga County, where in many instances I was required to listen to testimony and judge the credibility of a young person who was being presented for purposes of testifying with regard to some abuse that he or she had suffered.

To look into the eyes of a child, to require them to walk into a courtroom, to be required to tell the world about terrible incidents of what had occurred to them, I cannot even tell Members how my heart would bleed.

Mr. Speaker, as I stand here this afternoon, as with my other colleagues, I look forward to the time wherein we will not have to celebrate Child Abuse Prevention Month. I look forward to the time where we will not have to celebrate Domestic Violence Month. I look forward to the time where we have created a society wherein people feel good about their relationships, wherein they care about one another, wherein they understand that what goes around comes around, where they understand that what you do to a child at an early age has an indeterminable impact as they go on later on in their lives.

It is important that we let the child protection workers who work in this area every day know how supportive we are of them, how we understand that they are underpaid, overworked, and that many times their caseloads just continue to balloon without any support in sight.

□ 1300

It is important that we let them know that we care about them and that this issue is important to all Americans. It is important that we as a community stop watching child abuse occur and do what the law and morality requires us to do, which is to say something about it, report it, be willing to step forward and tell what we saw happen. It is important that we as a community, as we talk about what it is we can do about child prevention, that we are willing to give not only our personal dollars but be willing to be supportive of the government giving dollars to child abuse prevention. And finally it is important that all of us, those of us that are Members of Congress, sign on not only to the resolution celebrating or bringing to the floor the issues of child abuse, but to also sign on to the CAPE act that will give dollars to local communities to be able to combat child abuse.

Mr. Speaker, I yield back the balance of my time.

Mr. FLETCHER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this resolution.

One of my colleagues earlier described as the inconceivable acts of violence some of the things we have witnessed in America's high schools recently, but that people like my colleague from Ohio witnessed day in and day out from adults in America toward children in America. And, indeed, what children in America, what some children in America are suffering at the hands of their own parents can only be described as inconceivable acts of violence.

It took this Nation a number of decades to understand the significance of domestic abuse and to actually change the laws so that beating one's wife was treated under the law exactly the same way as beating a neighbor's wife; that, in fact, assault and battery, whether it was against one's wife or anyone else was equally a crime. And as we came to understand that, we had to change many, many laws and we had to change the way emergency room personnel talked to women who came into emergency rooms and police responded to domestic abuse calls.

We have come a long way now in integrating into our understanding the early warning signs of domestic abuse and we are better at responding and better at early intervention, but we have not done this in the area of child abuse prevention. We have passed laws about mandated reporters, we have tried many things, but we do not integrate into our everyday lives a sensitivity to the needs of families where abuse is brewing or present.

And so this resolution that points to legislation that these leaders are going to bring to this floor and that our Committee on the Judiciary is going to consider and discharge will begin to look at every crime prevention program and assure that crime prevention includes child abuse prevention because, essentially, none of that money is being used for this very, very important purpose. And there are many other things we can do.

This Congress passed the Safe Homes and Adoption Act a year and a half ago. We just had an excellent hearing on that. And it has helped to focus on these families early on and helped the families either deal with their problems or infants to be discharged for adoption where there is no hope that the family can deal with its problems in such a way that abuse will not be recurring in a long-term part of a child's growing up. So we have made progress.

But there is so much more to do, not only in our criminal statutes and in our crime prevention statutes but also in those statutes that govern how this Nation funds child abuse and prevention. As chairman of the committee that has responsibility for those funds for our child protective services program, I can say we have a lot of work to do.

We have got to change the way we fund these services so that money does not follow placement into foster care, which represents failure to prevent, failure to restore, and failure to intervene when a family has an opportunity to become whole not only for that one abused child but for others who may be affected but maybe not as clearly and, therefore, not removed.

So we have to change the way we deal with this problem, to move to a far more holistic approach, and the opportunity is there for us. When we look at what we have done in welfare reform, it is really a model. We have provided more money for services to welfare women coming off welfare than ever in this Nation's history by providing much greater flexibility and a more responsive Federal program. And that is my goal in child protective services funding.

I look forward to working with women of experience and men of experience and deep concern in this body, and I thank the gentlewoman from Ohio (Mrs. TUBBS JONES) for her experience, interest and dedication to this matter.

The SPEAKER pro tempore (Mr. GILLMOR). Does the gentlewoman from Ohio (Mrs. JONES) wish to reclaim her time?

Mrs. JONES of Ohio. I do, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentlewoman from Ohio (Mrs. JONES) may reclaim her time.

There was no objection.

Mrs. JONES of Ohio. Mr. Speaker, I yield myself such time as I may consume only to thank my colleagues who have worked so hard with me on this piece of legislation and this resolution. I am pleased as a brand new Member of Congress to be able to participate in some bipartisan legislation that will impact our entire Nation.

Mr. FLETCHER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for yielding me this time, and, Mr. Speaker, I believe there is no greater responsibility that we have as public officials than to protect the innocent. And there is no greater group of innocent people than young children.

Sadly, there are those in this country who are compelled, for whatever reason, unbeknownst to any human being with common sense and decency, to abuse a child, physically and/or mentally scarring the child for life. We see it manifested in many different ways; yet for some reason, whether we are a Democrat or a Republican, when we see a young baby, it always brings a smile to our face. But to know that there are people who would willingly abuse a young innocent child walking the streets of our country is just beyond the bounds of human reasoning.

So I am happy and I compliment the sponsor of this legislation which will at least raise the level of consciousness one more notch. Because we need to stand united and to demonstrate that this great country, with its moral underpinnings, is concerned about every child that walks the face of the Earth, and that we, most importantly, can make a difference.

It is beyond just the abuse itself. We have been successful on Staten Island in developing a child advocacy center. In short, what that means is that the poor child who is abused, sexually, physically, sometimes as young as 6 months old, these poor children who would then have the trauma of repeating this story 8, 10, 15 different times to assistant district attorneys, to police officers, to child welfare workers, will no longer have to do so because what we did is consolidated our operations.

I compliment my predecessor, Susan Molinari, for spearheading this before she left Congress. It is a way of bringing a little reason and comfort to these poor children. I would encourage other communities across this country, if indeed they do not already have them, to explore this option. It minimizes an already tragic situation for a young child and, at the same time, sends a signal to child abusers that this is a zero tolerance policy.

Mr. Speaker, I want to once again compliment the sponsors of this legislation.

Mr. FLETCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EWING).

Mr. EWING. Mr. Speaker, I thank the gentleman, the acting chairman, for yielding me this time. I am pleased to come here today and to talk about the resolution honoring child abuse prevention and awareness month and also to speak about a piece of legislation that works into the area of prevention of abuse and child awareness which is called the CAPE Act.

This is a piece of legislation which I originally sponsored with Susan Molinari, and now I am cosponsoring along with the gentlewoman from Ohio (Ms. DEBORAH PRYCE), the gentleman from Texas (Mr. TOM DELAY), and the gentlewoman from Ohio (Mrs. STEPHANIE TUBBS JONES). We are extremely pleased with the reception of this legislation, and we think that it has tremendous ability in a very small way to loosen the bonds or the restrictions that too often are put on local governments who are fighting this battle with the money we send them. That is really basically what we do here. We give breathing room to local governments to fight this problem.

I am not going to go into statistics today. They are pretty gruesome. They are very, very sobering when we think about what is happening in this country. And probably the one statistic that is most alarming is that those children who are abused children themselves become abusers and criminals and addicted to drugs and alcohol and all of the things that we think are bad in our society. They are more susceptible to those things than children that have a healthy environment in which to grow up in.

So I would just ask all of those in the Congress, Mr. Speaker, to join in this bipartisan effort. We can fight crisis around the world, but in child abuse we have a crisis right here in America. It is time to put our best efforts towards solving that problem and moving ahead with new solutions.

I believe that the CAPE Act will allow us just a small step in that direction, and I hope, Mr. Speaker, that we can count on strong support from the Members of this body so that we will send that legislation to the Senate as well as pass this resolution here today on child abuse and awareness month.

Mr. FLETCHER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time. I am pleased to rise today in support of this concurrent resolution, H. Con. Res. 93, the sense of Congress regarding child abuse and neglect, and enhancing the public's awareness of this problem.

Child abuse, whether sexual, physical or emotional, is a growing problem in this Nation which we should view with a great deal of alarm. Every child has the right to grow up in a safe, well cared for environment. The most tragic thing about child abuse is it is often inflicted by someone close to the child who should be concerned with that child's welfare rather than inflicting that kind of harm.

Regrettably, far too many families are simply incapable of raising children without resorting to abuse. The end result is that the child often learns violence as an acceptable way to convey ones's feelings and release stress. Thus, the patterns of abuse usually continue with future generations.

In addition to the physical harm imparted on the child from sexual abuse, there is psychological damage which often lasts long into adulthood, affecting the child's future adult relationships.

□ 1315

Even worse, sexual abuse robs a child of his or her innocence long before that innocence should be taken away. And whereas many adults who physically abuse their children can, with the help of extensive counseling, overcome their problems and the dangerous patterns of behavior, that same success does not usually occur with sexual abusers.

All too often, sexual predators of children repeat their acts of abuse even after being punished for earlier actions. Those individuals need to either be deterred from committing their acts or effectively punished for their behavior.

So I want to commend my colleagues, the gentleman from Illinois (Mr. HYDE), the gentlewoman from Ohio (Ms. PRYCE), the gentleman from Illinois (Mr. EWING), the gentleman from Texas (Mr. DELAY), the gentlewoman from Ohio (Mrs. JONES), for bringing this measure to the floor at this time.

I ask my colleagues to support this measure.

Mrs. JONES of Ohio. Mr. Speaker, I yield myself such time as I may consume only to say to all of my colleagues who have appeared here this afternoon that I thank them for coming out in support of our resolution. We look forward to the same support on the CAPE Act when it comes to the floor.

Mr. Speaker, I yield back the balance of my time.

Mr. FLETCHER. Mr. Speaker, I yield myself 2 minutes to close and say certainly it has been a great pleasure to work with the gentlewoman from Ohio (Mrs. JONES) and the other sponsors of this resolution.

Obviously, as this month is Child Abuse Prevention Month, we certainly are encouraged to see the increased effort that Congress will make, that we can make at this national level to work with local folks, work with law enforcement, with health care, with faith communities, as well as all parts of our local communities, to ensure that we provide a safer place for our children, that we continue to increase the awareness of this problem, that we can, as the future goes on, do a better job in making sure that our children are safe.

Mr. BONIOR. Mr. Speaker, I rise today in support of the resolution calling for public and private resources to prevent child abuse and neglect.

Children are our most precious gifts. We are responsible for their education, their safety, their health, and their lives. We should do everything we can to protect our children and ensure that their lives are safe from harm.

Yet, a sad truth remains that not all children are free from abuse and neglect. In 1997 alone, more than 1 million cases of child abuse and neglect were confirmed by child protective service agencies in the United States. One million children confirmed.

If that statistic wasn't disturbing enough, we know what the results of childhood abuse and

neglect can be. We know that abused and neglected children do not perform as well in school. In some cases, physical abuse of children can result in brain damage, cerebral palsy, and learning disorders.

Perhaps most troubling of all, we know that there is a vicious cycle surrounding child abuse. Adults abused as children are at higher risk of arrest for sex crimes.

By recognizing April as Child Abuse Prevention Month, we alert communities all over our country to this tragic social illness that hurts our most precious and vulnerable resource. We recognize that child abuse is a complex problem. The solution requires action from everyone in each city and state. We need to support and expand local officials' efforts to prevent abuse. We need religious leaders to lend a supportive and understanding voice for families. We need to also support programs for families that prepare individuals for the job of parenting.

Most importantly, by recognizing Child Abuse Prevention Month, we also tell victims of child abuse that they are not forgotten. We see you and we will help you. We must remember that truly effective prevention efforts must include treatment for children who have been abused or neglected.

The lingering anguish we feel toward the tragedy in Littleton, Colorado captures how we feel when our children are harmed. We need to break this cycle and prevent child abuse from ever occurring.

I urge my colleagues to support Representative PRYCE's resolution that calls on a collective effort to raise awareness and prevent child abuse and neglect in our communities. I want to thank Representative PRYCE for her work on this important issue.

Mrs. BIGGERT. Mr. Speaker, I rise in support of Mrs. PRYCE's Resolution. This month is Child Abuse Prevention Month and I am pleased to be able to support this resolution which commemorates those who are helping to alleviate the evils of child abuse and neglect.

Together, we can make a difference, one child at a time.

I recently learned about the life of one child and the difference she felt in her life. Three years ago, Shannon was a 16-year-old girl suffering from neglect and despair. She never knew her father. Her sister had been taken away by the state and placed in foster care. Her brother was in state prison for attempted murder. And her mother couldn't seem to help her.

Shannon wasn't interested in life. She was depressed, in and out of psychiatric care between suicide attempts. She was failing in school.

Shannon needed a home. And thanks to the dedication of some very special people at Our Children's Homestead in my Congressional District, that's exactly what Shannon was given.

And what difference did it make? Today Shannon attends College. She plans to go into hotel management.

When she looks back to high school, Shannon sees A's and B's on her report cards; she looks at photos of herself in the sports section of the yearbook; she sees herself on stage at the prom—a member of the prom court.

Shannon is blessed.

But we must also remember how much more we need to do.

In 1992, less than 30,000 children in Illinois were removed from their homes and placed into the child welfare system because they were victims of severe abuse and neglect. Just last year, that number had increased to over 50,000. That's more than a 66 percent increase in only six years. Each one of those numbers may be another Shannon. A child who needs our help—literally needs our help—to survive.

As the numbers of children in need comes close to doubling, we must redouble our efforts to help them. I rise to commemorate the work of those who have done so much. As Shannon's story tells us, we can make a difference for children—one at a time.

Mr. FLETCHER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the concurrent resolution.

The previous question was ordered.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 93.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

NATIONAL HOSPITAL WEEK

(Mr. GOODE asked and was given permission to address the House for 1 minute.)

Mr. GOODE. Mr. Speaker, the week of May 9 is National Hospital Week, when communities across the country celebrate the health care workers, volunteers, and other health professionals. This year's theme for National Hospital Week is ''People Care, Miracles Happen.''

A great example of this theme is an event called Martha's Market at Martha Jefferson Hospital in Charlottesville, Virginia. Martha's Market is a weekend event that transforms an indoor tennis facility into a shopping plaza with 40 unique boutique vendors. The event began as a fund-raiser by a group of enthusiastic volunteers who wanted to raise awareness of breast cancer, and it won the American Hospital Association's prestigious Hospital Award for Volunteer Excellence.

Income for the event comes from corporate sponsors, individual donations and vendor profits. The net profit for the Market grew to more than $150,000 in 1998. The proceeds are used to support the hospital's breast cancer outreach program, provide free or reduced-fee mammograms and health screenings to low-income women, and sponsor free mammography days.

Mr. Speaker, I want to take this opportunity as National Hospital Week is approaching to congratulate Martha Jefferson Hospital for its award-winning program.

GENERAL LEAVE

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 154.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

ADJOURNMENT TO MONDAY, MAY 3, 1999

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 4, 1999

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 3, 1999, it adjourn to meet at 12:30 p.m. on Tuesday, May 4, 1999, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MINIMUM WAGE STIFLES GROWTH, CREATIVE SPIRIT

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. DICKEY. Mr. Speaker, I would like to place in the RECORD an article written by Leo Collins and published in

the Pine Bluff Commercial on April 27. Two significant points were made.

First, it stated:

In many ways it seems that the only people who benefit from guaranteed minimum wage are those high school dropouts with lost ambition. We should not promote a permanent minimum wage mentality in anyone by convincing them that they can only expect an increase in wages if the government gives it to them. On the contrary, we should encourage them to look to their willingness to prepare themselves and use their ambition as their ticket to higher prices.

On another subject Mr. Collins talks about good educational programs like Trio being sooner or later: ''Bushwacked and slowly ground into government pork.''

Without his knowing it, the opportunities afforded by Trio to students who want to try are being threatened by a new proposed program called Gear Up. The threatened dilution of Trio has been prophesized in this article. Mr. Collins' wisdom on each of these issues is remarkable.

[From the Pine Bluff Commercial, Apr. 27, 1999]

MINIMUM WAGE STIFLES GROWTH, CREATIVE SPIRIT

(By Leo Collins)

As long as I write an opinion column or do radio commentaries, which I have done 30 years or more, I will from time to time voice an opinion against those who buy into the minimum wage concept.

And I will also get branded from time to time as one of those black conservatives who doesn't want to see all Americans with enough financial resources to sit around the dinner table and feast on pheasant washed down with vintage wine.

Well, those who identify me as a black liberal half of the time are about right. Those who identify me as a black conservative the other half of the time are probably right also.

Some of our well-meant social programs are not much more than social crutches that are both addictive and non-productive and often do nothing more than provide feather bedding posh jobs for those charged with overseeing these types of programs.

But there are many government programs that do tons of good: Headstart, TRIO Programs (Talent Search, Student Support Service and Upward Bound) all come to mind. They help provide all kinds of educational supplements for students who are at a disadvantage or who are educationally abandoned.

We don't want to throw all social programs out the back door. Most government programs start off with all the good intent in the world, but along their voyage down the road of good intentions, these programs get bushwhacked, are slowly ground into government pork and get branded often as government waste.

There are times when our elected officials make political hash out of well-meaning social programs because they seem directed toward a certain racial or ethnic group. So when we evaluate the outcome of these types of programs, they will not have had a national impact on America; but they will have helped a large segment of the populace in certain areas of the country.

Over the years social programs that were designed to help the poor have always been branded as pork. But Pentagon waste and aid to huge corporations have always been labeled as programs aiding America, or it's done under the guise of keeping America strong.

The concept of minimum wage has always sounded like a good idea. No American, according to those who advocate it, should earn less than a set wage.

All of this sounds good, but is it good? Not to me! It stifles individual growth, it dampens the creative spirit and it gives the illusion that your lifelong economic dreams have been fulfilled even though you can never quite figure out why you never seem to take enough pay home to make a down payment on a new car. In many ways it seems that the only people who benefit from guaranteed minimum wage are those high school dropouts with lost ambition.

In a small business the owners may not earn enough to pay minimum wage, but this is an ideal climate for young people to learn something about what it requires to make it in an economy based upon free enterprise. That is more important than earning minimum wage.

No, I don't believe in child labor and slave wages, but I do believe in organized labor, providing that labor leaders require the membership to deliver high quality performance after management concedes to their demands. Wage wise indeed, there ought to be some kind of collective bargaining, but it should be between workers and management, not necessarily between government and management.

The government only needs to raise its powerful fist when management is obviously abusing labor by not providing safe working places, health insurance, etc. It just seems to me that wages ought to coincide with net profits, but there should be no guaranteed minimum or maximum wage. Too frequently, I must admit that management does not pay labor its fair share.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

DECLARING CUSTOMS AND INS INSPECTORS LAW ENFORCEMENT OFFICERS

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

Mr. FILNER. Mr. Speaker, I rise today to honor the work of the officers and inspectors of the U.S. Immigration and Naturalization Service and the U.S. Customs Service and other Federal agents and various agencies and ask that they be accorded the full Federal law enforcement status, as outlined in legislation I recently introduced.

This bill will finally grant the same status to the U.S. INS and Customs inspectors as to all other Federal law enforcement officers and fire fighters. It is in the public's interest to end the unfair, unsafe, and expensive practice of excluding these inspectors from the law enforcement category.

Because of the current lopsided law, INS and Customs lose vigorous, trained professionals to other law enforcement agencies. The agencies also lose millions of dollars, as they have to train other inspectors to take the place of those who have just departed.

Customs and Immigration inspectors are law enforcement officers. They are law enforcement officers. They carry firearms and are the country's first line of defense against terrorism and smuggling of drugs at our borders.

I represent the City of San Diego at the border crossing between Mexico and the United States; and right there in my district, 125,000 people per day, 125,000 people per day cross through the point of entry. It is the busiest border crossing in the world. And inspectors there daily face felons. They disarm people who are carrying sawed-off shotguns, switch-blade knives, and handguns. They have been run over by cars and have had shoot-outs with drug smugglers.

Forty-three courageous U.S. Customs and Immigration and Naturalization Service inspectors have been killed in the line of duty. We owe it to their memory, and to the men and women who now serve in the same dangerous jobs that their predecessors died performing, to provide inspectors with the full law enforcement status.

The sad irony in this fight is that the inspectors who were killed in the line of duty eventually achieved law enforcement status when they died by having their names inscribed in the granite of the National Law Enforcement Officers Memorial here in Washington, D.C.

Mr. Speaker, I say this is too long to wait and way too high of a price to pay for law enforcement status for the Customs Service and Immigration and Naturalization Service inspectors. We have the opportunity to provide inspectors parity and recognition now, while they live and protect us from terrorists, drug dealers, and fugitives.

Mr. Speaker, the U.S. Immigration and Customs inspectors daily put their lives on the line. It is time that we value those lives. I urge support of H.R. 1228, legislation to correct the unequal treatment of these Federal law enforcement officers.

SANCTIONS REFORM

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

Mr. BLUMENAUER. Mr. Speaker, this Chamber has been dominated with discussion over the course of this week dealing with the limitations and the costs of the use of force in trying to secure international peace. Yet, there is another very critical area.

As we attempt to work our will on issues around the globe, we are finding

it more and more difficult to gain leverage with other countries as we are dealing with issues that deal with economic sanctions. Our efforts are made all the more difficult by signals coming from inside this Chamber encouraging America to retreat from its role as the world's only remaining superpower.

It is time for us to take a step back and reshape our thinking about how we can apply sanctions that are more in tune with what actually happens in the world. Well-intentioned sanctions are becoming less and less effective if we do it on an unilateral basis. Currently, it is estimated that half the world's population is subject to some sort of sanction on the part of the United States. Yet it is estimated that only one-fifth of the programs that we have applied previously in the last 20 years achieved their intended goals.

The Institute for Economic Analysis estimated that unilateral sanctions have a very real cost for Americans and our businesses, perhaps as much as $20 billion per year in lost opportunities, which translates into a potential job loss of 200,000 American jobs. And those that are in the international arena turn out to be amongst the highest paying American jobs.

We see persuasive evidence that unilateral sanctions simply do not work. The threat of sanctions not only failed to deter what happened in India or Pakistan regarding nuclear testing, but it would have cost people in the region that I represent in the Pacific Northwest a huge wheat sale if Congress had not acted quickly to grant a waiver authority to the President so he would not have to apply the sanction. Well, it rescued a potential loss of business but it made us look foolish, having this sanction out here and then not applying it when the chips were down.

The example of Cuba is perhaps one of the most abject failure, where we have imposed sanctions basically alone in the world. Yet Castro continues to thrive after 40 years and, in fact, perhaps has been even more entrenched by our opposition to his regime.

The simple fact is, if we are going to initiate sanctions, we need to have better information to make better-informed decisions. We need to look in a comprehensive way about what we are trying to achieve. When will we decide whether or not the sanction is effective, and how will we determine whether or not we have met that objective?

I personally am embarrassed in conversations that I have had with people, parliamentarians from other more developed countries who have very thoughtful approaches that allow them to determine when they are going to be involved, how they are going to be successful, and when they conclude that effort.

I was pleased to join former Representative Lee Hamilton and Senator LUGAR, both of Indiana, last session when they introduced comprehensive reform of American sanctions policy. I am pleased that this legislation has been reintroduced in this session.

I would strongly urge my colleagues to look at comprehensive sanction reform as an area for them to be involved. It is an area that we ought to know what we are doing. It will make a big difference for American business, and it will make our foreign policy much more effective in the long-run.

At a time when we are dominated by the threat of war and, in fact, being actively engaged with American fighting men and women overseas, we owe it to them, we owe it to our constituents, we owe it to ourselves to make sure that we have all the tools that are available and that they are used in a thoughtful fashion.

□ 1330

TRAGEDY AT COLORADO HIGH SCHOOL

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, as a Congress and as a Nation we are mourning the brave students and teachers whose lives were cut short in the senseless tragedy at Columbine High School.

An overwhelming sense of sadness and grief has spread throughout our Nation as we wonder out loud what led our country to this point. How could two of our children, our Nation's future, who harbored so much anger and resentment, turn to violence before they turned for help? What frightens me even more than the event itself is that it is symptomatic of a Nation rapidly losing sight of the very values this country was built upon: faith, family and freedom.

Mr. Speaker, in the past year and a half, at least 29 people have been killed as a result of school violence. In today's era of virtual reality games and the Internet, children witness gruesome acts of violence on a daily basis and can access pornography on the Internet with ease. And now our Nation's children are a simple click away from directions to build the same pipe bombs that two troubled young men used to wreak devastation on a small Colorado community.

The events of the last week have reminded me of an old Chinese proverb that says, ''If we do not change our direction, we are likely to end up where we are headed.''

Mr. Speaker, we are headed down a dangerous path. Some blame violence in the media, music, the Internet, access to guns and parental neglect. While they all influence our children, the problem is even greater.

In response to the tragedy, President Clinton has proposed more gun control laws. Mr. Speaker, we already have a number of gun control laws on the book. New laws are not the answer. It is not what is in our children's hands, it is what is in their hearts.

Mr. Speaker, one of the students who died last week was killed after proclaiming her belief in God. This young girl herself once struggled with some of the same issues her killers did. She even subscribed to witchcraft until she chose to embrace God and turn her life around. For this, for her beliefs, she was killed.

Sadly, in the news coverage over the past week, the media has focused on a small group of students who isolated themselves from others because they felt alienated. But we can see by this tragedy at Columbine that when circumstances were dire, students and teachers cast aside their differences and worked together.

As a man of Christian faith, I cannot help but be proud of the number of students recounting stories of being trapped in the school and surrounded by death who found solace in prayer. Yet how ironic that on any other day, our Nation's children cannot pray in school. In fact, children have been barred from bowing their heads in private prayer, from expressing their religious beliefs in school newspapers and even bringing the Bible to school.

Mr. Speaker, can anyone today say that our children are better off than they were 30 years ago when prayer was accepted in our schools? Thirty years ago, teachers were concerned with students smoking in school, skipping class and an occasional fistfight. Today teachers are being asked to deal with teen pregnancy, drug abuse and the physical safety of their students.

Mr. Speaker, let Littleton, Colorado be our wakeup call. Faith is exactly what this country needs. The children in Littleton turned toward God during their time of crisis. We should not force them to turn away from God during their daily lives.

Mr. Speaker, today our Nation is faced with two choices: We can continue down the path we have created for ourselves or we can look to a time in our history when children felt safe in school, and we can learn from our mistakes. This country was founded on Judeo-Christian principles. Yet we have become an America in which children reach for a gun before they reach for their Bible, or turn to violence instead of their parents or their church.

Mr. Speaker, I have the great honor of representing the citizens of eastern North Carolina. What makes me so proud of my constituents is that they, like so many Americans across this Nation, have a great respect for the Bible and the Constitution. They live their lives for God and country and they nurture these beliefs in the lives of their

children. These are the values that this country needs.

As Mother Theresa once said, ''If you become a burning light of justice and peace in the world, then really you will be true to what the founders of this country stood for. This is to love one another as God loves each one of us. And where does his love begin? In our home. How does it begin? By praying together.''

Mr. Speaker, how did we ever imagine to lose sight of our founders' intentions? The students and teachers of Columbine High School have shown us that we must join together to return an America that gives families the freedom to raise their children in an environment that is safe, where children are free to live and to learn.

In the words of George Washington, "The smiles of heaven can never be expected on a nation that disregards the eternal rules of order and right, which heaven itself has ordained."

Today, my thoughts and prayers are with the community of Littleton, Colorado as they begin their healing process.

As a tribute to the families and friends who lost loved ones, let us turn this tragedy into an opportunity.

We took prayer out of school and we have seen the results.

Let us now change course and return to the values on which this nation was founded.

Please do not allow those who died in Littleton to have died in vain.

TRIBUTE TO SAM GILMAN OF ROCK ISLAND, ILLINOIS

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

Mr. EVANS. Mr. Speaker, today I rise to pay tribute to a good friend of mine, Sam Gilman of Illinois. Tonight the Quad Cities Israel Bonds Council will award Sam with the Jerusalem Medal for dedicated service to his community and to Israel. I have learned so much from Sam about public service over the years and I take great joy in seeing him recognized for his outstanding achievements. He knows what it means to give of yourself to help others.

After graduating from college, he served our country in the United States Army during World War II. Following law school at Harvard, Sam returned to the Quad Cities to practice law and later became a director of the Pinnacle Banc Group. He has also helped build enduring institutions that serve the entire community, including founding WQAD and WKPT and serving as chairman of the board of Franciscan Medical Center.

Sam has been instrumental in developing a strong Jewish community and support for Israel in western Illinois. His leadership as a director and past president of the Jewish Federation of the Quad Cities, as founder of the Quad Cities Yom HaShoah Committee, and past director of the Tri-City Jewish Center strengthened those groups and laid a foundation to be erected for an active community for many years to come.

I have witnessed Sam's love for Israel and his dedication to helping Jews in need around the world. In 1986 we went together with a group to Israel and I learned to appreciate the deep affection he has for that land and its people. Two years later, on a journey to the former Soviet Union, I joined Sam as we met with refuseniks and worked to help Soviet Jews fighting for their freedom under a repressive regime.

Sam's work and that of countless others in the Jewish community is directly responsible for securing the right of Jews to emigrate from the former Soviet Union and for helping Israel to resettle this mass exodus of people in a land where they can now be free.

Finally, I have been fortunate to benefit from Sam's wise counsel and support for almost 20 years. He has been a true mentor to me as I first sought to represent western Illinois in Congress, and as treasurer of my campaign, he has always had a critical role in every race that I have run. Most of all, I am proud to call Sam a friend and look forward to many more years of sharing his advice.

KOSOVO

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

Mr. SOUDER. Mr. Speaker, last night's votes on our war were a wakeup call to our President, to NATO and to the world. The American People's House voted against a declaration of war, against ground troops, and also defeated a resolution on a tie vote, even, in support of the current air war. That should be a clear message to the world that America is in the process of switching the more they learn about this ill-conceived war.

Next week's supplemental defense appropriations bill is in deep trouble. How can a Congress vote against a declaration of war this week and then the next week turn around and fund it? I want to make sure as one of those who is against this war, who started skeptical but has turned into someone who feels it is time to aggressively speak out before American men and women die on a battlefield in an ill-conceived, ill-planned and unwinnable war, that several things are true about this supplemental appropriation. Those of us who oppose it are not unconcerned about the refugees. Two weeks ago when I was privileged to go along with the CODEL over to that area and visited a refugee camp in Macedonia, you cannot help but be moved by the terrible stories that the individuals are telling about how they have been forcibly removed from their country. It is terrible. The question is not whether it should pull at your heart and how terrible it is. The question is what can we do about it and is this unprecedented? It is wrong when the Serbs do it, it is wrong when the Croatians do it, it is wrong when the Bulgarians do it, and it is wrong when the Bosnian Muslims do it. The question is by inserting ourselves can we stop this? Is this the most effective way? And will we accidentally create a problem potentially bigger than the problem that we went in to solve?

Secondly, this is not about refugee aid. We should be having a separate vote on refugee aid, not refugee aid serving as a cover for military appropriations for a continuing war. All of us agree that the economies of Albania and Macedonia have been devastated by being unable to continue their trade not only with Serbia but the other countries around them, by handling the refugees that come in, by having a general collapse of their economies by their openness. We need to give aid for the refugees, we need to give aid to those countries. That is not what this supplemental appropriations bill is about next week. That is merely wrapping with it. We will give refugee aid, we will give aid to those countries, but I believe it should happen after we have a settlement there.

Thirdly, this is not about replacing military preparedness. This President has already proven that whatever we appropriate, he diverts to the war. We can appropriate it for this or that, but if he wants to continue the war, he is diverting it. We have an obligation if we say we are against this war not to hide behind what we are replacing but understand he has no conscience as far as how he will divert the money, which also leads me to, this is not about military buildup. I am one of those who believes we are at least $20 billion behind in military preparedness and that is why we need to do it and that is why we must as a Republican Congress step up regardless of the budget question and address the defense question. But not here. If we put $12 billion, $6 billion more than he proposed on this bill, what assurances do we have that this is not either going to continue the war or be used, even worse, for the ground war that we voted against last night? Because there are no fire walls that you can put in, particularly if we continue to allow reprogramming of money in our leadership that protects us from having voted the funds next week to go to a ground war.

It is fine to stand up here as we did last night and say we are against a ground war, we are against continuing this air war, we are against a declaration of war, but the real thing comes

down to the money. Next week are we going to stand up and say, ''He can't have the money to continue and expand this war. We want to see people come to the table in a livable, workable thing''?

When I was at NATO in Brussels, I had a very weird feeling as I was sitting around the table and hearing how we cannot back up, this could be terrible and devastating for NATO. This is so much like Vietnam where we heard all those things and in fact we got the same deal after we had the loss of American lives that we could have had the first day.

In a very interesting book, ''Taking Charge'' by Michael Beschloss about Lyndon Johnson, actual tapes, this is an exchange of Lyndon Johnson with Dick Russell, head of the Senate Foreign Relations, I believe, at that time.

''LBJ: I spend all my days with Rusk and McNamara and Bundy and Harriman and Vance and all those folks that are dealing with it and I would say it pretty well adds up to them now that we've got to show some power and some force—that they do not believe—they don't believe that the Chinese Communists will come into this thing. But they don't know and nobody can really be sure. But their feeling is that they won't. And in any event, that we haven't got much choice, that we are treaty-bound, that we are there, that there will be a domino that will kick off a whole list of others, that we've got to prepare for the worst.''

That is exactly what we are being told here. That is exactly what I heard at NATO. ''Oh, we can't back up because we are treaty-bound, we are there, it will be a domino.''

In fact, we stayed in Vietnam. We lost many of my friends, thousands of Americans in that battle, and in the end wound up backing up, because the problem here is do not bluff, do not make threats that you cannot follow through. Our generals have told us, this is unwinnable in the air. Those of us who have been over there, those of us who have studied any history realize you cannot do a ground war from the south. A ground war would have to come from the north. Not only are there huge mountains and not only have armies throughout world history been stopped in those mountains, you have to come from the north.

If you come from the north you have Romania and Hungary drawn into the war. You have a problem of coming through Belgrade and northern Yugoslavia and then us owning northern Yugoslavia as well as the autonomous republic of Kosovo.

It is not winnable on the ground. The American people need to be told that if we go to a ground war, between 20 and 50,000 Americans are going to lose their lives. We have to understand what we are faced with here. We bluffed. We should not bluff when we do not have the ability to execute. It is time to cut off the funding for this war.

ILLEGAL IMMIGRANTS IN GUAM

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

Mr. UNDERWOOD. Mr. Speaker, this is the third time in 3 weeks that I have taken the opportunity to give a special order on an ongoing crisis in my home island of Guam, and this pertains to the continuing arrival of illegal immigrants from the People's Republic of China.

During this past week, there was yet another 200, over 200 illegal immigrants who have arrived. On October 23, 175 were apprehended off of Guam's waters and on April 28 another estimated 100 were apprehended near Guam's shores by the U.S. Coast Guard.

□ 1345

The number of apprehended illegal immigrants from the People's Republic caught near Guam is now well over 700 this year. A couple of weeks ago I informed this body and I have informed the administration about the inhuman ramifications of this smuggling trade in human beings into Guam.

These people are being smuggled in by Chinese crime syndicates which charge them anywhere from $10,000 to $30,000 each. They set sail in squalid quarters meant to survive, in a vessel that is meant to survive a one-way trip in open ocean for over 10 days from the Fukien Province inside China to Guam, near Guam, and the Mariana Islands.

Upon successfully completing the trip, they are then, if they are successful and if they land on Guam, invariably they are successful in getting some kind of asylum, they are made into indentured servants for many years to work to pay off their debt to the smugglers who have brought them into the United States.

This is very unlike other economic refugees or even the border crossings that we see on our southern border. This is clearly a smuggling trade in which these people who are making the journey are as much victims as the people of Guam are being victimized by this trade.

According to the INS officer in charge on Guam, Mr. David Johnston, the waves of illegal immigrants will not stop. We are faced with a phenomenon that will not stop unless we change the applicability of Federal law to Guam, in the case of immigration, the application of the Immigration and Naturalization Act, and unless we make it apparent to the Chinese smuggling crime syndicates that this will no longer be a profitable trade for them.

There is a way out which has been utilized by the administration, a process which I fully endorse, and that is to take these people and instead of moving them to Guam, to take them up to the Commonwealth of the Northern Mariana Islands, another U.S. territory, but interestingly a U.S. territory in which the application of the Immigration and Naturalization Act does not fully apply.

So what that means is that when these people are taken to the Northern Marianas, what happens is that they do not have the right to all the kinds of asylum which is generally available in Guam or any other U.S. territory. It is anticipated that from there they can be repatriated back to China within weeks rather than the 2 years it takes to adjudicate asylee cases, in which case most of the time they are generally released into American society.

So as a consequence of this the Coast Guard has been taking and trying to interdict these vessels in the open ocean and moving them to the Commonwealth of the Northern Mariana Islands through the collaboration and cooperation of Governor Tenorio and other officials there, and for that at least the people of Guam are grateful, and we certainly endorse this policy, this practice which has been implemented by the Clinton administration.

Illegal immigration into the United States is a Federal responsibility. Because of Guam's proximity to Asia, it is incumbent that Federal agencies assist the Government of Guam in combating this serious problem on our shores. It is important to understand that Guam is only 212 square miles in size and our population is only 150,000. Any significant increase in the immigrant population on the island has significant social and financial repercussions because of our financial, current financial conditions which are affected by the Asian economic crisis, and because we do not have the alternative resources available for noncriminal alien immigrants that are generally available in the U.S. mainland.

The financial strain on Guam's resources are tremendous. I hope that we can find a way to reprogram some $10 to $15 million to take care of this problem on Guam and to reimburse the Government of Guam for costs that have already been expended on this crisis.

A PEACEFUL RESOLUTION TO THE SITUATION IN THE BALKANS

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

Mr. METCALF. Mr. Speaker, I hope we are all here well informed of the efforts of our colleague, the gentleman from Pennsylvania (Mr. WELDON), to bring about a peaceful solution to the situation in the Balkans. In the light of yesterday's votes on the Balkans, I

believe this effort should be immediately embraced by the administration.

Mr. Speaker, I am astounded that the administration choose not to support the attempts of the gentleman from Pennsylvania (Mr. WELDON) at finding a peaceful solution to the crisis in Kosovo. The decision by the administration leads me to reluctantly conclude that they are determined to prosecute a war in Kosovo regardless of costs. The attempt by the gentleman from Pennsylvania (Mr. WELDON) in coordination with the Russian Duma should have been wholeheartedly embraced by this administration as a means to ensure the safety of not only the Kosovars, but our men and women in uniform carrying out the NATO mission. I can think of no reason why the administration would reject the efforts of the gentleman from Pennsylvania (Mr. WELDON) and the members of the Russian Duma. The agreement, if successful, would establish a cease-fire under conditions first proposed by the NATO countries.

Now, if the NATO requirements were dismissed in the proposal and unsatisfactory ones drafted, I could understand that the administration would be unable or unwilling to support it. But a rejection of a potential agreement with the NATO conditions as a prerequisite is unimaginable.

It is essential for this Congress to accept its responsibility to our men and women in uniform and ensure that their safety is the paramount concern of the United States. Unfortunately, with the administration's rejection of the potential peace initiative I cannot be sure that it is theirs.

The United States does not have a vital interest in the Balkans. We have not been presented with clear objectives, any specific mission or even a coherent exit strategy. Now the administration is choosing military action over peace.

Mr. Speaker, I encourage all my colleagues to support the efforts of the gentleman from Pennsylvania (Mr. WELDON) in the Balkans.

THE HIGH TECH ECONOMY

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

Mr. SMITH of Washington. Mr. Speaker, the fastest growing segment of our economy has been the high tech segment of our economy driven mostly by computers, software, the Internet, biotech, and also the products that our increasing technology enables us to create. It is what has been most responsible for the strong economy we have enjoyed in the last 7 or 8 years and, more importantly, will be the cornerstone of what the future is going to hold. The more we can do to move the high tech economy forward, the more jobs that we could create and the stronger an economy that we can have.

Now we deal with a lot of complicated issues in Congress. Mostly our goal is to try to improve the lives of the people we represent. There are a lot of very strong difficulties in doing that, but the one thing that most clearly, positively affects the lives of the people all of us represent is a strong economy. That is means opportunity, opportunity for good jobs and a decent wage so that you can take care of your family and build for the future. High tech is critical to that.

That is the first component of what I want to talk about, the high tech economy. The second component is exports and basically creating markets for our goods, specifically for our high tech goods. Ninety-six percent of the people in the world live someplace other than the United States of America.

Now in the U.S. we still manage to consume 20 percent of the world's goods, services and products, so what that means is if we are going to have growth in any aspect of our economy really, not just the high tech aspect, we are going to have to look overseas. We are going to have to look to that other 96 percent of the world out there and increase their consumption of our goods.

Bottom line: Increase exports, and in particular, increase exports of high tech products. Those are the two things that need to come together, the importance of getting at that 96 percent of the rest of the world and the importance of continuing to allow our high tech economy to thrive. If that high tech economy is going to thrive, we are going to have to get access to those other markets. Our companies in this country are going to have to get access to those other markets for one central reason, that we are the leaders in most aspects of the high tech economy.

We are far from alone. Countries throughout the world are developing their own Internet technology, their own telecommunications technology, their own software and hardware technology. We have competitors out there, and if they have access to markets that we do not have access to, that is inevitably going to catch up with us. It is going to give them the ability to grow and prosper and then feed more money back into research and development to develop the next best product, and in the high tech community, as my colleagues know, today's best product could be just totally out the window tomorrow as technology leaps ahead. You have to be the one in the position to leap ahead, and to get there we have to give our high tech products access to those foreign markets, and we are failing in three areas right at the moment.

Number one, we have too many broad based economic sanctions that are unilaterally imposed by our country. We unilaterally decide that our country's companies will not be allowed to do business with dozens of other countries for dozens of other reasons. This does not work because while we make that unilateral decision, our competitors do not. Our competitors sell products to those same countries, so we do not have any impact on the country that we are trying to impact except to force them to buy good goods from our competitors.

But two other areas are specifically problematic for the high tech community. One is encryption software, and skipping a complicated analysis, encryption software is basically the software that enables you to protect whatever is on your computer, to make sure that only you can see it and no one else can. This is very important for a variety of reasons, privacy reasons but also competitive reasons.

Any computer technology, computer product, software product that is sold requires top-of-the-line encryption technology, but our country does not allow our companies to export top-of-the-line encryption technology. We place caps on how much of it can be sent out, depending on the product and depending on the service. That puts us at a disadvantage with our competitors and gives them a chance to get ahead of us in the high tech economy and jeopardizes future economic growth.

We do this because we are concerned about the national security implications of encryption technology, and they are there, there is no question. The better encryption technology you have, the better you are able to either protect your national security or breach somebody else's. The mistake we made is in assuming that by placing controls on the export of our companies' encryption technology, that somehow stops the rest of the world from getting it.

Encryption technology can be downloaded off the Internet. Dozens of other countries sell and export top-of-the-line encryption technology. All we do is place ourselves at a disadvantage and in the long run hurt our national security interests. We hurt them because we hurt our own companies' ability to be the leaders in leap-ahead technology. There was a great relationship in this country between the National Security Council, the FBI and our high-tech companies. They can work together to develop the best products to help with our national security concerns, but not if the company developing the best technology is from China or Germany or even Canada. They do not have the same cooperative relationship with the FBI that our own companies can have. We need to change encryption technology export, for the good of our economy and for the good of our export sector.

INTERPRETING THE VOTES ON KOSOVO

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

Mr. SHERMAN. Mr. Speaker, the subject that is on all of our minds is the fight in Kosovo, and I would like to focus on properly interpreting the votes of yesterday and looking to what our opportunities for solving this crisis might be tomorrow.

Yesterday was a momentous day in the history of this House. First, we voted with an over 60 percent vote that the President should not send major ground forces into Kosovo without the approval of this House.

Now it is fair to point out that there were those on the other side. They argued that Congress should not have a role in determining whether ground forces are deployed. They argued that our enemies would tremble in fear if they knew that one man, the President of the United States, without the approval of Congress, could deploy 100,000 American soldiers.

Mr. Speaker, I would tremble in fear, and the founders of this republic would tremble in fear if it was thought that one man, without the approval of the representatives of the people, could send 100,000 of our men and women into battle.

□ 1400

But the fact that Congress insists upon approving in advance any deployment of ground troops does not mean that Congress has prejudged the issue.

Whether this country supports ground troops will depend, in my opinion, on what we discover is happening to the men of Kosovo. Because the refugees come out, the women, the children, the old men, but the younger men and the middle-aged men are left behind. They may join the KLA, and that is their right; they may be detained, and that is not something that would cause incredible outrage. But if we discover, as so many fear, that the men of Kosovo are being systematically slaughtered, then there will be an outcry throughout Europe and the United States, and it is possible that this House would authorize the use of ground troops.

Second, and I think most telling, we voted 2-to-1, and that is very rare in this House, by a 2-to-1 majority against ending all hostilities. In doing so, we made it clear that America is not simply going to shrug our shoulders and walk away. This is the most important vote, and the vote that should be focused on by Belgrade.

The third vote, and, unfortunately, the vote that is getting the press, was a vote of 213 to 213 as to whether this House would go on record authorizing the air strikes.

Now, our own press is misinterpreting this vote, for it came just a few hours after, by a 2-to-1 majority, my colleagues and I voted not to stop what is going on now. We are not fools. What is going on now is an air campaign, and our decision not to stop it should have been read as a decision to go forward, at least for the present time.

But our own press, let alone the people in Belgrade, misinterpret the last vote yesterday, because they fail to account for two groups that voted against the resolution. One was a group, unfortunately, of some of my Republican colleagues, who, while they support continuing the air campaign, oppose saying anything good about anything President Clinton has ever done. It is not a secret even in Belgrade that President Clinton is not popular in the Republican Caucus, but that does mean that this people or this Congress wants to stop action and let Milosevic have his way.

Second, there were a group that I respect immensely who looked at some of the hidden possible legal implications of that resolution. They noticed that under the War Powers Act there may be a challenge to any attempt by the President to put in ground troops without the approval of this House, and that there is some judicial writing to the effect that if Congress authorizes any kind of force, that we are in no position to limit any other kind of force.

Properly interpreted, the votes of yesterday are clear: We should proceed to work to put Kosovars back in their homes in security and peace, and I addressed the House earlier on some of the more creative ways to try to accomplish that.

EXEMPTING U.S. FOOD AND MEDICINE FROM UNILATERAL TRADE SANCTIONS

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

Mr. STENHOLM. Mr. Speaker, I want to use these 5 minutes for purposes of commending the administration's announcement of yesterday in which they are exempting food and medicine from unilateral trade sanctions. This has a possible immediate and positive impact on agriculture exports of wheat, rice and corn.

The United States agricultural producers, and we will hear a little bit more about that in the next hour, have faced a lot of problems with trade barriers imposed by other countries; but United States sanctions, when we and some who believe that our own policies can be put forward by denying shipment of food and medicine to countries, that too becomes a sanction or a trade barrier.

We have clearly proven, I think, over the last several years that sanctions do not work; they hurt producers, and they hurt those that we do not intend to hurt. I think that we can find much more effective ways to implement foreign policy.

Therefore, the new policy, which is part of the administration's long-term review of sanctions, which is intended to ensure effectiveness of economic sanctions, is designed to minimize the cost to United States' producers of anything and maintain the reputation of the United States as a reliable supplier, something that often gets overlooked by some who believe that these actions, as they result in what is perceived to be in the best interests of the United States, often do not accomplish that which was intended.

A recent report from the President's Export Council showed that more than 75 countries may be subject to sanctions. In 1995, sanctions cost America $15 billion to $19 billion and affected 200,000 to 250,000 export-related jobs.

Speaking specifically of agriculture, United States agriculture exports account for 30 percent of all U.S. farm cash receipts and 40 percent of all agricultural production. Sanctions and embargoes make it more and more difficult for farmers and ranchers to expand agricultural markets, particularly when the 95–96 farm bill was designed to make us more reliant on foreign markets. It absolutely makes no sense then to deny the market opportunity for our producers.

The Departments of Commerce and Treasury will issue new regulations with regard to Iran, Libya and Sudan. The Departments of State and Treasury must review the pending applications for agricultural sales to Iran.

On January 5, policy changes were made to authorize case-by-case licensing of food and agricultural imports to Cuba. Congress would have to amend current law to change this policy, and it is my sincere hope that Congress will take up through the committee process and hopefully through action on this floor, a sincere and open debate as to whether or not our policy that we have toward Cuba should in fact be revised along the same lines of which we are talking of other countries.

So here today I take this minute, and I will soon yield back if I have any balance of time, to just say let us use this new policy to help our producers, in this case, move wheat, corn and rice and other commodities to our customers overseas, in whatever area is affected by these sanctions.

It is important for this body and for the administration to think long and hard before we impose unilateral sanctions. Unilateral trade sanctions have never proven effective. When we sanction, when we deny markets and our friends take those markets, it only hurts producers and workers in America.

PASSAGE OF EMERGENCY SUPPLEMENTAL FUNDING FOR FARM SERVICE AGENCY NEEDED NOW

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

Mr. MINGE. Mr. Speaker, I rise today to highlight the long delay in passing the emergency supplemental funding for the Farm Service Agency lending programs and FSA staffing budget.

This is truly an emergency, in every sense of the word. Tracy Beckman, FSA Director in my state of Minnesota, has told me that he will be forced to lay off FSA employees because of the delay in passing the emergency supplemental. The demand for loans and other FSA services is skyrocketing because of the commercial banks' concern about declining farm incomes. Many producers are having a difficult time securing private sector operating loans. FSA has to step in to fill the gap with guaranteed and direct loans to producers. Demand for loans this year is up 75% from a year ago, the Secretary of Agriculture tells me.

Minnesota FSA will approve more loan applications by the end of the fiscal year than they have funding. If this supplemental is not approved, they will be unable to deliver the funds to farmers because their accounts have run dry. Planting season has arrived, and those farmers without operating loans are going to be left high and dry.

Mr. Speaker, now is the time to approve these truly emergency funds. We must not delay action on this matter because of disputes between Congress and the White House on other matters. The supplemental bill threatens to be bogged down with billions of nonemergency spending, and I worry that this may sink the ship.

The president requested $6 billion to fund the air campaign against Yugoslavia. Some on the other side of the aisle want to pass as much as $20 billion. The Senate majority leader suggested $10 or $11 billion. I do not understand how funds the Administration has not even requested could be remotely considered emergency spending. We must remember these are Social Security funds we are spending here. If we are going to continue to claim to be fiscally responsible, we must be honest with ourselves about what is emergency funding and what is desirable funding. What ever happened to not opening the Social Security lock box unless it is an absolute emergency?

I propose that we develop and pass in the shortest possible time frame a free standing emergency agriculture spending bill to provide critical guaranteed and direct operating loan funds that our farmers need to get into the field and the FSA staff to deliver those programs. These are truly emergency funding needs. We must move forward with a clean bill for agriculture now, and not hold hostage these funds for American farmers in a raid on the Social Security trust fund to benefit nonemergency defense spending.

APPROVAL OF FARM SERVICE AGENCY EMERGENCY SUPPLEMENTAL FUNDING NEEDED NOW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Arkansas (Mr. BERRY) is recognized for 60 minutes as the designee of the minority leader.

Mr. BERRY. Mr. Speaker, it is springtime in America. Normally that means that there is great optimism, great excitement, particularly among our agriculture community. Our farmers know that now is the time to put the seed in the ground and prepare for the fall's harvest, to prepare to feed this country and a good portion of the rest of the world.

But, regrettably, it is a sad time in the farm community this year. Prices are low. We just had terrible disasters last year. We had a bad crop. The agriculture income is down some 28 percent.

As I traveled the First Congressional District that I am privileged to represent over the last few weeks to see the distress, the discouragement, the despair that exists in our agriculture community today, it is a terrible thing.

I rise today to once again ask the Speaker to move our agriculture emergency supplemental appropriations bill and provide the emergency loan money that this House and the Senate have both approved. It is absolutely unbelievable that the Speaker and the Republican leadership would hold America's farmers hostage as they are doing now. It is shameful.

Our farmers are good, honest, hardworking people. They had a farm bill forced upon them in 1996 that they knew was going to be a disaster, and it has been. The administration, as my distinguished colleague from Texas (Mr. STENHOLM) just mentioned, made a great step forward yesterday by lifting sanctions on some of our markets, and that is going to be very helpful. But you do not get but one chance a year to make a crop, and if our farmers are not provided loans and those loans are not provided almost immediately, within the next few weeks, they will not get a chance to make a crop this year. Many of them have already missed that opportunity.

You cannot wait until the middle of the summer to plant a crop. It will be too late. You have to plant it in April and May.

It is time for our farmers to put the seed in the ground. It is time for our Speaker and the Republican leadership to let this emergency supplemental bill be conferenced and give our farmers an even break.

Mr. Speaker, I yield to the distinguished ranking member of the House Committee on Agriculture, a great friend of America's farmers and a great leader for America and for agriculture, the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding, and would amplify a little more on what he has just said regarding the conference that should be going on between the House and the Senate regarding the emergency agriculture appropriation, a request sent here to this body 62 days ago from the Secretary of Agriculture, acknowledging that we were going to have some credit problems, that the amount budgeted for credit was not going to be sufficient, and, therefore, an emergency supplemental was going to be required.

Everyone knows this. The House Committee on Agriculture, both sides of the aisle, are in agreement that these monies are needed and must be forthcoming, but it is very frustrating when we have already had to have two stopgap proposals in order to just get us to the next point, that we have had to have the Secretary of Agriculture juggling various accounts just to continue to be able to provide the service in our various FSA offices.

But we are now kind of at the end of our rope. The Secretary this morning informed us that at the end of the close of business today there would no longer be the ability to accept applications for loans. This week we have averaged 150 applications per day. This is four times the normal demand for FSA loans.

It is really inexcusable that, for whatever reasons, the conferees have not been able to come up with an acceptable compromise that would allow the House to work its will. I know that there are budget considerations, and I remind everyone, including myself, when we are talking about expenditure of emergency funds, whether it be for agriculture, for Kosovo, or for any other purpose, for Central America, the emergency that has already been created there and which is also pending, something which needs to be taken care of, all of these dollars are Social Security Trust Fund dollars.

□ 1415

I see we have been joined by our friend from Michigan (Mr. SMITH), and he and I and others have been working and trying to come up with proposals in which we might deal with the Social Security problem. I welcome his efforts there, and I appreciate his welcoming of mine.

But when we talk about this particular proposal today and the state of agriculture, we go into it with our eyes open. That is why the gentleman from Arkansas (Mr. BERRY) and I, and I believe the gentleman from Michigan (Mr. SMITH) joined us in this, in support of the Blue Dog budget, if memory serves me correctly, and recognizing that there were going to be some additional needs, and we proposed to budget for them. The good news was that we

had a majority of Democrat supporters, 26 Republican supporters; the bad news is it takes 218 votes to do it. I understand that.

But having said all of this, that gets us right back to what the gentleman from Arkansas (Mr. BERRY) was saying a moment ago. We have a crisis, it is really inexcusable, and it is one of the reasons the American people get so frustrated with all of us, because of our seeming inability to make timely decisions.

One of the decisions that could be is that we do not want to fund this. That would be one of the decisions. If a majority of the House say these are monies we should not expend, these are loans we should not make, therefore let us not approve it, I can accept that. Mr. Speaker, a 218-vote decision by this body saying these loans should not be made would be a perfectly logical, legitimate decision of this body to be made. But what is inexcusable is to not make the decision because somebody is not able to please somebody within somebody's conference or caucus, and that is what is going on. We would like to see this come forward, deal with it in an open and honest way.

I yield back now to the gentleman from Arkansas, and if there is any time additionally I will have a few other comments to be made.

Mr. BERRY. Mr. Speaker, I thank my colleague from the great State of Texas. I now yield to our distinguished colleague, the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for conducting this Special Order. I am delighted to see the gentleman from Michigan (Mr. SMITH) is joining us, as we work together on a budget on Social Security.

Mr. SMITH of Michigan. Mr. Speaker, if the gentlewoman would yield, I just want to say that I come in support of preserving American agriculture, because generally in this Congress, in this Nation, it is not a partisan issue. I say this with some emotion, because we have a serious challenge facing traditional agriculture in the United States.

Other countries are doing everything they can to protect their farmers. We have been somewhat carefree in saying we should go to a market system and therefore, it is up to whatever the market might bear on American farmers. That is fine if the, if you will, playing field were level, but if other countries are going to subsidize their farmers to protect their farmers, that becomes an ultimate competitive disadvantage to our farmers, and then we have to be more aggressive in making sure that we preserve our agriculture.

Mr. Speaker, I appreciate my colleagues allowing me to interrupt.

Mr. BERRY. Mr. Speaker, I appreciate the comments from the distinguished Member from the State of Michigan.

Mrs. CLAYTON. Again, Mr. Speaker, I appreciate the gentleman's leadership in this area and for providing this forum for us to urge the House and the leadership of the House to act.

I think we all recognize that there is an emergency. We all acknowledge that our farmers are very important to us. We all acknowledge that they provide the basics for life, food and fiber, and we know they are suffering. In fact, there is a farm resource center which is a national crisis line for farmers where they call to get help. However, when the farmers call, the line is busy because so many farmers are calling for help. And this Congress also shows a busy signal. We are not listening to our farmers.

I share the observations of the gentleman from Texas (Mr. STENHOLM) who said there is a level of frustration and a belief that we are insensitive to their plight. I urge this Congress, I cannot beg any more severely than I know how, that our farmers are hurting, they are hurting. It will be too late to wait until they go out of business to help them. We want to help them to be viable farmers, vigorous, profitable people who can make a contribution.

Farmers do not want to be dependent on the United States; however, they would like to think that the government understands their value in this economy. They would like to think that their government has not turned their back on them. They would like to think that they can prosper in this robust economy, which they are not. All they are asking, all the President has asked is for $1.1 billion to speak to the credit crisis, a credit crisis that will speak to the current need.

Now, I want to tell my colleagues there is a credit crisis even more severe than the current need, and later on I certainly will be considering again a credit provision in the legislation that would speak to some of the disadvantages written into the 1996 farm bill that denies people a second chance, denies that they might have been in a disastrous area, denies them having an opportunity for a direct operational loan, and also to amend the shared appreciation agreement. Those are structural things that we need to do.

But the emergency, the emergency is now, and in fact I was told earlier this morning this is the 62nd day, I say to my colleagues, that this has been on the floor. The House passed it, the Senate passed it. We just cannot get together. So I want to urge Members of Congress who care about farmers, but if they do not care about farmers, just care about themselves, care about being able to have available food, quality food at an affordable price. These farmers provide that for us. The consumers are interdependent on the survivability of farm families and farm communities. We are one Nation, and food adds to our national security. So we should not be misled.

This is not something we can put under the rug; this is not something we can ignore. Everyday we ignore it, we ignore it at our peril. Certainly our farmers are going under, but we are tied to them, and to the extent we understand that, we would have a chorus of people crying out, saying help our farmers, because when we help our farmers, we help ourselves and we help our Nation.

Again, I say to the gentleman, I just appreciate his leadership and allowing us to cry out to say we really need this emergency supplemental and we need it now. We do not need it 2 months from now. Planting time is going on right now.

I can tell my colleagues, the census was taken recently, the farm census, and in 1997 they found out from a 5-year period in North Carolina, and North Carolina may be handling this crisis a little better than some, but over a 5-year period we were losing one farm per day. That has nothing to do with the suppression and the depression of prices. Add that to the mix.

Then we begin to understand the severity of the problem of big farmers, small farmers, family farmers, individual farmers, young farmers, old farmers, black farmers, minority farmers. All of them are suffering, and to the extent that we can understand that we are tied to their survival or the lack thereof, I think we would be incensed. There is a time when we should be outraged at something, and I am trying to build that outrage in this Congress that we ought to all join together and make sure we have an opportunity to respond.

This is truly a crisis; it is a crisis, it is an emergency. It is truly an emergency. We should treat it as an emergency. We do not just say it in words, we act it out. We say we love our farmers. Well, where is the proof of that? And if it is an emergency, why are we talking about an offset? Why are we putting this emergency behind all of the other emergencies? Now, truly our military and our national defense is an emergency, but I do think that farmers should, which was already on a schedule, should now be set aside for this. We can do both. We have the capacity to respond to both of those. We are not limited. The only thing we are limited by is our political will. The only thing we are limited by is our vision of how we are so tied together.

So I cannot urge my colleagues strongly enough that this is indeed a serious matter and we are all tied to this. Not just those of us who live in rural areas, but our national security is tied to our ability for our farmers to grow and produce very basic food and fiber that they do so well, not only for this country but much of the world.

Mr. BERRY. Mr. Speaker, I thank the gentlewoman from North Carolina,

not only for her remarks but for her great leadership as the ranking member on the Subcommittee on Government Operations of the Committee on Agriculture.

I now yield to the distinguished gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding. I would echo the comments so ably made in the course of this Special Order about the crisis in agriculture. The crisis is a deep, threatening crisis that will in North Dakota cause more families to leave their farms in search of other work than we have seen in many, many years. I have with me just some photocopies of auction bills.

We are seeing an awful lot of these auction bills, and for those not from farm country, they may not realize that each of these represents the end of a family tradition, heritage, history. Farms that have been in the land and under constant cultivation for more than the last 100 years, farms continuously held by families since the prairie on the Northern Plains was broken, now going under because of inadequate prices, because of a farm program that is not working anywhere near what was promised when it was passed in the 104th Congress. As a result, as a result of the loss of profitability in agriculture, we do not just have people selling out, we have other people knocking on the door of their banks for credit and being turned away.

Now, the funds that are at issue for agriculture lending, that we so critically need in this supplemental appropriation, are required because they are available to guarantee credit privately offered through banks to farmers, as per the Federal programs to provide that kind of credit guarantee, keep the credit available for farmers, or funds directly lent by the farm service agency itself, the lender of last resort for farmers. Well, believe me, this is the last resort, and that is why they are calling, calling to the tune of 150 a week.

In fact, the statistics from the U.S. Department of Agriculture are that they have received more than 8,000 loan applications since the supplemental request for additional loan money was sent up to Congress on February 26, 62 days ago.

Our new Speaker, DENNIS HASTERT, is from Illinois. He knows agriculture. They have an awful lot of agriculture in Illinois. He knows one thing, that between now and February 26 when this first request came up, that has been planting season, a very critical time in a farmer's year. You go to the bank and get the loan, the operating loan. With that loan you buy seed, fertilizer, gas for the tractor. You go and put in the crop, but you can only put in the crop if you get the essential operating capital for the beginning of the crop year. What happens if Congress continues to wait, if Speaker HASTERT continues to fail to lead, to bring this bill to the floor so we can get the money out there, is the window will close.

I represent North Dakota. It has one of the latest planting periods in the country because of our northern location, and yet even in North Dakota we are seeing the window come perilously close to shutting altogether because we have failed to act on this supplemental.

□ 1430

I cannot think of a more heedless, tone-deaf signal for the Congress to send to the farmers of this country than to dilly-dally around, play politics, wring our hands so piously during our trips back to the district during the weekend about our concern for farmers, but fail to pass the essential operating loan money they need until after the period has passed and they can no longer get their crops in the ground.

That would really be the limit. Unfortunately, we are reaching the edge of that limit by Congress' failure to bring up the agriculture appropriations supplemental. We are putting farmers, individual families that have farmed for generations, in the circumstance where, even as the clock is tolling relative to making essential spring planting decisions, they do not even know whether they will have the financing capital.

I cannot think of a more cruel hoax to play for farmers, dangling the prospect out there that we will be there to help them, but then somehow getting too politically distracted in our own internal partisan warfare that seems to have taken on its own reality, irrespective of the real needs of this country and the people we represent.

I ask the gentleman from Illinois (Speaker HASTERT), I hope the gentleman is listening, because he owes this body more, he owes our Nation's farmers more. When the gentleman fails to lead, others take over. The way others are running this place, they are not responding to the very real needs of the American people that we represent, and in this case, the needs of the American farmer, farmers that the Speaker knows very well because of his long, distinguished representation of the State of Illinois.

I cannot for the life of me understand what is going on in the Speaker's mind to let this situation linger and to leave our farmers in this kind of predicament.

I have now heard that they are seriously considering bringing funding for the Kosovo campaign to the floor without addressing the needs of our farms. I think that, without question, the NATO involvement, the expense of U.S. participation in the NATO involvement is a legitimate exercise and obviously requires additional financial support, appropriately passed on an emergency basis.

But this crisis halfway around the world is no more important in the scheme of things to our country than the crisis right here at home on our farms. To leave the plight of our farmers behind as we respond to situations across the world would be the absolute height of foolishness.

I would implore majority leadership to think again and not address Kosovo without addressing our farmers. On April 26 of this year we sent a letter to the Speaker, signed by almost 30 members of both political parties, urging the action on the agriculture supplemental appropriations.

This is a bipartisan appeal from farm country, Mr. Speaker, so that the Speaker might be able to bring up the appropriations so desperately needed by our farmers. Do not leave our farmers out, even while we respond to situations halfway across the world.

I would be happy to entertain a dialogue with the gentleman from Arkansas (Mr. BERRY), a further discussion on the critical need facing our farmers and why Congress has to act now.

Mr. BERRY. Mr. Speaker, I thank the distinguished gentleman from North Dakota, and I appreciate the comments he just made. Certainly all of us that represent major agriculture-producing areas are mystified by the actions of the Speaker and the Republican leaders on this matter, and hopefully very soon this will be resolved. It is so irresponsible for us to leave America's farmers twisting in the wind while we play partisan politics.

Mr. POMEROY. If the gentleman will yield further, Mr. Speaker, these loan applications have been mounting in the FSA offices in counties across North Dakota. Farmers turn away from their banker, come in to FSA, put in the application, and they evaluate whether the application is creditworthy or not. We cannot make loans that are not creditworthy, but so often the case is they are creditworthy loans that should be financed if the loan money was available.

We now have stockpiled, in other words, applications filed that cannot be funded, $45 million worth of loan requests. If the gentleman wants to calculate how many farmers are waiting, holding their breath, not knowing whether they will be in the field or selling out in just a month, we just have to figure how many loans, how many farmers can be served by $45 million.

Farming is an expensive business, but there are a whole lot of operating loans represented in that size of capital, and that is just North Dakota alone. Across the country, they reckon

that this $1.1 billion in additional lending authority that funding the agriculture supplemental will make available will be literally thousands, thousands of family farmers that are either reduced to auction sales, or on with the business of farming, the business that is their profession, the business that has been their family's heritage. That is really what it all comes down to.

Sometimes I think that we get so wrapped up, and in fact, the venal partisanship of this place has absolutely taken over our ability to see reality anymore, and we spend all our time thinking about how we can jam the other side and utterly quit thinking about what ought to be job one for us, and that is serving the interests of the people that elected us to these offices.

There is nothing Republican or Democrat about a farmer being able to get the loan money they need to get in the field. There is not a Republican ideology or a Democrat ideology on this loan request, this funding request sent up by Secretary Glickman in February that would make this funding available for these farm loans.

Why in the world one would take the plight of family farmers and put them in the middle of this vicious, disgusting, unworthy partisan contest is beyond me.

But I will tell the Members this, the gentleman from Illinois (Speaker HASTERT) owes us better. He is the Speaker. He is the leader of this Chamber. He is the leader of the Republican Party, not the majority whip. It is time for this Speaker to stand up and be counted. It is time for this Speaker to lead, and to lead on behalf of the farmers that are in his State of Illinois and in my State of North Dakota and the gentleman's State of Arkansas and all across this country.

Until he does that, every day the planting deadlines are passing for some farmers in more southern latitudes than North Dakota, and if we do not act soon, it is going to be too late for all of us.

Mr. BERRY. Mr. Speaker, as the gentleman from North Dakota knows, I am a farmer myself. There is not a more frustrating time than in the springtime when you cannot get in the field. To be in a position where you have the weather to plant but you cannot plant because you have not got a production loan is the most frustrating situation that a farmer can be in.

I think that for us to allow them to twist in the wind, not be responsive, not fulfill the obligation that this body has to react and take care of the business of the country is highly irresponsible.

As it was just mentioned by our colleague, the gentleman from Texas, it is no wonder that the American people question how responsible the Congress is, because we do things like this.

Mr. POMEROY. If the gentleman will continue to yield, Mr. Speaker, I wish some of the Members that have worked so hard to keep this from coming to the floor would have their own paychecks in the same kind of uncertainty that we have placed these farmers.

I wish they would get up in the morning, sit at the breakfast table drinking coffee with their wives, not knowing whether or not they would be able to get a crop in the field in a few weeks, whether or not they would have their job, whether or not they would be able to provide for their family.

Maybe then some of these Members that are working so hard to ignore the plight of our farmers in favor of partisan games, if they had the same kinds of uncertainties our farmers were dealing with, they would not be quite so cavalier.

Because what we are doing to people is absolutely cruel. We have got people that will not know, they cannot know today whether or not they will be able to keep this farm going, the farm that has not just been their life's work, but was their daddy's before that and their granddaddy's before that; literally generations of family tradition resulting in the livelihood for these farmers, the way they provide for their families and put shoes on their kids' feet, and they do not even know whether they will be able to keep at it one more growing season because this Congress is playing party politics instead of kicking out the loan money as requested by Secretary Glickman. I simply do not understand it.

Mr. BERRY. Mr. Speaker, I thank the gentleman from North Dakota, and yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, it sounds like we might have been a little critical of the Speaker and the leadership in the House today. We have. I always believe if we are going to be critical, we ought to offer a suggestion of what should be done. Let me make one observation of what I think should be done. It should have been done today, but we cannot do it today. We are out until next Tuesday.

Next Tuesday, Mr. Speaker, I hope that the Speaker would see fit to bring the Kosovo $6 billion emergency request from the administration to the floor of the House. It is an emergency, and a legitimate one.

I would like to see the Speaker bring the Central American emergency funds in that same package. I would like to see the Speaker include the agricultural fund in that same package, and give this body an opportunity to vote on those as emergency spending, which they are, under the Rules of the House which we agreed to in the 1997 budget agreement.

There is an additional request now for defense funds that I am supportive of, but not as an emergency. I think they ought to be considered in the due process of the appropriations process for this year, but if we see fit, because there might be a need to do it now, do it now, but do not affect the caps. Allow those to be counted against the caps, whether we do it next Tuesday or not.

That would be just my personal suggestion to the leadership of what could be done that would resolve this issue, and do it in the way in which it ought to be done. Any other spending other than those associated with the agriculture request should not be declared an emergency.

I would again point out that those of us who supported the Blue Dog budget, the majority of Democrats, we budget for this. This is not something that will break the budget, as visioned by the Blue Dog and a majority of the Democrats in this House.

That is a suggestion. I hope the Speaker does it next Tuesday, because if we do, hopefully at that point can move quickly and before the end of next week we can resolve this question and avoid further inconveniencing so many family farmers that will be inconvenienced because we have been unable to deal in a rational way with this situation.

If I might, just for a moment, switch subjects and talk about another very important happening this week for agriculture, the gentleman from Arkansas (Mr. BERRY) and I about a year ago requested a meeting with the Vice President of the United States to express our concern of the implementation of the Food Quality Protection Act, something that deals with the technology that is used by our farmers and ranchers that allows us to always say to the American people and to the world that, are we not blessed to live in a country that has the most abundant food supply, the best quality of food, the safest food supply to our people at the lowest cost of any other country in the world? And we do this because of the utilization of technology.

In our visit with the Vice President, we pointed out that there were some at EPA that were interpreting the law as passed by the Congress in ways that was going to be very detrimental to production agriculture. He agreed, and for the last year we have seen continuous improvement. We have seen EPA and USDA begin to work together, which the Vice President suggested should be done.

It is amazing to me that we would have to have a Vice President of the United States instructing two agencies of the United States government to work together. But he did, they did, they are, and it is working.

There was a track committee put together, a committee of about 54 men and women, producers, chemical companies, environmentalists, consumers, all who have a vested interest in seeing that these decisions are made based on sound science and in the best interests

of consumers. This committee has been working until last week, when for some strange reason the environmental community and the consumer community decided to pull out of the discussion.

I encourage them to come back to the table, come back to the table and continue to do as they were doing over the last year, working in a constructive way in order that we might in fact continue to have this most abundant, safe food supply.

Please, do not be, as some are accusing you of, of saying because you cannot have your way, I am going to take my bat and ball and go home. Please come back to the table. Please come back to the discussions, and let us make sure that all decisions, though, are based on sound science, not on an individual interpretation of what is good and bad.

There are those among us who believe that pesticides, those things that kill insects, should not be used because if used improperly, they will kill humans. Everyone agrees to that. But everyone does not agree that we ought to eliminate pesticides, because if we would eliminate the technology, we would not have the best-fed Nation. In fact, we would have a starving world in a very short period of time.

One of the things the Vice President instructed us all to do is to have these discussions in the open, in sunshine, in transparency, as the word is called. Let everyone present their views.

This seems to be what is bugging some folks in the environmental community. They do not want to have to honestly debate their views with others in the scientific community who may have a different view.

□ 1445

I know the gentleman from Arkansas has been a real leader in this effort, for which I have commended him. I was glad to work with him all of last year, and I know he shares this frustration. But it is something that we need to talk about over and over and as openly as we can to make sure that more of the American people understand we cannot have this abundant food supply without using technology.

Both the gentleman from Arkansas and I are farmers in real life. We do not wish to use any product that will do harm to ourselves, our families, those who work for us, and certainly not to those who consume the products which we produce. It is in our best interest that we use sound science.

We were making great progress. I do not understand why some now decide that they do not want to even play anymore, but I hope that they will reconsider that decision. If not, then I certainly hope that the process will go forward without them. But if it goes forward without them, it will not work nearly as smoothly and good for the Nation as a whole as if they come back to the table and work together.

Mr. BERRY. Mr. Speaker, I thank the gentleman once again and thank him for his leadership and the great wisdom he brings to this body and the always thoughtful suggestions and effort that he makes.

I would like now to read a statement from our colleague, the gentleman from Minnesota (Mr. MINGE). He says: ''I rise today to highlight the long delay in passing the emergency supplemental funding for the Farm Service Agency lending programs and FSA staffing budget.

''This is truly an emergency in every sense of the word. Tracy Beckman, FSA Director in the State of Minnesota, has told me that he will be forced to lay off FSA employees because of the delay in passing the emergency supplemental. The demand for loans and other FSA services is skyrocketing because of the commercial banks' concern about declining farm incomes. Many producers are having a difficult time securing private sector operating loans. FSA has to step in to fill the gap with guaranteed and direct loans to producers. Demands for loans this year is up 75 percent from a year ago, the Secretary of Agriculture tells me.

''Minnesota FSA will approve more loan applications by the end of the fiscal year than they have funding. If this supplemental is not approved, they will be unable to deliver the funds to the farmers because their accounts can have run dry. Planting season has arrived, and those farmers without operating loans are going to be left high and dry.

''Mr. Speaker, now is the time to approve these truly emergency funds. We must not delay action on this matter because of disputes between Congress and the White House on other matters. The supplemental bill threatens to be bogged down with millions of nonemergency spending, and I worry that this may sink the ship.

''The President requested $6 billion to fund the air campaign against Yugoslavia. Some on the other side of the aisle want to pass as much as $20 billion. The Senate majority leader suggested $10 or $11 billion. I do not understand how funds the administration has not even requested could be remotely considered emergency spending. We must remember these are Social Security funds that we are spending. If we are going to continue to claim to be fiscally responsible, we must be honest with ourselves about what is emergency funding and what is desirable funding. Whatever happened to not opening the Social Security lock box unless it is an absolute emergency?

''I propose that we develop and pass in the shortest possible time frame a freestanding emergency agriculture spending bill to provide critical guaranteed and direct operating loans that our farmers need to get into the field and the FSA staff to deliver these programs. These are truly emergency funding needs. We must move forward with a clean bill for agriculture now, and not hold hostage these funds for America's farmers in a raid on the Social Security Trust Fund to benefit nonemergency defense spending.''

That is the statement from our distinguished colleague, the gentleman from Minnesota (Mr. DAVID MINGE), and I know that he has great concern for America's farmers and for the future of American agriculture.

In closing, Mr. Speaker, I would just once again make the plea to the Speaker to let this legislation move forward and treat America's farmers fairly. America's farmers are very resilient. They have great capacity for hard work to overcome obstacles and to achieve greatness. There has never been a producer of anything in this world that is as successful as the American farmer. They have done such an outstanding job that we take them for granted. They are the golden goose of America's economy and we should be very careful how we take care of it.

In conclusion, I would also want to thank Secretary Dan Glickman at the Department of Agriculture for the great job he has done in every possible way to deal with this emergency situation and, at the same time, make available as many funds as he can to serve this program. I think it is a shameful thing that we have allowed partisan politics to bring us to this point, and I urge the Speaker to allow this legislation to move forward.

Mr. Speaker, I yield to the gentleman from California (Mr. SHERMAN).

MILITARY AND DIPLOMATIC OPTIONS WITH REGARD TO YUGOSLAVIA

Mr. SHERMAN. Mr. Speaker, I thank the gentleman for yielding to me. I addressed the House earlier. I had about 15 minutes of things to say and lacked the conciseness and brevity to put it into a 5-minute speech. I guess the next thing to the capacity to brevity is to have a good friend who is willing to yield time.

If I may inquire as to the level of generosity of my friend, how much time is remaining, Mr. Speaker?

The SPEAKER pro tempore (Mr. FOSELLA). The gentleman from Arkansas (Mr. BERRY) has approximately 20 minutes remaining.

Mr. SHERMAN. If I can inquire of the Chair, is it necessary that Mr. Berry remain standing through my speech or can that be waived through unanimous consent?

The SPEAKER pro tempore. It is necessary for the gentleman to remain on his feet.

Mr. SHERMAN. Well, then, perhaps brevity is called for, and I thank the gentleman. I did not realize the imposition involved.

Mr. Speaker, earlier today I stated that we have to reflect on the votes of

yesterday, where by a 2-to-1 majority we voted against a unilateral withdrawal. But this was not a ringing endorsement of our current military or diplomatic strategy with regard to Yugoslavia nor is it a call for the introduction of NATO ground troops; rather, it is important that we come up with additional options. I have a few that I believe deserve to be considered, and I thank the gentleman from Arkansas for giving me the opportunity to present them to this House.

The first of these involves training, though not necessarily arming the Albanians, both those who are citizens of Albania and wish to fight for their brethren and the Kosovar refugees who have escaped from Kosovo.

Now, there are objections to this strategy. They point out that there is an arms embargo with regard to the nation of Yugoslavia. But this arms embargo would not be violated if we simply provided training while Americans retained custody of the weapons.

Second, the idea of just arming the Kosovars with the idea that we would just open up a box and distribute rifles does not create an army capable of defeating Milosevic. In fact, the KLA already has plenty of rifles from a variety of sources.

Now, I am not saying that the time has come to turn over custody of artillery and tanks to the Albanians. But if Milosevic knew that we were training an Albanian force to use heavy weapons, then he would know that he was up against not only the NATO air armada, not only a ragtag band of lightly armed KLA guerillas, but would also know that soon we would be able to unleash a force of heavily armed Albanians.

Second, I think it is important that we look at our diplomatic strategy and posturing. At this point we seem too tied to the intense vilification of Milosevic. And it is indeed tempting, for he is indeed evil. But let us keep in mind that we have to do business with evil men.

The Government of China sent its emissary to this Capitol just a few weeks ago. That government is responsible for more deaths than all the Albanians that have ever been alive anywhere since the days of the ancient Eridians. Saddam Hussein, a man with much blood on his hands, has not been deposed by the United States and we have had to reach an accommodation with him. Those who say that our objective should be to remove Milosevic should contemplate the casualties involved in sending American ground troops not only into Kosovo but into Serbia.

Mr. Speaker, our colleague, the gentleman from Pennsylvania (Mr. CURT WELDON), is leading a group to Vienna, and we should praise those efforts, because he is going to reach out to members of the Russian Duma in an effort to enlist Russian support for a negotiated peace. We should remember that negotiation involves give and take.

All too often we focus on the results of World War II. Glorious as they were, they are not typical. In fact, only one of our foreign wars ended with the unconditional surrender of our adversary. And for us to expect an unconditional surrender of Serbia, whether it is the unconditional surrender of its Kosovo province and all parts of it, or whether it is the surrender of that government and the occupation of all of Serbia, this should not be the expected result nor is it the necessary result.

I would suggest, and I have suggested this not only to the gentleman from Pennsylvania (Mr. WELDON) but several others who are traveling with him, that we propose to the Russians that there be two zones in Kosovo and two separate peacekeeping forces. One zone would be along the border between Kosovo and Serbia and Kosovo and Montenegro and would be patrolled exclusively by Russian peacekeepers.

This area Serbia would know they would retain rights with regard to. And this area should include the ancient battlefield of Kosovo Polyea, the famous monastery to the south of Pristina, the City of Pec, which was the original site of the Serbian Orthodox Church, and other lands of critical significance to the Serb nation.

The remaining, I would suspect 70 to 80 percent of Kosovo, would be subject to NATO occupation, a NATO peacekeeping force, and in this area the Albanian Kosovars would live in security and could return from their refugee status.

If we propose this, Milosevic then has a reason to deal. Because instead of proposing that he lose all rights in Kosovo, we are proposing that he retains rights that he might otherwise lose if he continues to battle us and our Albanian allies in the year to come.

At the same time, we should work toward any acceptable peace. And an acceptable peace is one that is workable, and where the Kosovars are able to return to Kosovo, or any reasonable part thereof, to live in peace and security and, knowing the generosity of the American and European people, with the aid and trade concessions they need to live prosperous as well as secure lives.

□ 1500

Mr. HILL of Indiana. Mr. Speaker, will the gentleman yield?

Mr. BERRY. I yield to the gentleman from Indiana.

Mr. HILL of Indiana. Mr. Speaker, I thank the gentleman from Arkansas for yielding.

Mr. Speaker, when I am home traveling in my district and talking to farmers in southern Indiana about this farm crisis that we are in, they always tell me that they do not want any handouts. What they do tell me is they want access to credit.

I think it is just common sense to provide farmers access to enough credit so they can plant their crops, market their products, and pay their bills. It does not make any sense to me that this has not been a higher priority for this Congress. Every day families across the country are losing their farms. I am especially concerned that this crisis is taking a hard toll on our next generation of farmers.

I think it is important that the American people understand how great the need is in rural America for this emergency money. The situation in my home State of Indiana is not encouraging. For one thing, many of our loan programs in Indiana are exhausted, or close to it anyway. Our direct operating loan money is, for the most part, exhausted. We are completely all out of guaranteed farm ownership loans. We are short nearly $800,000 for beginning and non-beginning direct farm ownership loans.

On March 23, the House of Representatives passed a supplemental appropriations bill that included much needed emergency credit for farmers across this country. I was one of the few Members of my own party to vote for the bill. Two days later, the Senate passed the Emergency Supplemental Appropriations bill and asked for a conference committee to come together to work out the differences of the House and Senate bills.

It was only on April 22, almost a month later, that the House leadership agreed to send the emergency bill to conference committee and appoint conferees. In the meantime, farmers in Indiana and all across this country have been waiting for this emergency money.

Many farmers have not been able to begin spring planting, while others have been forced to sell the family farm. While the farmers have been waiting, Secretary of Agriculture Glickman has been transferring money from different USDA accounts in an attempt to give the States more access to credit for farmers.

Without the supplemental appropriations to restore to these accounts we have been borrowing from, we are facing layoffs and furloughs at FSA offices. We have had even to borrow money from FSA salary accounts. As a last resort, more and more farmers are being forced to appeal to their local FSA offices for financial assistance, and demand for farm loans has increased by 62 percent over the last year.

So today I urge the leadership to act on the supplemental bill that this body passed over a month ago. I am truly concerned about Hoosier farmers. It is difficult for me to see this many farmers in need of access to credit. Indiana farmers need our help.

Every weekend I go back to Indiana to visit with my constituents, and many times my constituents are farmers. I have a lot of them in my district. And each time that I go back, I ask these farmers whether or not, in their view, they believe that a young man or woman in this country can on their own become a farmer, and each and every time all the farmers say no.

Now, there have been many speakers before me talking about the farm crisis, but this is a farm tragedy, to think that a young man or woman in this country could not fulfill their dream of becoming a farmer. I know of no other business, no other industry where this is true.

So today is the day we must start to begin to help the family farmer.

Mr. BERRY. Mr. Speaker, I thank the distinguished gentleman from Indiana for his comments in support of America's farmers and his leadership in this area.

TRAVEL-TOURISM WEEK

The SPEAKER pro tempore (Mr. RYAN). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. FOLEY) is recognized for 60 minutes as the designee of the majority leader.

Mr. FOLEY. Mr. Speaker, I want to commend my colleague today. I know how proud his mother must be as he ascends in the chair of the United States Congress in his first term. I am sure the people of Wisconsin are indeed fortunate and proud to have him representing them. And I salute him as he leads this Chamber today during our Special Orders.

Our Special Order today is designed to highlight Travel and Tourism Week, May 2 through May 8. Wednesday, May 5, is Tourist Appreciation Day; and in honor of this day there is a reception being held in the Longworth cafeteria from 5:30 to 8:30 p.m.

Why are we focusing on travel and tourism today? Well, my colleagues, it is vitally important to the economic mission, if you will, of all Floridians and all Americans. We have a lot to boast about when we think of the great resources around our country that people from all over the world come to each and every day. And some of us take those, frankly, for granted.

So I wanted to illuminate some of the things that are occurring in Florida's 16th District, talk about some of the revenues derived from tourism, and talk also as well about some of the significant sites in my district. Florida's 16th Congressional District has over $1 billion in travel expenditures annually. Over 16,000 people are employed in the travel business in the 16th District, earning a total of $236 million.

Restaurants, one of which I started, in 1980 I started the Lettuce Patch Restaurant, a small family restaurant, with my parents, and we began to develop a network of friends and customers. Well, 1999 has been designated the Year of the Restaurant by the Commerce Department.

Nationwide, international travelers spend more than $97 billion dining out in restaurants around America. Restaurants are the leading source of travel industry jobs in the United States. 47.8 million foreign travelers visited the United States in 1997, 47.8 million foreign visitors, a tremendous impact on both employment, economic opportunity, and job development. In fact, the restaurants have been leading the way in providing substantial jobs for those that are moving from welfare to work.

In fact, my first job in life was in a restaurant. I was a dishwasher in a small restaurant in Lake Worth, Florida. I obviously had to attend that job on a regular schedule basis. I learned the value of hard work, and I realized how hard it was to manage a small business. I learned what the impact of regulation was on taxes, on, if you will, customer preference.

So I got a huge experience at the age of 14 in my first job as a dishwasher, which then led me to start my own business, started the restaurant, as I said. And I said earlier it was 1980. It was actually 1975. But it taught me an entrepreneurial spirit. So the restaurant industry is, of course, alive and well and thriving throughout America's cities.

Projections for 1999. Travel and tourism contributes a total of $70 billion in Federal, State, and local tax revenue. $70 billion in Federal, State, and local tax revenue. Travel and tourism will represent 12 percent of the gross domestic product of the United States.

The United States' travel and tourism will have a trade surplus of $24.7 billion. Travel and tourism will support more than 7 million people in direct jobs and nearly $128 billion in payroll each year. Let me repeat that. Travel and tourism will support more than 7 million people in direct jobs and nearly 128 billion in payroll dollars each year. Travel and tourism was the United States' leading service export and third largest export overall.

Now, when we talk about travel and tourism, we do not just talk about restaurants, we talk about transportation. In 1997, airline passenger traffic increased 4.6 percent to top 605 million passenger miles. Amtrak passenger traffic grew to reach 5.2 billion passenger miles.

Now, one of the things I like to boast about and why I am proud of the 16th District is the vast array of assets that we have to entice people to come to Florida. One is significant because it is a national park. It is the Everglades National Park, managed by our National Park Service.

The Everglades National Park is the largest remaining subtropical wilderness in the continental United States, and has extensive fresh and salt water areas, open everglades prairies and mangrove forests. It has abundant wildlife, includes rare and colorful birds. And this is the only place in the world where alligators and crocodiles exist side-by-side.

The park is 1,506,539 acres or 606,688 hectares in size. It is a World Heritage site, an international biosphere reserve, and a wetland of international significance.

Now, obviously, people come from around the world to see Everglades National Park. But it also has a dual purpose. It not only is a national park, it is also the reservoir for water to supply South Floridians with the vital need of fresh, clean, clear drinking water. The park acts as an ecosystem. It is a natural refuge, as I mentioned, for birds and animals, but also for the sustenance of life in South Florida.

Now, program activities include ranger-led walks and talks, the boat tours, tram tours. But, most significantly, it is the educational programs that are arranged. The Everglades National Park sponsors on-site curriculum-based education programs for local fourth, fifth, and sixth graders. Participation in these programs is by advance reservation, and teachers are required to attend training workshops before their classes are allowed to be admitted to the park. So it serves vital resources, tourist education and, obviously, clean and clear and abundant water.

The main park is 38 miles of road winding from the entrance to Flamingo. U.S. 41 leads to the Shark Valley entrance, and U.S. 29 leads to the Gulf Coast Visitor Center. Parking is available for buses at all visitor centers.

Now, this is a national park in which we are all vitally interested. In fact, this Congress has appropriated more money than any Congress in the past in order to provide and make certain that the Everglades National Park remains a vital, important national treasure.

I know every Member of Congress can talk about travel and tourism in their district, as well. I would like to show, in fact, a picture painted by my mother of the Jupiter Lighthouse. This is in my district. This, of course, is a rendering of one of the most historic sites in Palm Beach County.

And of course Jupiter, in the northern part of my district, is clearly proud of its lighthouse and, obviously, its history. But this is one I am proudly displaying in my office. In fact, many people comment as they come from our community how impressed they are with the painting. And I am thankful to my mother, clearly, for doing it for me. But most importantly, it represents something that most people when they come to our Nation's Capital can look at and admire and reflect

on the fact that they just recently arrived from Florida, and they can see something that relates back to my district that they can enjoy and talk about.

The Jupiter Lighthouse was constructed in 1853 under the administration of President Franklin Pierce, and he appropriated at that time the sum of $25,000 for the building of the lighthouse at Jupiter Inlet. It was designed by Lieutenant George Gordon Meade, who later gained fame as the general in command of the victorious Union forces at the battle of Gettysburg.

The site was selected and the materials brought in in 1854. And of course it served as clearly an indication for navigational traffic, to make certain that they would arrive safely into the Jupiter Inlet at the time. And so this was one of our first vitally important public works projects by the Nation, but now is the oldest structure in Palm Beach County, and it is listed on the Natural Register of Historic Places. The lighthouse is maintained by the Florida History Center and Museum in cooperation with the United States Coast Guard.

So those are just a few of the places that exist in Florida that are, of course, vitally important, and we have many, many others.

Mr. Speaker, I see a friend approaching who would certainly like to speak, the gentleman from Utah (Mr. HANSEN), the chairman; and I would be delighted to yield to the chairman to talk about travel and tourism in his State.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman from Florida yielding.

Let me just say, as chairman of the Committee on Public Lands and National Parks, I cannot believe how much people love parks. I tell my friend from Florida, there was a survey done recently on what the American people like the very most about America or the United States Government, and the thing that came out number one was the national parks. People love our parks. In fact, they love them to death.

And does my colleague know what they love the least? Maybe I should not even bring this up. It was the Internal Revenue Service.

Be that as it may, I am glad to join with my friend here and talk about the economic effects of many visitors who come to Utah for business and pleasure. And it is very substantial.

In Utah we have five national parks: Zion, Bryce, Capitol Reef, Canyonlands and Arches. We have seven national monuments: Cedar Breaks, Rainbow Bridge, Dinosaur, Natural Bridges, Hovenweep, Timpanogas Cave, and on September 16, 1998, the President of the United States gave us one that we really did not want very badly but we have it now, and it is called the Grand Staircase Escalante.

In addition to that, we have the Glen Canyon National Recreation Area, known as Lake Powell, and the Golden Spike National Historic Site, one of the most beautiful areas that we have in the West.

These scenic, cultural, and historic sites draw thousands of visitors to Utah each year to absorb and enjoy the wondrous lessons, stories, and inspiration to be gained from these special places.

□ 1515

The same can be said of the thousands of acres of public lands in Utah's national forests and those administered by the Bureau of Land Management. As these visitors seek out great destinations in Utah's public lands, there is a group of professional service providers in most of the units of the national park system to meet their necessary and appropriate needs.

My thanks go to these dedicated people who work at our several parks and the concession companies who work so diligently doing it. They provide the food, the laundry and the transportation, souvenirs and equipment rentals. Every day there are meetings, talking with and assisting the visitors to enjoy a more comfortable and safe experience. The park concessionaires are a vital cog in the network of those who make travel and tourism a major part of the Utah economy.

Many others in the broader area of the hospitality industry serve our national parks as well as other networks. It is fun, as the chairman of the Subcommittee Committee on National Parks, to go into the parks of America, like going into Yellowstone, and say, ''What do you like about Yellowstone?'' Some people like the bears, some people like the geysers. Some say, ''I just like the lodge, I like to go to the Old Faithful Lodge or the Lake Lodge or I like to go out on the lake.'' We all have something different we see in these areas. But we are so blessed in this country. Teddy Roosevelt was so right, if I may say so, when he established those. I guess I kind of zero in on those because so many, many people go to the parks of America.

Frankly, if I may say so, the parks are the best deal in America. In 1915 they could go to Yellowstone Park and drive their old Model A or Model T in there and it cost them $10. In 1996 the cost of taking a car into Yellowstone was $10. As you know, we have traded that up just a tad, and now they pay a few more dollars for it. It is funny how many people will write me and say, ''Mr. Chairman, we are getting such a good deal, I feel like I have ripped off the public'' and they send money, which I immediately give to the Treasury, I want the gentleman to know. It is interesting to see how many people realize what a good deal they have got. If you take the wife and family out to a show and dinner, you are going to pay a lot more than you would pay to go into our parks.

As we observe National Tourism Week, 1999, I am proud to join with my colleagues in saluting all of those involved with travel and tourism across America, in my home State of Utah and pledge my cooperation to work in continuing the great results that come from this extremely vital part of our economy.

Mr. FOLEY. Mr. Speaker, let me thank the gentleman from Utah for his strong and dedicated work on funding our national parks, because that in fact is a real magnet, if you will, for people coming to America. As he clearly stated in his time allocated, that people desperately love to come to see the natural resources that we have to offer. Many of them in their own countries have not prioritized preservation of public lands in order to enhance not only this generation but future generations to come.

The gentleman from Utah has not only been a good steward of those resources but has appropriately given credit to President Teddy Roosevelt for establishing them. I think that is lost on a lot of people. But it took foresight, dedication and, I am sure, perseverance when there were other demands for dollars to be spent to preserve what are then great heritage sites for us that become something that is synonymous with America and represents, I think, the great fabric of our society. I want to commend the gentleman from Utah for that leadership.

Mr. Speaker, I yield to the gentlewoman from Maryland (Mrs. MORELLA) who is also another strong advocate of tourism and probably can tell us a number of great sites that are located within the wonderful State of Maryland.

Mrs. MORELLA. I thank the gentleman from Florida (Mr. FOLEY) for taking out this special order. I would certainly recognize the gentleman from Utah (Mr. HANSEN) also for the stewardship he has shown and certainly the leadership that the gentleman from Florida has shown.

I wanted to make sure I came down to the floor of the House to be able to comment to this body about how important travel and tourism is, because every year more than 21 million visitors travel from every part of the country and the far corners of the world to Washington, D.C. The District is the Nation's capital. It is a cultural hub with many fine museums and theaters, and it is home to many fine colleges and universities. These visitors bring economic prosperity to the metropolitan Washington area, creating jobs, income and tax revenues for the local area.

Mr. Speaker, I rise to pay tribute to the travel and tourism industry which

has long been an important part of the American economy. The industry is the Nation's second largest employer, providing more than 16 million jobs. It is the third largest retail sales industry. In 1998, it generated more than $71 billion in tax revenues for Federal, State and local governments. The travel and tourism industry is diverse and it touches every sector of our society, from business to the arts to education. Dollars that tourists spend trickle down to local communities and benefit the whole U.S. economy.

The good news is that people are traveling at record rates and the industry is proving that it is an economic success story. The travel and tourism industry is often perceived as a collection of separate business industries: the hotel industry, airline industry, the cruise line industry, the car rental industry and the food and beverage industry. Considered as a whole, travel and tourism is an industrial powerhouse. It is critical to the economy of every State in our Nation.

In 1996, travel spending generated nearly 97,000 jobs in my State of Maryland, and nearly $1.9 billion in salaries and wages for Maryland residents. The 97,000 travel-generated jobs comprise 4.4 percent of the total State nonagricultural employment. Domestic and international travelers spent more than $6.4 billion in Maryland during 1996, of which more than $1.2 billion went to the Federal, State and local governments.

Over the past 10 years, world tourism has continued to grow. In 1997, there were 613 million international visitors to the United States. They spent approximately $444 billion. International arrivals to the United States reached 47.8 million in 1997 which was 7.8 percent of the world total.

Next week, and that is May 2nd through 8th, is National Tourism Week. The purpose of National Tourism Week is to celebrate the economic, social and cultural impact of travel and tourism on our Nation. Localities everywhere will celebrate tourism and make efforts to educate local residents on the importance and impact of tourism on their communities.

Mr. Speaker, this is a fitting time to pay tribute to the travel and tourism industry, because the industry is one of the largest in terms of employment. It is first as the Nation's largest export industry, and provides more than 684,000 executive-level positions. Spending by domestic and international travelers last year averaged $1.38 billion a day, which is $57.4 million in an hour, $955,800 a minute, and $15,900 a second. Without a doubt, travel and tourism is a major contributor to the economic well-being of our country.

I am really very pleased to add my voice to the chorus of praise to the travel and tourism industry, which brings a virtual treasure trove of economic opportunity right in our own backyards. I certainly thank the gentleman for his leadership in having us come to the floor of the House and submit statements on behalf of what is being done for our country through travel and tourism.

Mr. FOLEY. I thank the gentlewoman from Maryland.

It is my distinct pleasure to now introduce a gentleman who knows a great deal about travel and tourism, who in fact represents probably one of Florida's most dynamic cities, Orlando, which is the home to a number of large entities who have created, if you will, great opportunities for families to enjoy Florida's great opportunities, Disney, Universal and others, the gentleman from Florida (Mr. MCCOLLUM) who is from Orlando, chairman of the Subcommittee on Crime, and has been a leading proponent of tourism for Floridians and for all of our American citizens.

Mr. MCCOLLUM. I thank the gentleman from Florida (Mr. FOLEY) for having this time today. I want to join with him and the gentlewoman from Maryland who just gave the statistics that are so enlightening about the sheer dollar power of tourism to our Nation, but I can tell you as the representative who does represent, as you said, the number one tourist destination I think in the world, we have Disney World, we have Universal Studios of Florida in my district, we have Sea World, and we have lots of people who come, not just from other parts of the United States but from all over the world. Someone told me once that Brazil produced more than any other single country for tourism of Disney's products that are there and to visit the theme parks.

I think tourism is probably less understood as a business by most Americans than it should be. So this special order time and our Travel and Tourism Caucus that you work so much with and I work with is a very important thing to bring home that message.

And it is an opportunity to thank all of the people who are in the industry. We do not always think of what that industry is. I again hear the statistics rattled off about the dollars involved but there are people involved, people involved in operating those hotels, a tremendous number of hotel rooms, a tremendous number of employees who work very, very hard and contribute mightily to the business of travel and tourism. People who work in the airline industry. We would not get all those people coming here if it were not for the airlines, frankly. People who work with car rental companies. I do not know how many cars we have got but I know there are a lot of them. I remember being told that Orlando has more car rentals than anyplace else, I think, in the country, if I am not mistaken. I know it is very large.

And when we think about tourism, of course, we also immediately think about these theme parks. We have opened up so many new ones down there lately in terms of Disney has expanded, Universal has expanded and Sea World now in Orlando, and that area is about to expand with a new theme park, which will bring more business to central Florida and more business to the United States, probably add more hotel beds. We know they are building more hotel rooms every day. It is the number one industry in our State.

Agriculture, which the gentleman represents a great deal of that, is right there on its heels, has been a traditional source of very great industry to our State. But travel and tourism is indeed the thought that centers on central Florida and our State first and foremost in people's minds, again as a place to go to visit, as a place to go to have a good time.

But I think today we are more importantly saying thank you to the people who are employed in those industries, who develop and create them, who work them and who produce the economic engine that is so important to lots of other people whose jobs depend on that, who are not themselves maybe employed by the particular theme park or by the hotel or by the airline or by the car rental company or whomever else, but who would not be able to have these jobs that they have were it not for all the people who are brought into the area, is a tremendous economic engine. Again I am not here to belabor the point, but I could not resist being a part of your special order time, knowing that my home county, my hometown and my district is the number one tourist destination in the country.

Mr. FOLEY. Let me share a personal aside with the gentleman from Florida. When I was in China with Speaker Gingrich a couple of years ago when we were talking about a variety of issues relating to trade and what have you, I kept trying to explain to them where West Palm Beach, Florida was. It became very difficult. I said West Palm Beach. They were not sure where it was. Finally I decided, I am an hour and a half, two hours south of Disney; they would immediately say, ''Disney World, I know that.'' So it really is well known worldwide.

I think the other thing, if you would comment briefly, was the high-tech side of the business. When you look at the motion picture industry and some of the other things that are going on in your district, I think that speaks to technology, it speaks to enhanced job opportunities for our youth, if the gentleman would take a moment on that.

Mr. MCCOLLUM. Absolutely. I thank the gentleman for yielding. The spinoff from this is enormous. You think of jobs, I mentioned earlier, you think of

the hotels and so on. But the gentleman is quite right. What is happening in our university, the large University of Central Florida and in our community college, we have programs now that have been developed in order to give opportunities for young people to get into motion picture production, to get into theater, to get into lots of things that are related to the studios and the businesses that are there that we would not otherwise have had, and as a result of that, that in addition has stimulated a lot of high-tech interest in coming to the area.

We have developed a great big technology center in central Florida now with high-tech industries that would not be there if it were not for the climate and the opportunity and the tourism and travel industry presence that was already there to begin with. We have a very large semiconductor manufacturing company there. I probably should not start naming names here of businesses.

We have the Navy, the Army and the Air Force's simulation training and research facilities in Orlando for the entire country. That in turn has spawned a lot of small-tech industries, over 150 small businesses in the last 5 years alone that have come to the region. I am confident this growth in that kind of quality business would not have occurred had it not been for Disney, Universal, Sea World and the tourism industry generally coming to Florida and to central Florida.

There is a synergy that operates around that whole area. We all know, for example, the field of animation, what is happening in that regard. Well, Disney has all these animations, but think about the games that people every day see themselves or have their kids playing on computers. One of the major computer manufacturing concerns, Electronic Arts—I named a company, I guess—came to central Florida, developed, working with a business that arose there, and they are employing people that basically use animation to make those football games and baseball games and sports games that people see played.

Most people have no idea a lot of that gamesmanship is developed in central Florida and a lot of the people they have employed are young people who came there associated with the other industry that is there, the tourism sector, the attractions sector who are involved in theater, animation and so on that go along with those theme parks.

□ 1530

So, Mr. Speaker, my colleague is quite right. It is an elaborate network of job creation and high tech development as a part of that, again a synergy with travel and tourism that most people do not recognize.

Mr. FOLEY. Well, Mr. Speaker, virtually every face you come in contact with in Florida has something to do with travel and tourism, whether you are arriving at Orlando International Airport where you will see the porter or the reservation clerk or the taxicab driver or the bus operator, or as you leave that facility, you encounter somebody at the fuel station, or you get to your hotel and check in.

I think that is the dynamic that is missed on a lot of people, is the sheer job generation, and it is not necessarily that they just work in travel and tourism, but the off shoots from that; as you mentioned, high tech, the things that are occurring.

Because of a transportation system that was originally designed for the tourist industry, the large expansion of the airport which has been very, very successful, it is highly regarded and probably one of the most efficient airports. But that now has spurred, if you will, the high tech side of it because now business executives can fly from around the country right to your hub airport.

Mr. McCOLLUM. Mr. Speaker, if the gentleman would yield on just the airport, we have seen, for example, we have a travel tourism industry right in downtown Orlando called Church Street Station, and the fact that that night spot, and it is a family type night spot that was generated there a few years ago; the fact that it exists there transformed the entire downtown of Orlando and made it a community that was revived after years of decline, as many inner cities have, so that today we have a marvelous downtown city, and I would welcome people to come visit downtown Orlando, not just go to the theme parks that are out there, and see what we have got to offer. And you now see the businesses like that so that building and construction going on of high rises and office complexes there has just grown, too.

So, Mr. Speaker, it is amazing what things are related, and again most people never think about how travel and tourism, as an industry, produces all of this change, and it has certainly done so in my community.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for joining us today on our special order highlighting Travel and Tourism Week, which is May 2 through the 8.

Now I would like to present to my colleagues the gentlewoman from Nevada (Ms. BERKLEY), a new Member of Congress. Welcome.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman very much for giving me the opportunity to share some thoughts with him for Tourism Week.

I represent the most unique district in the United States. I represent the City of Las Vegas. It is the fastest growing community in the United States. I have got the fastest growing school age population, the fastest growing senior population, the fastest growing veterans population. I have got the fastest growing Hispanic population, the fastest growing Asian population, and the fastest growing Jewish population in the United States. The reason that thousands of people, that is, 5,000 new residents a month are pouring into Las Vegas is because of the incredible strength of our economy, and our economy is based on one industry, the tourism industry.

In my home State of Nevada tourism is the very life blood of our economy. We owe our incredible quality of life and our thriving economy to one industry, and that is the tourism industry. More than one-third of our jobs in Nevada, over 315,000, are created by tourism.

In addition to gaming, world class hotels, spectacular entertainment, fine dining, and the wonders of the Valley of Fire, Hoover Dam and the Red Rock Canyon, visitors to Las Vegas have the opportunity to experience the majesty of the Grand Canyon by taking air tours that depart from my district. Without air tours, many of these travelers who come to Las Vegas solely to see the Grand Canyon would never have the opportunity to experience the grandeur of the Grand Canyon due to a disability or some other constraint which would prevent them from viewing the Grand Canyon and enjoying its splendor. Yet the air tour industry could be put out of business if an ill-advised provision of H.R. 1000 is passed. It would force the industry to meet impossible sound standards for no good environmental or esthetic reasons.

I urge the gentleman from Florida (Mr. FOLEY) to join me in opposition to this provision so that travelers may continue to enjoy the Grand Canyon from the air, in addition to all the other wonders that my great district has to offer. And I want to thank the gentleman from Florida, and I will be glad to share with him any other thoughts that he would like me to on this issue.

Mr. FOLEY. Mr. Speaker, one thing I think is important to note, the family value of the gentlewoman from Nevada's destination. I understand a lot of families now have great activities in Las Vegas and in Nevada that they can enjoy.

Ms. BERKLEY. Mr. Speaker, as my colleague knows, that is very true, and I grew up in Las Vegas. My family moved there 38 years ago, and I have two wonderful children that are also growing up in Las Vegas.

When I first moved to town, Las Vegas was a destination where many families did not think of coming. But today I can tell my colleague it is an entirely different environment. We have some of the most magnificent hotels in the world that cater to children, cater to families and have made our community family-friendly, and I can tell my colleague that when it comes

to my children, my parents who also live in Las Vegas, when they take the grandchildren for an afternoon, most times they take them to the Las Vegas strip so they can enjoy the many attractions that are designed specifically for children and for families who come to my wonderful community.

Mr. FOLEY. I think that is why it is important today for Members to come out and describe their districts and describe some of the value that the tourism and travel industry plays in their hometown communities because, as the gentlewoman is suggesting, years ago it was known as a destination primarily for gaming, but now it is the site of international conventions dealing with some of the most important issues. It has become very family-friendly and is a great resource for all residents of Nevada who enjoy employment, enjoy economic growth and opportunity and activity.

So it is very appropriate that we signal and salute the variety of sectors of the Nation, if my colleague will, and the 435 districts that make up the great United States of America.

Ms. BERKLEY. Well, as my colleague knows, a very interesting statistic:

In 1900 the census showed that there were 30 residents in the Las Vegas Valley. Now we boast of 1.2 million. It has been a remarkable, remarkable growth area, and that is primarily because our area is for tourism, it is a destination resort area, and the tourism industry has played an incredible and indispensable role in making Las Vegas what it is today. And when we have 30 million visitors a year coming to Las Vegas to enjoy what we have to offer, we invite the rest of the country to come to Las Vegas and enjoy the wonderful scenery that we have, the magnificent hotels that we have. And as my colleague knows, if he comes to the Las Vegas strip he can see pyramids, he can see the City of Paris, he can see the City of Venice, he can see medieval castles and New York, New York, a replica of the City of New York, the City of New Orleans. It is just the most spectacular place.

And I will boast this: Our pyramids, our medieval castles, our City of Paris, our City of Venice, and New York, New York are better than the originals. So I invite my colleague to come out and see it for himself.

Mr. FOLEY. Well, I am indeed tempted to, and I will also tell my colleague she gained national prominence with the opening of the Beloagio, which has probably one of the great art collections that I understand being displayed for the benefit of art lovers as well.

Ms. BERKLEY. Well, if I can share something with my colleague for one half a minute more, Las Vegas has not been known as a cultural Mecca; however, with the addition of the Beloagio Art Museum I can tell him that it has added significantly to our culture. And my own children, who have studied art in school, we took them to the Beloagio Art Museum, and as soon as my children walked into the facility they were able to pick out Monets, Picassos, Renoirs, and they never would have had an opportunity to see these magnificent works of art up close and personal if not for the Beloagio bringing them to our fair city.

So I invite my colleague from Florida to come out and not only see all those other wonderful things, but see a wonderful art collection as well.

Mr. FOLEY. I thank the gentlewoman from Nevada (Ms. BERKLEY) for joining us today in this special order, and I do want to in conclusion thank a variety of groups that have helped supply some of the critical data that we have shared today.

I want to go over it real quickly again so people understand the, if my colleague will, great economic import of the industries we talk about today:

The travel industry supports 7 million jobs contributing 127.8 billion in payroll expenditures.

The restaurant industry is the leading source of travel industry jobs in the United States.

Employment growth in the travel industry continues to outpace job growth in the overall economy.

During 1997 the industry produced more than 200,000 new tourism jobs.

The travel industry generates more than $70 billion in Federal, State and local tax revenue.

47.8 million foreign travelers visited the United States in 1997, spending $94.2 billion.

Last year visits from international travelers fell 1 percent. This drop represented 627,000 less travelers, 950 million in lost spending and 121 million in lost tax to Federal, State and local governments.

The reason I bring that up is the fact that the gentleman from California (Mr. FARR), a Member of Congress who represents the areas of Pebble Beach, and I decided that as former, if my colleague will, employees of the travel and tourism sector, we felt it vitally important to make certain that we remain competitive, that we try and see how we can continue to grow the industry, if my colleague will, again for the sake of providing jobs and opportunity for Americans and for Floridians, as I represent Florida.

The National Restaurant Association and the Travel Industry Association of America and the Travel Business Round Table and other groups have contributed mightily to the presentation, if my colleague will, today, of the statistical data. In fact, it was the Travel Industry Association of America that worked in conjunction with the White House, the 1995 national strategy at the White House Conference on Travel and Tourism, in order to determine exactly what the statistics are, because we want to be able to document for the record the significance of which travel and tourism relates to people's home districts.

And again we have enjoyed being able to present these facts for people as we once again celebrate Travel and Tourism Week, May 2 through the 8, and again I would remind the staff of Members of Congress that on Wednesday, May 5, it is Tourist Appreciation Day, and we will again have a reception in the Longworth cafeteria from 5:30 to 8:30 p.m.

And again I want to thank specifically the gentleman from California (Mr. FARR), who has been a leading proponent and advocate of travel and tourism in his district. We are a bipartisan committee. We are an advocate for the travel and tourism industry. We are equally represented by Democrats and Republicans because we recognize that the growth of opportunity and the growth of jobs and the growth of a strong community depends on the many components and parts that make up this unique and great industry.

GETTING TO THE BOTTOM OF ILLEGAL CAMPAIGN CONTRIBUTIONS

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, my committee, the Committee on Government Reform and Oversight, of which I am chairman over the past 2½ years, has been investigating illegal campaign contributions that came in from a variety of countries around the world. Came in from South America, from Taiwan, from communist China, from Macao, from Indonesia, from Egypt, and on and on, and these illegal campaign contributions came in to the Clinton/Gore Reelection Committee and to the Democrat National Committee.

During the past 2½ years we have been trying, day and night, to get to the bottom of this. We have tried to get people to come forward and testify, we tried to get cooperation from the Justice Department, the White House, but we have been very, very unsuccessful because there seems to have been a stone wall erected by the White House and the Justice Department and other agencies to keep us from getting to the bottom of this.

We have had 121 people, 121 people take the Fifth Amendment or flee the country. That is unparalleled in American history, and I have been here on the floor a number of times talking about this because I think it is unbelievable that foreign governments should be able to influence our elections and even elect a President. Millions of dollars have come in illegally

into the Clinton/Gore campaign and to the Democrat National Committee, and much of that money has been returned because of our investigation.

Now today I rise on a different subject, but it may be related, and that is why it is so troubling to me. The Chinese communists, through people in their government, the head of their military intelligence and the head of their Chinese aerospace industry gave a man named Johnny Chung $300,000 to give, at least in large part, to the Clinton Reelection Committee, and they were not doing it in my opinion for Mr. Clinton's good looks. They obviously had some kind of an agenda. The head of the Chinese military intelligence and the head of the Chinese aerospace industry giving campaign contributions to a candidate for President in this country would lead almost anyone to say there is something amiss here, there is something wrong, and it should be thoroughly investigated.

Mr. Speaker, we just recently found out that at Los Alamos, one of our nuclear research facilities, that they had a man there named Wen Ho Lee who had been there for a long time who is believed to have been involved in espionage.

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I am very concerned about some of the statements that have come out of the administration with respect to China's thefts of these U.S. nuclear secrets. Again and again we have seen administration officials all the way up to the President make misleading statements about what they knew and when they knew it. Let me provide you with some examples.

One good example is on March 19, 1999, President Clinton was asked by a reporter, ''Can you assure the American people that under your watch, no valuable secrets were lost?''

The President responded, ''Can I tell you there has been no espionage at the lab since I have been President? I can tell you that no one,''—listen to this—''I can tell you that no one has reported to me that they suspect such a thing has occurred.'' So the President was saying he was totally uninformed. He did not know anything about it.

Well, Mr. Speaker, the President's response about his knowledge of Chinese spying is not only troubling and disingenuous, it is just hard to believe. The Clinton administration, his administration, knew about the full extent of Chinese spying at Los Alamos and Livermore and other laboratories as far back as 1996, over 3 years ago.

Then the National Security Adviser, Sandy Berger, head of the NSC, was briefed about the Chinese spying by the Energy Department's chief of intelligence, a Mr. Notra Trulock. Berger was told that China had stolen W–88 nuclear warhead designs and neutron bomb technology. He was told that a spy might still be passing secrets to China at Los Alamos, our nuclear research facility. He was even told that the theft of neutron bomb data occurred in 1995 under the President's administration.

Let me just tell you that the W–88 warhead is a miniaturized nuclear warhead that can be put on one missile. You can put 10 of these nuclear warheads on one missile so that with one missile you can hit 10 American cities and kill 50 to 60 million American citizens. We have no defense for that right now.

The neutron bomb technology would allow a neutron bomb to be launched on a missile to the United States, and, if it exploded over a major city, it would kill everybody in the city, but the infrastructure would not be damaged, so it would be something an enemy would like to do, protect the infrastructure, the roads, the buildings, and so forth, but kill all the people in it.

At the end of the briefing that Mr. Berger, the head of the National Security Council, received, Trulock referred to a recent intelligence report. In the report a Chinese source, a Chinese spy that spies for us, a Chinese source said that officials inside, inside, China's intelligence service, were boasting about how they had just stolen U.S. nuclear secrets, and how those secrets allowed them to improve their neutron bomb technology.

Now, Mr. Speaker, again in July of 1997, a year before his meeting with President Jiang of Communist China and 21 months before his meeting with Prime Minister Shu of China, Sandy Berger received a second detailed briefing about China's spying, and soon after told the President about the weaknesses at the laboratories at Los Alamos and Livermore, and about the Chinese spying. This was in 1997.

Now, remember, the President just a few weeks ago said that no one had informed him. Yet Sandy Berger, the head of the NSC, did tell him for sure 2 years ago in 1997. Why would the President misspeak? Why would he mislead the American people? I do not know.

Mr. Speaker, in August of 1997, Gary Samore, the senior National Security Council official assigned to the China spy case, received a briefing from Mr. Notra Trulock, who is the head of intelligence security over at the Department of Energy, and immediately after the briefing about this spying, he went to the CIA director and asked the CIA director to seek an alternative analysis about how the Chinese had developed these small nuclear warheads.

So after he had been told they stole this nuclear technology and that spying was going on, he went to the CIA and said, ''Can't you give us a different way they got this technology?''

Why would he do that? Why, when presented with such overwhelming evidence of Chinese espionage, did Gary Samore seek to downplay the significance of the information, asking the CIA to come up with another explanation, other than espionage, about China's advances? We had already gotten some of this information from our intelligence sources over in China.

Mr. Speaker, in May of 1998, Notra Trulock, the Energy Department's director of intelligence, was demoted; he was demoted after he brought this information out, to acting deputy director of Intelligence, after he made a third report to the Energy Department's Inspector General about a steady pattern, a steady pattern of suppression of counterintelligence issues. They did not like what he was saying, so they demoted the guy.

I want to go back just a minute to this briefing that took place about the neutron bomb. The Chinese intelligence source that we have also said that Chinese agents solved a 1988 design problem by coming back to the United States after they had already been involved in espionage in 1995 to steal more secrets. Trulock's April 1996 briefing to Sandy Berger could not have been more detailed and it could not have been more alarming. So the head of the NSC, the man who reports to the President about security issues, was completely informed about this in 1996, in April.

When Paul Redmund, the CIA's chief spy hunter was given a similar briefing from Trulock a few months earlier, he said that China spying, now, get this, China spying was far more damaging to the U.S. national security than Aldrich Ames, who is now serving a prison term for spying, and it would turn out to be as bad as the Rosenbergs, who were put to death because they gave Communist Russia, the Soviet Union, secrets back after World War II.

Mr. Speaker, is it really, really likely that Sandy Berger, the head of the NSC, after hearing such a detailed and alarming picture of Chinese espionage, would not tell the President about it? Yet the President just a few weeks ago said no one brought it to his attention, and this was 3 years ago. If you were the President or if I was the President and our head of National Security did not tell us this, you would fire him. You would have him hung out to dry, because this a national tragedy, a national security issue. Yet the President said he did not know about it just a few weeks ago.

According to the White House, Berger first briefed the President about Chinese spying in July of 1997. So why did the President say he had not been informed about it? He did so after he received a second briefing from Notra Trulock, which, according to Berger, was much more specific than the first.

In addition, according to NSC spokesman David Levy, Berger ''did not detail each and every allegation.''

Why would he not detail each and every allegation? We are talking about spying at one of our foremost nuclear research laboratories and about technology that could endanger every man, woman and child in the country. Mr. Levy gave this explanation, after being asked if Berger had told the President about the neutron bomb data that was stolen in 1995.

Apparently the White House wants us to believe that Berger only told the President about the W–88 design theft which happened before 1992, which was done under his watch, and left out the theft of the neutron bomb data and China's recent spying at Los Alamos.

Are we to believe that 3 years after the President's national security adviser received his first briefing about this wave of espionage that happened under the President's watch, that he would not have told the President about it? And, after that, how can you believe anything the administration says?

Why does the President, despite all the evidence to the contrary, continue to accept every Chinese denial, not only of spying, but also of illegally funneling money to the Clinton-Gore reelection committee?

We know that the President was briefed about China's spying in July of 1997. Why then, while in China in 1998, with President Jiang, did he quickly accept President Jiang's denial that China had illegally funneled money to the Clinton-Gore reelection committee? He already knew about the spying. He already had Chinese nationals coming in and out of the White House on a regular basis. Johnny Chung was bringing them in, Charlie Trie was bringing them in, John Huang, Mark Middleton, and on and on and on. They were running in and out like they were on a railroad train. Yet he said he believed President Jiang when President Jiang said they were not illegally funneling money into the Clinton-Gore reelection committee. We know for a fact that that was going on.

How could the President say, I do believe him, that he did not order, authorize or approve such a thing, the illegal contributions, and that he could find no evidence that anybody in governmental authority had done that?

The head of the Chinese military intelligence was running money through Johnny Chung. The head of the Chinese aerospace industry, who benefitted from the technology transfer I am talking about, was involved. They were very high up. In fact, the head of the Chinese National Aeronautics Agency over there, the aerospace industry, her father was the head of the Chinese Liberation Army, the People's Liberation Army. He was right in the Politburo, right next to the President of the country.

For them to say the head of the country was not involved is just ludicrous, because if you do not keep the head of the government involved in a Communist society, you are either put away for good or you are killed.

Mr. Speaker, again in April of this year, how could the President listen to Chinese Prime Minister Zhu Rongji deny that Chinese had any involvement in spying and respond by saying, and this is what the President said, ''China is a big country with a big government, and I can only say that America is a big country with a big government, and occasionally things happen in this government that I do not know about.''

He was implying the Chinese did not know, the head of the Chinese Government, did not know they were stealing through espionage nuclear technology from Los Alamos and Livermore. That is just insane. I do not think anybody could believe that.

Mr. Speaker, our leadership cannot continually be blind and accept each and every denial that comes out of China. Newsweek recently reported that a team of U.S. nuclear weapons experts in America practically fainted when the CIA showed them the data that China had obtained. These are the guys that know what these weapons can do. They practically fainted when they found out that technology had been taken by espionage to the Communist Chinese.

What did this data show? It showed that Chinese scientist also routinely used phrases, descriptions and concepts that came straight out of Los Alamos and Livermore labs. The Chinese penetration, they said, is total, one official close to the investigation said. They are deep, deep into the labs' black programs. Those are the top, top secret programs involving our country and our security.

Now, today, because of these things that happened, the head of the Senate Intelligence Committee, Mr. SHELBY, started investigating it. Mr. SHELBY said that he had known there was an ongoing investigation and that it confirmed his worst fears. He said we have got to get to the bottom of this. He is working on it right now.

One of the people, a senior analyst and nuclear weapons expert at the Natural Resources Defense Council, said, ''It is staggering. I am still in shock here.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The gentleman should please refrain from quoting Members of the other body.

Mr. BURTON of Indiana. I will do that. I will mention the other body generically, Mr. Speaker.

''It is staggering,'' he said. ''I am still in shock here,'' a senior analyst and nuclear weapons expert at the Natural Resources Defense Council said. He said, ''If someone had access to Lee's,'' that is the fellow who was involved in the espionage, allegedly involved, ''unclassified computer, this could be all over the world.''

What he was talking about, this was this Mr. Wen Ho Lee, took this top secret information and he transferred it from a top secret computer into a non-top secret computer, where all you had to do was put in a password and you could get every one of our nuclear secrets that he had available to him.

This has been going on for some time. Norris's colleague, physicist Matthew G. McKenzie said that ''unauthorized access to those programs, so-called legacy codes, used to simulate warhead detonation, would represent an unprecedented act of espionage in his scope. Get this. The espionage in the Manhattan Project, that was right after we discovered the nuclear bomb that ended World War II, the espionage in the Manhattan Project would pale, would pale, in comparison.''

This is so much more damaging. We are focusing everything right now in the media almost on Kosovo, and our heart goes out to the people who are suffering over there. But this espionage endangers every man, woman and child in this country if we ever go to war with Communist China. And they have made threats in the Taiwan Straits. They have made overt threats about we would not go into Taiwan to protect them because we value Los Angeles more than we do Taiwan, which was an implied threat. So you do not know what might happen. They are a Communist dictatorship. Yet they got all this, and we keep working with them and dealing with them as if nothing happened.

Asked whether Clinton stands by his statement that he made last month that there was no evidence indicating Chinese espionage on his watch, David Levy, a National Security Council spokesman, said, ''Administration officials are investigating a number of recent allegations and are under no illusion that China and other nations continue to acquire secrets. This does not come as news to this administration,'' he said.

Does not come as news? The President said just a few weeks ago that he had not been informed about it, even though the national security adviser, the head of National Security in this country, found out about it in 1996.

Why? Why was this money coming into America from Chinese Communist sources into the campaign? Why did this technology transfer take place, this espionage? Why did that take place? And why did the President say he did not know about it?

The transfers took place from 1983 to 1995 when Los Alamos began installing a new mechanism that would have made such transfers more difficult. It looks like he was moving quickly, Mr. Lee, in the last few months, to get it transferred before the new system came in. They were coming up with a new system.

When the FBI finally searched Lee's computer last month, following his dismissal on March 8, the official said they found he had made an effort to erase what he had been doing as far as classified information was concerned.

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Mr. Speaker, what is interesting is that the FBI a couple of years ago wanted to put electronic surveillance on Mr. Lee and the Justice Department said no. The Justice Department told the FBI two years ago that they did not want electronic surveillance on Mr. Lee because the information was not current enough. We were talking about espionage of our most top secret nuclear weapons systems, and the Justice Department denied the FBI the right to put electronic surveillance on this guy.

In addition to that, they wanted a warrant to go in and look at his computer and search facilities of his, and that also was denied by the Justice Department. Why? What in the world is wrong with this administration, from the White House all the way to the Justice Department? I do not understand it.

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, I just wanted to come down here to the House floor to compliment the gentleman for what he is trying to do, to educate the American people and also educate some of our colleagues, in fact, many of our colleagues.

Mr. Speaker, I served in the Air Force, and I was in a classified program dealing with top secret material, and the access we had to have to get into the room where we worked was coded, and the code would change, and we would have to punch it in. Then, when we had classified material on our desks, we had to account for this at the end of the day, and we had to account for it the next morning. There were very detailed procedures on how we handled it.

What I read today in the paper, and in The New York Times yesterday, is very alarming, and I think the gentleman is talking about this scientist, Wen Ho Lee. It was reported in The New York Times on March 24 that he was already under investigation. Now, the gentleman may have said this and I might have missed it.

Mr. BURTON of Indiana. Mr. Speaker, they started investigating him in 1996–1997.

Mr. STEARNS. It was reported on March 24 of this year, he was under investigation as a suspected spy for China to run a sensitive weapons program, and it is just outrageous that they would continue to take a person like this and put him in that responsibility. Then he was asked, as the gentleman knows, to hire his own special assistant. So he hired a special assistant.

Mr. BURTON of Indiana. This was after he was under surveillance.

Mr. STEARNS. After he was under surveillance, after he was working there. So he hired a researcher who was a citizen of China. Intelligence and law enforcement officials have confirmed this. The FBI has said that they wanted to put a wiretap on Mr. Lee. And so it is sort of flabbergasts the American people, I think, if they look at it, how this individual could get a top secret clearance and get access to so much information.

Mr. BURTON of Indiana. And why the Justice Department denied electronic surveillance on the man.

Let me just interrupt my colleague and tell him something else that we recently found out, and I will be having other Special Orders going into other aspects of this, but the gentleman is welcome to stay so that we can discuss this.

We found out under Hazel O'Leary, the previous head of the Department of Energy, that she relaxed, cut the budget for security, cut the security force to such a degree that the head of intelligence for the Energy Department was really alarmed. Not only that, they changed the cards, the cards that they used to have, one card for top secret people, another card for somebody else, color codes so people could not get into the top secret areas, she did away with those and came up with one card for everybody so you could not track who was going in and out of the top secret areas.

This was an invitation to espionage. I cannot figure out why in the world they relaxed, they cut the budget for security, especially in view of the fact that this man was a suspect back as far as 1996. It does not make any sense to me.

Mr. STEARNS. Mr. Speaker, if the gentleman will yield, just to confirm what the gentleman is saying, throughout all our military they do not have that type of operations in their classified programs, they do not have that one-pass-fits-all, and I do not think any classified program of that delicate a nature should have be relaxed; in fact, they should have increased security.

Mr. BURTON of Indiana. Mr. Speaker, that is absolutely correct. However, this administration, for whatever reason, from top to bottom, is guilty of either just mishandling all of this or worse. I do not know what it is. But we need to get to the bottom of it because this endangers, as I said before, every man, woman and child in this country.

Let me just go on with this article, because I have some things I would like to comment about it. When the FBI finally searched Lee's computer last month following his dismissal, they found that he was trying to erase top secret information that he had put in the computer. The official said that a password was needed to access the information even after Lee transferred it from the classified computer system, but all he had to do was give the password to one of his Communist friends and they could access every nuclear secret before him at that laboratory, everything that was in that computer, and this was top secret information that had been transferred to a non-top secret computer.

The unclassified system allows investigators to determine when and whether the data was accessed, the official said, and initial indications are that the materials was accessed. So they think somebody did get into the computer and get this technology, at least a little bit.

Who was looking at it remains unclear, the official said, since Lee could have given the password to anyone else in any government.

Another high-ranking official reported no indication that the information was compromised. He denied a published report of evidence showing a password had been misused to gain access. He also denied that the FBI had been derelict in not searching Lee's computer at the beginning of the espionage investigation in 1996. At the time the FBI agents from the Bureau's Albuquerque field office wanted to search the computer but were told they needed a search warrant from the Federal court under the Foreign Intelligence Surveillance Act. The warrant was denied, the official said, because a lack of evidence showed that Mr. Lee was engaged in acts of espionage.

If there was any doubt, why would the Justice Department not grant a search warrant? That would have been the prudent thing to do. They could have done that.

I can tell the gentleman, the FBI would never go to the Justice Department without probable cause. If they think there is probable cause that espionage took place and they went to the Justice Department and that was denied, that is darn near criminal.

Lee became a suspect in 1996 after the Energy Department and intelligence agencies determined that a Chinese military document that the CIA had obtained from some of our sources a year earlier contained classified data about the size and shape of the newest miniaturized nuclear weapon, which I was talking about, the W–88. The FBI was unable to gather hard evidence against him, and he has not been charged with a crime yet, but Lee was fired in March for security violations after the investigation was disclosed. The official said transferring data to an unclassified computer system would be or could be a crime, depending on the intent of the person who did it.

As soon as FBI agents discovered Lee had transferred massive amounts of secret data to his unclassified computer, Richardson ordered to shut down, Mr. Richardson is now the head of the Energy Department, Richardson ordered a shutdown of the classified computers at Los Alamos, Lawrence Livermore and Sandia National Laboratories.

The problem is this: The cat is out of the bag. The secrets have been taken by the Chinese communists. The things that our taxpayers spent millions and millions and millions of dollars and hundreds and thousands of man-hours researching to protect the citizens of this country have been given away through espionage to the Chinese communists, endangering every man, woman and child in this country.

My committee will continue to investigate the illegal campaign contributions. The Cox report which looked into this espionage should be made public. The White House has blocked, according to the information I have, the White House has continued to block the Cox report from being made public. Much of it has been leaked to the American people through the media, but not all, and that information needs to be made known to every man, woman and child.

Because if this administration has been derelict in its responsibilities and endangered every man, woman and child, it is more important than Kosovo. It is more important than anything. And we need to get to the bottom of it and those who let this happen, for whatever reason, campaign contributions or because they like the Chinese or whatever reason. They need to be held accountable and brought to justice.

Mr. STEARNS. Mr. Speaker, if the gentleman will yield, I would just echo what the gentleman says. If nothing else, at some point we in the House should have an up-or-down vote to make the Cox report public if the White House continues to procrastinate on this, and at that point the House can redact or take out the things that they think would compromise some of our agents, but somehow we have to get this report public.

So I think the gentleman's effort here this afternoon in trying to say to the American people, this is important to us, this is important to Congress, we have to get to the bottom of this, is right on target. As the gentleman pointed out earlier, the Department of Energy as well as the administration knew all about this a long time ago. They relaxed the security provisions, and that in itself is terrible. The fact that the White House did not move quickly to put in place more secure operations is a sad commentary.

Mr. BURTON of Indiana. Mr. Speaker, one other thing. Just a few weeks ago the President denied he had knowledge of any of this, and yet we know that he was briefed by Sandy Berger as far back as 1997. I can not understand why he is saying that.

This chart, which I did not get to today, but I will get to in a future Special Order, and I hope the gentleman from Florida will once again join me as I get additional information for people regarding this espionage.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ENGEL (at the request of Mr. GEPHARDT) for today on account of family illness.

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 Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. LUTHER, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Mr. DAVIS of Florida, for 5 minutes, today.

Mr. DOOLEY of California, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Members (at the request of Mr. FLETCHER) to revise and extend their remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. WHITFIELD, for 5 minutes, on May 3.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, (at 4 o'clock and 13 minutes p.m.), under its previous order the House adjourned until Monday, May 3, 1999, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

1780. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 1998, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

1781. A letter from the Administrator, Panama Canal Commission, transmitting a draft of proposed legislation to authorize expenditures for fiscal year 2000 for the operation and maintenance of the Panama Canal; to the Committee on Armed Services.

1782. A letter from the Secretary of Health and Human Services Secretary of Labor, transmitting a draft of proposed legislation to reauthorize the Older Americans Act of 1965 and thereby set the stage for strategic activities the Administration will pursue to more effectively and efficiently serve older Americans and their caregivers in the 21st Century; to the Committee on Education and the Workforce.

1783. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting Life Cycle Asset Management; to the Committee on Commerce.

1784. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report which describes current conditions in Hong Kong of interest to the United States, the report covers the period since the last report in March 1998; to the Committee on International Relations.

1785. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to authorize the transfer of administrative jurisdiction of land within the boundary of the Home of Franklin Delano Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center; to the Committee on Resources.

1786. A letter from the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure as adopted by the Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. 106–53); to the Committee on the Judiciary and ordered to be printed.

1787. A letter from the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure adopted by the Court; (H. Doc. No. 106–54); to the Committee on the Judiciary and ordered to be printed.

1788. A letter from the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Criminal Procedure adopted by the Court; (H. Doc. No. 106–55); to the Committee on the Judiciary and ordered to be printed.

1789. A letter from the President, U.S. Institute of Peace, transmitting a report of the audit of the Institute's accounts for fiscal year 1998, pursuant to 22 U.S.C. 4607(h); jointly to the Committees on International Relations and Education and the Workforce.

1790. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislation to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 2000 and 2001; jointly to the Committees on International Relations, Government Reform, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on Science. H.R. 1183. A bill to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes; with an amendment (Rept. 106–121, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. H.R. 1211. A bill to authorize appropriations for the Department of State and related agencies for fiscal years 2000 and 2001, and for other purposes; with amendments (Rept. 106–122). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEKAS: Committee on the Judiciary. H.R. 833. A bill to amend title 11 of the United States Code, and for other purposes; with an amendment (Rept. 106–123 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Banking and Financial Services discharged from further consideration. H.R. 833 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration. H.R. 1183 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 833. Referral to the Committee on Banking and Financial Services extended for a period ending not later than April 29, 1999.

H.R. 1183. Referral to the Committee on Commerce extended for a period ending not later than April 29, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEJDENSON (for himself and Mr. NEAL of Massachusetts):

H.R. 1619. A bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; to the Committee on Resources.

By Mr. ISTOOK (for himself, Mr. BALLENGER, Mr. BOEHNER, Mr. BONILLA, Mr. BURTON of Indiana, Mr. CANNON, Mr. CHABOT, Mr. COMBEST, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DELAY, Mr. DEMINT, Mr. DICKEY, Mrs. EMERSON, Mr. GRAHAM, Ms. GRANGER, Mr. HOSTETTLER, Mr. SAM JOHNSON of Texas, Mr. MCINTOSH, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NETHERCUTT, Mrs. NORTHUP, Mr. NORWOOD, Mr. LARGENT, Mr. PAUL, Mr. PORTER, Mr. SCHAFFER, Mr. STUMP, Mr. TALENT, Mr. TANCREDO, Mr. WAMP, Mr. WICKER, and Mr. YOUNG of Florida):

H.R. 1620. A bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board; to the Committee on Education and the Workforce.

By Mr. FRANKS of New Jersey (for himself, Mr. DINGELL, Mr. MCHUGH, Mr. GEORGE MILLER of California, Mr. SMITH of New Jersey, Mr. KILDEE, Mr. LATOURETTE, Mr. HINCHEY, Mr. FORBES, Mr. BROWN of Ohio, Mr. DEAL of Georgia, Ms. DANNER, Mr. BACHUS, Ms. DELAURO, Mr. WEINER, Mr. BRADY of Pennsylvania, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Mr. LIPINSKI, Mr. GREEN of Texas, Mr. SPRATT, Mr. CLYBURN, Mr. VISCLOSKY, Mr. GOODE, Mr. PASCRELL, Mr. STARK, Mrs. THURMAN, and Mr. PALLONE):

H.R. 1621. A bill to prohibit the use of the ''Made in USA'' label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLECZKA:

H.R. 1622. A bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. KILDEE, and Mr. MARTINEZ):

H.R. 1623. A bill to reduce class size, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LAFALCE (for himself, Mr. VENTO, Mr. KANJORSKI, Mr. FRANK of Massachusetts, Ms. HOOLEY of Oregon, Ms. LEE, Ms. SCHAKOWSKY, Mrs. MEEK of Florida, Mr. WAXMAN, Mr. RAHALL, Mr. FILNER, Mr. BROWN of California, Ms. WOOLSEY, Mr. OLVER, Mr. MEEHAN, and Mr. BRADY of Pennsylvania):

H.R. 1624. A bill to improve the quality of housing for elderly individuals and families, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LANTOS (for himself, Mrs. MORELLA, Mr. PORTER, Mr. KUCINICH, Mr. SMITH of New Jersey, Ms. MCKINNEY, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. BOUCHER, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CLYBURN, Mr. COSTELLO, Mr. COYNE, Mr. DEFAZIO, Mr. DELAHUNT, Mr. ENGEL, Mr. EVANS, Mr. FARR of California, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. HINCHEY, Ms. KILPATRICK, Mr. KLECZKA, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mr. LUTHER, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Mr. MINGE, Mr. MOAKLEY, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Ms. PELOSI, Mr. PETERSON of Minnesota, Ms. RIVERS, Mr. SABO, Ms. SLAUGHTER, Mr. STARK, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. SMITH of Washington, Mrs. THURMAN, Mr. UNDERWOOD, Mr. WAXMAN, Mr. WEINER, and Mr. WEXLER):

H.R. 1625. A bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala, Honduras, and other regions; to the Committee on Government Reform.

By Mr. BAKER:

H.R. 1626. A bill to amend the Clean Air Act to repeal the highway sanctions; to the Committee on Commerce.

By Mr. BALDACCI (for himself and Mr. ALLEN):

H.R. 1627. A bill to require the Secretary of Housing and Urban Development to distribute funds available for grants under title IV of the Stewart B. McKinney Homeless Assistance Act to help ensure that each State receives not less than 0.5 percent of such funds for certain programs, and for other purposes; to the Committee on Banking and Financial Services.

By Ms. BROWN of Florida:

H.R. 1628. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Miami, Florida, metropolitan area; to the Committee on Veterans' Affairs.

By Mrs. CLAYTON (for herself, Mr. CLAY, Mr. ETHERIDGE, Mr. PRICE of North Carolina, Mrs. MINK of Hawaii, Mrs. ROUKEMA, Mr. LAHOOD, Mr. SANDERS, Mr. CLYBURN, Mr. BOUCHER, Mr. POMEROY, Mr. COSTELLO, Mr. TOWNS, Mr. BISHOP, Mr. SCOTT, Mr. OWENS, Mr. GEORGE MILLER of California, Mr. FORD, Mr. FROST, Mr. WU, Mr. CUMMINGS, Mr. TAYLOR of Mississippi, Mr. JACKSON of Illinois, Mr. JOHN, Ms. WOOLSEY, Mr. TURNER, Mrs. THURMAN, Mr. HOLDEN, and Mrs. CHRISTENSEN):

H.R. 1629. A bill to provide grants to rural eligible local educational agencies to enable the agencies to recruit and retain qualified teachers; to the Committee on Education and the Workforce.

By Mr. COYNE (for himself and Mr. RANGEL):

H.R. 1630. A bill to amend the Internal Revenue Code of 1986 to extend permanently environmental remediation costs; to the Committee on Ways and Means.

By Mr. FORD:

H.R. 1631. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and interest on student loans; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin (for himself and Mr. RYAN of Wisconsin):

H.R. 1632. A bill to provide that certain attribution rules be applied with respect to the counting of certain prisoners in a decennial census of population; to the Committee on Government Reform.

By Mr. HOUGHTON (for himself, Mr. RANGEL, Mr. ENGLISH, Mr. RAMSTAD, Mr. CRANE, Mr. KLECZKA, Mr. THOMAS, Mr. WATKINS, Mr. MCINNIS, Mr. HERGER, Mr. MATSUI, Mr. HAYWORTH, Mr. MCCRERY, Mr. BECERRA, Mr. SAM JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mr. HULSHOF, Mr. LEVIN, Mrs. THURMAN, Mr. LEWIS of Georgia, Ms. DUNN, Mr. PORTMAN, Mr. JEFFERSON, Mr. CARDIN, Mr. FOLEY, and Mr. CAMP):

H.R. 1633. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on

the use of foreign tax credits under the alternative minimum tax; to the Committee on Ways and Means.

By Mr. JONES of North Carolina:

H.R. 1634. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 1635. A bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CASTLE, Mrs. CLAYTON, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Georgia, Mr. KOLBE, Mrs. CAPPS, Mr. SHAYS, Ms. JACKSON-LEE of Texas, Mrs. MORELLA, Mr. BARRETT of Wisconsin, Ms. PRYCE of Ohio, Mr. TOWNS, Mr. PORTER, Mrs. THURMAN, Mrs. ROUKEMA, and Mr. MORAN of Virginia):

H.R. 1636. A bill to provide for a reduction in the rate of adolescent pregnancy through the evaluation of public and private prevention programs, and for other purposes; to the Committee on Commerce.

By Mr. MARTINEZ:

H.R. 1637. A bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act through fiscal year 2004, to establish a National Family Caregiver Support Program, to modernize aging programs and services, to address the need to engage in life course planning, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MCINNIS:

H.R. 1638. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Ways and Means.

By Mr. QUINN:

H.R. 1639. A bill to amend title XVIII of the Social Security Act to require 6-months' advance notice to enrollees of Medicare managed care plans of termination of hospital participation under such plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 1640. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the exclusion from gross income for amounts received under qualified group legal services plans; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 1641. A bill to amend the Federal Election Campaign Act of 1971 to eliminate PAC contributions to individual House of Representatives candidates, to provide a tax credit and tax deduction for contributions to such candidates, to provide for voluntary expenditure limitations in House of Representatives elections, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Ways and Means, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGAN:

H.R. 1642. A bill to require local educational agencies to develop and implement a random drug testing and counseling program for students in grades 9 through 12; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself and Mr. FALEOMAVAEGA):

H.R. 1643. A bill to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries; to the Committee on Resources.

By Mr. SERRANO (for himself, Mr. LEACH, Mr. ALLEN, Mr. BARRETT of Wisconsin, Mr. BLUMENAUER, Mr. BOUCHER, Mr. BROWN of California, Mr. CAMPBELL, Mr. CLAY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. DOOLEY of California, Mr. ENGLISH, Mr. EVANS, Mr. FARR of California, Mr. HILLIARD, Mr. JOHN, Ms. KILPATRICK, Mr. LAFALCE, Mr. LAMPSON, Ms. LEE, Ms. LOFGREN, Mrs. LOWEY, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mrs. MALONEY of New York, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. MINGE, Mr. MOAKLEY, Mr. MORAN of Virginia, Mr. MORAN of Kansas, Mrs. MORELLA, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. NETHERCUTT, Mr. NEY, Mr. OBERSTAR, Mr. OLVER, Ms. PELOSI, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SHAYS, Mr. STARK, Ms. WATERS, and Ms. WOOLSEY):

H.R. 1644. A bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mrs. THURMAN, Ms. KAPTUR, Ms. JACKSON-LEE of Texas, Mr. FILNER, Mr. CUMMINGS, Ms. BROWN of Florida, Mr. FROST, and Mr. HILLIARD):

H.R. 1645. A bill to amend title XVIII of the Social Security Act to provide for full payment rates under Medicare to hospitals for costs of direct graduate medical education of residents for residency training programs in specialties or subspecialties which the Secretary of Health and Human Services designates as critical need specialty or subspecialty training programs; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 1646. A bill to authorize the Secretary of Health and Human Services to provide for an extra payment amount under the Medicare Program to rural providers of services who furnish case manager services to Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H.R. 1647. A bill to amend the Crime Control Act of 1990 to prohibit law enforcement agencies from imposing a waiting period before accepting reports of missing children less than 21 years of age; to the Committee on the Judiciary.

By Mrs. TAUSCHER (for herself, Mr. BOEHLERT, Mr. BROWN of California, Mrs. CHRISTENSEN, Mr. CONDIT, Mr. CONYERS, Mr. CROWLEY, Mr. CUMMINGS, Mr. DEFAZIO, Mr. DINGELL, Mr. DOOLEY of California, Mr. ETHERIDGE, Mr. FILNER, Mr. FROST, Mr. GILCHREST, Mr. GREEN of Texas, Mr. HOLDEN, Mr. KUCINICH, Mr. LAMPSON, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. MARTINEZ, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MORAN of Virginia, Mr. PAYNE, Ms. PELOSI, Mr. ROEMER, Mr. SHERMAN, Mr. SHOWS, Ms. STABENOW, Mr. STARK, Mr. TIERNEY, and Mr. WEINER):

H.R. 1648. A bill to establish State infrastructure banks for education; to the Committee on Education and the Workforce.

By Mr. TIAHRT (for himself, Mr. ROYCE, Mr. ROHRABACHER, Mr. SANFORD, Mrs. MYRICK, Mr. PITTS, Mr. DOOLITTLE, Mr. SUNUNU, Mr. POMBO, Mr. COBURN, Mr. SHADEGG, Mr. GOSS, Mr. RYUN of Kansas, Mr. KASICH, Mr. FOLEY, Mr. MILLER of Florida, Mrs. KELLY, Mr. WELDON of Florida, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. DELAY, Mr. EHRLICH, Mr. BLUNT, and Mr. MCINTOSH):

H.R. 1649. A bill to abolish the Department of Energy; to the Committee on Commerce, and in addition to the Committees on Armed Services, Science, Resources, Rules, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. LAFALCE, Mr. BONILLA, Mr. CONYERS, Mr. MCHUGH, Ms. JACKSON-LEE of Texas, Mr. METCALF, Mr. KNOLLENBERG, Mr. CAMP, Mr. RAHALL, Mr. QUINN, Mr. PASTOR, Mr. STUPAK, Mr. SENSENBRENNER, Mr. SUNUNU, Mr. BALDACCI, Ms. SCHAKOWSKY, Mr. HOUGHTON, Mr. WALSH, Mr. ALLEN, Mr. HOLDEN, Mr. REYES, Mr. FROST, Mr. DAVIS of Florida, Ms. RIVERS, Mr. POMEROY, Mr. ENGLISH, Mr. EHLERS, Mr. SMITH of Michigan, Mr. KILDEE, Mr. CAMPBELL, Mr. ORTIZ, Mr. HOEKSTRA, Mr. OXLEY, Mr. LATOURETTE, Mr. PICKETT, Mr. SABO, Mr. RODRIGUEZ, Mr. WYNN, Ms. LEE, and Mr. BONIOR):

H.R. 1650. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. SAXTON, and Mr. FALEOMAVAEGA):

H.R. 1651. A bill to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself and Mr. SAXTON):

H.R. 1652. A bill to establish the Yukon River Salmon Advisory Panel; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself, Mr. SAXTON, and Mr. FALEOMAVAEGA) (all by request):

H.R. 1653. A bill to approve a governing international fishery agreement between the United States and the Russian Federation; to the Committee on Resources.

By Mr. KASICH:

H.J. Res. 49. A joint resolution to designate the Village of Sunbury, Ohio, as ''Flagville, U.S.A.''; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

27. The SPEAKER presented a memorial of the Senate of the State of Idaho, relative to Senate Joint Memorial No. 104 memorializing that they support the passage of the Imported Meat Labeling Act of 1999 by the First Session of the 106th Congress; to the Committee on Agriculture.

28. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Joint Resolution No. 650 memorializing the Congress of the United States be urged to reconsider federal restrictions on discipline of certain students with disabilities; to the Committee on Education and the Workforce.

29. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Joint Resolution No. 552 memorializing the Congress of the United States be urged to either enact meaningful patient protections at the federal level with respect to employer self-funded plans or, in the absence of such federal action, amend the Employee Retirement Income Security Act (ERISA) of 1974 to grant authority to all individual states to monitor and regulate self-funded, employer-based health plans; to the Committee on Education and the Workforce.

30. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 14 memorializing the Congress to enact legislation to prohibit the federal government from claiming any tobacco settlement money from the states or directing how the states expend these funds; to the Committee on Commerce.

31. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Joint Resolution No. 640 memorializing the Congress of the United States be urged to direct the Federal Communications Commission to study the feasibility of including all of Buchanan County, Virginia, and all of Dickenson County, Virginia, into the Southwest Virginia Network; to the Committee on Commerce.

32. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Joint Resolution No. 598 memorializing the Congress of the United States be urged to enact legislation giving states and localities the power to control waste imports into their jurisdictions; to the Committee on Commerce.

33. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Joint Resolution No. 581 memorializing the Congress of the United States be urged to enact legislation to prevent the seizure of state tobacco settlement funds by the federal government, and that the federal government be urged not to interfere in the tobacco settlement which has been reached between the fifty states and the largest tobacco manufacturers; to the Committee on Commerce.

34. Also, a memorial of the Senate of the State of Maine, relative to Senate Paper #750 memorializing the President of the United States and the United States Congress to support a World War II Memorial; to the Committee on Resources.

35. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 440 memorializing Congress to enact the ''Conservation and Reinvestment Act''; to the Committee on Resources.

36. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Joint Resolution No. 754 memorializing the Congress of the United States be urged to grant historic congressional federal recognition to the Chickahominy; the Chickahominy, Eastern Division; the Mattaponi; the Monacan; the Nansemond; the Pamunkey; the Rappahannock; and the Upper Mattaponi as Indian tribes under federal law; to the Committee on Resources.

37. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Joint Resolution No. 568 memorializing the retention of the 1,250-mile perimeter rule and slot rule at Ronald Reagan Washington National Airport be supported and that any relaxation of, exemption from, or amendment to Section 6012 of the Metropolitan Washington Airports Act of 1986 or the regulations promulgated pursuant thereto be opposed; to the Committee on Transportation and Infrastructure.

38. Also, a memorial of the General Assembly of the State of North Dakota, relative to House Concurrent Resolution No. 3039 memorializing the United States Congress to enact legislation to return adequate funds to states to fund the employment security system and give a fair return to employers for the taxes employers pay under the Federal Unemployment Tax Act; to the Committee on Ways and Means.

39. Also, a memorial of the Senate of the State of Idaho, relative to Senate Joint Memorial No. 103 memorializing the Congress and the President to provide that the provisions of the North American Free Trade Agreement be enforced or that the Agreement be nullified and the United States withdrawn from the provisions of and participating in the Agreement; to the Committee on Ways and Means.

40. Also, a memorial of the Senate of the State of Idaho, relative to Senate Joint Memorial No. 101 memorializing that they strongly support aggressive, immediate and continued management activities on all acres of Douglas fir bark beetle infested lands on all Idaho national forests, and specifically on the Idaho Panhandle National Forests; jointly to the Committees on Resources and Agriculture.

41. Also, a memorial of the Senate of the State of Idaho, relative to Senate Joint Memorial No. 102 memorializing the Congress to implement procedures similiar to the procedure employed by the state of Idaho which requires all rules proposed by executive agencies to be submitted to the Legislature of the State of Idaho for final approval before such administrative law may become effective; jointly to the Committees on the Judiciary and Government Reform.

42. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Joint Resolution No. 649 memorializing that availability and unfettered usage of strong encryption technology for any legitimate purpose will enable and facilitate the growth of the information economy and therefore should be encouraged and supported by government at all levels; jointly to the Committees on International Relations, Commerce, and the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 5: Ms. STABENOW, Mrs. NORTHUP, and Mr. GOODLING.

H.R. 8: Mr. ROGAN, Mr. SCARBOROUGH, Mr. SAXTON, Mr. GREEN of Wisconsin, Mr. DEAL of Georgia, Mr. BASS, Mr. BOEHLERT, Mrs. BIGGERT, Mr. SAM JOHNSON of Texas, Mr. SUNUNU, and Mr. WHITFIELD.

H.R. 49: Mr. BOSWELL and Mr. ENGLISH.

H.R. 137: Mr. FORBES.

H.R. 142: Mr. BATEMAN, Mrs. BIGGERT, and Mr. COBURN.

H.R. 175: Mr. PACKARD, Mr. GALLEGLY, Mr. DREIER, Mr. FARR of California, Mr. BATEMAN, Mr. SPENCE, Mr. WATTS of Oklahoma, Mr. KING, Mrs. NAPOLITANO, Mr. ROGERS, Mr. SPRATT, Mr. PHELPS, and Mr. STARK.

H.R. 230: Ms. SLAUGHTER.

H.R. 261: Ms. SCHAKOWSKY.

H.R. 262: Mr. MCDERMOTT and Mr. RANGEL.

H.R. 315: Mr. MEEKS of New York, Mr. CROWLEY, Mr. HOLT, and Mr. BERMAN.

H.R. 323: Mr. ACKERMAN.

H.R. 324: Mr. DAVIS of Illinois.

H.R. 351: Mr. SHIMKUS, Mr. HOUGHTON, and Mrs. BIGGERT.

H.R. 353: Mr. CAPUANO, Mr. NUSSLE, Mr. WELDON of Pennsylvania, Mrs. MINK of Hawaii, Ms. PELOSI, Mr. PALLONE, Ms. DELAURO, Mr. PASTOR, and Mr. MCNULTY.

H.R. 383: Mr. LAZIO, and Mr. COOKSEY.

H.R. 425: Mr. ENGLISH, Ms. SCHAKOWSKY, Mr. CAMPBELL, and Mr. OBERSTAR.

H.R. 488: Mr. LATOURETTE.

H.R. 516: Mr. COBURN, Mr. WALSH, and Mr. WALDEN of Oregon.

H.R. 518: Mr. COBURN, Mr. WALSH, and Mr. UPTON.

H.R. 544: Mrs. EMERSON.

H.R. 568: Ms. STABENOW.

H.R. 580: Ms. DUNN, Mr. LEWIS of Georgia, Mr. MCCRERY, and Mr. STARK.

H.R. 629: Mr. SANDLIN.

H.R. 632: Mr. GUTKNECHT, Mr. DEUTSCH, Mr. LOBIONDO, Mr. WALSH, Mr. HOLT, Mr. GARY MILLER of California, Mrs. CHRISTENSEN, Mr. COOK, Mr. DIAZ-BALART, Mr. RAMSTAD, Mr. HAYES, Mr. LAHOOD, and Mr. DEAL of Georgia.

H.R. 639: Mr. DEMINT.

H.R. 648: Ms. PRYCE of Ohio and Mr. LAMPSON.

H.R. 655: Ms. DEGETTE, Mrs. JOHNSON of Connecticut, and Mr. BALDACCI.

H.R. 673: Mr. YOUNG of Florida.

H.R. 674: Mr. MCINNIS and Mr. HOUGHTON.

H.R. 716: Mr. RODRIGUEZ.

H.R. 721: Mr. MOAKLEY.

H.R. 742: Mr. ANDREWS, Mr. STUPAK, Mr. WATKINS, AND Ms. WOOLSEY.

H.R. 750: Mr. GANSKE and Mr. NADLER.

H.R. 756: Mr. BURTON of Indiana.

H.R. 764: Mr. BOEHLERT, Mrs. FOWLER, Mr. CRAMER, Mr. HOBSON, Mr. COOKSEY, Mr. FRANKS of New Jersey, Mrs. JOHNSON of Connecticut, and Mr. LAHOOD.

H.R. 773: Mr. MICA, Mr. WATT of North Carolina, Mr. LARSON, and Mr. FOSSELLA.

H.R. 775: Mr. SIMPSON.

H.R. 796: Mr. ISTOOK, Mr. PACKARD, and Mr. FROST.

H.R. 815: Mr. GANSKE, Mr. SMITH of New Jersey, Mr. BACHUS, and Mr. DEMINT.

H.R. 828: Mr. BASS.

H.R. 835: Mr. THOMPSON of California.

H.R. 845: Mr. BARRETT of Wisconsin.

H.R. 864: Mr. WALSH, Mr. RADANOVICH, Mr. WALDEN of Oregon, Mr. FRELINGHUYSEN, Mr. GARY MILLER of California, Mr. FARR of California, Mr. PACKARD, Mr. GALLEGLY, Mr. DREIER, Mr. HERGER, Mr. BATEMAN, Mr. SPENCE, Mr. KING, Mrs. NAPOLITANO, Mr. MEEKS of New York, Mr. SPRATT, Mr. BLUMENAUER, Ms. WOOLSEY, Mr. MALONEY of Connecticut, and Mr. PHELPS.

H.R. 872: Mr. UNDERWOOD.

H.R. 895: Mr. TOWNS, Mr. GUTIERREZ, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Mr. BLUMENAUER, Mr. UDALL of Colorado, Mr. MARTINEZ, Mr. JACKSON of Illinois, Mr. INSLEE, Mr. RANGEL, Ms. WATERS, Mrs. CAPPS, Mr. BERMAN, Mr. ALLEN, Ms. RIVERS, Mr. BROWN of Ohio, Ms. WOOLSEY, Mr. GEJDENSON, Mr. UNDERWOOD, and Mr. BROWN of California.

H.R. 904: Mr. BALDACCI, Mr. PASTOR, Mr. SHOWS, and Ms. RIVERS.

H.R. 941: Mr. FOLEY, Mr. HILLIARD, Mr. MATSUI, Mrs. JOHNSON of Connecticut, and Mr. ENGLISH.

H.R. 948: Mr. WICKER.

H.R. 989: Mr. ACKERMAN.

H.R. 1008: Mr. PALLONE and Mr. SMITH of Washington.

H.R. 1039: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Washington, and Mr. KIND.

H.R. 1044: Mrs. EMERSON.

H.R. 1070: Mr. BRADY of Pennsylvania and Mr. TOWNS.

H.R. 1074: Mr. BEREUTER, Mrs. CHENOWETH, Mr. NETHERCUTT, and Mr. WHITFIELD.

H.R. 1083: Mr. SNYDER and Mr. CHAMBLISS.

H.R. 1084: Mrs. MYRICK.

H.R. 1088: Mr. HOYER, Mr. WHITFIELD, Mr. FROST, Mrs. EMERSON, and Mr. KOLBE.

H.R. 1095: Mr. BENTSEN, Ms. BALDWIN, Mr. BLUMENAUER, and Mr. LUTHER.

H.R. 1102: Mr. TANCREDO.

H.R. 1111: Mr. DICKS and Mr. MARTINEZ.

H.R. 1122: Mr. RAMSTAD, Mr. LEWIS of Georgia, Mr. SAM JOHNSON of Texas, Mr. SESSIONS, Mr. FARR of California, Ms. SANCHEZ, Mr. NEAL of Massachusetts, and Ms. HOOLEY of Oregon.

H.R. 1130: Mr. PASCRELL and Mr. STARK.

H.R. 1138: Mr. CALVERT.

H.R. 1178: Mr. WICKER, Mr. TURNER, and Mr. LAHOOD.

H.R. 1180: Mr. FARR of California and Mr. BONIOR.

H.R. 1183: Mr. HOBSON.

H.R. 1187: Mr. GUTKNECHT, Mr. MORAN of Virginia, and Mr. HOUGHTON.

H.R. 1193: Mr. NEAL of Massachusetts, Mr. CALLAHAN, Mr. GANSKI, Mr. WELDON of Florida, and Mr. BONIOR.

H.R. 1194: Mr. BARRETT of Nebraska and Mrs. MORELLA.

H.R. 1196: Mr. WAXMAN.

H.R. 1224: Mr. RAHALL.

H.R. 1229: Mr. WHITFIELD and Mr. BARCIA.

H.R. 1239: Mr. BLAGOJEVICH, Mr. MEEKS of New York, and Mr. SPRATT.

H.R. 1250: Mr. SABO and Mr. WYNN.

H.R. 1260: Mr. SAXTON, Mr. MCDERMOTT, Mr. DICKS, Mr. ENGLISH, Mr. LOBIONDO, Mr. ORTIZ, Mr. LATOURETTE, Mr. LIPINSKI, Mr. STUPAK, Mr. BENTSEN, Mr. FATTAH, Mr. DELAHUNT, Mr. BRADY of Pennsylvania, Mr. LAMPSON, Mr. SMITH of Washington, Mr. SHOWS, Mr. INSLEE, and Mr. CAPUANO.

H.R. 1261: Mr. SHAYS, Mr. FROST, and Mr. NETHERCUTT.

H.R. 1278: Mr. INSLEE.

H.R. 1288: Mr. BONIOR and Ms. DELAURO.

H.R. 1304: Mr. GOODE, Mr. KILDEE, Mr. BARR of Georgia, and Mr. DICKEY.

H.R. 1317: Mr. LUCAS of Kentucky.

H.R. 1319: Ms. DEGETTE.

H.R. 1320: Mr. ACKERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. GORDON.

H.R. 1333: Mr. GUTIERREZ, Mr. PASTOR, Mr. FATTAH, and Mr. MCGOVERN.

H.R. 1337: Mr. DELAY and Mr. KOLBE.

H.R. 1342: Mr. MALONEY of Connecticut, Ms. ESHOO, and Mr. BROWN of California.

H.R. 1344: Mr. BISHOP.

H.R. 1349: Mr. BARRETT of Nebraska and Mr. BILBRAY.

H.R. 1387: Ms. CARSON and Mr. MCINTOSH.

H.R. 1388: Mr. GUTIERREZ, Mr. NADLER, Ms. PRYCE of Ohio, and Mr. KOLBE.

H.R. 1399: Mr. DAVIS of Illinois, Mr. GEORGE MILLER of California, Mr. WAXMAN, Ms. SCHAKOWSKY, and Mr. WYNN.

H.R. 1414: Mr. GARY MILLER of California, Mr. RAHALL, and Mr. LAFALCE.

H.R. 1447: Mr. HOLDEN.

H.R. 1472: Mr. WYNN, Mr. SISISKY, Mr. BALDACCI, Mr. BONIOR, Mr. PRICE of North Carolina, Mr. GREENWOOD, Mrs. EMERSON, Mr. INSLEE, Mr. BAIRD, Mr. DAVIS of Illinois, Mr. GILCHREST, Mr. SMITH of New Jersey, Mr. RAMSTAD, Mr. MALONEY of Connecticut, Mr. RODRIGUEZ, and Mr. LATOURETTE.

H.R. 1477: Mr. GARY MILLER of California, and Ms. SCHAKOWSKY.

H.R. 1491: Mr. JEFFERSON and Mr. HILL of Indiana.

H.R. 1530: Mrs. MEEK of Florida, Mr. DIAZ-BALART, and Mrs. THURMAN.

H.R. 1551: Mr. BARCIA.

H.R. 1560: Mr. SHAW.

H.R. 1579: Mr. PHELPS and Mr. GUTIERREZ.

H.J. Res. 25: Mr. FRELINGHUYSEN, Mr. DAVIS of Illinois, Mr. DEAL of Georgia, and Mr. ACKERMAN.

H. Con. Res. 30: Mrs. CHENOWETH and Mr. TOOMEY.

H. Con. Res. 78: Mr. UNDERWOOD.

H. Res. 35: Mr. ROMERO-BARCELO, Mr. SMITH of Washington, and Ms. HOOLEY of Oregon.

H. Res. 106: Mr. WHITFIELD.

SENATE—*Thursday, April 29, 1999*

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

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Thomas A. Erickson, Valley Presbyterian Church, Scottsdale, AZ.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Thomas A. Erickson, Valley Presbyterian Church, Scottsdale, AZ, offered the following prayer:

Let us pray.

Gracious and ever-living God, You promised through the Psalmist, ''I will instruct you and teach you the way you should go, I will counsel you with my eye upon you.''—Psalm 32:8. In response, we open our minds to You, asking that in all the business before us we may clearly see Your will and courageously do Your work.

O God, when world events threaten to crush our hope, reassure us that peace is possible, for Your will shall yet be done in all the Earth. Then help us to do what we can, individually and together, to achieve that peace for all people everywhere.

At the end of this day, let every Senator know, let every staff member and aide know, that they have done their duty to You, to their Nation, and to one another. Give them satisfaction in knowing that they have moved our Nation a step further in its unrelenting quest to be ''one Nation under God, with liberty and justice for all.'' Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. GRAMS. I thank the Chair.

SCHEDULE

Mr. GRAMS. Mr. President, today the Senate will immediately begin 1 hour of debate relating to the cloture motion to the MCCAIN amendment to the Y2K legislation. At approximately 10:30 a.m., following that debate, the Senate will proceed to a cloture vote on the pending MCCAIN amendment.

As a reminder, by a previous agreement, second-degree amendments to the McCain amendment must be filed by 10 a.m. today.

Following the cloture vote, the Senate may continue debate on the Y2K bill, the lockbox issue, or any other legislative or executive items cleared for action.

Also, as a further reminder, a cloture motion was filed on Wednesday to the pending amendment to S. 557 regarding the Social Security lockbox legislation. That vote will take place on Friday at a time to be determined by the two leaders.

For the remainder of the week, it is possible that the Senate may begin debate on the situation in Kosovo.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The able Senator from Arizona is recognized.

Mr. KYL. I thank the Chair.

GUEST CHAPLAIN THOMAS ERICKSON

Mr. KYL. Mr. President, it is an honor for me this morning to have in the Senate Chamber both of my ministers—of course, the Chaplain of the Senate, Lloyd Ogilvie, and the individual who gave our prayer this morning, who is Thomas Erickson, minister of the Valley Presbyterian Church in Scottsdale, AZ. This is the church in which I am a member in my home State of Arizona. His wife Carol joins him today in the Nation's Capital, and as I said, it is my honor to be with them today and certainly an honor for my church to have its minister deliver the opening of the Senate.

Valley Presbyterian Church is a dynamic congregation of some 2,400 members and growing. Reverend Erickson has been with the church now for almost 13 years.

Mr. President, you perhaps noticed that as he was delivering the morning prayer, if you closed your eyes just a little bit, it almost sounded like our Chaplain, Lloyd Ogilvie. I frequently do that when I am in church here or I am in the Senate Chamber. I close my eyes and I can almost hear the other speaking, because they have the same resonant voice, especially when delivering a prayer.

So I am honored, as I said, to be able to present Dr. Erickson to my fellow Senators this morning and all of those who observed the morning prayer on television.

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

Y2K ACT—CLOTURE MOTION

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Oregon.

Mr. WYDEN. I thank the Chair.

To begin the hour of debate that we have on the Y2K measure, I would like to discuss the agreement entered into late yesterday, the special effort that was led by Senator DODD of Connecticut. Senator DODD has been the leader on our side on the Y2K issue. The agreement that was entered into last night involved Senator MCCAIN, myself, Chairman HATCH, Senator FEINSTEIN, Chairman BENNETT; a number of colleagues were involved. It seems to me that this effort, which was led by Senator DODD, has directly responded to a number of the concerns outlined by the White House in the statement that was delivered yesterday to the Senate. I would like to briefly outline the proposals which are going to be offered by the Senator from Connecticut in conjunction with the group of us that has been working on a bipartisan basis for this legislation.

Under the changes made yesterday, there would be punitive damage caps for small businesses. We ensure that there is fairness to both sides. We would eliminate punitive damage caps for the large businesses, those over 50 employees. We would protect municipalities and governmental entities from punitive damages. And we would also ensure that State evidentiary standards for claims involving fraud were kept in place.

The legislation would continue to do the following. There would have to be a 30-day notice. The plaintiff would have to submit a 30-day notice to the defendant on the plaintiff's intentions to sue, with a description of the Y2K problem. If the defendant responded with a plan to remediate, then an additional 60 days would be allowed to resolve the problem. If the defendant didn't agree to fix the problem, the plaintiff would be in a position to sue on the 31st day. We would establish—and this was of great concern to a number of Members of the Senate—liability proportionality. We would ensure that defendants don't pay more than the damage they are responsible for but exceptions would include plaintiffs with a modest net worth who were not able to collect from one or more defendants and defendants who had intentionally injured plaintiffs.

I think this is especially important because, clearly, if you have a defendant who has engaged in intentionally abusive conduct, you want to send the strongest possible message, and we do establish liability proportionality under the agreement led by Senator DODD.

We would also preserve contract rights so as to not interfere with parties who have already agreed on Y2K terms and conditions. We would also confirm the duty to mitigate. This is an effort to essentially confirm existing law that plaintiffs have to limit

damages and can't collect damages that could have been avoided. This is an opportunity for potential defendants to provide widespread information on Y2K solutions to assist potential plaintiffs.

Finally, our proposal would encourage alternative dispute resolution, and it also keeps, as a number of Democrats have discussed with us, all personal injury and wrongful death claims with every opportunity to use existing law to ensure protection for the consumer and for injured parties.

I commend my colleague from Connecticut, Senator DODD. He is the Democratic leader on the Y2K issue. Let me also say that what Senator DODD has done, in conjunction with myself and Senator MCCAIN, is he has essentially taken a lot of what we have done in the securities litigation area, a lot of what we have done in the earlier Y2K legislation, and used that as a model. So Senator DODD's proposal, in my view, is very constructive. We now have an agreement that has been entered into by Senator DODD, Chairman MCCAIN, myself, Chairman HATCH, who has been exceptionally helpful on this effort, our colleague from California, Senator FEINSTEIN, and Senator BENNETT, who chairs the Y2K committee.

So I am very pleased about this effort that was entered into late yesterday. I say to my colleagues—especially Democrats who were concerned about the statement issued earlier by the White House—this compromise effort that I have outlined—and we also issued a statement on it—responds directly to a number of the concerns that were outlined by the White House, especially the two perhaps most important, which are protection for injured parties as it relates to the opportunity to seek punitive damages where appropriate, and also to ensure that with respect to evidentiary standards, no one could say that this was now raising somehow for all time a change through Federal law. We specifically preserve State evidentiary standards for important claims involving fraud.

But I would say, Mr. President and colleagues, this legislation is not going to be a change for all time in our laws. It is essentially a bill, and it has a strong sunset provision that is going to last for 3 years or so. We are trying to make sure, through that sunset provision, that we deal just with those concerns raised by Y2K. Y2K is not a partisan issue. It affects every computer system that uses date information. It was essentially an engineering tradeoff which brought us to this predicament; to get more space on a disk and in memory, the idea of century indicators was abandoned. It is hard for us to believe today that disk and memory space at a premium, but it was at one time. So in an effort to try to make sure during those earlier days there were standards by which programs and systems could exchange information, there was this engineering tradeoff.

Now, some say you could just solve the Y2K problem by dumping all the old layers of computer code accumulated over the last few decades. That is not realistic. So what we ought to be trying to do is to make sure that information technology systems are brought into Y2K compliance as soon as possible. That is what the substitute that Senator MCCAIN and I have offered seeks to do, and I believe that substitute has been vastly improved now by the leadership of the Senator from Connecticut, Mr. DODD.

I think as this discussion goes forward in the next hour, it is also important to recognize just how dramatic the implications are for this issue. I would like to cite one example which I know a number of my colleagues on the Democratic side can identify with very easily. A lot of my colleagues, led by Senator KENNEDY, have been very concerned about making sure that there is a good prescription drug benefit for seniors under Medicare. It is the view of a lot of us that billions of dollars are wasted. Billions of dollars are wasted every single year as a result of seniors not taking prescriptions in a way so as to limit some adverse interaction. We waste billions of dollars and millions of seniors suffer as a result of not taking these prescriptions properly. And the best single antidotes that we have today are some of the new online computer systems which keep track of seniors' prescriptions and are in a position to help limit these adverse drug interactions.

Well, the fact of the matter is, if we have, next January, chaos in the marketplace with our pharmacies and our health care systems and programs that help us limit these problems involving drug interactions, we are going to waste billions of dollars which could be used to get senior citizens decent prescription drug benefits, and we are going to hurt older people needlessly.

Now, that has been a problem documented by the General Accounting Office. I raise it primarily because there has been a discussion in the Senate about how this legislation is just sort of a high-tech bill, and maybe some folks care about it in the State of Oregon where we care passionately about technology, or Silicon Valley, or another part of the country. I think we all know that technology is important in every State in our Nation. But I think it is very clear that these issues dramatically affect our entire Nation. It doesn't just involve a handful of high-tech companies; it involves millions and millions of Americans. The reason I have taken the Senate's time to discuss particularly how this would affect older people with their prescription drugs is that I think this is just a microcosm of this debate. I think this is just one small example of what this discussion is all about.

Now, the Congressional Budget Office and other experts have estimated that Y2K-related litigation could cost consumers and businesses twice as much as fixing the Y2K problem itself. Now, I think those predictions may, in fact, be exaggerated; maybe they are wildly exaggerated. But I would much prefer to see the Senate craft responsible legislation now rather than to delay. And should the Senate not act on this legislation in an expeditious way, I believe there is a very real possibility that the Senate could be back here in January having a special session to deal with this issue.

So I am very hopeful that we can go forward on it. I know that the minority leader, Senator DASCHLE, has worked very hard to be fair and to ensure that there is opportunity for colleagues to raise amendments. He has been working closely with the majority leader, Senator LOTT. Those procedural issues are still to be resolved.

I happen to agree with Senator KENNEDY on this matter of raising the minimum wage. I think he is absolutely correct that we ought to raise the minimum wage. But I am very hopeful that we will not see these issues pitted against each other. It is extremely important to raise the minimum wage. I also think it is extremely important to deal with this Y2K issue in a responsible fashion.

I know there are other Members of the Senate who wish to speak on this issue. They haven't arrived on the floor quite yet. I think I will just take an additional couple of minutes, as we await them, to outline some of the changes that have been made since the legislation left the Commerce Committee. At that time, regrettably, it was a partisan bill and did not yet have the constructive changes made by the Senator from Connecticut, Mr. DODD, and did not at that point include the eight major changes that Chairman MCCAIN and I negotiated. I would like to wrap up my initial comments by taking a minute or two to talk about those changes that have been made in the legislation. For example, Mr. President and colleagues, early on none of the bills had a sunset provision in the legislation. There was a great concern that somehow some change in tort law and contract law would be for all time, establishing new Federal standards in this area. It was a feeling on my part and upon the part of other colleagues that it was absolutely critical to have a sunset provision to ensure that we were talking just about problems relating to the Y2K and not creating massive changes in Federal tort law or contract law that would last for all time.

None of the original bills contained a sunset date. We now have a 3-year sunset date making it very clear that any Y2K failure must occur before January 1, 2003, in order to be eligible to be covered by the legislation. Most industry

analysts agree that Y2K failures are likely to follow a bell curve, a peaking on approximately January 1, 2000, and trailing off in 1 to 3 years. The sunset date that has been added tracks the very best professional analysis we have about the problem.

I thank Chairman MCCAIN for adding that in our initial negotiations. It is extremely important to me. I felt a lot of the Members of the Senate on the Democratic side felt that it was critical that this be a set of changes that was limited to a short period of time. That 3-year sunset addition, I think, sends a very powerful message that this is not changing tort and contract law for all time. I am very pleased that it has been added.

Second, in the committee there were some vague, essentially new Federal defenses that I and others felt unfairly biased this process in favor of the defendant. Those were removed. Essentially what those original provisions said was that if defendants engaged in what was called a ''reasonable effort'' that they would be protected advocates. Consumers felt strongly that this language was mushy and vague.

I agree completely with them on it. In fact, we originally had it in committee, and I opposed it at that time. But at the request of the consumer groups, this mushy, vague language that protects defendants who engaged in something called a ''reasonable effort'' was dropped.

We also made changes to keep the principle of joint liability. After the legislation left the committee, we thought it was important to make sure that for cases involving fraud and egregious conduct we kept the traditional principle of joint and several liability. It was also extended to involve insolvent defendants.

Senator DODD has continued to help us in this area to ensure there is fairness for injured parties while at the same time making it clear that the defendants don't pay more than the damage for which they are responsible.

The legislation continues to have in place what we negotiated after the legislation left the committee. This is incorporated into the announcements we made last night about the important efforts made by Senator DODD.

Finally, we thought it was important to make sure contract rights were paramount in this area. This legislation does not involve any changes whatever in personal injury rights. If, for example, an individual is in an elevator and that elevator falls 10 floors to the bottom of a building, and that individual is tragically injured, or dies, all of the personal injury remedies are kept in place. That is not something that would be affected by this legislation. This legislation involves contractual rights between private business parties. I and others felt that it was not adequately laid out in the committee legislation, that the contract rights were paramount in this area. As a result of the negotiations we had after the legislation left the committee, those rights were kept in place. I and others felt that was essential.

I see my good friend from the State of Connecticut on the floor. I am going to yield in just one second. But first I want to take a minute and tell him how much I appreciate what he has done. He is, of course, the Democratic leader on the Y2K issue.

I am essentially still a rookie in the Senate, and the Senator from Connecticut has been so helpful as we have tried to take this legislation that passed the committee unfortunately on a partisan vote and tried to make it responsive to the many legitimate issues that have been raised by our colleagues on this side of the aisle. The colleagues on this side of the aisle have been absolutely right about saying that the original bill was not adequate with respect to punitive damages. It wasn't adequate with respect to evidentiary standards. It didn't do enough to address the issues that we heard about from the White House late yesterday.

As a result of an agreement led by the Senator from Connecticut, we have been responsive to those issues. We have essentially had nine major changes made after the bill came out of committee. The Senator from Connecticut has led the bipartisan effort. I discussed that bipartisan effort earlier involving Senator FEINSTEIN, Senator HATCH, and Senator BENNETT.

I want to yield the floor now to the Senator from Connecticut, and thank him for all he has done to make this a bill that I believe can get the support of a significant number of Democrats, because it responds to what we heard from the White House. I thank him as well personally for all of the good counsel and help that he has given me. He is the leader on this issue. He is the one who navigated the securities litigation legislation. I pointed out how he took much of what the Senate learned on the securities litigation in the earlier Y2K bill and made that part of his compromise. I thank the Senator from Connecticut.

Mr. President, I yield the floor. I look forward to hearing from the Senator from Connecticut.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I will be very brief.

Let me begin by thanking our colleague from Oregon. He is very effusive and gracious in his compliments. He describes himself as a rookie. But he is anything than a rookie when it comes to the legislative process. He served with great distinction in the other body, and has been here now several years proving the value of his experience as a seasoned legislator in the Senate.

Let me just say I am very hopeful. I was very pleased yesterday that we were able to reach an agreement on three proposals that I felt, and many others felt, were essential if this Y2K litigation legislation was going to succeed. One of these proposals was to deal with the punitive damages cap issue with the exception of municipalities, government entities, and smaller businesses, which are described as businesses that employ 50 people or less. This number is more than the 25 employees which usually defines a small business. I realize that one might make a very strong case that even more than 50 employees would still constitute a small business. But with a country that is growing all the time, I think most of us would agree that a small business today would still be one that employed 50 people or less.

We also eliminated the caps on the director and officer liability because under the disclosure bill passed last year we crafted a safe harbor for forward-looking statements by directors and officers and managers. We felt that this safe harbor would suffice, along with the normal business judgment rule which protects managers to some degree. As a result, we didn't think a cap on director and officer liability was necessary.

I am pleased that Senator MCCAIN and Senator HATCH, as well as my good colleague and friend, Senator BENNETT—who really has been the leader on the Y2K issue for so many years—agreed with both of those provisions, as well as with the state of mind provisions. It gets rather arcane when you start talking about some of these legal terms, but they are important matters.

What we are doing with the claims involving state of mind is leaving the status quo with respect to the evidentiary standard. That is, each State determines what that standard is, instead of having a national standard. There was some effort to have clear and convincing evidence be used as the evidentiary standard you would have to reach, but 34 States already have that standard. Many other States do not have that standard, so we thought the best result on a compromise was to leave it to the States to decide what that standard ought to be, rather than incorporating it in this bill.

Again, I thank Senator MCCAIN, Senator HATCH, Senator BENNETT, and others who have agreed to and supported these changes.

As I understand it, there are other outstanding issues. The Senator from Oregon is absolutely correct. There are colleagues who have other amendments. They would not support this bill even with these additions. I know Senator KERRY of Massachusetts has a strong interest in proportional liability issues. I am confident that Senator HOLLINGS and Senator EDWARDS have some suggestions they might want to make to this bill.

My hope is that our leaders can work this out. I know Senator DASCHLE is more than prepared to sit down and work with our distinguished majority leader to allow for a series of amendments to be considered, as we normally do here, on this bill and to allow them to come up, to debate them, to vote on them, and to try and get this bill completed. I think we could complete it by this weekend, by tomorrow, if we began to work.

I do not know what the schedule is. There may be other matters that are more pressing in the minds of the leadership. But it seems to me now that agreeing on a package of amendments that can be offered is the way to go. We are going to have a cloture vote here shortly. I am going to oppose invoking cloture because we have not yet agreed on a process and I do not want to deny an opportunity to any of my colleagues. I know there may be some on the majority side who do not yet agree with this bill. There are several who have strong reservations about this bill even with the additions we have made to it by this agreement, and they may have some amendments they may want to offer. That is how we do business in the Senate. The Presiding Officer knows of what I speak. We both served in the other body, the House of Representatives, where you have strict rules and whoever is in the majority controls this exactly, determining if any amendments are to be considered.

In the Senate we are a different institution. Here we allow the free flow of debate and we do not deny Members the opportunity to bring up issues that they believe are critically important, even issues that are not germane to the matter before us. Although we do not encourage that in every instance, that can be done here. That is what makes the Senate of the United States different from the Chamber down the hall. We are, in a sense, counterweights to each other. In the House of Representatives the rule of the majority prevails, as it should. In a sense, in the Senate we protect the rights of a minority to be heard.

That is what we are hoping the leaders will allow to happen today. We hope an agreement is reached on a series of amendments that will allow them to be debated and discussed and voted on. If that is the case, I am very confident that we will be able to pass this important piece of legislation and send it to the House, where they are considering similar legislation. I am also very confident that we can secure a signature from the President, who I know cares very much about this issue, as does the Vice President, and we can accomplish what many have sought here—to protect against the dangers of massive litigation over this year 2000 computer bug which is looming on the horizon.

Two hundred and forty days from now, when the millenium clock turns, I do not think that any of us here wants to be looking back and saying we lost an opportunity here in April to try to at least limit the kind of financial hardship and economic disruption that could occur if we do not address the threat of a Y2K litigation explosion. So I am very hopeful that we can come together, as we have already come so far.

Again, I express my thanks to the chairman of the committee who has the thankless job of trying to move a complicated bill along. Senator HATCH has also been tremendously helpful and supportive on this. Again, Senator BENNETT of Utah, with whom I work on the Y2K committee, has done just an astounding job, I think, of bringing to the attention of all of us here, as well as to the people across this country, the importance of this issue. And, of course, the efforts of the distinguished Senator from Oregon and Senator FEINSTEIN of California. My colleague from Connecticut, Senator LIEBERMAN, who cares very much about litigation reform issues generally, has also been very helpful on this. I fear I am leaving some people out here. I hope I am not. But at this juncture I know these are people who have been involved in this issue and care about it. Again, my plea to the majority leader, and I know Senator DASCHLE cares about this, too, is to see if we can now come to some agreement.

The PRESIDING OFFICER (Mr. CRAPO). The time of the proponents has expired.

Mr. DODD. I ask unanimous consent for an additional minute.

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

Mr. WYDEN. Will the Senator yield?

Mr. DODD. I do.

Mr. WYDEN. I will be brief. I concur completely with what the Senator from Connecticut has said. I want to ask him one question about the very helpful punitive damages agreement he negotiated with us last night.

My understanding is, this agreement tracks very closely with what the Clinton administration has agreed to in the past with respect to product liability. In fact, our agreement seems to be more generous to plaintiffs than what the administration has agreed to in the past.

In the past, they seemed to have said we ought to look at something that would have two times compensatory damages. This legislation has three times the damages, to make sure there is a fair shake for the consumer. Is that the understanding of the Senator from Connecticut? I ask because he has been involved in this issue involving punitive damage questions for quite some time. I think he has been very fair to plaintiffs in this area. It seems to me, actually, the Senator has gone beyond what has been talked about in various other discussions that we had.

In just this minute I would like to take one more moment to hear the Senator's opinion on that issue which is a key issue for Democrats.

Mr. DODD. I think I ought to ask unanimous consent for an additional minute.

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

Mr. DODD. In response to my colleague—and I thank him for raising the issue—I do not claim great expertise in the product liability area. We have done some work, and I appreciate his comments, on the securities bill, the standards reform bill, and here on the Y2K area. So going back and revisiting this, while I do not recall the point the Senator raises, I do not question what he has said. I presume, in fact, that he is correct. I simply do not bring any personal recollection of how we crafted that.

I know the administration cares about the Y2K issue. I negotiated with the White House on securities litigation, and there were some difficult issues to resolve. The Senator may recall that in that case the President vetoed the bill and the Congress overrode the veto. That is how that piece of legislation became law.

On uniform standards, President Clinton and Vice President GORE were tremendously helpful and supportive, and I suspect they will be here as well. I want to be careful. I think it is fine to go back and use previous examples on punitive damages and on director and officer liability and on state of mind issues. However, there are differences in the application of law when you are dealing with bodily injury and other questions where product liability issues can come in, and even more differences when contract law comes into play. Contract law is basically what we are talking about here.

Let me just say this, because the Senator has raised a very important point. I know there are going to be Members—there always are—who think that we are going too far in the punitive damage area and with director and officer liability, and who think we are giving away too much. I think there are people who care about the trial bar and think we have not done enough in this area and that there is too much here against the trial bar.

This bill really does provide a balance at this point. We have not adopted this amendment, but on the assumption it is adopted, we have removed the caps on punitive damages in most instances, removed the caps on director and officer liability, and kept the status quo on state of mind issues. Those are issues the trial bar said were very important to them.

Is it everything they want? No. Does it give away more than some who care about these issues want? It does. But traditionally, when you are trying to craft a piece of legislation with as many different points of view as 100

Senators can bring to the debate, clearly no side is going to prevail with everything it would like. What we have done here, I think, is struck a sound, good balance that is a good bill and one I hope will attract the broad support of Republicans and Democrats, and to move on.

I see the chairman of the committee has arrived on the floor here. In his absence I was praising him. I would do so in his presence as well, but I realize he may want to go on to other matters here. I have already been taking advantage of the Presiding Officer's presence here by extending the time by unanimous consent, and I do not want to abuse the graciousness he has already demonstrated to me any more than that, so I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak for an additional 7 minutes.

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

Mr. MCCAIN. Mr. President, before the Senator from Connecticut leaves the floor, I thank him for all of his efforts. We have engaged in intensive and sometimes emotional negotiation, and we have had a long relationship for many years. His contribution, no matter how this cloture vote comes out today, has been critical in moving this process forward. It has given me optimism that we will be able to resolve this issue. Without his involvement, we would not have the opportunities that I believe we will have in the future.

In my prepared statement, which I will make in just a minute, this issue is too important to just go away. I think the Senator from Connecticut knows that and the Senator from Oregon, who has played such a critical role, along with Senator FEINSTEIN, Senator HATCH, and others on this issue, know that. It is not going to go away.

What the Senator from Connecticut has done and the Senator from Oregon has done is move this process forward to where I believe we will be able to get it done, because it is too important for us to just say we cannot agree on it. I thank both my colleagues for all their efforts.

Mr. President, we are now at a critical time if we are to pass this bill. We have been attempting to debate and act on this matter for a week. We are about to have our second cloture vote as we crawl through the morass of Senate procedure. We have endured hours of quorum calls waiting for substantive discussion. We have heard at length the views of the ranking member, Senator HOLLINGS, in opposition to this bill. We have detoured from the bill to hear the minority's complaints about scheduling unrelated matters of interest to them. But now, Mr. President, we are about to have a critical vote.

This is a vote to allow us to complete action on this critical bill. This is a vote to cast aside the partisan procedural games and get on with the business of the nation. Important business, as the thousands of CEO's and business people from all segments of industry: high tech, accounting, insurance, retail, wholesale, large and small, who are actively supporting this bill will attest. The Y2K problem is not going away, nor is it going to be postponed by petty, partisan procedural wrangling.

The cost of solving the Y2K problem is staggering. Experts have estimated that the businesses in the United States alone will spend $50 billion in fixing affected computers, products and systems. But experts have also predicted that the potential litigation costs could reach $1 trillion—more than the legal costs associated with asbestos, breast implants, tobacco, and Superfund litigation combined—more than three times the total annual estimated cost of all civil litigation in the United States. This is not just my opinion, but are facts supported by a panel of experts on an American Bar Association panel last August. These costs represent resources and energy that will not be directed toward innovation, new technology, or new productivity for our nation's economy. This litigation could overwhelm and paralyze the industries driving the best economy in our history.

The Y2K phenomenon, while anticipated for years, presents nevertheless, a one-time, unique problem. Our legal system is neither designed, nor adequately equipped, to handle the flood of litigation which we can expect when law firms across the country are laying in wait, in eager anticipation of a golden opportunity. More to the point, the vast majority of our Nation's citizens do not want to sue. They want their computers, their equipment, their systems to work. They want solutions to problems, and a healthy economy, not a trial lawyers' full employment act.

S. 96 presents a solution, a reasonable practical, balanced, and most important, bi-partisan solution. Since it passed out of committee, with the help of my colleagues especially Senator WYDEN, Senator DODD, Senator FEINSTEIN, and others it has been improved, narrowed, and more carefully crafted to ensure a fair and practical result to the Y2K situation.

The Public Policy Institute of the Democratic Leadership Council published a Y2K background paper in March which has been widely circulated and quoted on the Senate floor in the past several days. The authors state:

> In order to diminish the threat of burdensome and unwarranted litigation, it is essential that any legislation addressing Y2K liability:
>
> Encourage remediation over litigation and the assignment of blame;
>
> Enact fair rules that reassure businesses that honest efforts at remediation will be rewarded by limiting liability, while enforcing contracts and punishing negligence;
>
> Promote Alternative Dispute Resolution; and
>
> Discourage frivolous lawsuits while protecting avenues of redress for parties that suffer real injuries.

S. 96 does all of those things.

It provides time for plaintiffs and defendants to resolve Y2K problems without litigation;

It reiterates the plaintiff's duty to mitigate damages, and highlights the defendant's opportunity to assist plaintiffs in doing that by providing information and resources;

It provides for proportional liability in most cases, with exceptions for fraudulent or intentional conduct, or where the plaintiff has limited assets;

It protects governmental entities including municipalities, school, fire, water and sanitation districts from punitive damages;

It eliminates punitive damage limits for egregious conduct, while providing some protection against runaway punitive damage awards; and

It provides protection for those not directly involved in a Y2K failure;

It is a temporary measure. It sunsets January 1, 2003;

And it does not deny the right of anyone to redress their legitimate grievances in court.

I have spent hours working with several of my colleagues, including the distinguished Senator from Connecticut, Mr. DODD, to resolve specific concerns. We have arrived at an agreement to further modify the substitute amendment my friend Mr. WYDEN and I earlier agreed upon. There may still be others, such as Mr. KERRY of Massachusetts, with ideas, suggestions, or a different perspective on solving the problem.

I welcome hearing other ideas. My colleagues may want to offer amendments. I am willing to enter into consent agreements to allow the opportunity for debate on other ideas. We can then vote and the best idea will win. That is the way of the Senate. But, that cannot take place unless we vote yes now on cloture.

The clock is ticking. Mr. President, 246 days plus a few hours remain until January 1. This bill cannot wait. Its purpose is to provide incentives for proaction—to encourage remediation and solution and to prevent Y2K problems from occurring. It will not serve its purpose unless it passes now.

This vote is a simple vote. It is a critical vote. This is a vote as to whether we want to solve and prevent the Y2K litigation problem, which has already begun, or whether we will let partisan ''politics as usual'' be an obstacle to our nation's well-being. It is a vote to either help the American economy or to show your willingness to do

the bidding of the Trial Lawyers Association. Make no mistake, I hope companies across America are paying attention. Senators will vote to help protect small and large business, the high tech industry, and others, or they will choose to protect the trial lawyers' stream of income. That is the choice. I ask my colleagues to consider carefully the message they send with their vote today. Are you part of the solution? Or part of the problem?

Mr. President, I believe it is time for the vote. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina has 22 minutes remaining.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, we have a cloture vote set at a specific time; is that correct?

The PRESIDING OFFICER. The cloture motion vote was scheduled to occur at the end of 1 hour of debate. We have had unanimous consent agreements extending the time. There are 22 minutes remaining in the debate. This time is under the control of the Senator from South Carolina.

Mr. HOLLINGS. I yield whatever time the Senator needs.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I will address the question of the Y2K for just a moment, if I may, and then I was going to ask unanimous consent just to make a couple comments as in morning business for the purpose of introducing a bill.

Prior to doing that—do I understand the Senator from Arizona would object to that taking place at this point?

Mr. McCAIN. I would object to going to morning business at this time. The Senator from South Carolina has 22 minutes left, and I am glad to listen on that time, but it is getting time for us to vote on cloture.

Mr. KERRY. All right.

Mr. President, let me just say a few words on the issue of the Y2K. I have been working quietly with a number of colleagues in order to try to see if we cannot come to some sort of compromise.

I heard the Senator from Arizona assert that the principal reason that we are where we are right now is because the revenue stream for lawyers, for trial counsel, might be somehow impacted, and that is the sort of overbearing consideration that has brought us to this point of impasse. Let me just say as directly and as forcefully as I possibly can that there really are public policy considerations that extend beyond that.

I have tried cases previously as a trial attorney. I understand the motivations and needs to certainly have a client base which allows you to survive. I have seen some ugly practices out there, and I have joined in condemning them as a Member of the Senate and also as a member of the bar.

I do not think any of us who are members of the bar take pride in the practices of some attorneys who have obviously given the profession a bad name at times and have abused what ought to be a more respected and sacrosanct relationship in the country.

But at the same time, just as with any business—whether it is Wall Street and brokers or businesspeople who are manufacturers who somehow put a product on the marketplace that cost lives—there are always exceptions to fundamental rules. There are also a lot of lawyers out there who work for nothing, who do pro bono work, who give their energies to fighting for the environment or for civil rights or a whole lot of other things. I think it is a mistake to sweep everybody into one basket and suggest that that is all this issue is about.

We have some time-honored traditions in this country about access to our court system. We have some deep-rooted principles which allow victims of certain kinds of abuses, and sometimes even arrogance, to be able to get redress for that. That is one of the beauties of the American judicial system. And I could show—and I do not have time now—countless examples of life being made better for millions of Americans because some lawyer took a case to court and was willing to fight for a particular principle.

I happened to bump into Ralph Nader a little while ago going into a Banking hearing related to an issue on privacy on the House side. I recall, obviously, his landmark efforts with respect to automobiles and safety, and millions of American lives have been saved because of those kinds of challenges.

Sometimes the pendulum sweeps too far, and I well recognize that. In fact, there is a great tendency within the Congress for us to react to a particular problem, and, kaboom, we wind up with unintended consequences, and then we sort of have to pull the pendulum back. I have done that.

I have joined with colleagues here to change the law on liability with respect to aircraft manufacturing because we found that there was a particular problem for small, light plane manufacturing in the country. We also changed the law with respect to securities reform, and I joined in that effort. And I joined in overriding the veto of a President with respect to those things because I thought the reform was important and legitimate. No one here ought to condone the capacity of individual lawyers to simply trigger a lawsuit with the hopes of walking into a company and then holding them up for settlement because it is too expensive to litigate.

I believe that in the compromise we have on the table, as well as in other efforts that have been offered, there are legitimate restraints on the capacity of lawyers to abuse the system. There are increased specificity requirements with respect to the pleadings so that you cannot just go in on a fishing expedition. There is a 90-day period for cure; i.e., once a company is noticed that they are in fact in a particular possible breach with respect to the contract that extends for the sale of a particular computer or software program, they are given 90 days within which time they can cure the problem and there is no lawsuit. In addition to that, there are a series of other restraints which I think are entirely appropriate, and I would vote for those.

Let's say somebody's mother or father is at home and you have a bank account and a bank loses your entire bank account, for whatever reason, or there is some doctor's appointment that is lost by somebody that was critical to the provision of some serum or antibiotic. Who knows what might be occurring that has been computerized and expected on a particular schedule that might be affected. There is a requirement in their legislation, the legislation currently about to be voted on, which would deny any consumer access to remedy for 90 days.

You get a 90-day stay period. What is the rationale for that? That was supposed to apply to the companies, not to individuals. But we don't have a legitimate carve-out for consumers, for the average consumer, for Joe ''Six-Pack'' who might be affected by this. They are somehow going to be plunked into a basket with all of the other companies.

In addition to that, there is a legitimate problem with respect to access to the system. If you have a company that does business abroad, does not have a home base here, you have no capacity to reach them with respect to service of process. We are going to say that we are going to deny somebody the capacity to have full redress or remedy, and they are going to have to go chase that other person somehow, no matter what the level of that person's responsibility is. To do that is effectively to say to people, Sorry, folks. No lawyer in the country is going to take that case. We're effectively stripping you of the rights to be able to have access to the court system.

I am for a fair balance here. I have a lot of companies in Massachusetts that are high-tech companies, a lot of companies that are impacted by this. I know a lot of people in the industry whom I respect enormously who deserve to be protected against greedy, voracious sorts of wrongful, totally predatory efforts to try to hold them up in the system. I am for stopping that.

I would, in our effort, put restraints on the capacity to bring class actions

wrongly. And I think we have an increased standard with respect to materiality that would make it much tougher for people to put a class together without a showing of injury.

So the real issue here before us in the Senate is, What is really trying to be achieved here? If we are trying to simply achieve a balanced, fair approach to protecting companies from unfair lawsuits and being balanced about the average citizen's approach to the court system there is a way to do that. But if what we are doing is a larger tort reform agenda, because of the bad name that lawyers in general have, and some lawyers in particular have earned for them, if that is the effort, in order to seek some broader change in the legal system that denies people access to the courts, then I think we have a different kind of problem.

There are many people in this Chamber who have practiced law before, some on the other side of the fence, on the Republican side, who do not believe any legislation is necessary, that this is a one-time problem, that the greatest incentive you can have to avoid a problem is for people to fix it ahead of time, and the greatest way in which you will get the best and biggest and fastest fix ahead of time is to have people required to be open to the possibilities of redress if they did not do that.

But if we limit people's potential liability, there is a great likelihood that a lot of people will say, Well, I'm not going to fix this. I'm not liable. I don't need to do anything about it. They can't bring suit against me. And you may, in fact, have taken away the very incentive you are trying to create.

Mr. President, there are very real and legitimate substantive arguments: Access to our court system. What is the best incentive? How do you approach this fairly? How are you going to wind up with a system that is balanced? All of those issues are really at stake in this. I hope colleagues will remember that as they approach the question of what is the best compromise here which would give us the kind of balance that we need.

Mr. President, I yield the remainder of my time to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina has 11 minutes remaining.

Mr. HOLLINGS. Mr. President, I thank my distinguished friend from Massachusetts. He has summed it up.

I will only point out again this morning's news, the Wall Street Journal. I quote from page B4:

> [By now] the year 2000 bug was supposed to have played havoc with corporate computer spending, with companies supposedly too worried about their mainframes to think of anything else. A cautious attitude about the issue was the theme in comments by big technology companies that released first-quarter results in the past few weeks.
>
> But with one notable exception, the technology industry has so far escaped any broad year 2000 slowdown.

Mr. President, I ask unanimous consent to print in the RECORD an editorial from this morning's Washington Post about Y2K liability.

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

[From the Washington Post, Apr. 29, 1999]

Y2K LIABILITY

The Senate is considering a bill to limit litigation stemming from the Year 2000 computer problem. The current version, a compromise reached by Sens. John McCain (R–Ariz.) and Ron Wyden (D–Ore.), would cap punitive damages for Y2K-related lawsuits and require that they be preceded by a period during which defendants could fix the problems that otherwise would give rise to the litigation. Cutting down on frivolous lawsuits is certainly a worthy goal, and we are sympathetic to litigation reform proposals. But this bill, though better than earlier versions, still has fundamental flaws. Specifically, it removes a key incentive for companies to fix problems before the turn of the year, and it also responds to a problem whose scope is at this stage unknown.

Nobody knows just how bad the Y2K problem is going to be or how many suits it will provoke. Also unclear is to what extent these suits will be merely high-tech ambulance chasing or, conversely, how many will respond to serious failures by businesses to ensure their own readiness. In light of all this uncertainty, it seems premature to give relief to potential defendants.

The bill is partly intended to prevent resources that should be used to cure Y2K problems from being diverted to litigation. But giving companies prospective relief could end up discouraging them from fixing those problems. The fear of significant liability is a powerful incentive for companies to make sure that their products are Y2K compliant and that they can meet the terms of the contracts they have entered. To cap damages in this one area would encourage risk-taking, rather than costly remedial work, buy companies that might or might not be vulnerable to suits. The better approach would be to wait until the implications of the problem for the legal system are better understood. Liability legislation for the Y2K problem can await the Y2K.

Mr. HOLLINGS. I thank the distinguished Chair.

''Liability legislation for the Y2K problem can await the Y2K.'' What we are talking about is an instrument, a computer. The average cost for a small business and otherwise is $2,000. They are not going to buy a $2,000 instrument in 1999 that is not going to last past January 1.

It is quite obvious that it is not the poor, but it is the economically advantaged, the small businesses, and the doctors in America that use this instrument now. And all they have to do is go into Circuit City and say: Now, put it up, let me see that it works, that it is Y2K compliant.

Why do away with the entire law system, the 10th amendment to the Constitution, the habitual and constitutional control of torts at the State level under article 10 over the 200 years of history? Do you know why? Because they put in this amendment to amendment to amendment. When they put in the first one, even chambers of commerce objected to it. What you had in the McCain bill was still a bad bill. The McCain-Wyden bill is still a bad bill. The McCain-Wyden amendment to the McCain-Wyden amendment is still bad, as evidenced by this editorial here this morning.

Again, Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Kaiser Permanente Executive Offices, dated April 27.

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

KAISER PERMANENTE,
Oakland, CA, April 27, 1999.

Hon. Barbara Boxer,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: On behalf of Kaiser Permanente, we would like to address a number of serious concerns regarding S. 96, a bill introduced by Senator John McCain, which addresses disputes arising out of year 2000 computer based problems (Y2K).

In brief, S. 96 as currently drafted:

Threatens the ability of the health care industry to maintain rates;

Severely limits the rights of small businesses, consumers and non-profit organizations like ours to recover the often excessive costs of Y2K fixes, purchases and upgrades;

Unfairly prejudices (or completely bars) the ability of the health care community to recover the costs associated with any potential personal injury or wrongful death award from the entity primarily at fault for the defect that caused the injury. S. 96 permits the manufacturers, vendors and sellers of non-compliant Y2K equipment and products to profit at the expense of their customers and leaves the health care industry (and ultimately our employer groups and patients) responsible to bear the costs of their negligence.

The four provisions in S. 96 that cause us the most concern are as follows:

The Act would not prohibit a patient injured in a hospital by a Y2K defective product from suing the hospital or health plan providing the medical service in which the defect arose. The Act would, however, limit or bar a claim brought by the hospital or health plan against the manufacturer or vendor of the defective product, leaving the health care providers solely responsible for the damages.

The 90 day waiting period requirement will impair the ability of the health care industry to complete its Y2K compliance efforts. The health care providers must remedy their Y2K problems quickly to be compliant with internal and external (including state and federal regulatory) timeliness. For a considerable length of time, Kaiser Permanente has been diligently identifying, mediating, validating, and testing equipment and software with respect to Y2K issues. A key component of this process has been demanding information, assistance, and corrective action from manufacturers and vendors, who often have control of the source codes and other information that is necessary to achieve compliance. Vendors who at this late date have still not adequately addressed their Y2K defects in their products, despite repeated requests by us, should not be afforded a 90 day period in which to respond to such requests. Such a delay in pursuing legal

remedies could prejudice our ability to complete our Y2K efforts by the year 2000.

While the Act limits the liability of manufacturers and sellers of defective equipment and software, it does not require that they fix the problems that they created for a reasonable price. Some manufacturers and vendors sold Y2K defective products in recent years knowing that their products would not be usable past the year 2000. Yet S.96 would allow such tortfeasors to charge exorbitant rates for fixes which should be provided at a discounted or nominal fee. In other words, the Act allows tortfeasors to increase their ill-gained profits at the health care purchaser's expense.

The Act does not carefully limit the use of the powerful defenses it creates. Rather, it permits a defendant to assert defenses in any action related ''directly or indirectly to an actual or potential Y2K failure''. Manufacturers and vendors will find it useful to assert that there are Y2K issues in cases where a Y2K problem is not alleged, lengthening and confusing litigation and potentially barring claims for other defects.

The above provisions in S.96 are of the greatest concern to us. However, there are other unfair provisions in the Act which inequitably limit liability, including the abrogation of joint liability, the mandate of proportionate liability, the limitation to economic loss, the increase in the standard of proof for the plaintiff, and the addition of new defenses for the defendant. Please carefully review S.96 again in light of our concerns. We would be happy to discuss this with you further, please do not hesitate to call Wendy Weil at 510–271–2630 or Laird Burnett at 202–296–1314.

Sincerely,

MARY ANN THODE,
Senior Vice President,
Chief Operating Officer.

Mr. HOLLINGS. Quoting from the letter:

In brief, S. 96 [as currently drafted] threatens the ability of the health care industry to maintain rates; severely limits the rights of small businesses, consumers and non-profit organizations like ours to recover the often excessive costs of Y2K fixes, purchases and upgrades; unfairly prejudices (or completely bars) the ability of the health care community to recover the costs associated with any personal injury or wrongful death award from the entity primarily at fault for the defect that caused the injury. S. 96 permits the manufacturers, vendors and sellers of noncompliant Y2K equipment and products to profit at the expense of their customers and leaves the health care industry (and ultimately our employer groups and patients) responsible to bear the costs of their negligence.

Mr. President, I could read on and on, but when different industries—the automobile industry, the grocer industry, and otherwise—come to the attention of this 36-page document to change around the 200-year experience of the enforcement of torts, the Uniform Commercial Code nationally, and do away with it and the so-called privilege it required. To come in here and cap punitive damages, describe a small business as any 50 or less—I notice in this most recent amendment, Mr. President, on page 2, a defendant is described as an unincorporated business, a partnership, corporation, association, or organization with fewer than 50 full-time employees. It used to be smaller, 25. But they are going in the wrong direction, all with this so reasonable, so bipartisan, so studied, so compromising, so interested—come on. Give me a break.

Look at the next sentence: ''No cap with injury specifically intended.'' Paragraph 1 does not apply if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff. So there go the class actions. Each plaintiff has got to come in and prove by clear and convincing, not by the greater weight of the preponderance of evidence, but by clear and convincing, that it is specifically intended for that particular plaintiff to be injured.

Mr. President, what we really have is a fixed jury. We could talk sense, but I notice in the morning paper that Kenneth Starr, the independent prosecutor, is asking the judge down there in Arkansas to go and interview the jurors after the verdict. He ought to come to Washington where they interview the jurors before the verdict.

That is my problem on the floor of the Senate here this morning; I can tell you that right now. They run around this Chamber, the Chamber of Commerce is in here, the Business Roundtable, this conference board, get all those organizations going. I am tending to my business down home. And you are for tort reform. You know this Y2K liability, $1 trillion for the trial lawyers and all that.

Yes, I am against that. I am against a trillion dollars for the trial lawyers. Everybody says that, running for office. Sure, the idea of tort reform.

So they have Kosovo, they have the balanced budget, and the lockbox charade going on, and right in the middle of this they come with all the fixed votes, the jurors, before we even get to debate and show that there is a nonproblem.

I am getting there. I can see the Parliamentarian blinking his eyes, so I am running out of time here. We are going to have to vote. But here is the biggest fix I have ever seen. We had a difficult time trying to get the truth around to our colleagues about S. 96 here this morning, but I hope we can withhold and get some time to vote against this cloture motion so we will have time to really show what is going on.

We have problems in this country, but I can tell Senators, it is not the tort system. It is not how the tort system affects business. Business is going through the roof financially in New York. Everybody is making money, particularly in the computer business. Of all the people to ask for special legislation here in the Congress as well as special protections and the revision of all the tort practices, is the computer industry, the richest in the entire world.

I appreciate the indulgence of the Chair, and I yield the floor.

Mr. LIEBERMAN. Mr. President, I would like to add my strong support to the bill we are currently considering, the Y2K Act. Although I plan to join my colleagues on this side of the aisle in voting against cloture, I don't want anyone to construe that vote as an indication that I have any doubts about the need for, and the wisdom of, this legislation.

Congress needs to act to address the probable explosion of litigation over the Y2K problem, and it needs to act now. We are all familiar with the problem caused by the Y2K bug. Although no one can predict with certainty what will happen next year, there is little doubt that there will be computer program failures, possibly on a large scale, and that those failures could bring both minor inconveniences and significant disruptions in our lives. This could pose a serious challenge to our economy, and if there are wide spread failures, American businesses will need to focus on how they can continue providing the goods and services we all rely on in the face of disruptions.

Just as importantly, the Y2K problem will present a unique challenge to our court system—unique because of the likely massive volume of litigation that will result and because of the fact that that litigation will commence within a span of a few months, potentially flooding the courts with cases and inundating American companies with lawsuits at the precise time they need to devote their resources to fixing the problem. I think it is appropriate for Congress to act now to ensure that our legal system is prepared to deal efficiently, fairly and effectively with the Y2K problem—to make sure that those problems that can be solved short of litigation will be, to make sure that companies that should be held liable for their actions will be held liable, but to also make sure that the Y2K problem does not just become an opportunity for a few enterprising individuals to profit from frivolous litigation, unfairly wasting the resources of companies that have done nothing wrong or diverting the resources of companies that should be devoting themselves to fixing the problem.

To that end, I have worked extensively with the sponsors of this legislation—with Senators MCCAIN, GORTON, WYDEN, DODD, HATCH, FEINSTEIN and others—to try to craft targeted legislation that will address the Y2K problem. Like many others here, I was uncomfortable with the breadth of the initial draft of this legislation. I took those concerns to the bill's sponsors, and together, we worked out my concerns. I thank them for that. With the addition of the amendment just agreed to by Senators DODD, MCCAIN and others, I think we have a package of which we all can be proud, one which will help us

fairly manage Y2K litigation. Provisions like the one requiring notice before filing a lawsuit will help save the resources of our court system while giving parties the opportunity to work out their problems before incurring the cost of litigation and the hardening of positions the filing of a lawsuit often brings. The requirement that defects be material for a class action to be brought will allow recovery for those defects that are of consequence while keeping those with no real injury from using the court system to extort settlements out of companies that have done them no real harm. And the provision keeping plaintiffs with contractual relationships with defendants from seeking through tort actions damages that their contracts don't allow them to get will make sure that settled business expectations are honored and that plaintiffs get precisely—but not more than—the damages they are entitled to.

I think it is critical for everyone to recognize that the bill we have before us today is not the bill that Senator MCCAIN first introduced or that was reported out of the Commerce Committee. Because of the efforts of the many of us interested in seeing legislation move, the bill has been significantly narrowed. For example, a number of the provisions changing substantive state tort law have been dropped. Provisions offering a new ''reasonable efforts'' defense have been dropped. The punitive damages section has been altered. And, instead of a complete elimination of joint liability, we now have a bill that holds those who committed intentional fraud fully jointly liable, that offers full compensation to plaintiffs with small net worths and that allows partial joint liability against a defendant when its codefendants are judgment proof—precisely what most of us voted for in the context of securities litigation reform.

I understand that there are those who still have concerns about some of the remaining provisions in the bill. To them and to the bill's supporters, I offer what has become a cliche around here, but has done so because it is truly a wise piece of advice: let us not make the perfect the enemy of the good. Y2K liability reform is necessary—in fact critical—legislation that we must enact. Those of us supporting the legislation must be open to reasonable changes necessary to make the bill move, and those with legitimate concerns about the bill need to work with us to help address them. I hope we can all work together to get this done.

CLOTURE MOTION

The PRESIDING OFFICER. All time for debate has expired. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment to Calendar No. 34, S. 96, the Y2K legislation:

Senators Trent Lott, John McCain, Rick Santorum, Spence Abraham, Judd Gregg, Pat Roberts, Wayne Allard, Rod Grams, Jon Kyl, Larry Craig, Bob Smith, Craig Thomas, Paul Coverdell, Pete Domenici, Don Nickles, and Phil Gramm.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 267 to S. 96, the Y2K legislation, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

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

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

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—52

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

NAYS—47

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

NOT VOTING—1

Moynihan

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now resume consideration of S. 96, and the last amendment pending to S. 96 be modified with the changes proposed by Senators DODD, WYDEN, HATCH, FEINSTEIN, BENNETT, and Senator MCCAIN which I now send to the desk. And I send a cloture motion to the desk to the compromise amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Most respectfully, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote would have occurred, if consent had been granted, on Monday on the so-called compromise worked out among the chairman and Senator DODD, Senator FEINSTEIN, and others as mentioned above.

Let me say, I appreciate the effort of the chairman. I appreciate the effort, the work, and the willingness to try to find an adequate solution by Senator WYDEN. And Senator FEINSTEIN has been involved, and a number of others, Senator DODD, obviously.

But in light of this objection, I do not intend to bring this bill back before the Senate until consent can be granted by the Democrats. And if it is predicated on agreement that we open this up for every amendment in the kitchen, then it is over. Or until we get a commitment that we are going to get the votes for cloture and get a reasonable solution to this problem, I think it would be unreasonable for me to waste the Senate's time with any further debate or action on this amendment.

We need to do this. We can do it. But I am prepared now—if everybody is ready, we will just say it is over, the trial lawyers won, and we will move on to the next bill. But I am willing to be supportive of Members on both sides of the aisle who, acting in good faith, want to get this done.

We should do it. This is a reasonable approach. There is no reason we should use the Y2K computer glitch as an opportunity for a litigation bonanza. I am a lawyer, and everybody in this Chamber knows I have relatives who would be very interested in this. But I am interested in what is fair and what is right. We need to do this. The negotiations have happened. Concessions have been made. But, frankly, I am ready to move on to something else, unless we can get this done. So I do not intend to do anything else until we hear some solution to this problem.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democrat leader.

Mr. DASCHLE. Mr. President, I am disappointed with the announcement just made by the majority leader. I

think, as others have already indicated, that we have made extraordinary progress in the last couple of days. That would not have happened without Senator DODD, Senator WYDEN, Senator KERRY, Senator MCCAIN, and a number of other Senators who have been very involved in bringing us to this point.

I am disappointed, as well, that there was an objection to returning to the Y2K bill, because we were making real progress toward improving the bill. I believe that negotiations have delivered progress, even though more improvements will be needed. I support proceeding back to the Y2K bill. I support keeping the negotiations going. I want a bill. I think we will get a bill. I think it is important we get a bill.

I also think, however, that there were unfortunate decisions made by the majority about how we consider legislation on the floor. We are negotiating all of this off the floor. I would much prefer to have a good debate and offer amendments. The amendment tree is filled. We are not able to offer a Democratic amendment—relevant or not relevant. So we are relegated to negotiating off the floor. And we are making progress even in that context. I only wish we would recognize in this Chamber all the rich tradition of debate in the Senate and we would have the opportunity to offer amendments and debate them, dispose of them, and move on.

Senator MCCAIN has suggested that. So I am not necessarily accusing the manager of any effort to keep us from having those amendments. But I will say this. We will not be gagged when it comes to our ability to offer amendments. It is religion. And it ought to be religion on both sides. It is a fundamental question about fairness, about rights, and about any one Senator's opportunity to participate fully in the debate and consideration of any important legislation.

So I am frustrated that the tree is full. I am frustrated that we are not able to move this process forward in the normal, open process under which we should consider any bill, especially this one. But I am also hopeful that we will come to some resolution. I am hopeful that we will find compromise. I know we will pass this legislation before long.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. Senator MCCAIN is recognized.

Mr. MCCAIN. Mr. President, could I first say, before Senator DASCHLE leaves the floor, that having been in the minority for the first 7 years or 8 years I was here, I certainly have sympathy with his frustration. The great strength of the Senate is that not only does every Senator have the right to be heard but the minority does also. But I also think Senator DASCHLE realizes that if we allow any amendment on any subject with extended debate, then the body does not move forward.

I have not seen a better relationship than the one that exists between Senator DASCHLE and Senator LOTT. It is one of friendship and it is one of cooperation. I think the legislative accomplishments which have been achieved during Senator LOTT's and Senator DASCHLE's stewardship have been incredibly impressive, really.

I think perhaps it would be best for us to recognize that there is virtue on both sides of the argument, especially in light of, for example, yes, the tree is filled, but I did state, and the majority leader stated, we would be glad to vitiate one of those parts of the tree so that we could take up relevant amendments. I think that was made clear. So with the tree filled, there was the opportunity to debate relevant amendments.

I also comment that, as Senator DASCHLE pointed out, it is not really best to have all of this progress done off the floor in negotiations. I can't express a deep enough appreciation to Senator DODD, Senator WYDEN, Senator FEINSTEIN, Senator HATCH, and Senator BENNETT for their efforts, and others, and those of Senator KERRY of Massachusetts. From a personal standpoint, I express my sympathy for Senator DASCHLE's frustration. But at the same time, I do believe we could have moved forward with debate and votes on this issue.

I really appreciate his comments about his commitment to seeing this bill pass, because we really do have to pass this legislation. We will engage in further negotiations. But between now and early next week, what I would sincerely hope is that all of us—the majority leader and Senator DASCHLE would urge all of our colleagues to get together, come up with a set of amendments, as we usually do when this process comes to an end, come up with a set of relevant amendments, a time period associated with it, and get this thing done so we do not have to have another cloture vote and not have this very vital issue addressed.

Again, I also say that these amendments are important. I know the Senator from South Carolina feels very strongly about many of them. But it is time, really, that we started going through that process, even though we are bringing the bill down today.

Again, I express my appreciation to Senator FEINSTEIN, Senator WYDEN, and Senator DODD on this very important issue.

Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I just want to ask unanimous consent that a list of amendments in the 103rd Congress—the last Congress, of course, that the Democrats were in the majority was the 103rd Congress. I would be remiss if I did not submit for the RECORD right now a list of amendments that were not relevant that were offered by Republicans to legislation during the 103rd Congress. There were at least 19 nonrelevant amendments offered, and this may not be the complete list. We may update this as time goes on.

This issue of relevancy is interesting because it was never an issue in the 103rd Congress. Nonrelevant amendments were added. That list details a number of things. In fact, the manager of the bill today, Senator MCCAIN, had a nonrelevant amendment on the motor voter bill that would have allowed certain rescission authority on the part of the President. The Senator from Arizona also offered a nonrelevant amendment to the unemployment compensation bill in December, 1993. The amendment was to eliminate the Social Security earnings test.

The ability to offer nonrelevant amendments has been part of the consideration and deliberation of legislation here in the Senate for every Congress, including the 103rd Congress when we were in the majority.

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

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

GOP NON–RELEVANT AMENDMENTS—103RD CONGRESS

Vote No.	Date	
9	2/4/93	Family and Medical Leave (H.R. 1, P.L. 103–3)—Mitchell motion to table Dole, et al., perfecting amendment to Dole, et al., amendment (as amended by Mitchell amendment—Vote No. 8): Directs Congress to conduct thorough review of all executive orders, DOD directives, and regulations of military departments concerning appointment, enlistment, and retention of homosexuals in armed services before July 15, 1993; specifies that all such orders, directives or regulations in effect on January 1, 1993, shall remain in effect until review is completed, unless changed by law; requires President to submit any change to this policy to Congress as bill; and sets forth expedited procedures for Senate and House floor consideration. (62–37)
27 [1]	3/10/93	Motor Voter (H.R. 2)—McCain motion to waive Budget Act to permit consideration of McCain et al., amendment: Permits President to rescind all or part of appropriations bill if he determines, and notifies Congress within 20 days, that rescission would help balance Federal budget and not harm national interests; deems rescinded budget authority canceled unless Congress passes disapproval bill and overrides expected Presidential veto; and contains expedited procedures for Senate floor consideration. (45–52)
109	4/29/93	Department of Environmental Protection (S. 171)—Glenn motion to table Nickles-Reid, et al., modified amendment: Requires Comptroller General and GAO to prepare impact statement to accompany each bill, resolution, or conference report before it may be reported or considered by either House of Congress that describes legislation's impact on economic growth and employment, on State and local governments, on ability of U.S. industries to compete internationally, on Federal revenues and outlays, and on gross domestic product; requires Executive Branch agencies to prepare such impact statements to accompany their proposed and final regulations; and requires brief summary statement if aggregate effect of legislation is less than $100 million or 10,000 jobs. (50–48)
120 [1]	5/13/93	RTC Funding (S. 714, 103–204)—Gramm motion to waive Budget Act to permit consideration of Gramm-Mack-Brown amendment: Extends discretionary spending caps and sequestration for Defense, International, and Domestic budgetary categories through FY 1998. (43–53)

GOP NON–RELEVANT AMENDMENTS—103RD CONGRESS—Continued

Vote No.	Date	
160 [1]	6/22/93	Supplemental Appropriations, 1993 (H.R. 2118, P.L. 103–50)—Roth motion to waive Budget Act to permit consideration of Rom, et al., amendment: Provides capital gains tax cut indexed for inflation, 150 percent depreciation expense increase, $2,000 tax deductible IRA for all taxpayers, jobs tax credit for new hiring, repeal of luxury taxes, and passive loss reform for real estate; and offsets cost by eliminating Federal retirement lump sum benefit, freezing domestic discretionary spending for five years, reducing Federal employment by 150,000, and imposing Medicare secondary payor reform and reducing Federal aid for mass transit. (39–59)
197	7/20/93	Hatch Act Reform (H.R. 20, P.L. 103–94)—Sasser-Glenn motion to table Domenici, et al., modified amendment: Expresses sense of Senate that President should submit supplementary budget as required by law no later than July 26, 1993. (56–43)
206	7/22/93	National Community Service (H.R. 2010, 103–82)—Moseley-Braum motion to table Helms amendment: Extends design patent for insignia of United Daughters of Confederacy for 14 years. (48–52)
207	7/22/93	National Community Service (H.R. 2010, 103–82)—Bennett motion to reconsider vote No. 206 by which Senate failed to table Helms amendment: Extends design patent for insignia of United Daughters of Confederacy for 14 years. (76–24)
208	7/22/93	National Community Service (H.R. 2010, 103–82)—Moseley-Braum motion to table Helms amendment: Extends design patent for insignia of United Daughters of Confederacy for 14 years. (75–25)
327	10/26/93	Emergency Unemployment Compensation (H.R. 3167, 103–152)—Hutchison motion to waive Budget Act to permit consideration of Hutchison-Shelby, et al., amendment: Eliminates retroactivity of Tax increase on upper income individuals: makes effective date of estate and gift tax rates August 10, 1993; cuts discretionary spending caps for agency and departments operating expenses by $36 billion over three years; and exempts DOD expenses from these cuts in FY 1994. (50–44)
337 [1]	10/27/93	Emergency Unemployment Compensation (H.R. 3167, 103–152)—Gramm motion to waive Budget Act to permit consideration of Gramm amendment: Reduces discretionary spending caps for FY 1994–98 by amount comparable to savings achieved from termination of superconducting super collider. (58–39)
338 [1]	10/27/93	Emergency Unemployment Compensation (H.R. 3167, 103–152)—McCain motion to waive Budget Act to permit consideration of McCain amendment: Eliminates Social Security earnings test for individuals age 65. (46–51)
339	10/28/93	Emergency Unemployment Compensation (H.R. 3167, 103–152)—Nickles-Shelby amendment: Creates point of order against any bill, amendment, joint resolution, motion, conference report or amendment between House and Senate which increases taxes retroactively and provides for waiver by affirmative three-fifths vote of all Senators, during time of war, or after adoption of joint resolution declaring that military conflict in which U.S. is engaged is serious threat to national security. (40–56)
28	2/8/94	Goals 2000: Educate America Act (H.R. 1804, 103–227)—Helms amendment: Prohibits use of funds by DOE or HHS to support or promote distribution or provision of, or prescription for, condoms or other contraceptive devices or drugs to unemancipated minor without prior written consent of parent or guardian. (34–59)
36	2/9/94	Emergency Earthquake Supplemental Appropriations, 1994 (H.R. 3759, P.L. 103–211)—D'Amato amendment, as amended: Extends to December 31, 1995, or date on Resolution Trust Corporation (RTC) is terminated, whichever is later, statute of limitations for RTC to file civil lawsuits for certain tort actions responsible for thrift failure. (95–0)
44	2/10/94	Emergency Earthquake Supplemental Appropriations, 1994 (H.R. 3759, P.L. 103–211)—Byrd motion to table McConnell-Dole-Nickles amendment: Expresses sense of Senate that report and related documents pertaining to disclosure of Bush Administration files should be made available to Congressional Offices with legitimate oversight interests; confidentiality of report should be protected by Congress until Office of Inspector General (OIG) releases and OIG should report in writing to Majority and Republican Leaders why such procedures were not observed in release of OIG report entitled "Special Inquiry into the Search and Retrieval of William Clinton's Passport File" and his reason for declining to prosecute case. (55–39)
53	3/10/94	National Competitiveness (H.R. 820)—Glenn motion to table Wallop, et al., modified amendment: Requires agencies to submit regulatory flexibility analysis of all proposed regulations. (31–67)

GOP NON–RELEVANT AMENDMENTS—103RD CONGRESS—Continued

Vote No.	Date	
251	8/2/94	Improving America's Schools (H.R. 6, P.L. 103–382)—Biden motion to table Gramm-Dole amendment: Expands Federal jurisdiction to all State crimes of violence and drug trafficking where gun is used and provides for minimum penalties for illegal use of firearm; permits waiver of these penalties for drug offenses under specifically defined circumstances; establishes mandatory minimum sentence for distribution and trafficking of drugs by person under age 18; permits admission of evidence of previous assault or child molestation offense in criminal or civil cases involving these offenses; and requires attorney for government to disclose such to defendant at least 15 days before scheduled date of trial or at such later time as court may allows for good cause. (55–44)
268	8/10/94	DOD Appropriations, 1995 (H.R. 4650, P.L. 103–335)—Inouye motion to table Helms amendment (to Committee amendment): States sense of Senate that major health care reform is too important to enact in rushed fashion, and Congress should take whatever time is necessary to do it right deferring action until next year in order to give Congress and American time to obtain, read, and consider all alternatives, unless Senate has had full opportunity to debate and amend proposal after CBO estimates have been made available. (54–46)

[1] 3/5ths majority.
[2] 2/3rds majority.

Mr. DASCHLE. Mr. President, I yield the floor.

The PRESIDING OFFICER. Is the Senator from Texas seeking recognition?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished majority leader alluded to the fact that he had relatives that were trial lawyers. That puts me in the position of qualifying to even speak. Let me first say that I am proud to be a trial lawyer. No trial lawyer has called me or talked to me about this bill. They don't need to. They know and understand.

Now, what happens is, when you grow up in a small town, you get a varied experience. I am also known as a good business and corporate lawyer. I represented a grocery chain that had 125 Piggly Wiggly stores all over, and we were sued for antitrust. I won that going all the way to the Supreme Court.

I know about frivolous suits. I represented the local transit company, the South Carolina Electric and Gas. Every November, somehow everybody slipped down on the bus. They got their arm caught in the door. They tripped up on the floor. They were small cases, but the attorneys who preceded me handling them didn't want to try them. It is Christmastime, New Year's.

I backed them all up. We tried them all. We won them all. I saved that corporation millions of dollars. I am the first southern Governor to get a AAA credit rating from Standard & Poor's and Moody's. I know about business responsibility.

Now, we trial lawyers have had the fortune to represent people who have been dying of asbestosis, and then we have the young ladies who had the breast implants, and then moved to the tobacco. But here now for a change it is trial lawyers. We are beginning to get credibility. We are representing small businesses, with $20,000 in their pockets or more. You don't go down and buy a computer for $20. And small business people are buying that instrument. I wish they would read Business Week. I wish they would listen to Kaiser Permanente in California, how they are absolutely opposed to this particular bill, and that it would hurt the health industry. I wish they would read the record whereby the individual doctor came from New Jersey. He said he had—I can't remember the exact name so I don't want to refer to it incorrectly—a supplier. He bought the computer in 1996, and the salesman bragged about how it was going to be Y2K compliant. It would last for over 10 years and on and on.

And then he found out last year that it wasn't compliant. You see, you don't have to wait until January 1. This is an important point for the Senate to understand. You don't have to wait for January 1.

This is all political applesauce. You don't have to wait until January 1, when you go in and buy a computer, and everybody who reads the newspaper and anybody with $20,000 in their pocket knows now the Y2K problem.

He asked that it be fixed, and they did not even answer when he called a couple of times. Then he wrote a letter. And after a couple of months passed, he decided that he had to get a lawyer. He was told that it would be $25,000. Now, mind you me, he only paid $16,000 for the computer, but it would be $25,000 to make it Y2K compliant.

So as a result, they brought the suit, and somehow it got on the Internet. The next thing you know, this particular supplier had 17,000 doctors similarly situated. And immediately the supplier said, oh, yes, we will fix it for free and even pay the lawyers' fees to get out of this thing. But that is the cost/benefit of some of these businesses.

We have been into this tort thing. We have the Uniform Commercial Code. We have the States. No State attorney general is running around saying we need a national approach and to do away with 200 years of history of the Constitution under the 10th amendment, and tort law and all the trial codes of America. The State of Colorado has a good bill, not like this incidentally, which brings me to the real point about negotiating.

The crowd that says this is nonnegotiable has been running around trying to pick up votes. That is what the negotiation has been about. I just read the amendment to the amendment to the amendment. When it first started, even chambers of commerce said, this is too violating and we are not going to get away with this. They actually opposed the bill when it was first introduced. Then they got this McCain bill. Then they got the McCain-WYDEN bill. Then they got the amendment, and

now we have the amendment to the amendment. It showed how objectionable it was.

It is tricky. They are still plying downtown. Tom Donahue has been out in the hall saying what we will go with.

This is a political exercise. There is not a national need for Y2K legislation, as the Washington Post just this morning said. The communities know and understand. This is certainly not a conservative newspaper. I have introduced it. ''Liability legislation for the Y2K problem can await the Y2K.''

But it is a political problem, if you can identify with Silicon Valley and get their money and get their votes. They collected 14 million last night and they have to perform. The rich expect a fight, and you have to show you are fighting. You don't care about Y2K and the person buying a computer and everything else of that kind. It is taken care of; it is a nonproblem.

Read Business Week, March 1 issue. All the blue chip corporations of America have notified their suppliers to be compliant by the end of April, this year, 7, 8 months ahead of time.

So we are talking about a problem that is a nonproblem. It is certainly not a Federal problem, but it is a national political problem between the parties.

Yes, some on this side think they can get in bed with the Silicon Valley boys who want a capital gains tax cut. They want estate tax cuts. We have heard it. The bills are running all around. That is the crowd that is shoving them. If we can just give them a little bit, I can go out and get a fund-raiser. That is what is going on.

When you refer to the trial lawyers, we trial lawyers are finally getting a little credibility. We are representing good, responsible, financially solvent clients, not an injured party who is hurt from smoking or from a breast implant or dying from asbestosis and doesn't have any money, and can hardly pay the doctor, much less the lawyer. How are they going to get into court? Like I am committing some civic offense by representing them—Mr. President, I do not get a dime unless I win. What does winning mean? Winning means drawing the pleadings and negotiating, because I know you don't make money in court. But, by gosh, you might have to go to court.

And then you have to get the jurors. Then they will think of other things to get up on appeal. And I have to go all the way and pay all the expenses—investigation, court expenses, and everything else. That is the contingent fee process, so the indigent poor in this America can get their day in court. It has worked for 200 years.

It is not the crowd where we have former Senators still indebted, having been investigated, $450 an hour, sitting down with the mahogany walls and the blooming Oriental rugs. I want a continuance. I want a continuance. No trial lawyer is frivolous. He doesn't want a continuance. He has to move it along. Like Senator MCCAIN says, ''Let's move it along.'' The trial lawyers are a move-along crowd. But when they see a fixed jury, then they say, wait, lets stop, look, and listen.

I earlier remarked on something here. Kenneth Starr is in the morning news trying to interview the jury after the verdict. We understand, from this particular charade, that you have to interview the jury before the verdict, because we are the jury and they are running around with all of these entities. I can't do it. The Chamber of Commerce, the Business Roundtable, NFIB—they are all running around—are you for tort reform? I am for tort reform. We have had it in South Carolina. It is a good bill. It practices there. I get in all the industries, and no businessman in my backyard is complaining. I have the best of the best. Give me the blue chips. I have GE, Westinghouse, BMW, Hoffman-LaRoche. Give me the best of the best.

I went out to Bosch not long ago. They make the antilock brakes for Mercedes and Toyota, and they have a contract for all GM. I asked the gentleman who was briefing us, ''What about product liability on defective antilock brakes?'' He said, ''No, every one of these is numbered. We would know immediately where it went wrong.'' That is what trial lawyers have caused. They have caused the utmost care in production. You have quality care and you ought to be proud of it. That is how you get productive—not on a State tax cut or a capital gains tax cut.

Let the trial lawyers show you the way for quality production. We get on them when they give you a bad article. That is what we argued about here when they referred to the trial lawyers as if there is something wrong with them. I am proud that we can be able to represent people with money for a change. So I am ready to stay here and object.

If there were some negotiations, it would be better while we move on some other legislation. They need to get a reasonable bill that doesn't change all the tort law or joint and several and these other things they have in there, where you just sue them and they say, ''That part was made in India, so go out to New Delhi and see if you can find them''—come on. No small businessman or doctor has the wherewithal to do that. They have no recourse. They are trying to take away individual rights on a political bum's rush.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, there is a lot I would like to say in response to Senator DASCHLE's remarks and Senator HOLLINGS' remarks. Some of it would probably be better left unsaid, but I must comment.

Regarding amendments, I reiterate what Senator MCCAIN, the manager of the legislation, said. Amendments that are relevant to this bill, germane to this bill, we ought to do that. That is why I left a window in the parliamentary procedure yesterday so we could do that. Unfortunately, the Senator from Massachusetts showed up and stuck in a totally irrelevant amendment, and I felt that that was an abuse of my good-faith effort. But we can still do that. If Senator DODD, Senator ROBB, or some other Senator has an amendment with regard to Y2K, OK, that is the way you legislate. But the idea that we are going to have a political legislative agenda dumped off on this bill, which is a very thinly veiled effort to kill the bill—that is really what is at stake here—any majority leader would be certainly unwilling to agree to that.

I offer this to Senators again: If we have relevant amendments, we will be glad to do that.

Let me talk for a moment about what this bill does. It seems to be a little bit clouded by the debate. It provides time for plaintiffs and defendants to resolve the Y2K computer problems without litigation—without litigation. That sounds like a good idea to me. Those who think the solution to the problem in America is more lawsuits, I don't think they have been talking to the real world. I am a lawyer. But the idea that we ought to just have more opportunities to file lawsuits—I understand lawyers are calling the families of the poor victims in Colorado and saying, ''Can we sue somebody for you?'' That makes me sick to my stomach, that in this moment of grief, members of my profession would call and say, ''Let me sue somebody for you.''

No, the answer is not more lawsuits in America. The answer is solutions, opportunities for resolution, sanity, for Heaven's sake. So we would like to have a process here where we don't always have to resort to litigation. Wonderful lawsuits. Great. I don't believe the American people want that.

This bill reiterates the plaintiff's duty to mitigate damages and highlights the defendant's opportunity to assist plaintiffs in doing that by providing information and resources. Does that make sense? Why, sure. It is giving them help to solve the problem. This is a unique problem, one we have never had before. Shall we rush to the courts? No. Should we try to find a way to resolve the problem for all concerned? Yes.

The bill provides for proportional liability in most cases, with exceptions for fraudulent or intentional conduct, or where the plaintiff has limited assets.

Are there legitimate causes for court actions? Yes. I don't have the extensive practice background that the distinguished Senator from South Carolina has, but I practiced a little law and I did some corporate work and some public defender work, and I filed some lawsuits because I thought they were necessary. I can remember a medical malpractice case that I thought was justified. Yes, there are cases, but they should be only after other avenues have been pursued where there is fraud or intentional misconduct.

This bill protects governmental entities, including municipalities, schools, fire, water sanitation districts from punitive damages. Should there be some general protection for the school districts from being sued? Sure.

The bill eliminates punitive damage limits for egregious conduct while providing some protection against runaway punitive damage awards. Do we need some protection here? You see lawsuits out here in some States for $40 million, and it is totally inexplicable and, in my opinion, indefensible.

It provides protection for those not directly involved in a Y2K failure. And it is a temporary measure. We are not trying to have product liability reform on this bill or tort reform—although we ought to have both, in my opinion, and the sooner the better. I can't wait until we can get it done. But this is a temporary measure to deal with a temporary, one-time problem. It sunsets January 1, 2002.

I want to emphasize that it does not deny the right of anyone to redress their legitimate grievances in court.

What is at stake here? What is going on here? Some people don't want this bill at all, pure and simple. To the credit of the Senator from South Carolina, I don't think he has denied that. His goal is to defeat this bill. For every name of people out here in the hall on the business side, I can assure you there is somebody on the other side. But the idea that we are going to resort to the courts to solve all of the problems in America, and the insinuation that this bill is some sinister plot to block legitimate legal action, I just find that wrong.

I think it is a good effort. I hope we get it done. But I am willing to stand on this line right here. Those who just voted against cloture can live with it, as far as I am concerned, and they can explain it to their constituents—big businesses, small businesses, farmers, people who are going to get sued if we don't do this, when it is not even necessary.

So if this bill dies on this line, it is OK with me, because I think the blame is clear. But I am not going to be a part of shenanigans here, to have an agenda dumped on this bill that would result in killing it. We are not going to keep spinning our wheels. We are going to come up with a legitimate compromise solution, and we are going to vote and move or not—either way. If anybody in this Chamber thinks the solution to the Y2K problem is more lawsuits, I don't believe they have talked to the people in America.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

(The remarks of Mr. KYL, Mrs. HUTCHISON, and Mr. HOLLINGS pertaining to the introduction of S. 912 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HOLLINGS. Mr. President, let me thank the distinguished Senator from Texas. She is right on target. We have graduated over 2,000 agents from the finest school down there for Border Patrol agents. Two who trained there have already been killed.

I have visited from time to time. The matter of pay is the issue. We advertise and we solicit in the local area over the entire State—and nationally—and it is a pay problem.

I hope we can confront it.

Mr. President, I will say a word about the majority leader's rejoinder relative to this legislation.

He points out specifically that without litigation, we have time; it gives an avenue, gives 90 days in time, to fix the problem.

Mr. President, this Senator knows, rather than fixing the problem, they are trying to fix the defendants and see if, on a cost-benefit basis, they can move the problem out to India or some other supplier that is indigent or bankrupt or otherwise; that is what they do during the 90 days.

We do not need in law a 90-day waiting period before you can file. Nobody is filing immediately. Nobody wants to get to court. These businesspeople don't run down and get a lawyer. They do as the doctor did in his testimony before the Commerce Committee: He called and called, and he wasn't called back; then he wrote the letter; he spent $16,000 for a computer, and in a year's time he had to pay $25,000 just to be Y2K compliant.

We live in the real world. Why is this gimmick on all legal proceedings all of a sudden given a 90-day extension for fixing the problem? For an individual running a little corner grocery store with a computer that goes down, if they call the company and don't have the money to make it Y2K compliant, in 90 days they are out of business. They are still waiting around while they are maneuvering with their lawyers.

These manufacturers who are sued have lawyers on retainer sitting up on the 32nd floor wondering when they can get off to play another golf game or when they can get another continuance. They think about how to stay out of the courtroom and how to get the clock running. It is a bad provision.

Let me agree with the distinguished majority leader and say I agree that no bill is needed. We find out after all of the debate, here comes the Washington Post that says, wait a minute, the market is fixing it now. On January 1, if there is a real problem that the States can't handle, there are courts in all the States, and if they can't handle it, we have a national problem, fine. But don't use Y2K as an instrument to distort the tort system and get through what they haven't been able to get through for the past 20 years.

I yield the floor.

GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

The PRESIDING OFFICER (Mr. BUNNING). The Senate will now resume consideration of S. 557, which the clerk will report.

The bill clerk read as follows:

A bill (S. 557) to provide guidance for the designation of emergencies as part of the budget process.

The Senate resumed consideration of the bill.

Pending:

Lott (for Abraham) amendment No. 254, to preserve and protect the surpluses of the social security trust funds by reaffirming the exclusion of receipts and disbursement from the budget, by setting a limit on the debt held by the public, and by amending the Congressional Budget Act of 1974 to provide a process to reduce the limit on the debt held by the public.

Abraham amendment No. 255 (to Amendment No. 254), in the nature of a substitute.

Lott motion to recommit the bill to the Committee on Governmental Affairs, with instructions and report back forthwith.

Lott amendment No. 296 (to the instructions of the Lott motion to recommit), to provide for Social Security surplus preservation and debt reduction.

Lott amendment No. 297 (to amendment No. 296), in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent I be permitted to proceed as in morning business not to exceed 15 minutes.

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

(The remarks of Ms. COLLINS pertaining to the introduction of S. 913 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. I thank the Chair.

(The remarks of Mr. SMITH of New Hampshire, pertaining to the introduction of S. 914 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent for an additional 5 minutes.

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

TED GUY, AN AMERICAN HERO

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to an American hero. We could use some heroes today, of all days, considering the last few days we have had in America. But I rise today to pay tribute to retired Col. Theodore Wilson Guy, United States Air Force, from Missouri. Ted Guy, nicknamed the ''Hawk'' by those who knew him best, was a genuine American hero. He was best known for having sacrificed his freedom for his country as a U.S. POW during the Vietnam war. But aside from being a hero, perhaps more importantly, Ted would say he was a husband, a father, a brother, and a friend to many, including myself. Last Friday, April 23, 1999, Ted passed away only 6 months after discovering symptoms associated with leukemia.

I will always remember Ted Guy for the encouraging faxes and e-mails he used to send to my office, especially during the investigation conducted by the Senate Select Committee on POW/MIA Affairs, which I cochaired in the early 1990s. I gained a lot of strength from those inspiring messages from this hero. Ted will never know, but I want his family to know how much those messages meant to me.

Ted felt strongly that our Government needed to do more to account for his missing comrades from the Vietnam war. He traveled at his own expense to Washington, DC, to the Halls of Congress, to make this point.

Ted was right to be concerned about our Government's handling of the issue of POWs and MIAs, and with his support, and the support of his fellow veterans and family members of POWs and MIAs, we have made significant progress in opening the books, declassifying the records, and pressing foreign governments for answers over the last decade.

However, as Ted continued to maintain up until his last days with us, there is still much work to be done with our accounting effort, and I, for one, am committed to seeing this issue through, in part because of people like Ted.

I commit to you, Ted, we will keep working. We owe it to you.

I say to the youth of America, if you want a role model to aspire to and to inspire you, they do not come any better than men like Ted Guy. When looking for a hero, oftentimes young people look to professional athletes or others. You want to remember that a hero is not only somebody you care for, but if they are a real hero, that person will care about you, too.

Ted joined the Air Force in 1947. He served his country as an Air Force fighter pilot for the next 26 years. He served in both the Korean and Vietnam wars flying the F–84 in the Korean theater and the F–4 in the Vietnam theater. On March 22, 1968, while attacking an automatic weapons position near the Vietnamese-Laotian border during the battle of Khe Sanh, Ted's plane was shot down and he was captured by the Communist forces.

Ted Guy was subsequently marched up the Ho Chi Minh Trail and then held in several POW camps in the Hanoi area, to include the infamous Hanoi Hilton. He was brutally tortured by the North Vietnamese to the point where he would pass out from severe beatings. He also was forced to spend nearly 4 years in solitary confinement.

He was one tough guy—Ted Guy. He did not talk about it much, though. You could not get him to talk about it. He was not looking for sympathy.

When he was finally removed from solitary confinement, he was put in a prison with more than 100 other U.S. military and civilian prisoners. He became the senior officer among them and was responsible for maintaining order, the chain of command, and the code of conduct among his fellow POWs.

His leadership and guidance helped his fellow POWs survive their ordeal. Many have said just that. Many referred to themselves as ''Hawks' Heroes'' in honor of Ted Guy.

To the code of conduct, Ted added his own personal code that consisted of two points. The first point was to resist until unable to resist any longer before doing anything to embarrass his family or his country. The second point was to accept death before losing his honor.

Ted once said:

> Honor is something that once you lose it, you become like an insect in the jungle. You prey upon others and others prey upon you until there is nothing left. Once you lose your honor, all the gold in the world is useless in your attempt to regain it.

Mr. President, Ted Guy never, never lost his honor. What an inspiration he was to all Americans. I wish more Americans could have known him personally. I wish more Americans knew more about Ted Guy. He leaves behind his wife Linda of 26 years, four sons and two stepdaughters. He touched a lot of people—so many people.

However, his unselfish and patriotic sacrifices for America and his heartfelt concerns about efforts to account for his missing comrades from the Vietnam war who never made it home were huge accomplishments. I was proud to call him a friend, and I already miss him.

As with other POWs, Ted used a tap code in Hanoi to communicate through the walls with other POWs. It was an alphabet matrix—five lines across, five lines down. Ted used to end his messages by tapping the code ''GBU,'' or ''God bless you,'' and ''CUL'' for ''See you later.''

I end my tribute with the same message to Ted: ''GBU CUL, Ted.''

Mr. President, I ask unanimous consent that the tributes to Ted Guy from his son, his POW-MIA supporters, and his dear friend and fellow POW, ''Swede'' Larson, and also a copy of the tapping code, as Ted Guy used it, be printed in the RECORD.

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

A TRIBUTE TO TED GUY, SR. FROM HIS SON, TED GUY, JR.

On Friday, April 23rd, my dad passed away. Col. Ted Guy was a man of tremendous conviction, determination and patriotism. As his son, I would like to share with you a picture of my Dad you might not have been aware of. Please read this as a tribute from a son to his Dad.

It was a little over six months ago that Linda alerted me to the fact that Dad was not feeling well and he would be undergoing some tests. The test showed the seriousness of Dad's illness. I knew Dad would do everything he could to fight the cancer, as his five year experience in POW camp had provided a glimpse of his determination. However, my concern became that he would finish well. To finish well would be to be right with God. To be right with God would be to understand and accept God's word, the Bible. To accept God's word would be to receive Jesus Christ as one's Saviour.

When I visited with Dad shortly after Christmas, I gave him a copy of the book ''Mere Christianity'' by C.S. Lewis. On the cover of the book I had written, ''Dad, I desire more than anything in life that you would spend eternity with me in heaven. I ask you to read this book with an open mind as it is written by a 'wanna be' fighter jock, C.S. Lewis.''

Prior to giving this book to Dad, we had had discussions about Jesus Christ, but Dad felt he was pretty much a self made man and could make it on his own. But when your Dad is dying, you tend to again go the extra mile as my greatest concern was where would he spend eternity.

I am so pleased to report that Dad read the book. As he was fighting the cancer, his loving wife, Linda, would read from ''Mere Christianity'' to Dad every night before he went to bed. In addition, I gave Dad an audio cassette about the ''proof of Christ.'' About two months ago, Dad called me and said he had listened to the tape and ''it made a lot of sense.'' He also told me not to worry as he and God were going to be O.K.

Throughout these past four months, I have had the great privilege of seeing Dad do everything he could to beat the cancer. I believe he received outstanding care. I also believe the love and care shown Dad by Linda in helping him fight the cancer is a real example of loving and serving at its very best.

I have also seen Dad's heart towards God change. This change was reflected not only in what he said to people about the things of God, but this change was also reflected in the warmth and love he expressed to so many in his last days. He understood the love of Christ and the beauty of Christ's gift on the cross. But more than understanding, he accepted the gift of God through his Son Jesus Christ.

My wife, Rita, and my sons, David and Jeremy, will miss Dad. David and Jeremy will miss fishing with Granddad as well as being the only two people on the planet that could

humble him. (A 4 and 5 year old have that amazing ability.) We are so proud of the great American he was, the lives he touched and the causes he fought. His legacy of patriotism and determination will live on, we promise.

While we are proud, we are also very thankful. We are thankful Dad received Jesus Christ as Lord and Savior. Perhaps, the Lord has placed dad in a place of great need in having cancer. A place where dad could completely understand his need for Jesus Christ. If I could say one thing to my dad, it would be: ''Dad, you served, you fought, but most of all, you finished well. I am proud to be Ted Guy, Jr.''

Knowing my Dad, he would have wanted you to know he died with peace in his heart. He knew he was loved and cared for; but more than anything, he would want you to know he knew the love of God.

POW-MIA INTERNETWORK TRIBUTE TO TED GUY

Re Colonel Ted 'Hawk' Guy Passes.
Date: April 25, 1999.

From the flight lines of Korea and Vietnam, to a cell in the Hanoi Hilton, to the hallowed halls of Congress . . . Ted Guy never failed to speak his mind, do his job and command respect, awe and admiration from all who crossed his path.

And now he has passed on to a final freedom and peace.

After duty in Korea and stateside, he was transferred to Vietnam where he bailed out over Laos after one of his bombs prematurely exploded and was captured by the North Vietnamese. From the jungles of Laos, Ted was marched to Hanoi, repeatedly exposed along the way to Agent Orange. Upon reaching the Hanoi Hilton, he spent 3 years in solitary confinement and upon release to the general population, assumed his role as Senior POW Officer (SRO).

He was badly beaten, tortured and as a result of extreme mistreatment during captivity, he was retired shortly after his release during Operation Homecoming.

Ted rallied family members, activists and Ex-POWs the same way he rallied his men . . . With compassion, strength and passion. He openly spoke of his confinement, the politics of POWs and was a resounding voice of reason in an unreasonable issue and world.

The continued saturation of Agent Orange took its final toll . . . Ted was diagnosed with Leukemia as a result of AO exposure and within a scant 6 months, passed from this world.

There are no words to express how much he is respected and how much he will be missed. His voice may have been silenced, but his message will endure.

In closing he always signed his letters and e-mails to us with the POW tap code, GBU and CUL, and we were and we did . . . and we will, one day.

May your flight be swift and the winds carry you high Ted.

GBU–CUL

NATIONAL ALLIANCE OF POW/MIA FAMILIES TRIBUTE TO TED GUY

It is with deep sadness that we inform you of the passing, on April 23rd, 1999 of Korean and Vietnam War Vet and former Vietnam Prisoner of War—Col. Ted Guy. For those unaware, Col. Guy was with us, from the very beginning of the Alliance. He spoke at our first forum back in July 1990. When our website started (www.nationalalliance.org), he agreed to write the foreward for our Vietnam Pages.

Col. Guy was a strong supporter of the Live POW issue. He was never afraid to speak his mind and he stood by his convictions.

All of us in the POW/MIA issue will miss him. We have lost a dear friend and our POW's have lost a strong advocate.

A MESSAGE FROM COL ''SWEDE'' LARSON, FORMER POW—HANOI VIETNAM

It is with deep regret, that I inform you of the death of Col. Ted Guy. He passed away today, 23 April 1999, from complications associated with Leukemia. He only lived 6 months from the time of his first symptoms. He is survived by his wife Linda, two step daughters, four son's, and a brother.

Since most of you did not know Ted, and a few misunderstood him, I am going to ask your indulgence, and tell you a little about him, since I was his very close friend for 44 years.

We first met at Luke Air Force base in 1955 as young Captains instructing fighter gunnery. He had previously completed a combat tour in Korea, flying F–84's. He and I had three things in common. We both loved to fly, party, and fish. Over the years we stayed in close touch, and after his retirement, we fished together many times.

He was assigned to South Vietnam in F–4's while I was in Thailand flying out-country missions, in F–105's. When he showed up in Hanoi, I couldn't fathom how he had gotten there. After we were released, I learned that he was shot down during the battle at Khe Sanh, bailed out and captured in Laos by the North Vietnamese (they were never in Laos! -yah, right!). On the second day of his capture while he was starting his walk to Hanoi, he was heavily sprayed with Agent Orange. In the ensuing days, he walked through many areas that had been previously defoliated.

As he was captured in Laos, he was kept away from the rest of us and spent his first 3 years in solitary confinement. He was then put in with the 100 plus, Army and civilian prisoners and was the Senior Officer. He had his hands full with a group of very young, non-motivated and rebellious enlisted men. Unlike our group, (after the death of HO), he was badly treated by his captors, almost up to our release. He was badly beaten during this time for acting as SRO and on one occasion, suffered severe head injuries, which several years later resulted in his being medically discharged from the service. He had been on the ''fast track'' prior to shoot down, and had been promoted to Lt. Col. below the zone. To my knowledge, he was the only POW promoted (to 06) below the zone while a POW. Those concussions he suffered forced his early retirement.

He was not an active member of our group, primarily because he did not know or serve with any of us in Hanoi. He also felt that even though our group elected to be non-political, we should have made an exception and taken a prominent stand as a potential powerful lobby group, to demand a full accounting of the MIA's. He was an individual of deep loyalties, and a boundless love of his country and flag. He stood up tall against those he felt were in the wrong.

His medical specialists felt that his Leukemia was a direct result of his repeated heavy exposures to Agent Orange. The Veterans Administration however, in their infinite wisdom felt otherwise, and denied his emergency claim for Agent Orange disabilities. (Hence no DIC for his wife).

He ended up loosing a promising military career and suffered an early end to his life, in his service to his country. I shall truly miss him. Thanks for your indulgence.

GBU Ted.

SWEDE LARSON.

OBITUARY FOR TED GUY

Theodore Wilson Guy, 70, of Sunrise Beach, Missouri, died April 23, 1999, at St. Marys Health Center.

He was born April 18, 1929, in Chicago, a son of Theopholus W. and Edwina LaMonte Guy.

He was married October 18, 1973, to Linda Bergquist, who survives at the home.

A 1949 graduate of Kemper Military College, he served as a pilot in the Air Force until his retirement in 1973 as a colonel. A veteran of the Korean and Vietnam wars, he received a Silver Star, the Distinguished Service Medal, the Distinguished Flying Cross, the Air Medal and a Purple Heart. He was a POW for five years in Laos and North Vietnam. After his retirement from the Air Force, he became National Adjutant for the Order of Daedalians.

In 1977, he became associated with TRW, assigned to Iran as Senior Tactical Adviser to the Commander, Iranian Tactical Air Command.

He was a member of St. George Episcopal Church, Camdenton.

Other survivors include: two sons, Ted Guy Jr. and Michael Guy, both of Phoenix; two stepdaughters, Elizabeth Thannum, Los Angeles, and Katherine Roth, Chicago; one brother, Donald Guy, state of Alabama; and three grandsons.

Services will be at 3 p.m. Friday at St. George Episcopal Church. The Rev. Tim Coppinger will officiate. The remains were cremated. Inurnment, with military honors, will be at a later date in Arlington National Cemetery, Arlington, Virginia.

Memorials are suggested to the Leukemia Society of America.

POW TAP CODE IN HANOI HILTON

	1	2	3	4	5
1	A	B	C	D	E
2	F	G	H	I	J
3	L	M	N	O	P
4	Q	R	S	T	U
5	V	W	X	Y	Z

Mr. SMITH of New Hampshire. I thank the Chair for his courtesy. I yield the floor.

Mr. GRAMS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

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

(The remarks of Mr. GRAMS pertaining to the introduction of S. 916 and S. 917 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRAMS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for a period of up to 15 minutes.

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

VIDEO VIOLENCE AND THE CULTURE OF KILLING

Mr. BROWNBACK. Mr. President, I rise to address the body today on another aspect of our culture. I have spoken several times this week about different aspects of our culture in areas that I think need desperate reform, which certainly has been highlighted by what took place in Colorado.

Today, I want to speak of video games. I have examples to show people in this body and I hope around the country of what is being marketed to our children, what is being put out there, what they are receiving.

I have kids who are in this age range. My oldest daughter is 12, my son is 11, and my youngest daughter is 9. They have some exposure to some of these notions. I rise to address one aspect of our society that I think demands attention, particularly in the wake of these tragic events.

Yesterday, I addressed the rise in popularity of music with hyperviolent, often misogynistic lyrics. More and more kids are tuning in to music which glorifies and glamorizes violence and viciousness. As the popularity and profitability of music depicting murder, torture, and rape grows, the music industry is making a killing off our kids.

The problem is not unique to the music industry. It is found in many entertainment fields. This coming Tuesday, we will hold a hearing in the Commerce Committee to examine marketing violence.

Today, I will talk about another equally troubling trend in pop entertainment, the rising popularity of gory, graphic video games. The video game industry has received far less attention than television or movies but is among the fastest growing entertainment media in the country.

Last year, the video game industry was worth more than $6 billion. Its profitability is climbing steadily and rapidly. The rise in profitability is fueled by the rise in popularity of these games. Video games are being played more often by more people and particularly more kids.

Even industry executives acknowledge that video games are a growing part of the cultural landscape. I want to put this in the context of the cultural landscape. One executive of the industry went so far as to assert in a recent Wall Street Journal article that:

> Games are a primary vehicle for popular culture.

These games are.

As a father with a young son who plays a lot of video games, I can tell you, they get to spend more time with him a lot of times than anybody else does, as he plays the video games.

Although many video games are nonviolent, a growing number of companies are producing and promoting unimaginable gory, interactive video games. They are gory and they are interactive.

Consider these few examples. ''Carmaggedon'' is a highly popular video game put out by Interplay, which debuted a little over a year ago. The purpose of the game is for the player, who controls a race car, to mow down as many pedestrians as he possibly can. That is the purpose of the game, ''Carmaggedon.'' You are in the car mowing down people. Points are awarded for each pedestrian killed, and the more gruesome, the better.

Unlike some games where the player aims to kill villains, such as monsters or aliens, the targets in this game are innocent people. The game player is no longer cast in the role of vigilante but simply a cold-blooded killer.

The video game ''Quake,'' put out by Midway Games and ID Software, the same companies as producers of ''Doom,'' consists of a lone gunman confronting a variety of monsters. For every kill, he gets points. As he advances in the game, the weapons he uses grow more powerful and more gory. He trades in a shotgun for an automatic, and later he gets to use a chain saw on his enemies. The more skilled the player, the gorier the weapons he gets to use. Bloodshed is his reward. ''Quake'' sold more than 1.7 million copies its first year out.

Here are some other examples of popular games. I want to show you some of these ads, because I think they are particularly troubling in the advertisement that they use. These are ads that were all taken from a recent gaming magazine, again, aimed at a teenage audience. These are generally aimed at people under the age of 18. And I can see some of our interns and pages up front. I rather imagine they will recognize some of this advertising that I am going to show.

But I want you to look at some. Here is ''Quake.'' Just look how this is advertised, if you would, Mr. President.

> Blowing your friends to pieces with a rocket launcher is only the beginning . . . .

Sound familiar?

> Whether you are in search of the ultimate online frag-fest or looking for the latest Quake news, information player ranks, or skins—the Imagine Games Network has it all.

It talks about ''[b]lowing your friends to pieces with a rocket launcher is only the beginning. . ..'' Unfortunately, does that sound like a news headline?

Let's look at the next one we have up here. And I want to point out, before I get to the real graphics of it, it is rated 14. So there is actually a rating system on video games. So this one is supposed to be purchased by people under the age of 18. It is rated to do so.

Listen to the title of this one. Look at how this one is advertised at the very top. ''Kill Your Friends Guilt Free'' is the advertising. ''Kill Your Friends Guilt Free.''

> If you consider yourself a fighter kind of surg, Guilty Gear comes highly recommended. No true fan can be—

This is online here. What else do we have of this one? ''Fighting games.'' You can see the rest of it, and the gory details. It is rated for teens. This is rated for kids under the age of 18.

''Kill Your Friends Guilt Free.'' Does that sound horrible?

This is an actual game screen, really. This is of a very popular game.

> It is built on the revolutionary Quake II engine kingpin. Life of crime. Includes a multiple player gang bang deathmatch for up to 16 thugs.

I think you can see the blood splattering here at the side in which different people are blown away.

One other point I want to make about this is that we will have people testify at our hearing about the desensitization that this does to people to allow and even empower them to do things to people that are not even imaginable, but after you spend so much time looking at and studying the screen and shooting at and blowing up people, the desensitization process happens.

We will have an expert witness testifying that that allows you to do things that you would otherwise have an internal mechanism in you saying, no, you cannot do that; no, you do not do that. But after hour after hour of the blood and guts, it has a desensitization to it.

These are advertisements.

Look at this one. Look at this one: ''Deploy. Destroy. Then relax over a cold one.''

''Deploy. Destroy.'' And ''[t]hen relax over a cold one.''

On this one you can see the little teen label. This is marketed and this is for teens to purchase. They actually are for teens to purchase.

Can you really sit there and say that the consumption of this on and on and on does not have some impact on a young mind, on a young soul?

''Deploy. Destroy. Then relax over a cold one.''

Look at this one. This one goes further than even death.

> Destroying your enemies isn't enough. * * * You must devour their souls [in this one]. Legacy of Kain: Soul Reaver. As a result, stalk the shadows of Nosgoth, hunting your vampire brethren. Impale them with spears, incite them with torches, down them in water. No matter how you must destroy them, you must feed on their souls to sustain your quest, the ruin of your creator, Kain.
>
> [Y]ou must feed on their souls to sustain your quest, the ruin of your creator, Kain.

Dark Gothic story, shift real time between material and special planes. Morph.

Those are being marketed to our kids.

The video game industry has not only deemed some of these acceptable for teens and parental consent unnecessary, but they market them to teens as well.

This may seem over the top, but they are among the more popular games around. One survey of 900 fourth to eighth graders found that almost half of the children said their favorite electronic games involved violence.

Columnist John Leo put it this way:

We are now a society in which the chief form of play for millions of youngsters is making large numbers of people die. Hurting and maiming others is the central fun activity in video games played so addictively by the young. Can it be that all this constant training in make-believe killing has no social effects?

One would think that some of these games are so violent that they are out on the fringe somewhere snubbed by respectable companies, cringing somewhere in the electronic redlight district. Not so. They are backed and distributed by some of the biggest names in the business.

GT Interactive distributes ''Quake.'' Sony Corporation is developing the ''Doom'' game, which so inspired the two young killers in Littleton, into a movie. They are making this into a movie and are in the process of negotiating with its own game division's ''Twisted Metal'' car game, where the object is to mow down innocent pedestrians.

In these games, the goal is death. Success is determined by the body count. Others' pain is your gain.

Moreover, almost all of these games are sold in toy stores. Reports indicate that they are typically arranged in alphabetical order, not by rating or age level.

It seems pretty apparent to me that toy stores are designed to appeal to children. Children are the targeted audience. Parents do not enter toy stores to buy toys for themselves. But right there on the shelves are products that are supposedly unsuitable for children.

Defenders of these games say they are mere fantasy and harmless role-playing. But is it really the best thing for our children to play the role of murderous psychopaths? Is it truly harmless to fantasize about mass murder? Is it?

We need to do better than this. I am not saying that companies do not have a right to peddle this, but it is not right to make a killing off peddling violence to our children.

Raising children is a precious duty and a precarious task. It requires nurturing, sacrifice, and lots of love. But even the most devoted parents may find it impossible to shield their child from these images and messages that surround them at school, at the mall, at a friend's house, through music, TV, movies, and video games. We can no more shield our children from a polluted culture than we can shield them from polluted air.

Just as a polluted physical ecosystem is poisoned by several sources, so our cultural ecosystem has many points of source pollution. And this is one. We all need to do our part in cleaning up our cultural ecosystem—or else we shall all be poisoned by it.

Mr. President, I am willing to share these graphics with other offices for them to look at as well. I simply ask them to look and to examine and to think as we start to explore more in this area of cultural renewal and the need for renewal of what we are actually dealing with today—how do we move forward to get to a better and a brighter day, so our children can live in a culture of life rather than a culture of violence and a culture of death? What are they receiving today versus what we want them to receive tomorrow? Can we really sit here and say that these have no impact on our children? I don't think we can.

I think we need to examine and push, each of us individually, and start down this line of saying, what is it that is being received? What sort of cultural pollution is getting to our children, and how do we improve that ecosystem? How do we get it renewed?

We can, and we have to start about this task, not by a series of censorship but first by knowledge and, by that, spreading and getting away from a culture of doom and death to a culture of life.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to proceed for up to 12 minutes as in morning business.

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

ILL-CONSIDERED PROSECUTION OF FORMER AGRICULTURE SECRETARY MICHAEL ESPY

Mr. LEAHY. Mr. President, there have been a lot of interesting things in the news this week. One is a story about the Supreme Court's ruling on Tuesday. It confirms the view that many of us have held for some time. Special Prosecutor Donald Smaltz was overreaching, at the very least, in indicting and trying former Secretary of Agriculture Mike Espy. Mr. Smaltz spent over 4 years and about $17 million of our taxpayers' money to run out of office this distinguished public servant.

Last December, a jury said ''no'' to Special Prosecutor Smaltz and acquitted Mr. Espy of the charges against him. In fact, the jury said ''no'' and ''no'' and ''no'' and ''no'' and ''no'' and ''no,'' I believe, over 30 times. Now the Supreme Court has said a resounding ''no'' also. They rejected the broad reading urged by Mr. Smaltz of the criminal laws he has used to bring down a Cabinet Secretary. The Supreme Court, Tuesday, concluded that the conviction of a trade association for giving Mr. Espy gifts was correctly thrown out by a lower court.

According to the Supreme Court, if Mr. Smaltz's reading of the Federal gratuity statute were correct—a reading that out-of-control special prosecutors seem to have—''it would criminalize, for example, token gifts to the President based on his official position and not linked to any identifiable act—such as the replica jerseys given by championship sports teams each year during ceremonial White House visits . . . [or] a high school principal's gift of a school baseball cap to the Secretary of Education, by reason of his office, on the occasion of the latter's visit to the school.''

The Supreme Court wisely rejected these absurd results.

Secretary Espy began his tenure as Agriculture Secretary facing challenges to the safety of our food supply, and he dealt with those challenges with enormous energy, compassion, and effectiveness. Just before he was sworn as Secretary, several children died because they ate contaminated hamburgers in Washington State.

I remember this very well. I remember Secretary Espy immediately flying to Washington State to be with the families, because he cares about people. I remember talking to him about that, because I was at that time chairman of the Senate Agriculture Committee. I know that when he flew back to Washington, he devoted himself to preventing these needless deaths. He started putting into effect policies which will save thousands of lives in our country. He fought the industry itself—a very powerful, well-heeled industry—to do the right thing.

History will record his tenure as a turning point in updating and modernizing our food safety standards—a tradition continued by Secretary Glickman and President Clinton.

But his ''trial by fire'' began at the hand of a special prosecutor run amuck. The unanimous jury verdict acquitting him underscores what I have been concerned about for some time—unaccountable prosecutors with unlimited budgets who can and will bring charges that no other prosecutor in the world would bring.

This special prosecutor is one who is extremely frustrating. If I thought that what he did was out of sheer stupidity, that would be one thing. It would be enough if we thought that this was a man who was just not bright enough to know his job. But along with his total lack of judgment, his total stupidity, came a man whose overwhelming ego was such that he cared less about anybody he was after. The taxpayers were paying his bill. He cared only about preening before the cameras himself.

He was particularly interested in promoting himself and patting himself on the back. He was among the first of the special prosecutors to establish his own Internet web page. It is like an advertisement for himself on this web page. Mr. Smaltz posted his reaction to the jury verdict and downplayed the acquittal since an ''indictment of a public official may, in fact, be as great a deterrent as a conviction of that official.'' That was the most flagrant admission of abuse of a prosecutor's power that I have ever seen—I was a prosecutor for nearly 9 years—and it remains posted on his web page today.

What he is saying is, it doesn't make any difference if the person is guilty or not. It doesn't make any difference if the jury acquitted over and over again, and the person is not guilty. All the prosecutor has to do is bring an indictment; that will teach them. This is no way to restore faith in the criminal justice system. This is an example of a prosecutor who indicts somebody for something that no jury would ever convict the person for, but says, ''I will show them because I am the prosecutor,'' or, ''I can do that because, after all, it is going to cost you hundreds of thousands and maybe millions of dollars to prove your innocence. And, besides, the taxpayers are paying my bill. So why should I care about you?''

What ego, what stupidity, what arrogant abuse of power. I really cannot think of words strong enough to condemn such actions.

No prosecutor should bring an indictment simply as a deterrent and without a good-faith belief that the case can be proved beyond a reasonable doubt. Prosecutors should not bring these charges simply to harass somebody, simply to cost them money. A prosecutor has a sworn duty not to bring a charge unless he or she thinks there is at least a reasonable chance they can prove the charge and the person is guilty. Common decency, saying nothing about the canons of ethics, would require that. Frankly, no prosecutor who has to answer to anybody would do that. Only a prosecutor who doesn't have to answer to anyone, only a prosecutor who has the taxpayers paying their unlimited bills, would do that.

Putting aside the harm to reputation and cost to the defendant and witnesses of bringing unwarranted charges, indictments based on flimsy facts can be dangerous. The Government is barred under our Constitution's double jeopardy clause from bringing a case twice. So a prosecutor has a responsibility to ensure that the Government can prove its case the first time around. There is no opportunity for a second ''bite at the apple.''

One item that Special Prosecutor Smaltz did not put up on his web page was, I thought, one of the most disgusting things I have seen any prosecutor do. It was so bad that apparently, even with his unbridled ego and his lack of intellectual honesty, he did not feel he could bring himself to put it on the web page. That item was: he congratulated his team of well paid prosecutors with gifts of wristwatches. According to the press reports, these watches ''look good, with Smaltz' name around an eagle in the center of the independent counsel seal and the case name, 'In re Espy.' ''

It is like he was on some big game hunt and these were the trophies. Stupidity one might excuse, and stupidity was evident here. But this kind of arrogant, egotistical abuse of a public trust nobody can forgive. In fact, I have wondered whether the cost of those gratuities exceeded the costs of the gifts that Mr. Espy was charged with receiving. Watch gifts may not be criminal; I find them certainly offensive.

Mr. President, as we go into the debate we will have this year on whether we renew the Office of Independent Counsel—something, I predict, will not be done—let us not aim all our fire at the excesses of Kenneth Starr, or his tactics, or his misstatements of the facts to the Attorney General, or even some of the lies that came out of his office. Let us not focus just on that. Let's look at people like Donald Smaltz, a man who showed what happens when somebody of limited talent, of questionable ethics, of no integrity, how they can act when they are given unbelievable power, unlimited budget; and we in the Congress should ask ourselves whether we want to continue this.

The Office of Independent Counsel, when filled with good men and women—and there have been some very good men and women of both parties who have been there—who follow the restraints that prosecutors would normally expect to have, have done a good job. But when it is filled by people who would serve with a sense of self-aggrandizement, it hurts the whole Nation. It hurts an awful lot of innocent people—people found innocent by juries, people found innocent by appellate courts, people whose reputations are besmirched and their bankrolls exhausted by the actions of unconscionable, incompetent, out-of-control persons like this man.

Mr. President, I may speak more on this. I have tried to restrain myself in my comments about him today and to give him the benefit of the doubt. I have probably given him the benefit of the doubt more than he deserves.

Mr. President, seeing no one else seeking the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. 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. KERRY. Mr. President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. KERRY, Mr. KOHL, and Mr. JEFFORDS pertaining to the introduction of S. 918 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. LINCOLN. Mr. President, I ask unanimous consent to address the Senate for 10 minutes.

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

Mrs. LINCOLN. I thank the Chair.

AGRICULTURE SUPPLEMENTAL APPROPRIATIONS

Mrs. LINCOLN. Mr. President, I rise today to bring attention to a situation that grows more dim with each passing day. My colleagues and I came to the floor before the Easter recess and addressed this very issue.

The Farm Service Agency has depleted many of its accounts, and quick passage of the supplemental appropriations bill is absolutely vital to replenish these funds and to get our farmers back into the fields.

I was very pleased with USDA's emergency action on March 26 to keep loan money available and to keep temporary employees on staff. However, that funding has run out in many areas, and Congress has yet to complete action on the bill.

The billions of dollars in agricultural credit authority contained in the bill is literally the only hope of staying on the farm for hundreds of Arkansas producers and many farm families.

In Arkansas, we need an additional $41 million for FSA's loan programs. We are experiencing the largest USDA

credit demand since the mid-1980s. As of April 23, our State FSA offices had delivered more than $179 million in credit assistance.

Due to bad weather, low prices and poor outlooks, the need for Government-guaranteed credit has increased substantially this year. Our agricultural industry is on a deadline with Mother Nature, and it cannot wait any longer.

The timeliness of this legislation cannot be overemphasized. For those of us in Southern States, our planting time has already come and is just about gone. We are in dire straits. All farmers across this Nation are in dire straits. It is so very important for us to act in this body in a timely fashion in recognizing this problem.

In addition, I take this opportunity to express to my colleagues that agriculture is vitally important to all of us across this Nation and to the rest of this world. It seems that every time I turn on the television, there is another story applauding the unbelievable success of our Nation's economy.

Unfortunately, not every segment of our society is sharing in this period of economic bliss. The agricultural community nationwide is suffering.

USDA economic projections for 1999 do not offer much hope for relief in the immediate future, and it will fall upon our shoulders to explore the short-term, as well as the long-term, policy resolutions to farm revenue problems.

It may not be the most popular issue of the day, but every one of us enjoys the safest, most abundant and most affordable food supply in the world today produced by American agricultural growers.

This safe and abundant food supply will not be there for this Nation or for the world if we do not support our family farmers at this critical time. Once those family farms are gone, they will no longer be back in production.

I certainly thank the President for allowing me to talk about this and to reiterate to my colleagues how absolutely important it is.

IN HONOR OF SENATOR DAVID PRYOR

Mrs. LINCOLN. Mr. President, I rise today to do something that I know my fellow colleagues in the Senate will be very interested in, and that is to pay tribute to one of the Senate's esteemed graduates and a role model for all Americans, former Senator David Pryor.

As a young woman and a former Congresswoman from Arkansas, I have always looked up to Senator David Pryor for his intelligence, his dedication, his tenacity and his compassion for his fellow man.

Now, I have found a new reason to admire my former colleague and longtime friend. For those of you who don't know, last week David Pryor left his current post at Harvard's Kennedy School of Government.

No, he didn't take a job at Yale or even an Ambassadorship. He has gone to Kosovo. Not as a diplomat or as a U.S. official, not even as a Harvard professor, but as a hands-on volunteer who is helping care for Kosovo refugees in Albania.

I am sure that many of you who served with David Pryor and already know him as a great humanitarian are not in the least bit surprised by this.

Senator Pryor recently signed on with the International Rescue Mission, a New York based group which was started by Albert Einstein to help those suffering under Hitler's regime. The organization is currently building shelters and assembling sanitation systems to improve living conditions for thousands of displaced Albanians.

Senator Pryor loaded up his suitcase with gifts for the refugee children—candy bars and crayons. And he told the International Rescue Mission that he was going there to work for 30 to 60 days.

Some may ask what prompted David Pryor to take this step. By all accounts, he has had a remarkable career—serving as a Senator and the Governor of my home state and the state legislature as one of its youngest members.

He has been able to continue his love of politics by teaching young people at Harvard's esteemed school of Government. And he has a wonderful family, who he enjoys immensely and who loves him dearly. It all sounds like a pretty full life.

When asked by a friend why he made the decision to go to Kosovo, Pryor responded that he was too young to fight in World War II and he was too involved in his own career during the civil rights struggle to contribute much in that event.

Now, later in life he was struck by the reports and pictures coming out of the Yugoslav region. He was concerned for the thousands of children and families who were in need and who he wanted to do something for. So, after a week of deliberating within himself, he woke his wife in the middle of the night and said, ''Honey, we've got to talk.'' A week later, off he went.

Since he has been in Albania, Senator Pryor has reported once back to his family and sent a fascinating letter to friends, family and former staff. He works in a camp digging latrines and assisting the Red Cross efforts to secure supplies. Last Saturday he bought 5,000 bars of soap and diapers for 1,000 babies.

''Being here a week makes me wonder about our world and how people can do such unthinkable, brutal things to other humans,'' Senator Pryor wrote. ''It is a world of unreality.''

He says of the men ''All their incentive and pride has been stripped from them and they having nothing left.''

About half of the dislocated refugees in the camp where Senator Pryor works are children. They are scared. They are tired. They are hungry. And above all, they are devastatingly sad. They mourn lost loved ones and ache to return to their homeland.

Senator Pryor also shared with his family the stories of two women, one whose daughter had been raped at the hands of a Serb police officer; the other a young mother has been separated from her three children, all under the age of 5, for more than a month. She was forced to flee her home, abandon her life and possessions in Yugoslavia, and now continues to desperately search for her family, her small children.

These are just some of the images Senator David Pryor is seeing on his trip. They are even more heart wrenching than any of us could imagine.

Whether or not you support U.S. involvement in the Kosovo region, none of us can imagine or ignore the human tragedy that is unfolding along its borders. Every day our televisions and newspapers carry new images of the suffering—new reports of atrocities by Yugoslav troops.

I, for one, feel better about the humanitarian conditions and the thousands who are suffering, knowing that David Pryor is lending a hand and leading with his heart.

My generation has yet to see the kind of nationwide mobilization and spirit of volunteerism that swept our country during World War II and the Korean War. My mother has often told me of rationing gas and preserving food. She told me of joining together with friends and family to plant a victory garden and to make morale-boosting gifts to send to our troops overseas.

I have such enormous respect for the efforts of all Americans during that time and I hope we as a nation can join together in support of our troops and the humanitarian efforts to help the Kosovo refugees now.

I commend Senator David Pryor's efforts, wish him well, and urge all of us to take note of his selfless example.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent beginning at 9:30 on Friday there be 30 minutes for debate only with respect to the Social Security lockbox issue, and at 10 a.m. a cloture vote occur pursuant to rule XXII.

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

Mr. LOTT. I further ask that following that vote, the Senate proceed to S. Res. 33 reported today by the Judiciary Committee regarding National Military Appreciation Month, and the Senate proceed to vote on the resolution without further debate.

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

Mr. LOTT. I ask consent it be in order for me to ask for the yeas and nays at this time.

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

Mr. LOTT. Mr. President, I now ask for the yeas and nays on adoption of S. Res. 33.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. There will be two rollcall votes on Friday beginning at 10 a.m. I thank my colleagues for their consideration of these issues.

As a result of the agreement outlined, there will be no further votes today. In addition, I am working with the minority leader, Senator McCain, and others to reach an agreement for consideration of the resolution Senator MCCAIN introduced regarding Kosovo. That could involve other votes or other resolutions. For now, we are working on exactly when the MCCAIN resolution would come up. I hope the Senate can reach consideration on this matter in early May. I expect a little debate yet today on the pending lockbox issue.

RECESS

Mr. LOTT. In light of a briefing that is ongoing, a very important briefing in the secure room with regard to the conflict in Kosovo, I ask that the Senate stand in recess until 4:30 so all Senators can attend this briefing.

There being no objection, the Senate, at 3:42 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GORTON].

The PRESIDING OFFICER. The Presiding Officer, in his capacity as a Senator from the State of Washington, notes the absence of a quorum.

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

CONGRATULATING THE ST. PIUS DECATHLON TEAM

Mr. DOMENICI. Mr. President, with the recent tragic events in Colorado, it's good for us to remind one another that there are a lot of terrific young people out there accomplishing great feats involving teamwork, academic study, and a lot of guts.

That's why today I want to salute the St. Pius High School academic decathlon team from my hometown in Albuquerque, NM. The St. Pius students just finished in 7th place at the national academic decathlon finals in California. That's the best finish New Mexico young people have ever scored at the decathlon nationals.

One of the St. Pius team members said it best about the contest. He said its the only competitive event in high school where your best chance of winning involves going home and reading a book.

These outstanding young people were tested based on their knowledge and scholastic skills in fine art, music, history, economics, mathematics and literature.

It is with great pride that I salute the St. Pius decathlon team and their accomplishments. Congratulations to team members Caleb Benton, Nicholas Jaramillo, Stephanie Piegzik, Dennis Carmody, Mark Mulder, Matt Spurgeon, Louis Rivera, Ben Sachs, Jesse Vigil and their coach James Penn.

THE PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 925 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

THE FLAWED ENDANGERED SPECIES ACT

Mr. DOMENICI. Mr. President, I rise today to share with my fellow Senators an extraordinary exchange that occurred last week in the Interior Appropriations Subcommittee when they were conducting a hearing under your chairmanship regarding the year 2000 budget for the Department of Interior.

As some of you here may know, Secretary Babbitt and I, while both being from adjacent Western States, have not agreed on a lot of land management, water, and endangered species issues affecting the West. However, last Thursday a most unusual and enlightening thing took place. We both agreed that, regarding the impact of the Endangered Species Act on desert States like New Mexico, the current implementation of the law does not work.

I ask unanimous consent Secretary Babbitt's testimony be printed in the RECORD. It is not yet an official record because the entire transcript has not been completed, but it is a literal translation of what he said that day.

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

DEPARTMENTS OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2000

THURSDAY, APRIL 22, 1999

U.S. SENATE, SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 9:33 a.m., in room SD–124, the Dirksen Senate Office Building, Hon. Slade Gorton (chairman of the subcommittee) presiding. Present: Senators Gorton, Stevens, Cochran, Domenici, Burns, Campbell and Byrd.

UNEDITED PARTIAL TRANSCRIPT

Senator GORTON. Senator Campbell?

Senator CAMPBELL. Mr. Chairman, Senator Domenici has to—he has another very tight commitment.

Did you want to ask a question before I go?

Senator DOMENICI. I would really ask if I could ask two questions. I have to preside at a committee hearing at 10:00 o'clock, and I will be a little late to that.

Senator GORTON. Fine, fine. Go ahead.

Senator DOMENICI. Thank you.

Mr. Secretary, I am going to submit some questions to you with reference to the drought in the State of New Mexico, which will essentially be asking you if you can make sure there is a coordination of all of the federal agencies, some under you, as to what might be done.

We are—we are clearly—I do not know if you know this, but we are destined this year to have the worst drought we have ever had. Our rivers are going to run dry, and a lot of things are going to happen that are very, very bad. And I will ask you about that in detail.

But now I wanT to raise an issue that is related to the drought and share it with you with reference to the Endangered Species Law, and I think you are aware of this.

Mr. Secretary, New Mexico, like Arizona, is a very arid state. Folks here in the Beltway are primarily unaware of the critical needs for water out there in the West. We are very grateful that you come from out there and you know about these needs.

With the lack of snow pack and precipitation in New Mexico, we are going to have a drought. In fact, parts of the Rio Grande River which you are familiar with, which historically has gone dry at various times, may dry up as early as this week, believe it or not.

The traditional stresses of water users are only made more difficult by litigation regarding the needs for the silver minnow endangered species. A recent notice of intent to sue by the Forest Guardians and others—that is an entity in New Mexico—threatened to force the release of stored water in any of Heron, El Vado, Abiquiú, and Cochití Reservoirs to maintain—quote, ''to maintain the riparian habitat necessarily for the survival,'' of the silver minnow and the willow flycatcher.

I am concerned about water necessary for the survival of New Mexico, our cities which use that water, our irrigators which have—as you know, under our water system, they have primacy as per the time they applied it to the ground, and they own much of that water.

In the lawsuit which sought to force immediate critical habitat designation, you, as the Secretary of Interior, in the lawsuit which I will make available to you, you argued that the Department did not have the data necessary to determine water amounts needed for the fish.

Fish and Wildlife Service Director Rappaport-Clark stated in an affidavit that: The Service must comply with NEPA requirements and perform an economical analysis of the impacts. The EIS would likely be needed which would require more time for the habitat designation. The Environmental—the ESA requires that the Service, when designating critical habitat, take into consideration the economic impacts of specifying any particular area as critical.

I wonder if you would share with the committee, as soon as you can, answers to the following questions, and if you could answer them right now, it would be very helpful.

Secretary BABBITT. I would be happy to. I would be happy to.

Senator DOMENICI. Without scientific data available for the minnow, water needs, nor reliable economic analysis, will not the Department need additional time to follow through and find out what the needs are? You have stated that in the lawsuit, but would you tell the committee if that is the case?

Secretary BABBIT. Well, Senator, if I may——

Senator DOMENICI. Please.

Secretary BABBITT. I would like to step back and frame this issue and then specifically answer your question.

Senator DOMENICI. Sure.

Secretary BABBITT. Senator, I do not think it is any secret that we have not had much luck in our relationship in finding common ground in New Mexico.

Senator DOMENICI. No.

Secretary BABBITT. But this is another tough problem being served up, and let me just say that notwithstanding our failures in the past, I intend to do everything I can to see if we can work our way through this.

Now, let me say this also: I believe that our failure to work out a reasonable relationship is in some ways due to the underlying fact that in New Mexico, more than any other western state, including Alaska, Colorado, Montana and Washington, these issues are characterized by intransigence on both sides.

I have never worked in an environment in which the natural resource users have been so rigid and inflexible; and I would say exactly the same thing of the environmental groups. Now, it is in that context that we must deal with this problem.

I have voiced my concerns about the way that we are mandated to use the designation of critical habitat under the Endangered Species Act. It does not work. It does not produce good results. It should be modified, because the Courts are driving us to front-end determinations which, more properly, should be incorporated in recovery plans at the back end when we, in fact, have the information.

Now, the Courts have laid out a set of case decisions here that have put us in a straitjacket. They are not going to give us the kind of time we need because the Act does not allow it. So that is just the bottom line.

Doe we need more time? Yes. But the Endangered Species Act does not give it to us. The Courts do not give it to us. And we are going to proceed with declaring critical habitat. I would prefer not to. It is a—it is not productive. It is incendiary, and it will be in this case.

Now, finally, let me say, and then I will back off, that I believe that there are solutions available here. It is going to take some movement by those middle ground irrigation districts. They do not have a reputation for water use efficiency. And there are many ways, I believe, that we could work something out. They have not shown the flexibility that we have found in other places, like in Eastern Washington, in Colorado, and elsewhere.

The environmentalists may, in fact, be making—not ''may, in fact,'' but are, in fact, making some unreasonable demands about their version of what the hydrology of the Rio Grande Valley ought to be like.

I would like to continue attempting the work. I have talked with the Bureau of Reclamation. I believe we have some water resources that are going to allow us to stagger through this season, with a little bit of flexibility.

Senator DOMENICI. Thank you very much.

I know I used a lot of the Committee's time.

But I compliment you on your statement, and—while I do not necessarily agree with you characterization of my fellow New Mexicans as being intransigent and the worst in America, as you have just phrased it, but—but I do believe that something is terribly bad in the way the Courts are handling this situation because you have to close down a river to users without knowing what the habitat—what the water is needed for the—what water is needed for the endangered species.

It is an impossibility. Maybe we could fix that here. It probably would bring the world down on our necks, even if we tried to do what he suggested. But we ought to think about that.

Let me make sure that everybody understands the seriousness of this problem. I grew up within eight blocks of this river. And for many years of my younger days, I used to walk to this river, and many times it was dry.

So for those who are used to rivers in your state or in Alaska that run all year long and were having arguments about salmon fish habitat, we do not have that. We have a river that, for much of the time, does not have any water in it.

On the other hand, we built storage places that make it better now. We do have more water, and we have a different water system than most of you. Our water system is based upon: The first one to use it and apply it to a beneficial use owns it, and they own it as of the date they did it. And they are valuable; you can sell those rights.

Now, the problem we have is that the endangered species comes along with litigants who know how to use the Courts, and they say, regardless of those water rights, you have to save the fish, the minnow.

Now, the minnows have survived, I believe, during eras that I have told you about. When there is no water running in the river, they have survived in some other place in the river where there is water.

And now what we have is a drought and rivers that do not always run wet, and we have at the worst possible time a lawsuit against him and his Department saying, ''Create an endangered species, Mr. Judge,'' and now ordering them to try to get water out of the reclamation projects, even if they have to dump our lakes that are there for irrigation purposes and other things, to save the minnow.

Now, that is a very frustrating position for a state to be in, and for a Senator, when the Endangered Species Act is a national law. And I do not know whether we want them to go to court and see if they really have water rights under the Endangered Species Law.

That is a nice question. And everybody has been kind of dancing around it, except for a couple of courts—you could guess where—from California, California Circuit. They have kind of ruled that they have water rights even though they are not part of New Mexico's water ambiance at all.

The Secretary is indicating that perhaps people have been intransigent regarding their water rights. I can tell you they may have been. But if you were under the gun all of the time about whether you are going to have enough water even though you own it, you would be kind of nervous about sharing it with anybody.

And I think that is kind of what happened, and then put on the 800,000-population city which gets its water from an underground aquifer that is fed by this river, and they own a lot of water in order for their future, and you have a real tough situation. So I may need the Senators' assistance.

But I will tell you for now, Mr. Secretary, I hope you are not alluding, in terms of intransigence, to your and my difficulties earlier in your Secretarial term. They are there, and they are acknowledged, and they will kind of be wounds for a long time on both of us.

But this is a new ball game with a new problem, and I clearly intend to work with you if you will work with me to see if we can find a way to get through this on a temporary basis until we can fix it up in some permanent manner.

Thank you very much.

Senator STEVENS. Senator, would you yield just for one minute?

Senator DOMENICI. I am finished. Thank you.

Senator STEVENS. My friend, I think that is the most enlightened statement about the Endangered Species Act that I have heard from any Administration official since that act was passed, and I was here when it passed. And I am going to get a copy of that, and I do believe that we can work on that basis.

Mr. DOMENICI. Secretary Babbitt's testimony could open the door to some changes in the Endangered Species Act and may permit all parties to work together. I am submitting, as I indicated, this unedited transcript from the hearing for the RECORD. The Secretary's remarks are very significant because they acknowledge that this law, however well intentioned, is not working as it should. I hope we can begin serious work on improving the Endangered Species Act, certainly as it applies to dry States where water is very much in demand and where we have an imposition on those waters by the Endangered Species Act as it is currently being implemented.

Just last month I indicated that people and people's needs should come before the minnow, which is an endangered species in this particular Rio Grande river valley. I wrote a letter to editors of papers in our State, which appeared in multiple newspapers around New Mexico, saying it is now time to face the devastating impacts of laws such as the Endangered Species Act on people in a desert State like New Mexico, particularly in the area of water.

I got some real arguments and some flak for writing that letter, but I also got some very enlightened commentary on the problems facing an arid

State, and I am pleasantly surprised to find that Secretary Babbitt has contributed to the debate in a very constructive way.

New Mexico, my home State, is very dry. I have found that people within the beltway and in eastern America are unaware of the critical need for water in the West. With the lack of snow pack and precipitation in our State this year, we are facing a severe drought this summer. In fact, parts of the Rio Grande River, the largest river in our State, which runs from north to south and through the city of Albuquerque and many other communities, which has historically gone dry at times—this river is already drying up, even this early in the season.

My discussion with Secretary Babbitt was extremely timely, since my office received a call this past weekend from the Fish and Wildlife representatives saying they were out trying to find out what was happening to the endangered silvery minnow in the dry stretches of the river.

You see, the traditional tension among water users is not only exacerbated by litigation regarding the needs of the endangered silvery minnow, but also obviously exacerbated by all conflicting water needs when you are in a drought period.

In a lawsuit filed by the Forest Guardians and Defenders of Wildlife, a recent 10th Circuit Court of Appeals decision ordered an immediate critical habitat designation for the Rio Grande silvery minnow. The practical effect of this determination is the fish may get too much of the limited water in the river and some human users may not get any.

A Federal district judge in New Mexico allowed a few more months for the designation, but the lawsuit only dramatizes the growing conflict between the Federal Endangered Species Act and water for Rio Grande users. Secretary Babbitt agreed.

I asked the Secretary whether the Interior Department had sufficient data to determine the true water needs to sustain the silvery minnow in the Rio Grande River in New Mexico or to make an accurate economic and social assessment of the critical habitat designation on existing water rights owners.

In States like New Mexico, people actually own a proportionate share of the water in a river basin. All of those owners and their rights are predicated upon State law, which says if you put water to a beneficial use and continue to use it over time, you own the water rights that you have moved off the river and used. From the time you first applied water to beneficial use, you become a priority owner of the water as of that time.

Secretary Babbitt replied that his Department does not have sufficient information, but it has no choice but to act because of Federal court orders.

Secretary Babbitt stated that the Endangered Species Act does not work. He hoped that it could be modified to prevent court-ordered, unscientific, premature determinations. The courts need to give the Interior Department time to gather the data to develop a workable plan for habitat designation.

He does not have that data necessary to make a valid, critical habitat designation, and the courts, in trying to follow the act, are not giving him the necessary time. He will be forced to proceed, perhaps, with declaring a habitat. He also said he felt that it will not be productive and will be very inflammatory.

Litigation has only inflamed passions on both sides of this debate. In addition to the critical habitat litigation, a recent notice of intent to sue by the Forest Guardians and others threatens to force the release of stored water in any of four New Mexico reservoirs to ''maintain the riparian habitat necessary for the survival'' of two endangered species.

I am concerned about water necessary for the survival of New Mexicans, their well-being and way of life. I can only hope that the potential needs of this silvery minnow will not drain reservoirs which Albuquerque, Santa Fe, and many others depend on for their water.

I do believe that something is terribly wrong when people who own rights to water have to forego usage or face penalties for ''taking'' of a species without knowing what amount of water is needed for that endangered species.

Incidentally, Mr. President, I grew up in Albuquerque, and I lived within about eight city blocks of this Rio Grande River. I can tell you, as anyone who has lived in New Mexico for very long can assert, that river ran dry plenty of times. Historical data collected before the irrigation projects or large population increases along the river showed it dried up consistently in certain places. I am no biologist, but that minnow survived.

I can assure you that the river water did not run down the entire length of the river from north to south, which is what some say we must do now for the survival of the silvery minnow.

Mr. President, it really is upsetting when I understand that some data available indicates that the minnow ''needs'' more water than the Rio Grande can provide, even without consideration of the needs of human users. How can critical habitat be designated without the consideration of all users and their needs along the river, especially if they have property rights and own the water?

Some irrigators may have to take their toothbrushes to work because they might be thrown in jail due to a ''take'' of fish that they have shared the wet and dry times with for many years.

I care about including the silvery minnow. I care about making sure we try our best to save the silvery minnow. I support the intent of the Endangered Species Act. I actually was here to vote in favor of it, and I did. Today, I agree with Secretary Babbitt that it is broken and does not work. I do not think the problem is necessarily what we designed in the legislation, but I think the court interpretations have made it unworkable.

Mr. President, I say to my colleagues, I know the mention of modifying the Endangered Species Act brings howls and scowls from some quarters, but I say to you today that it can and it must be improved. I am willing to work with my fellow Senators and the administration and those surrounding this issue on all sides to try to find some solutions to this problem, both nationally and for my State of New Mexico.

Mr. President, I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

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

Mrs. MURRAY. Thank you, Mr. President.

MICROSOFT CORPORATION

Mrs. MURRAY. Mr. President, I rise today to talk about an issue of great importance to Washington State and our country. I know it is an issue the Presiding Officer, the Senator from Washington, shares concern with me. There has been a lot of talk in recent months in the media and on the Senate floor about Microsoft and the Department of Justice. I want to take a few minutes today on the Senate floor and share a few of my thoughts on Microsoft.

Recently, Microsoft's competitors and critics have portrayed Microsoft as a serious threat to the technology sector. I can speak from experience about Microsoft. The Microsoft I know is far different than the ruthless company that has been described in newspaper articles. My own professional and political career covers the 20-year period of Microsoft's growth from the first personal computers to today's innovative software programs which have spurred consumers and educators and students and the business community to the reinvention of their daily lives.

Almost everyone is familiar with Microsoft and its products. Bill Gates and Paul Allen, the company's founders, had one vision in mind—that one day every home and family would have a PC. It was an ambitious goal but one that seems more attainable every day. Through the years, the company has developed tremendous innovations in

the technology industry, but Microsoft is more than the product it makes. I want to take some time today to talk about the things Microsoft does to make the lives of everyone in our country better.

I have spent most of my career as an advocate for education. I have traveled all across my State visiting schools and talking to students, parents, teachers, and local business leaders. I have worked hard to put computers into schools and train teachers in the use of technology and make sure that all children, no matter who they are or where they come from, has access to technology and the opportunities such skills and knowledge bring.

If there is one thing I have learned, it is that providing a good education, if we want to do it, takes the involvement of everyone, and that is particularly true of businesses. Microsoft believes one of its most important goals is to build technology to empower teachers and families to make lifelong learning more dynamic, more powerful, and more accessible. To this end, Microsoft contributes more than a half billion dollars annually for education, workforce training, and access to technology programs.

Microsoft is a leader in education technology. Through its connected learning community effort, they help students and educators and parents access technology, and through its ''Working Connections'' program, Microsoft supports technology training for underserved populations through the Nation's community college system. If we want our young people to compete for high paying technology jobs, we need to make sure they have the right skills.

Microsoft is also a leader in addressing the technological gap in many communities across our country. The Gates Library Foundation grants provide public access to the Internet in underserved areas in both rural and urban settings. Their ongoing financial commitment to this effort is making a real difference for underserved populations and areas.

I tell you these things today because I know firsthand of all the great things Microsoft and its employees are doing to bring new inventions and opportunities to American consumers.

When a grandfather learns how to e-mail his grandchild and play a larger role in that child's life, I appreciate Microsoft's efforts on behalf of families. When a Washington State family finds work in the technology sector, I appreciate Microsoft's contribution to my State's economy. When a child discovers the Internet as an educational tool for the first time, I see a child filled with excitement, for learning and hope for the future, and I thank Microsoft for helping to make that possible. That is the Microsoft I see and that is the Microsoft I represent in the Senate.

Now, we all know that high technology, and particularly the software business, is immensely competitive. Certainly, Microsoft, and all the other Washington high-tech firms, compete vigorously. That is the nature of these industries. Washington State has become a high-tech leader through hard work, a dedicated and creative workforce, and an unmatched quality of life.

Microsoft has enjoyed immense success over the years and continues to grow at an impressive rate. This success has been hard fought, however, and has recently drawn the oversight of the Department of Justice.

The Department of Justice has alleged consumer harm, but I have to ask: Where are the consumers who have been hurt? There is no consumer uproar over Microsoft or its business practices. Microsoft's business model—high volume, product sales at low prices—is both successful and proconsumer.

Microsoft's consumer benefits are well understood by the American public. A recent nationwide poll conducted by Hart-Teeter found that 73 percent of those polled believe Microsoft has benefited consumers, and 69 percent of those individuals have a favorable impression of Microsoft.

While those results do not surprise me, I was surprised to learn that 66 percent of those polled believe that the Government should not be pursuing this case against Microsoft, and more than half of the respondents believe that this case represents a poor use of tax dollars.

I have read the complaint filed by the Justice Department and I have followed the court proceedings in this case. I have seen how easy it might be to conclude, based on press reports, that Microsoft is faring poorly in the courtroom. The vigorous courtroom presentations during the trial have led to an aggressive public relations effort outside the courtroom. I think it is time for the parties in this case to move to a more productive dialogue.

The judge in this trial has implored both sides to seek a settlement. And I agree. Microsoft and the Justice Department should do all they can to meet the judge's request. Both sides should be free to pursue a settlement in private and free from the influence of the public and their competitors. Settlement of this case will mean that consumers will continue to benefit from Microsoft's innovative products and the antitrust claims will be put to rest.

At issue here is more than just the fate of Microsoft. The resolution of this trial will have broad implications on the software industry as a whole. Microsoft employs more than 30,000 people, including 15,000 from my home State. The U.S. software industry employs more than 600,000 people and enjoys an annual growth rate of 10 percent.

The industry paid more than $36 billion in wages to U.S. employees in 1996. Software and high-tech companies have been the driving force behind the economic expansion that we continue to experience here in the United States, and much of our economic future lies in these knowledge-based industries. We have to be cautious and thoughtful about Government intervention so that we do not stifle the economic promise that software and high-tech companies offer.

Of course, we should not protect companies or guarantee profits and market share. But we—as legislators and as the Federal Government—must be careful to correctly interpret the state of competition. My own view is competition is alive in this industry. Any tech company that rests on its current product line or stock price risks a quick and decisive downfall.

While Microsoft is headquartered in Redmond, WA, my remarks are more than a defense of a constituent company. My concerns should be felt by every Senator on this floor.

A recent piece in the Wall Street Journal offered the following passage:

> Dominant firms are the norm in high tech. TV ads boast that virtually all internet traffic travels on Cisco systems. Quicken has 80 percent of the financial-software market. Netscape once boasted of having 90 percent of the browser business. Intel still has 76 percent of the microprocessor business. America Online, Lotus Notes and Oracle all dominate their respective markets. Executives who work in such glass offices should think twice before encouraging zealous prosecutors and gullible reporters to define monopoly as a large share of an artificially tiny market.

The high-tech industry employs 4.5 million workers across this country. According to the American Electronics Association, 47 of the 50 States added high-tech workers between 1994 and 1996. It is not just States such as Washington and California and Texas that are booming as a result of technology jobs. Georgia, Colorado, North Carolina, Oregon, Illinois, Virginia, Florida, and Utah are States that are experiencing phenomenal job growth in the tech sector.

To maintain this impressive nationwide job growth in the technology sector, the Congress and the Federal Government must be careful. Let's not forget that most of this phenomenal growth occurred over the last decade when technology was not on either the Federal or congressional radar screen.

Before yielding, let me reiterate the points that brought me to the floor today. I hope each of my colleagues will give serious consideration to these issues.

Microsoft is a true Washington State and American success story that is still unfolding for the benefit of consumers, business and the general public. Microsoft has a particularly impressive record of community activism, and I am especially proud of the company's efforts in the area of education.

The ongoing court case is of utmost interest and importance to me in the work I do in the Senate. I implore all parties to give the legal system an opportunity to work. Judge Jackson has urged both parties to seek a settlement, and I strongly encourage them to heed the judge's advice.

Finally, the outcome of the Microsoft case will have long-term ramifications on our Nation's economy. Technology is growing rapidly, and we all know many technology jobs are high-paying, family-wage jobs. The United States is a technology superpower. The Federal Government must use its immense powers with care and caution in monitoring the technology sector. When the Federal Government interjects itself in this intensely competitive sector of our economy, it must ensure that it does not do serious damage to our economy.

Mr. President, I again urge my colleagues to pay attention to the Microsoft case. I look forward to discussing this issue with my colleagues again on the floor of the Senate.

EDUCATION AND CLASS SIZE

Mrs. MURRAY. Mr. President, while I have the floor, I want to turn quickly to a different topic, and that is on the issue of education and class size.

I know my colleagues have watched me come to the floor and talk numerous times about how important it is that we reduce class sizes in the grades of 1 through 3. I have talked about the research in this country which has shown that reducing class size makes a difference for our students.

I ask unanimous consent to have printed in the RECORD a report from Tennessee that has just come out. It is called the Star Report.

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

[From the Project STAR News]

BENEFITS OF SMALL CLASSES PAY OFF AT GRADUATION

PROJECT STAR FINDS SMALL CLASSES IN K–3 LINKED TO GREATER STUDENT ACHIEVEMENT, BETTER GRADES, LOWER DROPOUT RATES, AND HIGHER COLLEGE ASPIRATIONS

WASHINGTON, D.C.—A ground-breaking Tennessee-based class size study has found that public school students placed in small classes in grades K–3 continue to outperform students in larger classes right through high school graduation.

Researchers for Project STAR (Student/Teacher Achievement Ratio)—whose earlier findings helped form the basis for class size reduction in some 20 states—today reported that students placed in small class sizes in grades K–3 have better high school graduation rates, higher grade point averages, and are more inclined to pursue higher education.

''This research adds to the evidence we have compiled over the past 14 years,'' said Dr. Helen Pate-Bain, who convinced the Tennessee state legislature to provide funding for the initial STAR research. ''The project's findings indicate that students placed in small classes in grades K–3 continue to benefit from that experience in grades 4–12.''

The original STAR research tracked the progress of an average of 6,500 students each year in 79 schools between 1985 and 1989 (and 11,600 students overall). It found that children who attended small classes (13–17 pupils per teacher) in kindergarten through grade 3 outperformed students in larger classes (22–25 pupils) in both reading and math on the Stanford Achievement Test for elementary students. The second phase of the STAR research found that even after returning to larger classes in grade 4, STAR's small class students continued to outperform their peers who had been in larger class sizes.

At a news conference held today at the National Press Club, STAR researchers released a new wave of findings:

Students in small classes are more likely to pursue college: STAR students who attended small classes—and black students in that group in particular—were more likely to take the ACT or SAT college entrance exams, according to Princeton University economist Dr. Alan B. Krueger, who researched test data linked to the Project STAR database. ''Attendance in small classes appears to have cut the black-white gap in the probability of taking college-entrance exam by more than half,'' Krueger said.

Small classes lead to higher graduation rates: Preliminary data from participating STAR school districts in Tennessee show that students in small classes were more likely to graduate on schedule; they were less likely to drop out of high school; and they were more likely to graduate in the top 25% of their classes, according to Dr. Jayne Boyd-Zaharias, a STAR researcher since 1986. In addition. Boyd-Zaharias found that small class students graduated with higher grade point averages (GPAs) than regular class size students.

Students in small classes achieve at higher levels: Three other reearchers—Dr. Jeremy D. Finn, professor of education at SUNY Buffalo, Susan B. Gerber of SUNY Buffalo, and Charles M. Achilles, Ed.D., of Eastern Michigan University, together with Boyd-Zaharias—released new findings showing that STAR students who attended small classes in grades K–3 were between 6 and 13 months ahead of their regular-class peers in math, reading, and science in each of grades 4, 6, and 8. ''Our analyses show that at least three years in a small class are necessary in order for the benefits to be sustained through later grades,'' wrote the researchers. ''Further, the benefits of having been in a small class in the primary years generally increase from grade to grade.''

Class size is different from pupil/teacher ratio: Achilles, one of the original STAR researchers, explained the difference between class size (the number of students assigned to a teacher) and pupil/teacher ratio (the total number of students divided by the total number of educators in a school). Many ''class size'' studies, he noted, have relied on pupil/teacher ratios to make their case. The STAR research is able to track students based on specific class size. Achilles noted that some 20 states—including Michigan, California, Nevada, Florida, Texas, Utah, Illinois, Indiana, New York, Oklahoma, Iowa, Minnesota, Massachusetts, South Carolina, and Wisconsin—have initiated or considered STAR-like class size reduction efforts.

Teachers who taught small classes in Project STAR support the program strongly.

''All educators instinctively know that the smaller the class size, the more individual attention a teacher can provide a student,'' said Sandy Heinrich, a teacher at Granbery Elementary School in Davidson County, Tenn., who taught first grade in the STAR program in 1986. ''The more individual attention per student, the more learning and personal growth each student can enjoy. I was fortunate enough to witness this notion first-hand.''

The STAR research is the only large-scale, long-term class size research of its kind. Dr. Frederick Mosteller, a professor of mathematical statistics at Harvard University, said this about STAR in 1995: ''Because a controlled education experiment (as distinct from a sample survey) of this quality, magnitude, and duration is a rarity, it is important that both educators and policymakers have access to its statistical information and understand its implications.''

In fact, the STAR research provided support for federal legislation that proposes to reduce class sizes by hiring 100,000 new teachers in grades K–3 nationwide.

Last fall, Congress appropriated $1.2 billion in the FY 1999 federal budget as a ''downpayment'' on that legislation, enough to hire approximately 30,000 teachers for one year. Future funding will require congressional authorization and additional annual appropriations. Pate-Bain was scheduled to share the new STAR findings with a number of education policy experts and Members of Congress later in the day.

Mrs. MURRAY. This is a report about a study that researchers in Tennessee began many years ago in relation to reduced class size in the first through third grades. They followed those young people all the way through to the point where they are now graduating this year.

It is a very impressive study. It shows exactly what I have been debating on the floor of the Senate; and that is that students who are in smaller class sizes in the first through third grades are more likely to pursue college, have higher graduation rates, they achieve at higher levels, and it makes a difference in discipline.

Mr. President, it seems to me that we have to get back to this issue. I urge all of my colleagues to take a second look and recognize that we can make a difference by continuing our support of class size reduction and teacher training here in the Senate.

I ask unanimous consent that the 23 Senators on the list that I send to the desk be added as cosponsors to my bill, S. 564, the Class Size Reduction and Teacher Quality Act of 1999.

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

Mrs. MURRAY. Thank you, Mr. President.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NUCLEAR WASTE STORAGE

Mr. LOTT. Mr. President, more than 15 years ago, Congress directed the Department of Energy (DOE) to take responsibility for the disposal of nuclear waste created by commercial nuclear power plants and our nation's defense programs. Today, there are more than 100,000 tons of spent nuclear fuel that must be dealt with. Over a year has now passed since the DOE was absolutely obligated under the NWPA of 1982 to begin accepting spent nuclear fuel from utility sites. Today DOE is no closer in coming up with a solution. This is unacceptable. This is in fact wrong—so say the Federal Courts. The law is clear, and DOE must meet its obligation. If the Department of Energy does not live up to its responsibility, Congress will act.

I am encouraged that Congressmen BLILEY, BARTON, UPTON, and the rest of the House of Representatives have begun to address this issue. It is good to see a bipartisan effort for a safe, practical and workable solution for America's spent fuel storage needs. The proper storage of spent fuel is not a partisan issue —it is a safety issue. The solution being advanced is certainly more responsible than just leaving waste at 105 separate power plants in 34 states all across the nation. There are 29 sites which will reach their storage capacity by the end of this year.

Where is DOE? Where is the solution? All of America's experience in waste management over the last twenty-five years of improving environmental protection has taught Congress that safe, effective waste handling practices entail using centralized, permitted, and controlled facilities to gather and manage accumulated waste.

Mr. President, the management of used nuclear fuel should capitalize on this knowledge and experience. Nearly 100 communities have spent fuel sitting in their ''backyard,'' and it needs to be gathered and accumulated. This lack of a central storage capacity could very possibly cause the closing of several nuclear power plants. These affected plants produce nearly 20% of America's electricity. Closing these plants just does not make sense.

Nuclear energy is a significant part of America's energy future, and must remain part of the energy mix. America needs nuclear power to maintain our secure, reliable, and affordable supplies of electricity. Nuclear power, at the same time, allows the nation to directly and effectively address increasingly stringent air quality requirements.

Both the House and the Senate passed a bill in the 105th Congress to require the DOE to build this interim storage site in Nevada, but unfortunately this bill didn't complete the legislative process because of time constraints. We ran out of time. I challenge my colleagues in both chambers of the 106th Congress to get this environmental bill done. The citizens, in some 100 communities where fuel is stored today, challenge the Congress to act and get this bill done. The nuclear industry has already committed to the federal government about $15 billion toward building the facility. In fact, the nuclear industry continues to pay about $650 million a year in fees for storage of spent fuel. It is time for the federal government to honor its commitment to the American people and the power community. It is time for the federal government to protect those 100 committees.

To ensure that the federal government meets its commitment to states and electricity consumers, the 106th Congress must mandate completion of this program—a program that includes temporary storage, a site for permanent disposal, and a transportation infrastructure to safely move used fuel from plants to the storage facility.

Mr. President, this federal foot dragging is unfortunate and unacceptable. Clearly, the only remedy to stopping these continued delays is timely action in the 106th Congress on this legislation. By moving this process, which must also include the work of the Senate, the House's work can be improved. Let's move forward and get this bill done.

COMMENDING ABHISHEK GUPTA

Mr. REID. Mr. President, I would like to take this opportunity to praise the outstanding accomplishments of a distinguished young man from Florida. At the age of 17, Abhishek Gupta has succeeded in making a greater contribution towards the alleviation of pain and suffering on a global scale than most people can boast of in a lifetime. Last November, Abhishek organized 9 other students and initiated a project designed to provide humanitarian relief to underprivileged citizens in his Southern Florida community and throughout the world.

In a rare exemplification of compassion and determination, Abhishek, a junior at Phillips Exeter Academy in New Hampshire, created a non-profit organization called ''Clothes, Food and Education for the Poor and Needy.'' Drawing on Abhishek's inspiration, this group worked toward the goal of raising $50,000 to provide crucial relief for numerous families about whom Abhishek had read in several local newspaper articles.

Abhishek went to work lobbying corporate sponsors to pay for operational expenses, and entreating members of his community to help him meet his goal. Ultimately, he exceeded his own expectations by raising $60,000 in a matter of weeks. He channeled this money toward helping impoverished children in Southern Florida and victims of Hurricane Mitch in Central America.

Mr. President, I have always believed that the most effective way to give charity is to give time—money comes second. I want to stress that Abhishek did not only formulate the infrastructure for raising such a lofty sum, he also spent part of his Christmas vacation accompanying a medical team to Honduras and Nicaragua in order to contribute personally. During his week in Central America, Abhishek helped administer food, clothing and medical supplies to the disaster victims, and provided direct medical aid to nearly 600 patients who were in dire need of treatment.

''Clothes, Food and Education for the Poor and Needy'' is continuing to collect donations for relief of the downtrodden, and I commend Abhishek Gupta for his dedication to such a worthy cause. It is rare that so young a citizen can play such a direct role in both reducing human pain and suffering, and providing inspiration to old and young alike.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 28, 1999, the federal debt stood at $5,598,229,787,052.49 (Five trillion, five hundred ninety-eight billion, two hundred twenty-nine million, seven hundred eighty-seven thousand, fifty-two dollars and forty-nine cents).

One year ago, April 28, 1998, the federal debt stood at $5,512,794,000,000 (Five trillion, five hundred twelve billion, seven hundred ninety-four million).

Five years ago, April 28, 1994, the federal debt stood at $4,564,295,000,000 (Four trillion, five hundred sixty-four billion, two hundred ninety-five million).

Ten years ago, April 28, 1989, the federal debt stood at $2,756,668,000,000 (Two trillion, seven hundred fifty-six billion, six hundred sixty-eight million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,841,561,787,052.49 (Two trillion, eight hundred forty-one billion, five hundred sixty-one million, seven hundred eighty-seven thousand, fifty-two dollars and forty-nine cents) during the past 15 years.

SENATOR DAVID PRYOR—HELPING THE REFUGEES AND INSPIRING US ALL

Mr. KENNEDY. Mr. President, our former colleague in the Senate from Arkansas, David Pryor, has a new mission, and I believe that all of us will be greatly inspired by his commitment and dedication.

During the spring term this year, Senator Pryor has been a fellow at the Institute of Politics in the Kennedy School of Government at Harvard University. Last week, touched by the

tragic plight of the hundreds of thousands of refugees from Kosovo, he left for Tirana, Albania to be a volunteer with the International Rescue Committee, which is dedicated to easing the plight of the refugees.

I commend our former colleague for the inspiring example he is setting of service to those most in need. His action clearly and deeply impressed his students at Harvard. An article in the Harvard Crimson last week reported his decision and his departure for Albania. I believe the article will be of interest to all of us in the Senate, and I ask unanimous consent that it be printed in the RECORD.

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

[From the Harvard Crimson, Apr. 21, 1999]

IOP FELLOW PRYOR HEADS TO BALKAN STATES—FORMER SENATOR TO AID KOSOVAR REFUGEES

(By Alysson R. Ford)

Since the NATO bombings of Yugoslavia began almost a month ago, members of the Harvard community have expressed concern about the plight of Kosovar refugees in peace vigils, panels, and class discussions on Kosovo.

But David Pryor—a spring term fellow at the Institute of Politics (IOP) and a former U.S. senator and governor of Arkansas—has taken his desire to help ease the refugee crisis a few steps further.

After notifying colleagues and students of his decision Monday, Pryor departed yesterday for the Albanian capital of Tirana as volunteer for the International Rescue Committee (IRC).

In a letter to Director of the IOP Alan K. Simpson, Pryor expressed that he wanted to do something concrete for those devastated by the conflict.

Pryor wrote that he did not know exactly how he would help the Kosovar refugees but added that he felt it was important to offer his assistance.

''What I am doing is something I must do. I don't know exactly where I will be, nor do I know what my assignment will be, I just hope I can make a contribution—even though small,'' Pryor wrote. ''I was too young for Hitler, too self-preoccupied for [the civil rights struggle in] Selma, and this time I've got to do something.''

Pryor estimated in his letter that he would be gone 30 to 60 days with the IRC, an organization created in 1933 to assist victims who were fleeing from Nazi Germany. The group has been in the Balkans since 1991, according to Edward P. Bligh, IRC vice president of communications.

Most recently, the IRC has sent volunteers and aid to Albania and Macedonia to help the refugees who have been streaming out of Kosovo. The group is helping to shelter refugees and develop water supplies and sanitary facilities. It also provides medical services and has special programs for children, Bligh said.

Pryor also wrote in his letter that the IRC volunteers had inspired him.

''To be able to watch and know these gallant, and yes, believing, young men and women who want to serve restores faith and binds our hopes together,'' Pryor wrote.

But those who know Pryor said he is the one providing inspiration to others.

''Here's a man that has dedicated his life to serving the people of Arkansas [and] the people of the U.S.,'' said IOP fellow and former South Carolina governor David Beasley. ''He makes us proud to be American, and he inspires us all.''

Simpson spoke of the positive example that Pryor is setting, particularly to the often-cynical students he sees on campus.

''When [students] look around cynically at politicians and those looking only to serve themselves, they'll remember David Pryor [as a positive example],'' Simpson said.

Pryor taught a study group at the IOP this semester called ''Everything (Well Almost) You Ever Wanted To Know About Winning and Holding Public Office But Were Afraid to Ask.''

Students who know Pryor said they were impressed by his commitment to helping others.

''For this 65-plus-year-old, former U.S. senator to just decide to go off to Albania . . . I think it really exemplifies the kind of person he is and the kind of senator he was,'' said Eugene Krupitsky '02, one of Pryor's study group liaisons.

''It was just amazing to think of this individual just leaving the IOP early to go do community action. It's exemplary that he is bridging the gap between politics and community service,'' he added.

In his letter, Pryor wrote of a friend from his home state who has a sign painted on the side of his truck that says, ''When you wake up, get up, and when you get up, do something.''

''That's what I intend to do,'' Pryor wrote. ''I'm going to go over and do something.''

COMBINED SEWER OVERFLOW CONTROL AND PARTNERSHIP ACT OF 1999

Ms. SNOWE. Mr. President, I rise today in support of the Smith-Snowe Combined Sewer Overflow Control and Partnership Act of 1999. If enacted, this bill will eliminate or appropriately control combined sewer overflow (CSO) discharges in this country by the year 2010. This legislation will also help ratepayers in at least 53 communities throughout the state of Maine and over 1,000 other communities around the country. Presently, over 43 million people in the U.S. are incurring the high costs of trying to overcome the problem of combined sewer overflows because of the lack of federal statute and funding to meet federal sewage treatment mandates for these CSO communities.

Mr. President, CSOs are by far the single largest public works project in the history of almost every CSO community. When the Maine Municipal Association members met with me last month, they informed me of communities where people are facing paying more in sewer rates than they will owe in property taxes. This, to me, is unacceptable.

Most, but not all, of the combined sewer systems are located primarily in the Northeast and Great Lakes areas where sewer lines and stormwater collection systems were first constructed in the 1800s and early 1900s. Typically, sewer lines designated to carry raw sewage from urban residential areas and business were laid first. These were followed by stormwater drainage systems designed to collect rainwater during storms to reduce or eliminate urban flooding. In many cases, sewer lines and stormwater conduits were connected into a combined sewer, which served as a single collection system to transport both sewage and stormwater. Eleven states in the two geographic areas of New England and the Great Lakes account for 85 percent of the water-quality problems attributed to CSOs nationwide.

Sewer overflow problems arise mainly during wet weather, causing an overload of the systems, and the untreated or partially treated waste water discharges through combined sewer overflow outfalls into receiving waters such as rivers, lakes, estuaries and bays. The CSOs are the last remaining discharges from a point, or known, source of untreated or partially treated sewage into the nation's waters.

The federal government has been long on regulation and short on financial assistance. The CSO problem was first addressed when Congress revisited the Federal Water Pollution Control Act, better known as the Clean Water Act, almost three decades ago. The subsequent Clean Water Act Amendments of 1972 established the fundamental principles and objectives of a national wastewater management policy. To implement these goals, a national program was created to regulate the discharge of pollutant into surface waters, the National Pollutant Discharge Elimination System, or NPDES. This system required outfalls for industrial process waste and sewage from municipal treatment plants. Individual states were allowed to assume responsibility for the administration of NPDES once their permitting processes were approved by the EPA.

Maine and 37 other states operate EPA-approved NPDES permitting programs. The law requires that state water-quality standards be consistent with federal policy, but, if necessary to achieve the act's objectives, states are allowed to impose water-quality standards more stringent than those required by federal regulations.

Section 10(a)(4) of the CWA Amendments of 1972 explicitly linked the achievement of national water-quality goals to federal financial assistance for municipalities affected by the new mandate by creating the Construction Grants Program (CGP) that provided subsidies for the construction of publicly owned treatment works. In Section 516(b), the EPA was charged with administering the program, and was required to develop biennial estimates of the cost of construction of all needed publicly owned treatment works in each of the States.

In the past, federal funds have paid for as much as 75 percent of the construction costs for water treatment

and sewage facilities. In recent years, federal contributions have been limited to low interest loans rather than grants, through a revolving loan fund (SRF), and local ratepayers and taxpayers bear the burden of rehabilitating, upgrading and for operating costs. It is clear that more federal funding assistance is needed so that CSO communities can be given policy and financial tools with which to handle their ongoing CSO problem of sewer overflows into our rivers and bays.

The Smith-Snowe CSO bill amends the Clean Water Act and addresses the problems faced by such CSO cities and towns, 45 in my state alone. The purpose of the bill is to move forward with technology-based controls that are the most cost effective and to make sure communities do not put in controls that are not actually needed. The bill seeks to codify the Environmental Protection Agency's rational approach to CSO control, its ''CSO Policy of April, 1994''. Codification is necessary since the implementation of EPA's CSO policy has been inadequate to date.

The bill also provides congressional approval of the inclusion of realistic water quality standards compliance schedules for CSO control in permits and other enforceable documents issued as called for in the 1994 EPA Control Policy.

Initiation of the water quality standards/designated use review and revision process called for in EPA's Control Policy must also occur before requiring long-term CSO control plan implementation. The guidelines that the EPA is currently developing to assist communities for implementing measures for the control of CSOs are only just that, guidelines, and could potentially be changed after a community has spent hundreds of thousands of dollars following them. CSO communities need certainty, not changing guidelines after costly measures have already been taken.

The bill also authorizes federal grant funding assistance for CSO communities to implement long term CSO controls.

The problem of CSOs has been a long standing issue Mr. President, for which I cosponsored similar legislation in the House in the 102nd Congress. The CSO problem is not going to go away, but only become a bigger financial burden for our CSO communities.

I want to thank my colleagues who have agreed to cosponsor the Smith-Snowe CSO bill and urge those not yet cosponsoring to join us in support of this much needed legislation.

MESSAGES FROM THE HOUSE

At 1:11 p.m., a message from the House of Representatives, delivered by one of its reading clerks, Mr. Hanrahan, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1569. An act to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment of ground elements of the United States Armed Forces in the Federal Republic of Yugoslavia unless that deployment is specifically authorized by law.

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–2741. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Researcher registration and research room procedures'' (RIN3095–AA69), received April 26, 1999; to the Committee on Governmental Affairs.

EC–2742. A communication from the Director, Office of Personnel Management, transmitting a draft of proposed legislation entitled ''Federal Employees' Benefits Equity Act of 1999''; to the Committee on Governmental Affairs.

EC–2743. A communication from the Chairman, United States Parole Commission, Department of Justice, transmitting, pursuant to law, the annual report for 1998; to the Committee on Governmental Affairs.

EC–2744. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to the procurement list, received April 20, 1999; to the Committee on Governmental Affairs.

EC–2745. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to the procurement list, received April 7, 1999; to the Committee on Governmental Affairs.

EC–2746. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the annual management report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–2747. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report for fiscal years 1997 and 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–2748. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''The Sixth Triennial Report to Congress on Drug Abuse and Addiction Research'', dated November, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–2749. A communication from the Board Members, United States of America Railroad Retirement Board, transmitting, a draft of proposed legislation amending the Railroad Retirement Act; to the Committee on Health, Education, Labor, and Pensions.

EC–2750. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a statement of policy entitled ''Use of Alternative Dispute Resolution''; to the Committee on Health, Education, Labor, and Pensions.

EC–2751. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits'' received April 9, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2752. A communication from the President, United States Institute of Peace, transmitting, pursuant to law, the report of the audit for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–2753. A communication from the Secretary of Health and Human Services and the Secretary of Labor, transmitting jointly, a draft of proposed amendments to the Older Americans Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

EC–2754. A communication from the Assistant General Counsel, Division of Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Regulation—Gaining Early Awareness and Readiness for Undergraduate Programs'' (RIN1840–AC59), received April 12, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2755. A communication from the Assistant General Counsel for Regulations, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Notice of Final Funding Priorities for Fiscal Year 1999 under the Native Hawaiian Curriculum Development, Teacher Training, and Recruitment Program'', received April 12, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2756. A communication from the Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Regulations—Federal Family Education Loan Program'' (RIN1840–AC57), received April 12, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2757. A communication from the Assistant General Counsel for Regulations, Special Education & Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability & Rehabilitative Research'' (84.133A & 84.133B), received April 13, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2758. A communication from the Deputy Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Mutual Recognition of Pharmaceutical Good Manufacturing Practice Inspection Reports, Medical Device Quality System Audit Reports, and Certain Medical Device Product Evaluation Reports Between the United States and the European Community: Correction'' (RIN0910–ZA11), received April 9, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2759. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Exemptions from Premarket Notification; Class II Devices'', received April 6, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2760. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Over-the-Counter Drug Products Containing Analgesic/Antipyretic Active Ingredients for Internal Use; Required Alcohol Warning—Final Rule'' (Docket No. 77N-094W), received April 12, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2761. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Retention in Class III and Effective Date of Requirement for Premarket Approval for Three Preamendment Class III Devices'' (98N-0405), received April 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2762. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Effective Date of Requirement for Premarket Approval for Three Class III Preamendments Physical Medicine Devices'' (98N-0467), received April 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2763. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Quality Mammography'' (98N-0728), received April 29, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2764. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Over-the-Counter Human Drugs; Labeling Requirements; Corrections'' (RIN0910–AA79), received April 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2765. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption; Sulphopropyl Cellulose'', received April 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2766. A communication from the Director, Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adjuvants, Production Aids and Sanitizers'', received April 12, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2767. A communication from the Under Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, a report relative to various export licenses; to the Committee on Banking, Housing, and Urban Affairs.

EC–2768. A communication from the Under Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, a report relative to various export controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–2769. A communication from the Managing Director, Office of General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Prohibition on Payment of Fee in Lieu of Mandatory Excess Capital Stock Redemption'' (RIN3069-AA83), received April 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2770. A communication from the Managing Director, Office of General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Collateral Eligible to Secure Federal Home Loan Bank Advances'' (RIN3069-AA77), received April 13, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2771. A communication from the President, transmitting, pursuant to law, a report concerning the national emergency with respect to Angola; to the Committee on Banking, Housing, and Urban Affairs.

EC–2772. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the annual report for calendar year 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–2773. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to exports to Tunisia; to the Committee on Banking, Housing, and Urban Affairs.

EC–2774. A communication from the Secretary, Security and Exchange Commission, transmitting, pursuant to law, the report of amendments to a rule entitled ''Deregistration of Certain Registered Investment Companies'' (RIN3235-AG29) and Form N-8F and Rule 8f-1, received April 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2775. A communication from the Executive Director, Presidential Advisory Commission on Holocaust Assets in the United States, transmitting a draft of proposed legislation relative to the Commission; to the Committee on Banking, Housing, and Urban Affairs.

EC–2776. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report for 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–2777. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled ''Risk-Based Capital Standards: Market Risk'', received April 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 22. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

S. Res. 29. A resolution to designate the week of May 2, 1999, as ''National Correctional Officers and Employees Week.''

S. Res. 33. A resolution designating May 1999 as ''National Military Appreciation Month.''

S. Res. 72. A resolution designating the month of May in 1999 and 2000 as ''National ALS Awareness Month.''

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 39. A bill to provide a national medal for public safety officers who act with extraordinary valor above the call of duty, and for other purposes.

S. 322. A bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 704. A bill to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S.J. Res. 14. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. WARNER, for the Committee on Armed Services:

Brian E. Sheridan, of Virginia, to be an Assistant Secretary of Defense.

Lawrence J. Delaney, of Maryland, to be an Assistant Secretary of the Air Force.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C, section 601:

To be lieutenant general

Maj. Gen. Donald G. Cook, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Lance W. Lord, 0000.

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general, Dental Corps

Col. Kenneth L. Farmer, Jr., 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. John G. Coburn, 0000.

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general, Medical Corps

Col. Joseph G. Webb, Jr., 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Leslie F. Kenne, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Ronald T. Kadish, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Ralph E. Eberhart, 0000.

The following named officer for appointment as Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8034:

To be general

Lt. Gen. Lester L. Lyles, 0000.

The following named officer for appointment as Assistant Surgeon General and Chief of the Dental Corps, United States Army, and for appointment to the grade indicated under title 10, U.S.C., section 3039:

To be major general

Brig. Gen. Patrick D. Sculley, 0000.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Thomas R. Wilson, 0000.

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Ronald J. Bath, 0000.

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of March 2, 18, 22, April 13, 15, 20 and 21, 1999, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

In the Air Force nominations beginning *Husam S. Nolan, and ending James H. Walker, which nominations were received by the Senate and appeared in the Congressional Record of March 18, 1999

In the Army nominations beginning Thomas M. Johnson, and ending *Anthony P. Risi, which nominations were received by the Senate and appeared in the Congressional Record of March 18, 1999

In the Army nominations beginning Randall F. Cochran, and ending *Regina K. Draper, which nominations were received by the Senate and appeared in the Congressional Record of March 18, 1999

In the Army nominations beginning Alfred C. Faber, Jr., and ending Edward L. Wright, which nominations were received by the Senate and appeared in the Congressional Record of March 18, 1999

In the Army nominations beginning Dale F. Becker, and ending John F. Stoley, which nominations were received by the Senate and appeared in the Congressional Record of March 18, 1999

In the Marine Corps nomination Harold E. Poole, Sr., which was received by the Senate and appeared in the Congressional Record of March 18, 1999

In the Navy nomination of Leo J. Grassilli, which was received by the Senate and appeared in the Congressional Record of March 18, 1999

In the Air Force nominations beginning Robert J. Vaughn, and ending Todd B. Silverman, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 1999

In the Air Force nominations beginning Gerald F. Bunting Blake, and ending Jeffery A. Renshaw, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 1999

In the Navy nominations beginning Clifford A. Anderson, and ending Stephen G. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 1999

In the Marine Corps nomination of Timothy W. Foley, which was received by the Senate and appeared in the Congressional Record of April 15, 1999

In the Air Force nomination of Jerry A. Cooper, which was received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Air Force nomination of Thomas A. Drohan, which was received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Air Force nominations beginning Harvey J. U. Adams, Jr., and ending David J. Zupi, which nominations were received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Air Force nominations beginning Ronald G. Adams, and ending Walter H. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Army nomination of Stephen K. Siegrist, which was received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Army nomination of David A. Mayfield, which was received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Army nominations beginning John D. Knox, and ending David M. Shublak, which nominations were received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Army nomination of Francisco J. Dominguez, which was received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Army nomination of Japhet C. Rivera, which was received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Army nomination of Roy T. McCutcheon, III, which was received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Army nominations beginning Joseph I. Smith, and ending Sara J. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Marine Corps nomination of Kenneth C. Cooper, which was received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Marine Corps nominations beginning Francis X. Bergmeister, and ending Kenneth P. Myers, which nominations were received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Marine Corps nominations beginning Seth D. Ainspac, and ending James B. Zientek, which nominations were received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Marine Corps nominations beginning Robert S. Abbott, and ending Steven M. Zotti, which nominations were received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Navy nominations beginning Brian L. Kozkil, and ending Stephen M. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Navy nomination of Melvin D. Newman, which was received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Navy nomination of Scott R. Hendren, which was received by the Senate and appeared in the Congressional Record of April 20, 1999

In the Army nominations beginning Paul C. Proffitt, and ending Michael D. Zabrzeski, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 1999

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of the above dates, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CONRAD (for himself, Mr. NICKLES, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. HARKIN):

S. 909. A bill to provide for the review and classification of physician assistant positions in the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CRAIG:

S. 910. A bill to streamline, modernize, and enhance the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAMS:

S. 911. A bill to amend title XVIII of the Social Security Act to ensure medicare reimbursement for certain ambulance services, and to improve the efficiency of the emergency medical system, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself, Mrs. HUTCHISON, Mr. DOMENICI, Mr. MCCAIN, Mr. GRAMM, Mr. BINGAMAN, Mr. HOLLINGS, Mr. ABRAHAM and Mrs. FEINSTEIN):

S. 912. A bill to modify the rate of basic pay and the classification of positions for certain United States Border Patrol agents, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 913. A bill to require the Secretary of Housing and Urban Development to distribute funds available for grants under title

IV of the Stewart B. McKinney Homeless Assistance Act to help ensure that each State received not less than 0.5 percent of such funds for certain programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH of New Hampshire (for himself, Ms. SNOWE, Mr. WARNER, Mr. VOINOVICH, Ms. COLLINS, Mr. ABRAHAM, Mr. ROBB, Mr. HAGEL, and Mr. LUGAR):

S. 914. A bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAMM (for himself, Mrs. HUTCHISON, Mr. MACK, and Mr. COVERDELL):

S. 915. A bill to amend title XVIII of the Social Security Act to expand and make permanent the medicare subvention demonstration project for military retirees and dependents; to the Committee on Finance.

By Mr. GRAMS (for himself, Mr. FEINGOLD, Mr. FITZGERALD, Mr. ABRAHAM, Mr. KOHL, Mr. HAGEL, Mr. DURBIN, Mr. ALLARD, Mr. CRAIG, Mr. CONRAD, and Mr. WELLSTONE):

S. 916. A bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAMS (for himself and Mr. FEINGOLD):

S. 917. A bill to equalize the minimum adjustments to prices for fluid milk under milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself, Mr. BOND, Mr. BINGAMAN, Ms. LANDRIEU, Mr. HARKIN, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. KOHL, Mr. BURNS, Mr. ROBB, Mr. EDWARDS, Mr. LEVIN, Mr. GRAHAM, Ms. SNOWE, Mr. AKAKA, Mrs. MURRAY, Mr. CLELAND, Mr. KENNEDY, Mr. JEFFORDS, Ms. COLLINS, Mr. ABRAHAM, Mr. LEAHY, Mr. BAUCUS, Mr. KERREY, Mr. GRASSLEY, Mr. MOYNIHAN, Mrs. LINCOLN, Mr. BAYH, Mr. CHAFEE, Mr. LAUTENBERG, Mr. COCHRAN, and Mr. DASCHLE):

S. 918. A bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes; to the Committee on Small Business.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNEDY):

S. 919. A bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. INOUYE):

S. 920. A bill to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001; to the Committee on Commerce, Science, and Transportation.

By Mr. ABRAHAM (for himself, Mr. MCCAIN, and Mr. LOTT):

S. 921. A bill to facilitate and promote electronic commerce in securities transactions involving broker-dealers, transfer agents and investment advisers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABRAHAM (for himself and Mr. HOLLINGS):

S. 922. A bill to prohibit the use of the ''Made in the USA'' label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself, Mr. THOMAS, and Mr. BROWNBACK):

S. 923. A bill to promote full equality at the United Nations for Israel; to the Committee on Foreign Relations.

By Mr. NICKLES (for himself, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. DOMENICI, and Mrs. HUTCHISON):

S. 924. A bill entitled the ''Federal Royalty Certainty Act''; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI:

S. 925. A bill to require the Secretary of the military department concerned to reimburse a member of the Armed Forces for expenses of travel in connection with leave cancelled to meet an exigency in connection with United States participation in Operation Allied Force; to the Committee on Armed Services.

By Mr. DODD (for himself, Mr. HAGEL, Mr. GRAMS, Mr. LUGAR, Mr. CHAFEE, Mr. LEAHY, Mr. KERREY, Mr. KERRY, Mr. LEVIN, Mr. KENNEDY, Mr. JEFFORDS, Mrs. LINCOLN, and Mrs. MURRAY):

S. 926. A bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. HAGEL):

S. 927. A bill to authorize the President to delay, suspend, or terminate economic sanctions if it is in the important national interest of the United States to do so; to the Committee on Foreign Relations.

By Mr. SANTORUM (for himself, Mr. SMITH of New Hampshire, Mr. LOTT, Mr. ABRAHAM, Mr. ALLARD, Mr. ASHCROFT, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. COCHRAN, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. KYL, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of Oregon, Mr. THOMAS, Mr. THURMOND, Mr. VOINOVICH, and Mr. WARNER):

S. 928. A bill to amend title 18, United States Code, to ban partial-birth abortions; to the Committee on the Judiciary.

By Mr. ROBB (for himself, Mrs. HUTCHISON, Mr. KERREY, Mr. HAGEL, Mr. REED, Mr. SMITH of New Hampshire, Mr. CLELAND, Mr. ABRAHAM, and Mr. HUTCHINSON):

S. 929. A bill to provide for the establishment of a National Military Museum, and for other purposes; to the Committee on Armed Services.

By Mr. REID (for himself and Mr. BRYAN):

S. 930. A bill to provide for the sale of certain public land in the Ivanpah Valley, Nevada, to the Clark County, Nevada, Department of Aviation; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, and Mr. CONRAD):

S.J. Res. 23. A joint resolution expressing the sense of the Congress regarding the need for a Surgeon General's report on media and violence; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. BINGAMAN, Mr. MCCAIN, Mr. REID, Mr. DOMENICI, Mr. LAUTENBERG, Mr. ABRAHAM, Mrs. FEINSTEIN, Mr. BOND, Mrs. MURRAY, and Mrs. HUTCHISON):

S. Res. 90. A resolution designating the 30th day of April 2000 as ''Dia de los Ninos: Celebrating Young Americans'', and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. NICKLES, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. HARKIN):

S. 909. A bill to provide for the review and classification of physician assistant positions in the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

PHYSICIAN ASSISTANT EQUITY ACT

Mr. CONRAD. Mr. President, today I am pleased to be joined by Senators NICKLES, ROCKEFELLER, INOUYE, and HARKIN to introduce legislation that directs the Office of Personnel Management (OPM) to develop a classification standard appropriate to the occupation of physician assistant.

Physician assistants are a part of a growing field of health care professionals that make quality health care available and affordable in underserved areas throughout our country. Because the physician assistant profession was very young when OPM first developed employment criteria in 1970, the agency adapted the nursing classification system for physician assistants. Today, this is no longer appropriate. Physician assistants have different education and training requirements than nurses and they are licensed and evaluated according to different criteria.

The inaccurate classification of physician assistants had led to recruitment and retention problems of physician assistants in federal agencies, usually caused by low starting salaries and low salary caps. Because it is recognized that physician assistants provide cost-effective health care, this is an important problem to resolve.

This legislation mandates that OPM review this classification in consultation with physician assistants and the organizations that represent physician assistants. The bill specifically states that OPM should consider the educational and practice qualifications of the position as well as the treatment of physician assistants in the private sector in this review.

Mr. President, I believe that this legislation will make an important correction that will help federal agencies

make better use of these providers of cost-effective, high quality health care.

By Mr. CRAIG:

S. 910. A bill to streamline, modernize, and enhance the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NOXIOUS WEED COORDINATION AND PLANT PROTECTION ACT

• Mr. CRAIG. Mr. President, I rise today to introduce the ''Noxious Weed Coordination and Plant Protection Act of 1999''—a comprehensive bill which will focus the effort of federal agencies in fighting noxious weeds and other plant pests.

In January I introduced the Plant Protection Act, S. 321. This bill generated a lot of discussion and several suggestions for improvement, much of which is reflected in the bill I am introducing today. The Noxious Weed Coordination and Plant Protection Act of 1999 retains most of S. 321 but includes a section on federal coordination of noxious weed removal.

Mr. President, I ask that the bill and a section-by-section analysis be printed in the RECORD.

The material follows:

S. 910

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 ''Noxious Weed Coordination and Plant Protection Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—PLANT PROTECTION

Sec. 101. Regulation of movement of plant pests.
Sec. 102. Regulation of movement of plants, plant products, biological control organisms, noxious weeds, articles, and means of conveyance.
Sec. 103. Notification and holding requirements on arrival.
Sec. 104. General remedial measures for new plant pests and noxious weeds.
Sec. 105. Extraordinary emergencies.
Sec. 106. Recovery of compensation for unauthorized activities.
Sec. 107. Control of grasshoppers and Mormon Crickets.
Sec. 108. Certification for exports.

TITLE II—INSPECTION AND ENFORCEMENT

Sec. 201. Inspections and warrants.
Sec. 202. Collection of information.
Sec. 203. Subpoena authority.
Sec. 204. Penalties for violation.
Sec. 205. Enforcement actions of Attorney General.
Sec. 206. Court jurisdiction.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Cooperation.
Sec. 302. Buildings, land, people, claims, and agreements.
Sec. 303. Reimbursable agreements.
Sec. 304. Protection for mail handlers.
Sec. 305. Preemption.
Sec. 306. Regulations and orders.
Sec. 307. Repeal of superseded laws.

TITLE IV—FEDERAL COORDINATION

Sec. 401. Definitions.
Sec. 402. Invasive Species Council.
Sec. 403. Advisory committee.
Sec. 404. Invasive Species Action Plan.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

Sec. 501. Authorization of appropriations.
Sec. 502. Transfer authority.

SEC. 2. FINDINGS.

Congress finds that—

(1) the detection, control, eradication, suppression, prevention, and retardation of the spread of plant pests and noxious weeds is necessary for the protection of the agriculture, environment, and economy of the United States;

(2) biological control—

(A) is often a desirable, low-risk means of ridding crops and other plants of plant pests and noxious weeds; and

(B) should be facilitated by the Secretary of Agriculture, Federal agencies, and States, whenever feasible;

(3) the smooth movement of enterable plants, plant products, certain biological control organisms, or other articles into, out of, or within the United States is vital to the economy of the United States and should be facilitated to the extent practicable;

(4) markets could be severely impacted by the introduction or spread of plant pests or noxious weeds into or within the United States;

(5) the unregulated movement of plants, plant products, biological control organisms, plant pests, noxious weeds, and articles capable of harboring plant pests or noxious weeds would present an unacceptable risk of introducing or spreading plant pests or noxious weeds;

(6) the existence on any premises in the United States of a plant pest or noxious weed new to or not known to be widely prevalent in or distributed within and throughout the United States could threaten crops, other plants, and plant products of the United States and burden interstate commerce or foreign commerce; and

(7) all plants, plant products, biological control organisms, plant pests, noxious weeds, or articles capable of harboring plant pests or noxious weeds regulated under this Act are in or affect interstate commerce or foreign commerce.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARTICLE.—The term ''article'' means a material or tangible object that could harbor a plant pest or noxious weed.

(2) BIOLOGICAL CONTROL ORGANISM.—The term ''biological control organism'' means an enemy, antagonist, or competitor organism used to control a plant pest or noxious weed.

(3) ENTER.—The term ''enter'' means to move into the commerce of the United States.

(4) ENTRY.—The term ''entry'' means the act of movement into the commerce of the United States.

(5) EXPORT.—The term ''export'' means to move from the United States to any place outside the United States.

(6) EXPORTATION.—The term ''exportation'' means the act of movement from the United States to any place outside the United States.

(7) IMPORT.—The term ''import'' means to move into the territorial limits of the United States.

(8) IMPORTATION.—The term ''importation'' means the act of movement into the territorial limits of the United States.

(9) INTERSTATE.—The term ''interstate'' means—

(A) from 1 State into or through any other State; or

(B) within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(10) INTERSTATE COMMERCE.—The term ''interstate commerce'' means trade, traffic, movement, or other commerce—

(A) between a place in a State and a point in another State;

(B) between points within the same State but through any place outside the State; or

(C) within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(11) MEANS OF CONVEYANCE.—The term ''means of conveyance'' means any personal property that could harbor a pest, disease, or noxious weed and that is used for or intended for use for the movement of any other personal property.

(12) MOVE.—The term ''move'' means to—

(A) carry, enter, import, mail, ship, or transport;

(B) aid, abet, cause, or induce the carrying, entering, importing, mailing, shipping, or transporting;

(C) offer to carry, enter, import, mail, ship, or transport;

(D) receive to carry, enter, import, mail, ship, or transport;

(E) release into the environment; or

(F) allow an agent to participate in any of the activities referred to in this paragraph.

(13) MOVEMENT.—The term ''move'' means the act of—

(A) carrying, entering, importing, mailing, shipping, or transporting;

(B) aiding, abetting, causing, or inducing the carrying, entering, importing, mailing, shipping, or transporting;

(C) offering to carry, enter, import, mail, ship, or transport;

(D) receiving to carry, enter, import, mail, ship, or transport;

(E) releasing into the environment; or

(F) allowing an agent to participate in any of the activities referred to in this paragraph.

(14) NOXIOUS WEED.—The term ''noxious weed'' means a plant or plant product that has the potential to directly or indirectly injure or cause damage to a plant or plant product through injury or damage to a crop (including nursery stock or a plant product), livestock, poultry, or other interest of agriculture (including irrigation), navigation, natural resources of the United States, public health, or the environment.

(15) PERMIT.—The term ''permit'' means a written (including electronic) or oral authorization by the Secretary to move a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance under conditions prescribed by the Secretary.

(16) PERSON.—The term ''person'' means an individual, partnership, corporation, association, joint venture, or other legal entity.

(17) PLANT.—The term ''plant'' means a plant (including a plant part) for or capable of propagation (including a tree, tissue culture, plantlet culture, pollen, shrub, vine, cutting, graft, scion, bud, bulb, root, and seed).

(18) PLANT PEST.—The term ''plant pest'' means—

(A) a living stage of a protozoan, invertebrate animal, parasitic plant, bacteria, fungus, virus, viroid, infection agent, or pathogen that has the potential to directly or indirectly injure or cause damage to, or cause disease in, a plant or plant product; or

(B) an article that is similar to or allied with an article referred to in subparagraph (A).

(19) PLANT PRODUCT.—The term ''plant product'' means—

(A) a flower, fruit, vegetable, root, bulb, seed, or other plant part that is not covered by paragraph (17); and

(B) a manufactured or processed plant or plant part.

(20) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(21) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(22) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

TITLE I—PLANT PROTECTION

SEC. 101. REGULATION OF MOVEMENT OF PLANT PESTS.

(a) PROHIBITION OF UNAUTHORIZED MOVEMENT OF PLANT PESTS.—Except as provided in subsection (b), no person shall import, enter, export, or move in interstate commerce a plant pest, unless the importation, entry, exportation, or movement is authorized under general or specific permit and is in accordance with such regulations as the Secretary may promulgate to prevent the introduction of plant pests into the United States or the dissemination of plant pests within the United States.

(b) AUTHORIZATION OF MOVEMENT OF PLANT PESTS BY REGULATION.—

(1) EXCEPTION TO PERMIT REQUIREMENT.—The Secretary may promulgate regulations to allow the importation, entry, exportation, or movement in interstate commerce of specified plant pests without further restriction if the Secretary finds that a permit under subsection (a) is not necessary.

(2) PETITION TO ADD OR REMOVE PLANT PESTS FROM REGULATION.—A person may petition the Secretary to add a plant pest to, or remove a plant pest from, the regulations promulgated under paragraph (1).

(3) RESPONSE TO PETITION BY THE SECRETARY.—In the case of a petition submitted under paragraph (2), the Secretary shall—

(A) act on the petition within a reasonable time; and

(B) notify the petitioner of the final action the Secretary takes on the petition.

(4) BASIS FOR DETERMINATION.—The determination of the Secretary on the petition shall be based on sound science.

(c) PROHIBITION OF UNAUTHORIZED MAILING OF PLANT PESTS.—

(1) IN GENERAL.—Subject to section 304, a letter, parcel, box, or other package containing a plant pest, whether or not sealed as letter-rate postal matter, is nonmailable and shall not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, unless the package is mailed in compliance with such regulations as the Secretary may promulgate to prevent the dissemination of plant pests into the United States or interstate.

(2) APPLICATION OF POSTAL LAWS.—Nothing in this subsection authorizes a person to open a mailed letter or other mailed sealed matter except in accordance with the postal laws (including regulations).

(d) REGULATIONS.—Regulations promulgated by the Secretary to implement subsections (a), (b), or (c) may include provisions requiring that a plant pest imported, entered, to be exported, moved in interstate commerce, mailed, or delivered from a post office—

(1) be accompanied by a permit issued by the Secretary before the importation, entry, exportation, movement in interstate commerce, mailing, or delivery of the plant pest;

(2) be accompanied by a certificate of inspection issued (in a manner and form required by the Secretary) by appropriate officials of the country or State from which the plant pest is to be moved;

(3) be raised under post-entry quarantine conditions by or under the supervision of the Secretary for the purposes of determining whether the plant pest may be infested with other plant pests, may pose a significant risk of causing injury to, damage to, or disease in a plant or plant product, or may be a noxious weed; and

(4) be subject to such remedial measures as the Secretary determines are necessary to prevent the dissemination of plant pests.

SEC. 102. REGULATION OF MOVEMENT OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, NOXIOUS WEEDS, ARTICLES, AND MEANS OF CONVEYANCE.

(a) IN GENERAL.—The Secretary may prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of a plant, plant product, biological control organism, noxious weed, article, or means of conveyance, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or the dissemination of a plant pest or noxious weed within the United States.

(b) REGULATIONS.—The Secretary may promulgate regulations to carry out this section, including regulations requiring that a plant, plant product, biological control organism, noxious weed, article, or means of conveyance imported, entered, to be exported, or moved in interstate commerce—

(1) be accompanied by a permit issued by the Secretary prior to the importation, entry, exportation, or movement in interstate commerce;

(2) be accompanied by a certificate of inspection issued (in a manner and form required by the Secretary) by appropriate officials of the country or State from which the plant, plant product, biological control organism, noxious weed, article, or means of conveyance is to be moved;

(3) be subject to remedial measures the Secretary determines to be necessary to prevent the spread of plant pests or noxious weeds; and

(4) in the case of a plant or biological control organism, be grown or handled under post-entry quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the plant or biological control organism may be infested with a plant pest or noxious weed, or may be a plant pest or noxious weed.

(c) LIST OF RESTRICTED NOXIOUS WEEDS.—

(1) PUBLICATION.—The Secretary may publish, by regulation, a list of noxious weeds that are prohibited or restricted from entering the United States or that are subject to restrictions on interstate movement within the United States.

(2) PETITIONS TO ADD PLANT SPECIES TO OR REMOVE PLANT SPECIES FROM LIST.—

(A) IN GENERAL.—A person may petition the Secretary to add a plant species to, or remove a plant species from, the list authorized under paragraph (1).

(B) ACTION ON PETITION.—The Secretary shall—

(i) act on the petition within a reasonable time; and

(ii) notify the petitioner of the final action the Secretary takes on the petition.

(C) BASIS FOR DETERMINATION.—The determination of the Secretary on the petition shall be based on sound science.

(d) LIST OF BIOLOGICAL CONTROL ORGANISMS.—

(1) PUBLICATION.—The Secretary may publish, by regulation, a list of biological control organisms the movement of which in interstate commerce is not prohibited or restricted.

(2) DISTINCTIONS.—In publishing the list, the Secretary may take into account distinctions between biological control organisms, such as whether the organisms are indigenous, nonindigenous, newly introduced, or commercially raised.

(3) PETITIONS TO ADD BIOLOGICAL CONTROL ORGANISMS TO OR REMOVE BIOLOGICAL CONTROL ORGANISMS FROM LIST.—

(A) IN GENERAL.—A person may petition the Secretary to add a biological control organism to, or remove a biological control organism from, the list authorized under paragraph (1).

(B) ACTION ON PETITION.—The Secretary shall—

(i) act on the petition within a reasonable time; and

(ii) notify the petitioner of the final action the Secretary takes on the petition.

(C) BASIS FOR DETERMINATION.—The determination of the Secretary on the petition shall be based on sound science.

SEC. 103. NOTIFICATION AND HOLDING REQUIREMENTS ON ARRIVAL.

(a) DUTY OF SECRETARY OF THE TREASURY.—

(1) NOTIFICATION.—The Secretary of the Treasury shall promptly notify the Secretary of Agriculture of the arrival of a plant, plant product, biological control organism, plant pest, or noxious weed at a port of entry.

(2) HOLDING.—The Secretary of the Treasury shall hold a plant, plant product, biological control organism, plant pest, or noxious weed, for which notification is made under paragraph (1) at the port of entry until the plant, plant product, biological control organism, plant pest, or noxious weed is—

(A) inspected and authorized by the Secretary of Agriculture for entry into or movement through the United States; or

(B) otherwise released by the Secretary of Agriculture.

(3) EXCEPTIONS.—Paragraphs (1) and (2) shall not apply to a plant, plant product, biological control organism, plant pest, or noxious weed that is imported from a country or region of a country designated by the Secretary of Agriculture, by regulation, as exempt from the requirements of those paragraphs.

(b) NOTIFICATION BY RESPONSIBLE PERSON.—The person responsible for a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance required to have a permit under section 101 or 102 shall, as soon as practicable on arrival at the port of entry and before the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is moved from

the port of entry, notify the Secretary of Agriculture or, at the Secretary of Agriculture's direction, the proper official of the State to which the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is destined, or both, as the Secretary of Agriculture may prescribe, of—

(1) the name and address of the consignee;

(2) the nature and quantity of the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance proposed to be moved; and

(3) the country and locality where the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance was grown, produced, or located.

(c) PROHIBITION OF MOVEMENT OF ITEMS WITHOUT INSPECTION AND AUTHORIZATION.—No person shall move from a port of entry or interstate an imported plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance unless the imported plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance has been—

(1) inspected and authorized by the Secretary of Agriculture for entry into or movement through the United States; or

(2) otherwise released by the Secretary of Agriculture.

SEC. 104. GENERAL REMEDIAL MEASURES FOR NEW PLANT PESTS AND NOXIOUS WEEDS.

(a) AUTHORITY TO HOLD, TREAT, OR DESTROY ITEMS.—If the Secretary considers it necessary to prevent the dissemination of a plant pest or noxious weed that is new to or not known to be widely prevalent or distributed within and throughout the United States, the Secretary may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that—

(1)(A) is moving into or through the United States or interstate, or has moved into or through the United States or interstate; and

(B)(i) the Secretary has reason to believe is a plant pest or noxious weed or is infested with a plant pest or noxious weed at the time of the movement; or

(ii) is or has been otherwise in violation of this Act;

(2) has not been maintained in compliance with a post-entry quarantine requirement; or

(3) is the progeny of a plant, plant product, biological control organism, plant pest, or noxious weed that is moving into or through the United States or interstate, or has moved into the United States or interstate, in violation of this Act.

(b) AUTHORITY TO ORDER AN OWNER TO TREAT OR DESTROY.—

(1) IN GENERAL.—The Secretary may order the owner of a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance subject to action under subsection (a), or the owner's agent, to treat, apply other remedial measures to, destroy, or otherwise dispose of the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance, without cost to the Federal Government and in a manner the Secretary considers appropriate.

(2) FAILURE TO COMPLY.—If the owner or agent of the owner fails to comply with an order of the Secretary under paragraph (1), the Secretary may take an action authorized by subsection (a) and recover from the owner or agent of the owner the costs of any care, handling, application of remedial measures, or disposal incurred by the Secretary in connection with actions taken under subsection (a).

(c) CLASSIFICATION SYSTEM.—

(1) IN GENERAL.—To facilitate control of noxious weeds, the Secretary may develop a classification system to describe the status and action levels for noxious weeds.

(2) CATEGORIES.—The classification system may include the geographic distribution, relative threat, and actions initiated to prevent introduction or distribution.

(3) MANAGEMENT PLANS.—In conjunction with the classification system, the Secretary may develop integrated management plans for noxious weeds for the geographic region or ecological range where the noxious weed is found in the United States.

(d) APPLICATION OF LEAST DRASTIC ACTION.—No plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance shall be destroyed, exported, or returned to the shipping point of origin, or ordered to be destroyed, exported, or returned to the shipping point of origin under this section unless, in the opinion of the Secretary, there is no less drastic action that is feasible and that would be adequate to prevent the dissemination of any plant pest or noxious weed new to or not known to be widely prevalent or distributed within and throughout the United States.

SEC. 105. EXTRAORDINARY EMERGENCIES.

(a) AUTHORITY TO DECLARE.—Subject to subsection (b), if the Secretary determines that an extraordinary emergency exists because of the presence of a plant pest or noxious weed that is new to or not known to be widely prevalent in or distributed within and throughout the United States and that the presence of the plant pest or noxious weed threatens plants or plant products of the United States, the Secretary may—

(1) hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, a plant, plant product, biological control organism, article, or means of conveyance that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(2) quarantine, treat, or apply other remedial measures to any premises, including a plant, plant product, biological control organism, article, or means of conveyance on the premises, that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(3) quarantine a State or portion of a State in which the Secretary finds the plant pest or noxious weed or a plant, plant product, biological control organism, article, or means of conveyance that the Secretary has reason to believe is infested with the plant pest or noxious weed; or

(4) prohibit or restrict the movement within a State of a plant, plant product, biological control organism, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the plant pest or noxious weed or to eradicate the plant pest or noxious weed.

(b) REQUIRED FINDING OF EMERGENCY.—The Secretary may take action under this section only on finding, after review and consultation with the Governor or other appropriate official of the State affected, that the measures being taken by the State are inadequate to prevent the dissemination of the plant pest or noxious weed or to eradicate the plant pest or noxious weed.

(c) NOTIFICATION PROCEDURES.—

(1) IN GENERAL.—Before any action is taken in a State under this section, the Secretary shall—

(A) notify the Governor or another appropriate official of the State;

(B) issue a public announcement; and

(C) except as provided in paragraph (2), publish in the Federal Register a statement of—

(i) the findings of the Secretary;

(ii) the action the Secretary intends to take;

(iii) the reason for the intended action; and

(iv) if practicable, an estimate of the anticipated duration of the extraordinary emergency.

(2) TIME SENSITIVE ACTIONS.—If it is not practicable to publish a statement in the Federal Register under paragraph (1) before taking an action under this section, the Secretary shall publish the statement in the Federal Register within a reasonable period of time, not to exceed 10 business days, after commencement of the action.

(d) APPLICATION OF LEAST DRASTIC ACTION.—No plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance shall be destroyed, exported, or returned to the shipping point of origin, or ordered to be destroyed, exported, or returned to the shipping point of origin under this section unless, in the opinion of the Secretary, there is no less drastic action that is feasible and that would be adequate to prevent the dissemination of a plant pest or noxious weed new to or not known to be widely prevalent or distributed within and throughout the United States.

(e) PAYMENT OF COMPENSATION.—

(1) IN GENERAL.—The Secretary may pay compensation to a person for economic losses incurred by the person as a result of action taken by the Secretary under this section.

(2) AMOUNT.—The determination by the Secretary of the amount of any compensation to be paid under this subsection shall be final and shall not be subject to judicial review.

SEC. 106. RECOVERY OF COMPENSATION FOR UNAUTHORIZED ACTIVITIES.

(a) RECOVERY ACTION.—The owner of a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance destroyed or otherwise disposed of by the Secretary under section 104 or 105 may bring an action against the United States to recover just compensation for the destruction or disposal of the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance (not including compensation for loss due to delays incident to determining eligibility for importation, entry, exportation, movement in interstate commerce, or release into the environment) if the owner establishes that the destruction or disposal was not authorized under this Act.

(b) TIME FOR ACTION; LOCATION.—

(1) TIME FOR ACTION.—An action under this section shall be brought not later than 1 year after the destruction or disposal of the plant, plant product, biological control mechanism, plant pest, noxious weed, article, or means of conveyance involved.

(2) LOCATION.—The action may be brought in a United States District Court where the owner is found, resides, transacts business, is licensed to do business, or is incorporated.

(c) PAYMENT OF JUDGMENTS.—A judgment in favor of the owner shall be paid out of any money in the Treasury appropriated for

plant pest control activities of the Department of Agriculture.

SEC. 107. CONTROL OF GRASSHOPPERS AND MORMON CRICKETS.

(a) IN GENERAL.—Subject to the availability of funds under this section, the Secretary of Agriculture shall carry out a program to control grasshoppers and Mormon Crickets on all Federal land to protect rangeland.

(b) TRANSFER AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (3), on the request of the Secretary of Agriculture, the Secretary of the Interior shall transfer to the Secretary of Agriculture, from any no-year appropriations, funds for the prevention, suppression, and control of actual or potential grasshopper and Mormon Cricket outbreaks on Federal land under the jurisdiction of the Secretary of the Interior.

(2) USE.—The transferred funds shall be available only for the payment of obligations incurred on the Federal land.

(3) TRANSFER REQUESTS.—The Secretary of Agriculture shall make a request for the transfer of funds under this subsection as promptly as practicable.

(4) LIMITATION.—The Secretary of Agriculture may not use funds transferred under this subsection until funds specifically appropriated to the Secretary of Agriculture for grasshopper and Mormon Cricket control have been exhausted.

(5) REPLENISHMENT OF TRANSFERRED FUNDS.—Funds transferred under this section shall be replenished by supplemental or regular appropriations, which the Secretary of Agriculture shall request as promptly as practicable.

(c) TREATMENT FOR GRASSHOPPERS AND MORMON CRICKETS.—

(1) IN GENERAL.—Subject to the availability of funds under this section, on request of the head of the administering agency or the agriculture department of an affected State, the Secretary of Agriculture, to protect rangeland, shall immediately treat Federal, State, or private land that is infested with grasshoppers or Mormon Crickets at levels of economic infestation, unless the Secretary of Agriculture determines that delaying treatment will not cause greater economic damage to adjacent owners of rangeland.

(2) OTHER PROGRAMS.—In carrying out this section, the Secretary of Agriculture shall work in conjunction with other Federal, State, and private prevention, control, or suppression efforts to protect rangeland.

(d) FEDERAL COST SHARE OF TREATMENT.—

(1) CONTROL ON FEDERAL LAND.—Out of funds made available under this section, the Secretary of Agriculture shall pay 100 percent of the cost of grasshopper or Mormon Cricket control on Federal land to protect rangeland.

(2) CONTROL ON STATE LAND.—Out of funds made available under this section, the Secretary of Agriculture shall pay 50 percent of the cost of grasshopper or Mormon Cricket control on State land.

(3) CONTROL ON PRIVATE LAND.—Out of funds made available under this section, the Secretary of Agriculture shall pay 33.3 percent of the cost of grasshopper or Mormon Cricket control on private land.

(e) TRAINING.—From funds made available or transferred by the Secretary of the Interior to the Secretary of Agriculture to carry out this section, the Secretary of Agriculture shall provide adequate funding for a program to train personnel to accomplish effectively the purposes of this section.

SEC. 108. CERTIFICATION FOR EXPORTS.

The Secretary may certify a plant, plant product, or biological control organism as free from plant pests and noxious weeds, and exposure to plant pests and noxious weeds, according to the phytosanitary or other requirements of the countries to which the plant, plant product, or biological control organism may be exported.

TITLE II—INSPECTION AND ENFORCEMENT

SEC. 201. INSPECTIONS AND WARRANTS.

(a) IN GENERAL.—Consistent with guidelines approved by the Attorney General, the Secretary may—

(1) stop and inspect, without a warrant, a person or means of conveyance moving into the United States to determine whether the person or means of conveyance is carrying a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance subject to this Act;

(2) stop and inspect, without a warrant, a person or means of conveyance moving in interstate commerce on probable cause to believe that the person or means of conveyance is carrying a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance subject to this Act;

(3) stop and inspect, without a warrant, a person or means of conveyance moving in intrastate commerce or on premises quarantined as part of an extraordinary emergency declared under section 105 on probable cause to believe that the person or means of conveyance is carrying a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance subject to this Act; and

(4) enter, with a warrant, a premises in the United States for the purpose of conducting investigations or making inspections under this Act.

(b) WARRANTS.—

(1) IN GENERAL.—A United States judge, a judge of a court of record in the United States, or a United States magistrate judge may, on proper oath or affirmation showing probable cause to believe that there is on certain premises a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance regulated under this Act, issue a warrant for entry on the premises to conduct an investigation or make an inspection under this Act.

(2) EXECUTION.—The warrant may be applied for and executed by the Secretary or a United States marshal.

SEC. 202. COLLECTION OF INFORMATION.

The Secretary may gather and compile information and conduct such investigations as the Secretary considers necessary for the administration and enforcement of this Act.

SEC. 203. SUBPOENA AUTHORITY.

(a) AUTHORITY TO ISSUE.—The Secretary may require by subpoena—

(1) the attendance and testimony of a witness; and

(2) the production of all documentary evidence relating to the administration or enforcement of this Act or a matter under investigation in connection with this Act.

(b) LOCATION OF PRODUCTION.—The attendance of a witness and production of documentary evidence may be required from any place in the United States at any designated place of hearing.

(c) ENFORCEMENT OF SUBPOENA.—If a person fails to comply with a subpoena, the Secretary may request the Attorney General to invoke the aid of a court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, in obtaining compliance.

(d) FEES AND MILEAGE.—

(1) IN GENERAL.—A witness summoned by the Secretary shall be paid the same fees and mileage that are paid to a witness in a court of the United States.

(2) DEPOSITIONS.—A witness whose deposition is taken, and the person taking the deposition, shall be entitled to the same fees that are paid for similar services in a court of the United States.

(e) PROCEDURES.—

(1) IN GENERAL.—The Secretary shall publish procedures for the issuance of subpoenas under this section.

(2) LEGAL SUFFICIENCY.—The procedures shall include a requirement that a subpoena be reviewed for legal sufficiency and signed by the Secretary.

(3) DELEGATION.—If the authority to sign a subpoena is delegated, the agency receiving the delegation shall seek review for legal sufficiency outside that agency.

(f) SCOPE OF SUBPOENA.—A subpoena for a witness to attend a court in a judicial district or to testify or produce evidence at an administrative hearing in a judicial district in an action or proceeding arising under this Act may run to any other judicial district.

SEC. 204. PENALTIES FOR VIOLATION.

(a) CRIMINAL PENALTIES.—A person that knowingly violates this Act, or that knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys a certificate, permit, or other document provided under this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined in accordance with title 18, United States Code, imprisoned not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—A person that violates this Act, or that forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys a certificate, permit, or other document provided under this Act may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary that does not exceed the greater of—

(A) $50,000 in the case of an individual (except that the civil penalty may not exceed $1,000 in the case of an initial violation of this Act by an individual moving regulated articles not for monetary gain), or $250,000 in the case of any other person for each violation, except the amount of penalties assessed under this subparagraph in a single proceeding shall not exceed $500,000; or

(B) twice the gross gain or gross loss for a violation or forgery, counterfeiting, or unauthorized use, defacing or destruction of a certificate, permit, or other document provided for in this Act that results in the person's deriving pecuniary gain or causing pecuniary loss to another person.

(2) FACTORS IN DETERMINING CIVIL PENALTY.—In determining the amount of a civil penalty, the Secretary—

(A) shall take into account the nature, circumstance, extent, and gravity of the violation; and

(B) may take into account the ability to pay, the effect on ability to continue to do business, any history of prior violations, the degree of culpability of the violator, and any other factors the Secretary considers appropriate.

(3) SETTLEMENT OF CIVIL PENALTIES.—The Secretary may compromise, modify, or

remit, with or without conditions, a civil penalty that may be assessed under this subsection.

(4) FINALITY OF ORDERS.—

(A) IN GENERAL.—An order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(B) COLLECTION ACTION.—The validity of an order of the Secretary may not be reviewed in an action to collect the civil penalty.

(C) INTEREST.—A civil penalty not paid in full when due under an order assessing the civil penalty shall (after the due date) accrue interest until paid at the rate of interest applicable to a civil judgment of the courts of the United States.

(c) LIABILITY FOR ACTS OF AN AGENT.—For purposes of this Act, the act, omission, or failure of an officer, agent, or person acting for or employed by any other person within the scope of employment or office of the officer, agent, or person, shall be considered to be the act, omission, or failure of the other person.

(d) GUIDELINES FOR CIVIL PENALTIES.—The Secretary shall coordinate with the Attorney General to establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of warning in lieu of prosecution by the Attorney General of a violation of this Act.

SEC. 205. ENFORCEMENT ACTIONS OF ATTORNEY GENERAL.

The Attorney General may—

(1) prosecute, in the name of the United States, a criminal violation of this Act that is referred to the Attorney General by the Secretary or is brought to the notice of the Attorney General by any person;

(2) bring a civil action to enjoin the violation of or to compel compliance with this Act, or to enjoin any interference by a person with the Secretary in carrying out this Act, if the Attorney General has reason to believe that the person has violated or is about to violate this Act, or has interfered, or is about to interfere, with the Secretary; and

(3) bring a civil action for the recovery of an unpaid civil penalty, funds under a reimbursable agreement, late payment penalty, or interest assessed under this Act.

SEC. 206. COURT JURISDICTION.

(a) IN GENERAL.—Except as provided in section 204(b), a United States district court, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of other territories and possessions are vested with jurisdiction in all cases arising under this Act.

(b) LOCATION.—An action arising under this Act may be brought, and process may be served, in the judicial district where—

(1) a violation or interference occurred or is about to occur; or

(2) the person charged with the violation, interference, impending violation, impending interference, or failure to pay resides, is found, transacts business, is licensed to do business, or is incorporated.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. COOPERATION.

(a) IN GENERAL.—To carry out this Act, the Secretary may cooperate with—

(1) other Federal agencies or entities;

(2) States or political subdivisions of States;

(3) national governments;

(4) local governments of other nations;

(5) domestic or international organizations;

(6) domestic or international associations; and

(7) other persons.

(b) RESPONSIBILITY.—The individual or entity cooperating with the Secretary shall be responsible for—

(1) obtaining the authority necessary for conducting the operations or taking measures on all land and property within the foreign country or State, other than land and property owned or controlled by the United States; and

(2) other facilities and means determined by the Secretary.

(c) TRANSFER OF BIOLOGICAL CONTROL METHODS.—The Secretary may transfer to a Federal or State agency or other person biological control methods using biological control organisms against plant pests or noxious weeds.

(d) COOPERATION IN PROGRAM ADMINISTRATION.—The Secretary may cooperate with State authorities or other persons in the administration of programs for the improvement of plants, plant products, and biological control organisms.

SEC. 302. BUILDINGS, LAND, PEOPLE, CLAIMS, AND AGREEMENTS.

(a) IN GENERAL.—The Secretary may acquire and maintain such real or personal property, and employ such persons, make such grants, and enter into such contracts, cooperative agreements, memoranda of understanding, or other agreements, as are necessary to carry out this Act.

(b) TORT CLAIMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may pay a tort claim (in the manner authorized in the first paragraph of section 2672 of title 28, United States Code) if the claim arises outside the United States in connection with an activity authorized under this Act.

(2) REQUIREMENTS OF CLAIM.—A claim may not be allowed under paragraph (1) unless the claim is presented in writing to the Secretary not later than 2 years after the claim arises.

SEC. 303. REIMBURSABLE AGREEMENTS.

(a) PRECLEARANCE.—

(1) IN GENERAL.—The Secretary may enter into a reimbursable fee agreement with a person for preclearance (at a location outside the United States) of plants, plant products, biological control organisms, articles, and means of conveyance for movement to the United States.

(2) ACCOUNT.—All funds collected under this subsection shall be credited to an account that—

(A) may be established by the Secretary; and

(B) if established, shall remain available for preclearance activities until expended.

(b) OVERTIME.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary may pay an employee of the Department of Agriculture performing services under this Act relating to imports into and exports from the United States, for all overtime, night, or holiday work performed by the employee, at a rate of pay determined by the Secretary.

(2) REIMBURSEMENT OF SECRETARY.—The Secretary may require a person for whom the services are performed to reimburse the Secretary for funds paid by the Secretary for the services.

(3) ACCOUNT.—All funds collected under this subsection shall be credited to the account that incurs the costs and remain available until expended.

(c) LATE PAYMENT PENALTY AND INTEREST.—

(1) COLLECTION.—On failure of a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person.

(2) INTEREST.—Overdue funds due the Secretary under this section shall accrue interest in accordance with section 3717 of title 31, United States Code.

(3) ACCOUNT.—A late payment penalty and accrued interest shall be credited to the account that incurs the costs and shall remain available until expended.

SEC. 304. PROTECTION FOR MAIL HANDLERS.

This Act shall not apply to an employee of the United States in the performance of the duties of the employee in handling the mail.

SEC. 305. PREEMPTION.

(a) REGULATION OF FOREIGN COMMERCE.—No State or political subdivision of a State may—

(1) regulate in foreign commerce a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance; or

(2) in order to control a plant pest or noxious weed—

(A) eradicate a plant pest or noxious weed; or

(B) prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed.

(b) REGULATION OF INTERSTATE COMMERCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary has promulgated a regulation or order to prevent the dissemination of a plant, plant product, biological control organism, plant pest, or noxious weed within the United States, no State or political subdivision of a State may—

(A) regulate the movement in interstate commerce of the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance; or

(B) in order to control the plant pest or noxious weed—

(i) eradicate the plant pest or noxious weed; or

(ii) prevent the introduction or dissemination of the biological control organism, plant pest, or noxious weed.

(2) EXCEPTIONS.—

(A) REGULATIONS CONSISTENT WITH FEDERAL REGULATIONS.—Except as provided in subparagraph (B), a State or a political subdivision of a State may impose a prohibition or restriction on the movement in interstate commerce of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, or means of conveyance that are consistent with and do not exceed the requirements of the regulations promulgated or orders issued by the Secretary under this Act.

(B) SPECIAL LOCAL NEED.—A State or political subdivision of a State may impose a prohibition or restriction on the movement in interstate commerce of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, or means of conveyance, that are in addition to a prohibition or restriction imposed by the Secretary, if the State or political subdivision of a State demonstrates to the Secretary and the Secretary finds that there is a special need for additional prohibitions or restrictions based on sound scientific data or a thorough risk assessment.

SEC. 306. REGULATIONS AND ORDERS.

The Secretary may promulgate such regulations, and issue such orders, as the Secretary considers necessary to carry out this Act.

SEC. 307. REPEAL OF SUPERSEDED LAWS.

(a) REPEAL.—The following provisions of law are repealed:

(1) Subsections (a) through (e) of section 102 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a).

(2) Section 1773 of the Food Security Act of 1985 (7 U.S.C. 148f).

(3) The Golden Nematode Act (7 U.S.C. 150 et seq.).

(4) The Federal Plant Pest Act (7 U.S.C. 150aa et seq).

(5) The Joint Resolution of April 6, 1937 (56 Stat. 57, chapter 69; 7 U.S.C. 148 et seq.).

(6) The Act of January 31, 1942 (56 Stat. 40, chapter 31; 7 U.S.C. 149).

(7) The Act of August 20, 1912 (commonly known as the ''Plant Quarantine Act'') (37 Stat. 315, chapter 308; 7 U.S.C. 151 et seq.).

(8) The Halogeton Glomeratus Control Act (7 U.S.C. 1651 et seq.).

(9) The Act of August 28, 1950 (64 Stat. 561, chapter 815; 7 U.S.C. 2260).

(10) The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.), other than the first section and section 15 of that Act (7 U.S.C. 2801 note, 2814).

(b) EFFECT ON REGULATIONS.—Regulations promulgated under the authority of a provision of law repealed by subsection (a) shall remain in effect until such time as the Secretary promulgates a regulation under section 306 that supersedes the earlier regulation.

TITLE IV—FEDERAL COORDINATION

SEC. 401. DEFINITIONS.

In this title:

(1) ACTION PLAN.—The term ''Action Plan'' means the National Invasive Species Action Plan developed and submitted to Congress under section 404, including any updates to the Action Plan.

(2) ALIEN SPECIES.—The term ''alien species'' means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating the species, that is not native to that ecosystem.

(3) CONTROL.—The term ''control'' means—

(A) the suppression, reduction, or management of invasive species populations;

(B) the prevention of the spread of invasive species from areas where the species are present; and

(C) the taking of measures such as the restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.

(4) COUNCIL.—The term ''Council'' means the Invasive Species Council established by section 402.

(5) ECOSYSTEM.—The term ''ecosystem'' means the complex of a community of organisms and the community's environment.

(6) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551 of title 5, United States Code, except that the term does not include an independent establishment (as defined in section 104 of title 5, United States Code).

(7) INTRODUCTION.—The term ''introduction'' means the intentional or unintentional escape, release, dissemination, or placement of a species into an ecosystem as a result of human activity.

(8) INVASIVE SPECIES.—The term ''invasive species'' means an alien species the introduction of which causes or is likely to cause economic or environmental harm or harm to human health.

(9) NATIVE SPECIES.—The term ''native species'' means, with respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in the ecosystem.

(10) SPECIES.—The term ''species'' means a group of organisms all of which—

(A) have a high degree of physical and genetic similarity;

(B) generally interbreed only among themselves; and

(C) show persistent differences from members of allied groups of organisms.

(11) STAKEHOLDER.—The term ''stakeholder'' means an entity with an interest in invasive species, including—

(A) a State, tribal, or local government agency;

(B) an academic institution;

(C) the scientific community; and

(D) a nongovernmental entity, including an environmental, agricultural, or conservation organization, trade group, commercial interest, or private landowner.

SEC. 402. INVASIVE SPECIES COUNCIL.

(a) ESTABLISHMENT.—There is established an advisory council to be known as the ''Invasive Species Council''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be composed of—

(A) the Secretary of State;

(B) the Secretary of the Treasury;

(C) the Secretary of Defense;

(D) the Secretary of the Interior, who shall be a cochairperson of the Council;

(E) the Secretary of Agriculture, who shall be a cochairperson of the Council;

(F) the Secretary of Commerce, who shall be a cochairperson of the Council;

(G) the Secretary of Transportation;

(H) the Administrator of the Environmental Protection Agency; and

(I) a representative of State government appointed by the National Governors' Association.

(2) OTHER FEDERAL AGENCY REPRESENTATIVES.—The Council may—

(A) invite other representatives of Federal agencies to serve as members of the Council, including representatives from subcabinet bureaus or offices with significant responsibilities concerning invasive species; and

(B) prescribe special procedures for the participation by those other representatives on the Council.

(c) DUTIES.—The Invasive Species Council shall—

(1) provide national leadership regarding invasive species;

(2) oversee the implementation of this title and make recommendations designed to ensure that the activities of Federal agencies concerning invasive species are coordinated, complementary, cost-efficient, and effective, relying to the maximum extent practicable on organizations addressing invasive species, such as—

(A) the Aquatic Nuisance Species Task Force established by section 1201 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721);

(B) the Federal Interagency Committee for the Management of Noxious and Exotic Weeds; and

(C) the Committee on Environment and Natural Resources of the Office of Science and Technology Policy;

(3) encourage planning and action at local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the Action Plan, in cooperation with stakeholders and organizations addressing invasive species;

(4) develop recommendations for international cooperation in addressing invasive species;

(5) develop, in consultation with the Council on Environmental Quality, guidance to Federal agencies under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) concerning prevention and control of invasive species, including the procurement, use, and maintenance of native species in a manner designed to affect invasive species;

(6) facilitate development of a coordinated network among Federal agencies to document, evaluate, and monitor impacts from invasive species on the economy, the environment, and human health;

(7) facilitate establishment of a coordinated, up-to-date information-sharing system that—

(A) uses, to the maximum extent practicable, the Internet; and

(B) facilitates access to and exchange of information concerning invasive species, such as—

(i) information on the distribution and abundance of invasive species;

(ii) life histories of invasive species and invasive characteristics;

(iii) economic, environmental, and human health impacts from invasive species;

(iv) techniques for management of invasive species; and

(v) laws and programs for management, research, and public education concerning invasive species; and

(8) develop and submit to Congress the Action Plan.

(d) EXECUTIVE DIRECTOR; STAFF.—With the concurrence of the other cochairpersons, the Secretary of the Interior shall—

(1) appoint an Executive Director of the Council; and

(2) provide staff and administrative support for the Council.

SEC. 403. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of the Interior shall—

(1) establish an advisory committee to provide information and advice for consideration by the Council; and

(2) after consultation with other members of the Council, appoint members of the advisory committee to represent stakeholders.

(b) DUTIES.—The duties of the advisory committee shall include making recommendations for plans and actions at local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the Action Plan.

(c) COOPERATION.—The advisory committee shall act in cooperation with stakeholders and organizations addressing the problem of invasive species.

(d) ADMINISTRATIVE AND FINANCIAL SUPPORT.—The Secretary of the Interior shall provide administrative and financial support for the advisory committee.

SEC. 404. INVASIVE SPECIES ACTION PLAN.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Council shall develop and submit to Congress a National Invasive Species Action Plan, which shall—

(1) detail and recommend performance-oriented goals and objectives and specific measures of success for Federal agency efforts concerning invasive species;

(2) detail and recommend measures to be taken by the Council to carry out its duties under section 402; and

(3) identify the personnel, other resources, and additional levels of coordination needed to achieve the goals and objectives of the Action Plan.

(b) PUBLIC PARTICIPATION AND COORDINATION.—The Action Plan shall be—

(1) developed through a public process and in consultation with Federal agencies and stakeholders; and

(2) coordinated with any State plans concerning invasive species.

(c) SPECIAL REQUIREMENTS FOR FIRST ACTION PLAN.—

(1) IN GENERAL.—The first Action Plan submitted under subsection (a) shall—

(A) include a review of existing and prospective approaches and authorities for preventing the introduction and spread of invasive species, including approaches for—

(i) identifying pathways for the introduction of invasive species; and

(ii) minimizing the risk of introductions by means of those pathways; and

(B) identify research needs and recommend measures to minimize the risk that introductions will occur.

(2) RECOMMENDED PROCESSES.—The measures recommended under paragraph (1)(B) shall provide for—

(A) a science-based process to evaluate risks associated with the introduction and spread of invasive species; and

(B) a coordinated and systematic risk-based process to identify, monitor, and interdict pathways that may be involved in the introduction of invasive species.

(3) RECOMMENDATIONS FOR LEGISLATION.—If any measure recommended under paragraph (1)(B) is not authorized by law in effect as of the date of the recommendation, the Council shall develop and submit to Congress legislative proposals for necessary changes in law.

(d) UPDATES AND EVALUATIONS OF ACTION PLAN.—The Council shall—

(1) develop and submit to Congress biennial updates of the Action Plan; and

(2) concurrently evaluate and report on success in achieving the goals and objectives specified in the Action Plan.

(e) RESPONSE BY FEDERAL AGENCIES.—Not later than 18 months after the date of submission to Congress of the Action Plan, each Federal agency that is required to implement a measure recommended under subsection (a)(1) or (c)(1)(B) shall—

(1) take the recommended action; or

(2) provide to the Council an explanation of why the action is not feasible.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) COMPENSATION.—Except as provided in section 106 and as specifically authorized by law, no part of the amounts appropriated under this section shall be used to provide compensation for property injured or destroyed by or at the direction of the Secretary.

SEC. 502. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER CERTAIN FUNDS.—In connection with an emergency in which a plant pest or noxious weed threatens a segment of the agricultural production of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture such amounts as the Secretary considers necessary to be available in the emergency for the arrest, control, eradication, and prevention of the dissemination of the plant pest or noxious weed and for related expenses.

(b) AVAILABILITY.—Any funds transferred under this section shall remain available for such purposes until expended.

(c) CONFORMING AMENDMENTS.—The first section of Public Law 97–46 (7 U.S.C. 147b) is amended—

(1) by striking ''plant pests or''; and

(2) by striking ''section 102 of the Act of September 21, 1944, as amended (7 U.S.C. 147a), and''.

SECTION-BY-SECTION ANALYSIS OF THE NOXIOUS WEED COORDINATION AND PLANT PROTECTION ACT

Sections 1, 2, and 3—The first three sections of the bill serve as a ''road map'' to the rest of the legislation. Section 1 consists entirely of the title and table of contents. Section 2 outlines certain findings as to why the legislation is necessary. Section 3 provides the definitions used throughout the rest of the bill.

TITLE ONE—PLANT PROTECTION

Section 101—Outlaws the importation or interstate movement of a plant pest (defined in Section 3 as anything that has the potential to directly or indirectly injure or cause damage to or disease in a plant product) without a permit from the Secretary of Agriculture.

Section 102—Grants USDA the authority to block or regulate the importation or movement of a noxious weed, or other plant, if the Secretary determines that such a prohibition is necessary to prevent the weed's introduction into a new area. In addition, USDA is required to publish a list of noxious weeds that are prohibited from entering the country or whose interstate movement is restricted and allows a procedure to have weeds added to or removed from the list. USDA would also publish a list of control agents which may be transported without restriction.

Section 103—Requires the Secretary of the Treasury (who oversees the Customs Service) to notify USDA of the arrival of any plant or noxious weed upon its arrival at a port of entry and to hold it at the border until it can be inspected and authorized for entry.

Section 104—Authorizes USDA to hold, seize, quarantine, treat, or destroy any noxious weed or plant pest that it finds in violation of this law.

Section 105—Authorizes USDA to declare ''extraordinary emergencies'' when necessary to confront the importation or to fight the spread of a noxious weed. In addition, the bill outlines what actions are authorized during such an emergency.

Section 106—Allows a plant owner to seek compensation from USDA if the owner ''establishes that the destruction or disposal'' of this plant or other property ''was not authorized under this Act'' if he does so within one year of the action.

Section 107—Makes USDA the federal department in charge of the fight against grasshoppers and Mormon Crickets on all federal lands. In addition to the authority, funds to carry out the program would be transferred from other federal agencies and departments to USDA. It also establishes a cost sharing program in which the federal govenrmetn will assume the entire cost of fighting grasshoppers and Mormon Crickets on federally owned land, one-half of the cost on state owned land, and one-third the cost on private land.

Section 108—Allows the USDA to develop a means by which it can certify plants to be free of pests or noxious weeds.

TITLE TWO—INSPECTION AND ENFORCEMENT

Section 201—Allows USDA inspectors to stop and inspect persons and items entering the country or moving from one state to another in search of noxious weeds or plant pests. In addition, USDA is authorized to seek a warrant to search private premises for weeds and pests.

Section 202—Allows USDA to ''gather and compile information'' needed to carry out its investigations.

Section 203—Authorizes and restricts how USDA may issue a subpoena in its investigations.

Section 204—Establishes criminal and civil penalties for anyone who ''knowingly violates this Act,'' forges or counterfeits a permit, or uses a permit unlawfully. Such a violation would be a misdemeanor punishable with a maximum penalty of 1 year in prison and/or a fine of up to $250,000 (limits are set in the case that the action is taken by an individual [$50,000] or done without the intention of monetary gain [$1,000]).

Section 205—Authorizes the Attorney General to enforce the Act.

Section 206—Locates enforcement at a federal court where the violation occurs or where the defendant lives.

TITLE THREE—MISCELLANEOUS PROVISIONS

Sections 301, 302, and 303—Authorizes USDA to seek cooperation with other agencies, states, associations, and individuals in fulfilling its responsibilities.

Section 304—Stipulates that the regulations against mailing a plant pest or noxious weed included in the bill will not interfere with an employee of the U.S. Postal Service and his responsibility in handling the mail.

Section 305—Authorizes USDA to issue regulations and orders needed to carry out the Act.

Section 306—Repeals federal laws which have been superseded or replaced by the Act.

TITLE FOUR—FEDERAL COORDINATION

Section 401—Provides the definitions used throughout the rest of the title.

Section 402—Establishes a multi-agency Invasive Species Council and outlines the duties of the Council.

Section 403—Directs the Secretary of the Interior to establish an advisory committee to provide information and advice to the Council.

Secton 404—Gives the Council nine months to develop a National Invasive Species Action Plan with public participation and coordination with State plans concerning invasive species.

TITLE FIVE—AUTHORIZATION FOR APPROPRIATIONS

Secton 501—Authorizes Congress to appropriate the funds necessary to carry out the Act.

Section 502—Authorizes the Secretary of Agriculture to transfer other USDA funds to the programs authorized by the Act.●

By Mr. KYL (for himself, Mrs. HUTCHISON, Mr. DOMENICI, Mr. MCCAIN, Mr. GRAMM, Mr. BINGAMAN, Mr. HOLLINGS, Mr. ABRAHAM, and Mrs. FEINSTEIN):

S. 912. A bill to modify the rate of basic pay and the classification of positions for certain United States Border Patrol agents, and for other purposes; to the Committee on the Judiciary.

BORDER PATROL RECRUITMENT AND RETENTION ACT OF 1999

Mr. KYL. Mr. President, I rise today with Senator KAY BAILEY HUTCHISON to introduce the Border Patrol Recruitment and Retention Act of 1999.

In 1996, the Congress passed unanimously, and the President signed, my amendment to the Immigration Reform Act requiring that 1,000 Border

Patrol agents be hired each year between the years 1997 and 20001. Last year, Congress provided the Immigration and Naturalization Service with $93 million to hire, train, and deploy 1,000 agents during 1999.

We have now learned that the INS will not come close to hiring the required 1,000 agents during this year; and, in fact, may only hire 200 to 400. As a result, states that need the increased personnel the most will not receive them. Arizona, which itself was slated to receive 400 new agents, will now receive only 100 to 150 new agents. That's not nearly enough. Border Patrol agents in the Tucson sector apprehended 60,537 illegal immigrants last month and seized over 28,000 pounds of marijuana, an all-time record in both areas. Project that annually and then factor in the estimate that 3 times as many illegal aliens successfully cross the border than are apprehended. The situation is so out of control in Arizona that recently, 600 people attempted to cross the border en masse in broad daylight. Some Arizonans are growing so anxious about the upsurge of illegal activity in their community that they have attempted to take matters into their own hands. Unless Arizona is given more federal personnel and resources to get things under control, many are worried about how this situation will develop.

What the INS says is that it is having recruitment and retention problems, and so it cannot take on the added personnel at this time. Couldn't the INS foresee some of these recruitment issues more than two months before now? And couldn't INS do something to correct the problem of recruitment?

We concluded Congress would have to initiate some solutions. Therefore, Senator HUTCHISON and I introduce this bill today to try to begin to address some of the Border Patrol's recruitment and retention problems. It is not a panacea, and we need to continue to explore additional ways of improving recruitment and retention; but it will open the debate and will provide for a much-needed increase in salary levels for the Border Patrol.

Currently Border Patrol agents are, for the most part, capped at a GS–9 level (currently, only about 20 percent of agents, namely those who perform special duties, are raised to the GS–11 level). The Border Patrol Retention and Recruitment Enhancement Act would allow all agents with a successful year's experience at a GS–9 level to move up to a GS–11 level. This would enable agents to move from an approximate $34,000 annually salary to an approximate $41,000 annually salary. And that's fair. These agents have a tough time in their assignments. They must speak two languages. They deserve a raise.

The bill would also establish the Office of Border Patrol Recruitment and Retention, which would allow the Border Patrol to be more involved in recruiting and hiring and will direct the Border Patrol to make policy suggestions about ways to improve recruitment and retention. Currently, the INS and the Office of Personnel Management are responsible for all such activity. We have heard testimony from Border Patrol chiefs who say that the Border Patrol has unique and specific knowledge about how to enhance these efforts.

Mr. President, this bill will not solve all of the Border Patrol's recruiting and retention problems, but it will be a responsible start toward increasing the numbers of agents who will so honorably protect our nation's borders.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President. I thank Senator KYL for his leadership on this bill that we have just introduced.

Senator KYL and I, along with Senators DOMENICI, GRAMM, MCCAIN, and BINGAMAN, have been very concerned about the Border Patrol issue that faces our border States. In fact, we were stunned this week to learn that though Congress has authorized and authorized funding for 1,000 new Border Patrol agents that in fact only 200 to 400 are coming on line this year.

Mr. President, that is stunning. That is stunning when you consider that last year the Border Patrol apprehended 1.5 million persons illegally crossing the border, and fully half of those were at my State of Texas. In fact, the McAllen Border Patrol sector, which includes Brownsville, Harlingen and McAllen, had the largest number of drug seizures of all Border Patrol Sectors in the United States—1,610 drug seizures just in that one sector. The drugs apprehended have a value of over $410 million. Two Border Patrol agents in the McAllen sector lost their lives last year in a raid of a drug trafficker's hideout. It was the first time Border Patrol agents had been killed during such a raid.

Senator ABRAHAM held a hearing this week, and the Chief of the Border Patrol told us that he has not been able to recruit and retain and, in fact, is losing 10 percent of the agents. For every one that we are bringing on, we are losing two, because our Border Patrol agents are capped at a journeymen-9 level. That translates to roughly $34,000 a year for an agent that has several years of experience. For an agent, that is certainly a job of law enforcement at its toughest.

Under the bill that we have just introduced, the agents would be eligible to be paid at a journeymen-11 level, which is approximately a $7,000 increase.

This pay raise is also consistent with the pay of other law enforcement agencies that work along the border. One significant problem for the Border Patrol has been that many agents go to work for the Customs Service, or the DEA when they reach the cap. So they get to their cap, their experience, and they go over to another Federal agency that pays better.

We must solve this discrepancy among Federal agencies in the same place that are doing similar kinds of tough duty work for hazardous pay. Yet, the Border Patrol is $7,000 less than Customs and DEA agents. We must correct this discrepancy if we are going to get control of our borders, which are a sieve right now with drugs moving through at an alarming rate.

This is not just a Texas-Arizona-New Mexico-California problem. The drugs that come in from our borders go right up into Ohio, Michigan, New Hampshire, Oregon—all over our country, because we don't have the proper control of our border.

Mr. President, there is not a higher priority for the Federal Government than to have the sovereign borders of the United States safe from illegal drugs coming into our country, and most certainly illegal immigrants that have not gone through the proper procedures so that we know who is coming into our country and what their record is so that we have the control that any sovereign nation would have.

Mr. President, this is an emergency. It is why Senator KYL and I have introduced this legislation today, because we are in a crisis. This is a war. It is a war on drugs, and we are losing. We are losing our young people in this country. Part of the problem is that we are not putting the resources into law enforcement.

I have to say, Mr. President, that I am disappointed to the maximum that our INS has money from Congress and authorization from Congress to hire 1,000 agents and they have only been able to come up with 200 to 400 agents this year. That means we are 600 to 800 short, as we speak, from what was allocated this year, and which was given priority by Congress. I think the INS needs to make this a priority. We are going to give them the pay increases with the bill that we have just introduced today.

Senator GREGG, who has been a strong supporter of our efforts to beef up the border, has said he will work with us to reprogram money from this year's budget for these pay increases so that we will hopefully be able to do this on an expedited basis by October 1 of this year.

Hopefully, we will be able to retain agents knowing that this pay raise is in the pipeline. But, Mr. President, it also takes an effort by the INS to make it a priority to fill these slots, because

if they don't look at a little more creative approach to recruiting, the $7,000 increase is not going to be enough.

I am at my wit's end. Senator KYL, Senator MCCAIN, Senator GRAMM, Senator DOMENICI, and Senator BINGAMAN are at their wit's end, and certainly Senator FEINSTEIN and Senator BOXER are at their wit's end with promises made and not fulfilled by the Border Patrol to keep the illegal drugs out of our country that are preying on our young people.

This is a priority. It is an emergency. It is a war that we are losing, and we are going to try to fix it. But we must have the support of the INS to do it. We are going to give them pay raises. We are going to create another office in the Border Patrol for recruitment and retention to tell us what else we need to do, and we are going to fix this problem if we can have a hand-to-hand relationship with the INS and the Border Patrol.

It is inexcusable that they did not come to us earlier to tell us they were this far behind. We are going to fix this problem. We are not going to sit back and let the children of our country be absorbed in drugs that are illegally crossing the border and made available to young people who are not yet mature enough to know what to do when they are approached.

Mr. President, we are trying to do our part. I call on the INS and the Border Patrol and this administration to do their part, because we are not going to take it anymore. We are going to solve this problem. We are going to put the resources in it. If the INS will put those resources to work and be creative and innovative and dogged in their determination, we will make a difference, but we can't do it without their commitment.

Thank you, Mr. President.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mrs. HUTCHISON. I yield to the Senator from South Carolina.

Mr. HOLLINGS. I thank the Senator for the introduction. I ask unanimous consent that I be made a cosponsor.

Mrs. HUTCHISON. I would be pleased to add Mr. HOLLINGS as an original cosponsor.

Mr. HOLLINGS. I would like to say a word about this particular problem.

Is the Senator yielding the floor?

Mrs. HUTCHISON. I thank the Senator from South Carolina, because he has provided leadership and support in our committee and because he has the training agency that is sitting empty right now in his State. They do a great job training our agents. He knows what a problem this is. I look forward to his remarks. I appreciate his support, and I appreciate his leadership in the past on trying to help us recruit. I think this is something that is in the interest of all of us to solve so that every school in America will be drug free.

I yield the floor.

Mr. HOLLINGS. Mr. President, let me thank the distinguished Senator from Texas. She is right on target. We have graduated over 2,000 agents from the finest school down there for Border Patrol agents. Two who trained there have already been killed.

I have visited from time to time. The matter of pay is the issue. We advertise and we solicit in the local area over the entire State—and nationally—and it is a pay problem.

I hope we can confront it.

Mr. MCCAIN. Mr. President, I join Senator KYL and the other co-sponsors in introducing legislation that I hope will significantly improve the Border Patrol's ability to recruit and retain the talented individuals we need to guard our nation's borders against illegal immigration and illicit drugs. This legislation is timely and important. I hope we can act on it promptly.

As my colleagues know, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 mandated the addition of 1,000 new Border Patrol agents annually through 2001 as a means of providing better enforcement against illegal immigration, particularly along the southwest border. Unfortunately, this Administration has seen fit to request full funding for those authorized agents in only one year since we passed that law.

Moreover, problems in recruiting and retaining Border Patrol agents have resulted in a net increase of only several hundred new agents annually. Thus, during the current fiscal year, for which we did in fact appropriate funds for 1,000 new agents, the recruiting and retention problems are such that the Border Patrol will see a net increase in its ranks of only several hundred agents. Indeed, Border Patrol Chief Gus de la Vina testified before the Senate Immigration Subcommittee only yesterday that, despite the Congressional mandate to add 1,000 new agents this year, the Border Patrol only anticipates hiring between 200 and 400 agents. Arizona, which had anticipated receiving about 400 of the 1,000 new agents slated for FY 1999, will now receive fewer than 150. We can and must do better than that.

The Border Patrol's Tucson sector last month recorded a record 60,537 illegal immigrant detentions, raising this year's total to more than 200,000. And the Tucson sector does not even cover the entire Arizona border with Mexico. The immigration problem in my state is getting worse, not better, as the President's decision to request funding for no new agents in FY 2000 implies. The Border Patrol's inability to hire the required number of new agents even as towns like Douglas, Arizona face a rising tide of illegal immigrants does not inspire confidence in its ability to properly carry out its mission.

Our legislation would promote all Border Patrol agents who have completed at least one year at the GS–9 level, and who are rated as fully successful or higher, to the GS–11 rank, placing them on a professional level commensurate with their peers in other Federal law enforcement agencies. Our bill would also create an Office of Border Patrol Recruitment and Retention to develop outreach programs for prospective Border Patrol agents, develop programs to provide retention incentives, and make recommendations about Border Patrol salaries and benefits. It is our hope that this legislation will help reverse the outflow of skilled agents from the Border Patrol, as well as make such service more appealing to the talented men and women it relies on.

America's Border Patrol agents perform critical work but have been underappreciated for years. It's time we changed that. The premise of our legislation is the Border Patrol agents, whose duties involve considerable risks and require unique abilities, perform work as important as many of our other Federal law enforcement agents and should be compensated accordingly. Similarly, the Border Patrol should develop personnel policies to attract more of our best and brightest. At a time when we are having trouble hiring and retaining new agents, and as pressure from illegal immigration intensifies in some areas, especially southern Arizona, we cannot afford not to take better care of the men and women of the U.S. Border Patrol. Our legislation makes meaningful progress toward that end.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 913. A bill to require the Secretary of Housing and Urban Development to distribute funds available for grants under title IV of the Stewart B. McKinney Homeless Assistance Act to help ensure that each State received not less than 0.5 percent of such funds for certain programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE HOMELESSNESS ASSISTANCE FUNDING FAIRNESS ACT

Ms. COLLINS. Mr. President, I rise today to introduce the Homelessness Assistance Funding Fairness Act. I introduce this bill in conjunction with my House colleague, Congressman JOHN BALDACCI, who is sponsoring a companion bill in the House. Congressman BALDACCI and I have been working on issues involving the homeless for some time, in our attempt to devise an approach that will distribute federal funds more equitably and effectively.

Congress has taken important steps to begin to address the root causes of homelessness in America. Some of the most important are the Continuum of Care programs which provide grants that link neighborhood partnerships and community services with shelter.

The goal of Continuum of Care programs is self-sufficiency for people who are homeless, an approach that goes well-beyond the ''band aid'' solutions of yesteryear which provided the homeless only a bed for the night. Continuum of Care programs support treatment and counseling programs in conjunction with shelter, recognizing the hard reality that many homeless people must overcome serious substance abuse, addiction, and mental health problems before a life of permanent housing and stability is possible.

Under the leadership of VA–HUD Appropriations Subcommittee Chairman BOND, Congress has recognized the great importance of Continuum of Care programs, and has risen to the challenge to provide this broad spectrum of care by appropriating $975 million last year for homeless assistance grants, a large portion of which are Continuum of Care grants.

Although the strategy behind the Continuum of Care grant programs has been saluted for its logic, the Department of Housing and Urban Development's administration of the competitive award process that allocates this funding has not been similarly celebrated.

The unfortunate experience of the State of Maine last year is illustrative of the problems in the distribution of funding. Maine submitted two Continuum of Care grant applications in 1998, one to address the needs of the City of Portland, and another to serve the needs of much of the remainder of the state.

In December 1998, HUD announced the Continuum of Care grant recipients and Maine was shocked to learn the State would receive no funding through the grant process. After some investigation, my office determined that the scores for both the Maine applications were within two points of a passing grade. Nevertheless, Continuum of Care HUD homeless assistance funding distributed to Maine went from $3.7 million to zero, despite the fact that in 1998 Secretary Cuomo had awarded programs which received funding through the Continuum of Care program the ''best practices'' award of excellence.

Following a vigorous public campaign by Maine residents, and the repeated intervention of Maine's congressional delegation, HUD provided a small portion of the original request to the City of Portland outside the competitive process. The money, though welcomed, was far from enough to allow Portland to meet the needs of its homeless population.

The human cost of this bureaucratic determination is immense. In light of the ongoing needs of the homeless in Maine, as well the often harsh weather conditions in our region of the country, HUD's decision was particularly troubling.

The experience of the state of Maine has convinced me not only of the critical need for funding of these projects, but also of the need to re-evaluate the process for distributing these funds. No state should be wholly shut out of the funding award process, because it is an unfortunate reality that all states have homeless people with significant needs.

In response to the unfortunate experience of the State of Maine last year, the legislation I am proposing specifically directs the Department of Housing and Urban Development to provide a minimum percentage of Continuum of Care competitive grant funding to each state. This will create a safety net for the homeless of each state, without ending the competitive process that recognizes programs of special merit or need. My legislation also directs HUD to distribute this funding to a state's priority programs should the state only receive this mandatory minimum.

This legislation is not only driven by basic questions of fairness to all states, but by the significant and often forgotten needs of homeless people living in rural America.

The problem of homelessness is often mischaracterized as an exclusive problem of urban areas. However, homelessness in Maine, and in many rural communities across our country, is a large and growing problem. From 1993 to 1996, Maine experienced an increase in its homeless population of almost 20%—it is estimated that more than 14,000 people are homeless in my home state today. In a state of only 1.2 million people, this is a troubling percentage of the population.

A recent article in the Christian Science Monitor perhaps said it best: ''If the urban homeless are faceless and nameless. . . then the rural homeless are practically invisible.'' However, Mr. President, that does not mean they do not exist. Unlike homeless individuals in urban areas who are seen on busy streets everyday, rural individuals living in poverty often subsist in relative isolation.

The 27,000 Maine households with incomes of less than $6,000 annually teeter on a shadowy brink where income cannot guarantee shelter. When fortune turns sour, it is these families who find themselves without decent shelter. When substance abuse or mental illness afflicts the parents, the likelihood of homelessness escalates. Indeed, in Maine, 24 percent of visitors to Maine homeless shelters are families with children.

The problem of providing services to homeless people is compounded by many challenges. In some areas of Maine, geographic isolation is the most critical obstacle to receipt of services; in others, rising housing costs makes obtaining housing exceedingly difficult for the marginally employed. Both these circumstances are compounded by the significant substance abuse and mental health problems prevalent among the homeless population in Maine as in all areas of the country.

I am proud to say that the people of Maine have developed many innovative programs to assist our homeless population. Through programs like the Bangor Area Homeless Shelter, which fills the immediate needs of outreach, shelter and counseling to area homeless, and more long term programs like Shalom House, which provides services and shelter for the mentally ill, the Preble Street Resource Center, which provides job training, social services and medical care among its many services, and the YWCA, which provides programs to assist teen age moms, Mainers have worked hard to reach out and assist those in need and to provide effective care and outreach for Maine's homeless people.

I recently had the opportunity to visit with the staff and clients of a shelter in Alfred, Maine, that is making a real difference in the lives of homeless men and women. As one man who has battled both severe alcoholism and mental illness told me, ''The people at this shelter saved my life. Without their help, I'd be dead on the street. But now, I can see a future for myself.'' Significantly, 90 percent of the homeless people served by this York County Shelter face serious problems with substance abuse or mental illness.

These programs, and others like them, depend on federal funding, and its unexpected loss last year has left my state scrambling to make up for this serious shortfall. I hope you will join me in supporting this legislation that will prevent other states from facing this same misfortune. All states deserve at least a minimum percentage of homeless funding available through the Continuum of Care grants, because no state has yet solved the problems faced by its homeless men, women and children.

Ms. SNOWE. Mr. President, I rise in support of legislation being introduced by my colleague from Maine, Senator COLLINS, the Homeless Assistance Funding Fairness Act.

This bill will set a minimum allocation for state homeless funding by the U.S. Department of Housing and Urban Development (HUD) in an effort to prevent future repeats of a situation that Maine faced this year when HUD denied applications for homeless funding from the Maine State Housing Authority and the city of Portland, Maine's largest city.

Maine was one of just four states denied funding this year under HUD homeless programs—and that is a situation that no state should have to endure. HUD took steps to partially rectify this situation since the original announcement, but this legislation will assure minimum funding for every state and assure a fairer allocation of funding in the future. The legislation requires HUD to provide a minimum of 0.5 percent of funding to each state

under Title IV of the Stewart B. McKinney Homeless Assistance Act.

Mr. President, it may interest my colleagues to learn a little more about the problem that inspired this legislation. In January, HUD issued grant announcements for its Continuum of Care program—which provides rental assistance for those who are or were recently homeless—but denied applications by the Maine State Housing Authority and by the city of Portland, leaving the state one of only four not to receive funds.

The Maine congressional delegation immediately protested the decision to HUD Secretary Andrew M. Cuomo, and I wrote and spoke repeatedly with Secretary Cuomo about the decision—to encourage HUD to work with Maine homeless providers to find an acceptable solution. I also contacted the Senate Appropriations Subcommittee on Veterans' Affairs and Housing and Urban Development and asked committee members to examine the issue as well.

HUD officials restored about $1 million in funding to the city of Portland, but refused to restore State homeless funding. In 1998, Maine homeless assistance providers received about $3.5 million from the Continuum of Care Program, and this year the State had requested $1.2 million for renewals and $1.27 million to meet additional needs. MSHA, which coordinates the program, estimates that many individuals with mental illness or substance abuse problems who have been receiving rent subsidies will lose those subsidies over the course of the next six months as a result of HUD's failure to fund Maine programs. This in spite of the ''proven track record'' of Maine homeless programs, including praise by Secretary Cuomo during his visit to Maine in August 1998.

Without this homeless assistance, basic subsidized housing and shelter programs suffer, and it is more difficult for the State to provide job training, health care, child care, and other vital services to the victims of homelessness, many of whom are children, battered women, and others in serious need.

In 1988, 14,653 people were temporarily housed in Maine's emergency homeless shelters. Alarmingly, young people account for 30 percent of the population staying in Maine's shelters, which is approximately 135 homeless young people every night. Twenty-one percent of these young people are between 5½ with the average age being 13. Meanwhile, Maine earmarks more funding per capita for the elderly, disabled, mentally ill, and poor for services and support programs then the majority of other states, even though it ranks 36th nationwide in per capita income.

In closing, I would simply reiterate that Maine was not the only state that was frozen out of the process this year. Without congressional intervention, what state will be next? This makes it all the more important that changes be made to our homeless policy to ensure that no state falls through the cracks. As such, I urge my colleagues to join Senator COLLINS and myself in a strong show of support for this legislation.

By Mr. SMITH of New Hampshire (for himself, Ms. SNOWE, Mr. WARNER, Mr. VOINOVICH, Ms. COLLINS, Mr. ABRAHAM, Mr. ROBB, Mr. HAGEL, and Mr. LUGAR):

S. 914. A bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

COMBINED SEWER OVERFLOW CONTROL AND PARTNERSHIP ACT OF 1999

Mr. SMITH of New Hampshire. Mr. President, I would like to take a few minutes to introduce important environmental legislation that will have a significant and positive impact on our nation's waterways. Today, along with my colleague from Maine, Senator SNOWE, and seven other cosponsors, I am introducing the Combined Sewer Overflow Control and Partnership Act of 1999.

While the title of this bill, indeed, the subject matter itself, may not be the most exciting, front-burner policy issue of the day, the control of overflows from sewer systems is a serious environmental and financial concern for hundreds of communities across this country. For my own state of New Hampshire, there are six communities with combined sewer overflow, or CSO, problems. The cities of Manchester, Nashua, Portsmouth, Exeter, Berlin, and Lebanon are all facing this challenge.

I have worked closely with the mayors of these cities over the past several years and have seen first-hand the environmental problems. This legislation is aimed at helping CSO communities comply with Clean Water Act mandates to reduce or eliminate overflows into nearby rivers and streams. CSOs are the last permitted point source discharges of untreated or partially treated sewage into the nation's waters. For those colleagues who don't have CSO communities in their states, I'll briefly explain what they are.

Combined sewer systems collect sanitary sewage from homes and office buildings during periods of dry weather for conveyance to wastewater treatment plants for treatment. However, these systems also receive storm water during wet weather, which typically causes a hydraulic overload of the system, triggering the discharge of untreated wastewater to receiving waters through combined sewer overflow outfalls. Not a pleasant sight.

Most combined systems were installed at the turn of the century when they were state-of-the-art sewer technology, mainly in the Northeast and Midwest regions of the country. Controlling or eliminating CSO discharges is an enormously expensive proposition that often requires communities to completely rebuild their sewer systems. The national cost estimates to complete this job range from $50 billion to $100 billion. Compounding the sheer financial magnitude of the CSO problem is the fact that the vast majority of the approximately 1,000 CSO communities nationwide have less than 10,000 residents, or ratepayers. These ratepayers could pay hundreds of dollars more per year on their water bills without this legislation. With these statistics, it is not surprising that a CSO control program often poses the single largest public works project in a CSO community's history.

Although the Federal Clean Water Act does not specifically speak to the issue of combined sewers, it has been interpreted to require the control and treatment of CSO discharges. Recognizing the financial burden this would pose on small towns, in 1994, the Environmental Protection Agency issued the ''Combined Sewer Overflow Policy,'' which allowed CSO control programs to be developed in the most cost-effective, flexible and site-specific manner possible. This policy was developed with the input from many stakeholders, including local governments, environmental groups, and engineering firms, and was viewed as a major step forward in tackling this problem through commonsense means.

Unfortunately, this policy is just an administrative policy and lacks statutory authority. So, one of the most important provisions of this bill would essentially codify or affirm EPA's CSO Policy. This provision will give CSO communities the legal protection and regulatory relief they so desperately need. A key component of the CSO Policy is to ensure that water quality standards are consistent with whatever CSO control plans are mandated.

The second part of the bill sets up a partnership between the Federal Government and our local governments by authorizing five years of funding assistance for these communities. While there is a State revolving loan fund under the Clean Water Act that provides loan assistance to municipalities for water treatment, the SRF cannot possibly meet the needs of these CSO communities. The financial burden of CSO control programs generally far exceed the capacity of local ratepayers to assume the full cost.

I emphasize that ratepayers cannot assume the full cost of these programs.

While this bill does authorize new funding assistance, I do not intend for

this funding to increase EPA's overall budget. As many of my colleagues are aware, numerous earmarks for CSOs or other public works projects are frequently included in appropriations bills. I am hoping that the existence of a CSO assistance program at EPA will discourage the practice of earmarking specific projects and seek competitive funding through this program.

In conclusion, Mr. President, I would like to add that this legislation has been endorsed by the CSO Partnership, a recognized coalition of CSO communities and mayors. I would also like to thank Senator SNOWE for her support and assistance on this legislation, as well as the other original cosponsors: Senators WARNER, VOINOVICH, COLLINS, ABRAHAM, ROBB, HAGEL, and LUGAR. I am hopeful that we will have an opportunity to consider this legislation in the Environment and Public Works Committee and the full Senate sometime this year. It is both proenvironment and procommunity and I ask for my colleagues support and welcome their cosponsorship.

By Mr. GRAMM (for himself, Mrs. HUTCHISON, Mr. MACK, and Mr. COVERDELL):

S. 915. A bill to amend title XVIII of the Social Security Act to expand and make permanent the Medicare subvention demonstration project for military retirees and dependents; to the Committee on Finance.

LEGISLATION EXPANDING AND MAKING PERMANENT THE MEDICARE SUBVENTION DEMONSTRATION PROJECT FOR MILITARY RETIREES AND DEPENDENTS

Mr. GRAMM. Mr. President, along with Senators KAY BAILEY HUTCHISON, CONNIE MACK, and PAUL COVERDELL, I am introducing legislation today which will expand the opportunities for military retirees to use their Medicare coverage to pay for treatment at military medical facilities. By giving our military retirees this option, we fulfill a health care promise that America has made to every man and woman who has retired from our armed forces after a career of exemplary service.

Upon retirement after twenty or more years of military service, our nation promises to provide military health care to our retirees for the rest of their lives. This promise is one of the most important commitments our country makes to its military retirees. Unfortunately, for many military retirees age 65 and over, this promise is being broken. More and more of the 65 and over retirees have found themselves unable to receive care on a space-available basis at their local military medical facility. For these retirees, America's promise of health care for life is not being honored.

Ironically, many of these military retirees are entitled to Medicare in addition to their military health care eligibility. An estimated 1.2 million Americans fit into this ''dual-eligible'' category, with over 300,000 of them regularly using military medical treatment facilities for their health care. The result is that the Department of Defense effectively subsidizes Medicare at the rate of approximately $1.4 billion per year to treat these dual-eligible beneficiaries.

As a first step toward fulfilling America's promise to military retirees 65 and over, Congress passed my proposal for a three-year demonstration project as part of the Balanced Budget Act of 1997. Under this demonstration project, known as Medicare Subvention, over 28,000 dual-eligible military retirees are being treated in military facilities at selected test locations across the country. For these retirees, Medicare is reimbursing the Department of Defense up to 95% of the amount Medicare would pay Health Maintenance Organizations for similar care. Unfortunately, the limited scope of the demonstration project means that the majority of dual-eligible retirees are still unable to receive the treatment they have earned at the military facilities in their hometowns.

The bill we introduce today will keep the health care promise America made to her military retirees 65 and over by expanding the demonstration project and by ultimately making Medicare Subvention permanent across the country. Specifically, this bill will expand the test locations for the demonstration project to 16 sites effective January 1, 2000. At these 16 sites, the demonstration project will become permanent. In addition, on October 1, 2002, the bill expands Medicare Subvention to any military medical treatment facility approved by the secretaries of Defense and Health and Human Services.

This bill not only fulfills commitments America made in the past, it gives meaning and credibility to promises America is making to our military service members today. If America does not keep her word to those served during World War II, Korea, Vietnam, and the cold war, how can we expect America's best and brightest to dedicate their careers to serve this country in the future? We must act now to ensure that America's defense in the future will be as strong as it has been in the past. I ask my colleagues to support this important legislation. Mr. President, I ask unanimous consent that the text of a letter of support for the bill, signed by the Military Coalition, which is a consortium of military and veterans associations, be printed in the RECORD.

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

THE MILITARY COALITION,
Alexandria, VA, April 27, 1999.

Hon. PHIL GRAMM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMM: The Military Coalition, a consortium of military and veterans associations representing more than five million current and former members of the uniformed services, plus their families and survivors, is very grateful for your leadership in developing legislation to expand and make permanent TRICARE Senior Prime (the Medicare Subvention demonstration project for Medicare-eligible uniformed services beneficiaries). TRICARE Senior Prime has been successfully implemented in all of the demonstration sites and, by all accounts, has been very well received by eligible beneficiaries at each site. The Department of Defense has also expressed a strong desire to expand this program to other sites across the country wherever feasible. Your initiatives to expand TRICARE Senior Prime to ten additional locations by January 1, 2001 and then across the remaining TRICARE Prime catchment areas not later than October 1, 2002 clearly meets a critical need for our Medicare-eligible beneficiaries.

The Military Coalition is particularly pleased that your bill takes the additional step of making TRICARE Senior Prime a permanent program. The Coalition has been concerned that some older retirees have refrained from participating in TRICARE Senior Prime because of their perception that the temporary nature of the demonstration program could place participants at financial risk. Beneficiaries need assurance that this program will not disappear abruptly as so many of their other health care benefits have, especially since TRICARE Senior Prime is an integral part of fulfilling the promise of health care for life for uniformed services beneficiaries. Your bill takes a great step toward providing retirees this assurance.

The Military Coalition is also pleased that your legislation would authorize non-enrollees to use TRICARE Senior Prime services on a ''fee-for-service'' basis. The Military Coalition believes this would be particularly useful for the Department of Defense, as well as beneficiaries, especially at some of the smaller facilities with little or no inpatient capabilities where it might be difficult to implement a Medicare HMO program.

The Military Coalition wholeheartedly endorses your bill, and will take whatever steps are necessary to encourage other members of the Senate to co-sponsor this bill and have it enacted as soon as the data from the existing test sites validate that Medicare subvention is as valuable to DoD, Medicare and the beneficiaries as we believe it is.

Sincerely,

THE MILITARY COALITION.

(Signatures of Associations enclosed).

Air Force Association, Air Force Sergeants Association, Army Aviation Assn. of America, Assn. of Military Surgeons of the United States, Assn. of the US Army, Commissioned Officers Assn. of the US Public Health Service, Inc., CWO & WO Assn., US Coast Guard, Enlisted Association of the National Guard of the US, Fleet Reserve Assn., Gold Star Wives of America, Inc., Jewish War Veterans of the USA, Marine Corps Reserve Officers Assn., National Guard Assn. of the US, National Military Family Assn., National Order of Battlefield Commissions, Naval Enlisted Reserve Assn., Naval

Reserve Assn., Navy League of the US, Reserve Officers Assn., Society of Medical Consultants to the Armed Forces, The Military Chaplains Assn. of the USA, The Retired Enlisted Assn., The Retired Officers Assn., United Armed Forces Assn., USCG Chief Petty Officers Assn., US Army Warrant Officers Assn., Veterans of Foreign Wars of the US, and Veterans' Widows International Network, Inc.

Mr. COVERDELL. Mr. President, today I am proud to join my esteemed colleagues in introducing a bill that will expand and make permanent the Medicare Subvention demonstration program passed as part of the 1997 Balanced Budget Agreement. I worked with Senator GRAMM to pass that measure then and I am pleased to join him again today to move this program to its next level.

Military retirees have had an increasingly difficult time obtaining the lifetime health care they were promised in return for 20 years of service to their country. The problem, largely, has been access. The number of military hospitals has decreased dramatically since the end of the cold war and TRICARE/CHAMPUS, the health care plan created to assist military retirees, not only is not available to a military retiree who is Medicare eligible, but also when it is available its reimbursement rates are so low many private practitioners will not accept it, forcing military retirees back into military hospitals on a ''space available'' basis. Mr. President, you can see the vicious cycle this creates. Simply, put, military retirees are being shut out of the military health care system.

Congress, in turn, has been looking for solutions to this lack of access. Last year I cosponsored a commonsense measure with Senator THURMOND. Our simple proposal would have given military retirees the option to enroll in the Federal Employees Health Benefits Plan, the same plan in which you and I and our staffs are enrolled, Mr. President. Congress acted on this idea by creating an FEHBP demonstration program. While not a total solution, the program has moved us in the right direction.

Another commonsense measure, Mr. President, is Medicare Subvention. Currently, Medicare does not reimburse the Defense Department for health care services. This makes little sense considering that Medicare would reimburse any other private physician or medical care provider. If a Medicare-eligible military retiree lives near a military hospital he cannot use his Medicare and he cannot use TRICARE. He must find another insurance provider to help pay for his medical care. This is why, Mr. President, we passed a test of the Medicare Subvention in the 105th Congress.

Now we hope to move this concept forward. It is my understanding that while the program is working, the connotation of the word ''test'' is deterring military retirees who might otherwise enroll in a program they know to be permanent. This bill would solve that problem. Our bill also provides a fee-for-service Medicare option at certain Military Treatment Facilities if this would be a more cost effective approach for those facilities.

Mr. President, this bill enjoys widespread support. The Military Coalition strongly favors an expansion of the Medicare subvention test. My colleague from Texas, Senator GRAMM introduced for the RECORD a letter from the Coalition supporting this bill. Further, Congressman HEFLEY's bill in the House has already garnered 69 cosponsors. I believe this is a proposal Congress should move forward.

Congress must continue to increase access to health care for our nation's military retirees. Medicare subvention is a commonsense approach to achieving this end. Thus far, based on the demonstration program, the parties involved feel that Medicare Subvention has been a success. Now we must let our military retirees know that when they enter this program the Government will not leave them in the lurch. This bill will do exactly that.

By Mr. GRAMS (for himself, Mr. FEINGOLD, Mr. FITZGERALD, Mr. ABRAHAM, Mr. KOHL, Mr. HAGEL, Mr. DURBIN, Mr. ALLARD, Mr. CRAIG, Mr. CONRAD, and Mr. WELLSTONE):

S. 916. A bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY COMPACT REPEAL LEGISLATION

Mr. FEINGOLD. Mr. President, I rise to join the Senator from Minnesota, Senator GRAMS, in introducing a measure to repeal the Northeast Interstate Dairy Compact. The Northeast Dairy Compact was included in the 1996 farm bill during conference negotiations after it had been struck from the Senate version of the farm bill during floor consideration.

Mr. President, support of this legislation is especially crucial as compact proponents have recently introduced a measure to make permanent and expand the Northeast Interstate Dairy Compact and establish a southern dairy compact. In other words, a measure devised to control three percent of the country's milk is now seeking 40% of the country's milk. The cost to consumers, taxpayers, and farmers outside the compact region are enormous.

Mr. President, the Northeast Interstate Dairy Compact bill of 1996 established a commission for six Northeastern States—Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut—empowered to set minimum prices for fluid milk above those established under Federal Milk Marketing Orders. This sort or compact was unprecedented and unnecessary because the Federal milk marketing order system already provided farmers in the designated compact region with minimum milk prices higher than those received by most other dairy farmers throughout the nation. But they wanted more.

This compact not only allows the six States to set artificially high fluid milk prices for their producers, it also allows those States to keep out lower priced milk from producers in competing States and provides processors within the region with a subsidy to export their higher priced milk to non-compact States.

Mr. President, the arguments against this type of price-fixing scheme are numerous: It interferes with interstate commerce by erecting barriers around one region of the Nation; It provides preferential price treatment for farmers in the Northeast at the expense of farmers nationally and may now extend that privilege to the south; It encourages excess milk production in one region without establishing effective supply control that drives down milk prices for producers throughout the country; It imposes higher costs on the millions of consumers in the Compact region; It imposes higher costs to taxpayers who pay for nutrition programs such as food stamps and the national school lunch programs which provide milk and other dairy products and as a price-fixing mechanism, the compact it is unprecedented in the history of this Nation.

Most important to my home State of Wisconsin, Mr. President, is that the Northeast Dairy Compact exacerbates the inequities within the Federal milk marketing orders system that already discriminates against dairy farmers in Wisconsin and throughout the upper Midwest. Federal orders provide higher fluid milk prices to producers the further they are located from Eau Claire, WI, for markets east of the Rocky Mountains.

Wisconsin farmers have complained for many years that this inherently discriminatory system provides other regions, such as the Northeast, the Southeast, and the Southwest with milk prices that encourage excess production in those regions. Of course, that excess production drives down prices throughout the Nation and results in excessive production of cheese, butter, and dry milk.

Cheese and other manufactured dairy products constitute the pillar of our dairy industry in Wisconsin. Competition for the production and sale of these products by other regions spurred on by artificial incentives under milk marketing orders has eroded our markets for cheese and other products.

Mr. President, my State of Wisconsin loses more dairy farms each year than any other state. A recent survey by the

National Milk Producers Federation revealed that, between 1993 and 1998, Wisconsin lost over 7000 dairy farms—that's three dairy farms a day! The number of manufacturing plants has declined from 400 in 1985 to less than 230 in 1996. These losses are due in part, to the systematic discrimination and market distortions created by Federal dairy policies that provide artificial regional advantages that cannot be justified on any rational economic grounds.

Lets look at their arguments: They claim this legislation is necessary to save their small dairy farmers, yet the bill does not target small operations. One year after the compact began, New England dairy farms went out of business at a 41% faster rate than in the prior two years.

They also claim that consumers in their regions are willing to pay a higher price at the grocery store as a result of the compact. However, studies show that higher milk prices at the retail level result in a decline in milk consumption at home. According to economists, a 10% increase in price can lead to as much as an 8% decline in consumption. The spread of dairy compacts to include half of the U.S. population in the Northeast, the South and parts of the Midwest could drive up milk prices as much as 20%.

Mr. President, my colleague from Minnesota, Senator GRAMS and I are on the floor today offering this legislation because the Northeast Dairy Compact reinforces the outrageous discrimination that has so wounded the dairy industry in our States. We have fought to change Federal milk marketing orders and we will fight to prevent the Northeast Dairy Compact from becoming permanent and expanding, and prevent the authorization of a southern compact. We will do all of these things in the name of basic fairness, simple justice and economic sanity in the marketplace. Upper Midwest dairy farmers have been bled long enough.

When prices fall, as they have recently, all farmers feel the stress. Why should one farmer in a region arbitrarily suffer or benefit more than another farmer on a similar operation in another region because of this artificial finger on the scale called the compact. Regional inequities are the inherent assumption of compact proponents and a basic economic premise of the compact idea. Shouldn't we be working together to make conditions better for all dairy producers? Why should one region, and now multiple regions be treated differently?

And yet the Northeast Compact provides price protection for dairy farmers in six States, insulating them from market conditions which ordinary noncompact farmers have to live with. Compact proponents have never been able to explain how conditions in the Northeast merit greater protection from market price fluctuations than other regions of the country. The fact that there are no compelling arguments made in favor of the compact that justified special treatment for the Northeast was emphasized by a vote in the full Senate to strike the compact from the 1996 farm bill. It was the only recorded vote on approval or disapproval of the Northeast Dairy Compact—and it killed the compact in the Senate. The way in which the compact was ultimately included in the 1996 farm bill also illustrates the weak justification for its approval. Let me remind my colleagues that the compact was never included in the House version of the farm bill and yet emerged as part of the bill after a closed door Conference negotiation. Legislation which is patently unfair and difficult to defend must frequently be negotiated behind closed doors rather than in the light of day.

Even the Secretary of Agriculture, after approving the compact, was unable to come up with an economic justification for the compact. The Secretary's finding of 'compelling public interest' as a basis for justifying his approval of the compact was so weak and unsupported by the public record that a suit was filed by compact opponents in Federal court charging that the Secretary violated the Administrative Procedures Act.

Mr. President, authorizing dairy compacts is bad public policy because it increases costs to taxpayers and consumers and currently only benefits a few in privileged regions. It is bad dairy policy because it exacerbates regional discrimination of existing Federal milk marketing orders by providing artificial advantages to a small group of producers at the expense of all others. And it is bad economic policy because it establishes barriers to interstate trade—barriers of the type the United States has been working hard to eliminate in international markets.

Mr. President, Congress should never have provided Secretary Glickman with authority to approve the compact. That in my view, was an improper and potentially unconstitutional delegation of our authority and it was irresponsible. It is the role of Congress to approve interstate compacts and we irresponsibly abrogated our responsibility in this matter. It is time to make it right.

It is incumbent upon Congress to undo the mistake it made in the 1996 farm bill. It's time to repeal the Northeast Interstate Dairy compact.

I urge my colleagues to support this legislation.

By Mr. GRAMS (for himself and Mr. FEINGOLD):

S. 917. A bill to equalize the minimum adjustments to prices for fluid milk under milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

THE DAIRY REFORM ACT

Mr. GRAMS. Mr. President, I rise today in order to call attention to one of the most onerous barriers currently facing American agriculture. It is a regional price-fixing cartel, which benefits only those producers within its own boundaries, at the direct expense of consumers. It is a patently unfair, unabashed attempt to distort basic principles of market forces. It is the Northeast Interstate Dairy Compact, which has been in effect in New England States since July 1997.

Today, Senator RUSS FEINGOLD of Wisconsin and I introduce the Dairy Fairness Act, which would repeal the Northeast Interstate Dairy Compact. As many southeastern States are passing enabling legislation to lay the groundwork in forming their own compacts, we feel it is necessary to once again review the notorious history of the Northeast Interstate Dairy Compact, and its negative impact on consumers and on all dairy farmers—with the notable exception, of course, of the largest dairy industries within the compact region.

The 1996 FAIR Act included significant reforms for diary policy. It set the stage for greater market orientation in dairy, including reform of the archaic Federal milk marketing orders. Yet despite a strong vote by the Senate to strip the Northeast Interstate Dairy Compact from its version of the FAIR Act, and the deliberate exclusion of any compact language from the House version of the bill, a Northeast Interstate Dairy Compact provision was slipped into the conference report. This language called for the termination of the compact upon the completion of the Federal milk marketing order process. That would have been in April of 1999. Well, through last year's appropriations process, the implementation of USDA's Federal Milk Marketing Order reforms have been delayed by 6 months. Of course, this was not at the request of the USDA. With the delay came an automatic extension of this compact. This political maneuvering is outrageous, and it comes with a high price tag attached—a high price tag to be paid by milk drinkers, and the rest of the Nation's dairy farmers.

The goals of the Northeast Dairy Compact have been clear since its inception. That was—to increase the profits of producers within the compact region, but at the expense of everyone outside of the compact. And by now, the obvious ramifications have been realized—higher milk prices within the compact region. This, not surprisingly, has led to a decrease in milk consumption. According to data from the Northeast Dairy Compact Commission, the compact, since it has been in effect, has added $46.5 million to the cost of milk in New England. As the fluid milk prices which consumers pay rise, the burden falls disproportionately on low-

income families, particularly those with small children. Low-income families spend a greater percentage of their income on food. They are harmed as a direct result of this compact.

The compact is having other dramatic effects as well. The increase in prices which producers receive for their milk has led to surplus production, which has had a negative effect on other producers around the country. Conversion of this surplus milk into cheese, butter, and powder drives down prices for these products in other non-compact regions. Take milk powder, for instance. Some of the compact's excess supply has been converted into nonfat milk powder. Between October 1997 and March 1998, New England produced 11 million more pounds of powder, 60 percent more than it did in the same period of the preceding year. During that time, nonfat powder production in the U.S. increased by only 2 percent. Furthermore, between October 1, 1997 and March 31, 1998, the nonfat milk powder glut in the U.S. drove prices so low that USDA had to spend nearly $41 million to buy surplus milk powder from dairy processors. Dairy producers outside of the compact region clearly are harmed as a direct result of the compact.

In fact, the only real winners have been the largest industrial dairies of the Northeast. It is really no surprise. Just consider it: if the compact pays a premium per hundredweight of milk, and large industrial dairies are able to produce, for example, 15 to 20 times more than the ''typical'' traditional dairy farm that the compact was supposedly going to protect, who do you think the big winners are? It certainly isn't the traditional dairy farm. They are also put at a competitive disadvantage, and thanks again to regional politics. And so are dairies outside the compact region.

We must keep sight of the fact that a dairy compact, or any sort of compact for that matter, is essentially a price-fixing scheme, which so abuses interstate commerce that it requires a special authorization of Congress. Otherwise it would violate Federal antitrust laws. We have come to the point where we must ask ourselves, as a nation, in which direction will we proceed concerning dairy policy. USDA has just presented its recommendations for Federal Milk Marketing Order reforms. It is not a great step in the way of reform, but at least it represents a rational attempt to decrease Federal interference in the dairy business and to treat producers all over the country a little more fairly. A national patchwork of compacts would render the Federal Milk Marketing Order reforms meaningless. It would essentially kill any hope for the beginning of real Federal reform. Interstate commerce in the milk industry would be so confusing it would be a confusing maze that harms consumers. While dairy was not included in the farm bill, it was always envisioned that a later dairy solution would conform to the free market concept of that farm bill.

We all know that it is difficult in Washington to have the courage to bypass any of those quick-fix issues in favor of a long-range view which would produce better and sound dairy policies. But that is exactly what we need today. That is where real leadership comes into play. So let's be advocates for the traditional dairy farmers, not just the mega-dairies. What is required now is a complete overhaul of this backward-looking and just plain unfair compact legislation. Senator FEINGOLD and I will continue to fight the Northeast Interstate Dairy Compact, and any other dairy compact that may be proposed. And we urge our colleagues to give all dairy farmers, in all areas of our country, the ability to compete on a level playing field.

To this end, and in order to underscore the need for significant reform, Senator FEINGOLD and I today also introduce the Dairy Reform Act, which would equalize the minimum adjustments to prices for fluid milk marketing orders at $1.80 per hundredweight of milk. This legislation, again, represents real reform, and a level playing field that will allow farmers to compete fairly and not have the Federal Government stand on the neck of dairy farmers in one area of the country while supporting those in others. It would allow producers to compete in a system where efficiencies—efficiencies—would be rewarded and they would be important according to market principles. The current system is so weighted against the Upper Midwest that our dairy farmers have to be twice as good just to be able to break even. The Dairy Reform Act proposes a marketing system which would truly be fair.

Mr. FEINGOLD. Mr. President, today I rise in support of the Dairy Reform Act of 1999, introduced by my colleague from Minnesota, Senator ROD GRAMS.

The Federal Dairy Program was developed in the 1930's, when the Upper Midwest was seen as the primary reserve for additional supplies of milk. The idea was to encourage the development of local supplies of fluid milk in areas of the country that had not produced enough to meet local needs. Six decades ago, the poor condition of the American transportation infrastructure and the lack of portable refrigeration technology prevented Upper Midwest producers from shipping fresh fluid milk to other parts of the country. Therefore, the only way to ensure consumers a fresh local supply of fluid milk was to provide dairy farmers in those distant regions with a boost in milk price large enough to encourage local production—that higher price referred to as the Class I differential. Mr. President, the system worked well—too well. Wisconsin is no longer this country's largest milk producer. This program has outlived its necessity and is now working only to shortchange the Upper Midwest, and in particular, Wisconsin dairy farmers.

The Dairy Reform Act of 1998 is very simple. It establishes that the minimum Class I price differential will be the same, $1.80/hundredweight, for each marketing order. As many of you know, the price for fluid milk increases at a rate of approximately 21 cents per 100 miles from Eau Claire, WI. Fluid milk prices, as a result, are nearly $3 higher in Florida than in Wisconsin, more than $2 higher in New England, and more than $1 higher in Texas. This bill ensures that the Class I differentials will no longer vary according to an arbitrary geographic measure—like the distance from Eau Claire Wisconsin. No longer will the system penalize producers in the Upper Midwest with an archaic program that outlived its purpose years ago. This legislation identifies one of the most unfair and unjustly punitive provisions in the current system, and corrects it. There is no substantive, equitable justification to support non-uniform Class I differentials in present day policy.

USDA's Federal Milk Marketing Order reform proposal was recently published. Although the USDA was successful in narrowing Class I differentials, discrepancies still exist. It is long past the time to set aside regional bickering and address the problems faced by dairy producers in all regions. The Dairy Reform Act of 1999 will make a change to USDA's proposed rule which will make the entire package more palatable for Wisconsin's producers. It will take USDA's proposal a step further and lead the dairy industry into a more market oriented program. Also producers will still be able to receive payment for transportation costs and over-order premiums. This measure would finally bring fairness to an unfair system. With this bill we will send a clear message to USDA and to Congress that Upper-Midwest dairy farmers will never stop fighting this patently unfair federal milk marketing order system. After over 60 years of struggling under this burden of inequality, Wisconsin's dairy industry deserves more; it deserves a fair price.

By Mr. KERRY (for himself, Mr. BOND, Mr. BINGAMAN, Ms. LANDRIEU, Mr. HARKIN, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. KOHL, Mr. BURNS, Mr. ROBB, Mr. EDWARDS, Mr. LEVIN, Mr. GRAHAM, Ms. SNOWE, Mr. AKAKA, Mrs. MURRAY, Mr. CLELAND, Mr. KENNEDY, Mr. JEFFORDS, Ms. COLLINS, Mr.

ABRAHAM, Mr. LEAHY, Mr. BAUCUS, Mr. KERREY, Mr. GRASSLEY, Mr. MOYNIHAN, Mrs LINCOLN, Mr. BAYH, Mr. CHAFEE, Mr. LAUTENBERG, Mr. COCHRAN, and Mr. DASCHLE):

S. 918. A bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes; to the Committee on Small Business.

MILITARY RESERVIST SMALL BUSINESS RELIEF ACT OF 1999

Mr. KERRY. Mr. President, I come to the floor today to introduce the Military Reservist Small Business Relief Act of 1999. I offer it on behalf of myself and 30 other colleagues: Senators BOND, BINGAMAN, LANDRIEU, HARKIN, LIEBERMAN, WELLSTONE, KOHL, BURNS, ROBB, EDWARDS, LEVIN, GRAHAM, SNOWE, AKAKA, MURRAY, CLELAND, KENNEDY, JEFFORDS, COLLINS, ABRAHAM, LEAHY, BAUCUS, BOB KERREY of Nebraska, GRASSLEY, MOYNIHAN, LINCOLN, BAYH, CHAFEE, LAUTENBERG, COCHRAN, and DASCHLE. I thank these Senators for their support.

Mr. President, a number of those colleagues I listed serve on either the Small Business Committee, the Armed Services Committee or on the Veterans Affairs Committee. However, all have joined me in a universal concern that I think goes across the aisle for the problems that reservists face when they are called suddenly to active duty. This bill will help small businesses whose owner, manager, or key employee is called to active duty. Most immediately, we are obviously looking at the question of service in Kosovo, but the act also applies to future contingency operations, military conflicts, or national emergencies.

Since 1973, we have taken pains as a result of the Vietnam experience to build an all-volunteer military. Our reservists are much more than just weekend warriors. When they are called, they are an essential ingredient of any kind of long-term or significant deployment of American forces. I think everyone knows the contributions they have made as soldiers, sailors, airmen, marines and Coast Guard, serving our country in extraordinary ways in recent years.

The National Guard and the Reservists have become a critical component of U.S. force deployment. In the Persian Gulf war they accounted for more than 46 percent of our total forces. The Acting Assistant Secretary for Defense for Reserve Affairs just Tuesday said that ''Reservists are absolutely vital to our national military strategy.''

To support the NATO operations in the Balkans, Secretary of Defense Cohen has asked for and received the authorization to call up members of the Selected Reserve to active duty. President Clinton has authorized deployment of 33,000 reservists, but the initial callup includes only about 2,100 personnel. These first reservists come from Alabama, Arizona, California, Kansas, Indiana, Michigan, Pennsylvania and Wisconsin. A total of 1.4 million Americans currently serve in our seven Reserve components of the U.S. Armed Forces.

When these folks are called up, even though they know they are in the Reserves and even though they know at some point in time they might be called to meet an emergency of our country, the fact is that nothing prepares their families or them for the remarkably fast transition that takes place. There are obviously emotional and personal hardships people have to deal with, but in addition to that there are significant financial realities.

I have heard first-hand, talking to a number of vets who suffered this callup process, how difficult it is. One veteran told the ''Boston Globe'' on the 1-year anniversary of the Persian Gulf War:

> The Gulf War is going to wind up having caused a lot of stress for me personally and for my family. It didn't just take a year out of my life. It's going to take a minimum of another two years, because that's how long it's going to take for us to catch up.

I think it is imperative that we help these families and communities to bridge the gap between the moment when the troops leave and when they return. We are talking about people who fill all of the normal, everyday positions of commerce that help to keep this country strong—bankers, barbers, mechanics, merchants, farmers, doctors, Realtors, owners of fast food restaurants—all kinds of positions that reservists hold and ultimately leave when they go to active duty.

As some veterans of the Persian Gulf War know all too well, they left their businesses and their companies in good shape. They were earning a living, they were providing a service, they were adding to the tax base, they were creating jobs, and then they returned to hardships that range from bankruptcy to financial ruin; from deserted clients to layoffs.

Even if you are not a small business owner, one has to ask what happens to one's family or to one's business or company during a 6- to 7-month deployment if you or your key employee suddenly has to depart. Particularly in rural areas and small towns it can be extremely difficult to find a replacement.

Let me share with you just one very quick story from my part of the country. For privacy purposes I am not going to use any names. However, I am going to talk about a physician from Raynham, MA. He was a lieutenant commander in the Navy Reserve and was called up for Operation Desert Storm as a flight surgeon in January 1991. For 10 years he had been a solo practitioner. After only 6 months of service, he had to file bankruptcy. That bankruptcy affected not only him but his wife, his two employees, and their families. After 1 year on duty, he came home and he found he literally had no business, no clients at that point in time, and no job—no income as a consequence.

We do not know for how long reservists will be called away, but whenever they return, we ought to make certain, to the degree we can, that the negative impacts are as minimal as possible. There is a way to do that. The way to do it is through this legislation.

What we seek to do is to authorize the SBA, the Small Business Administration, to defer existing loan repayments and to reduce the interest rates on direct loans that may be outstanding to those who are called up. That would include disaster loans. The deferrals and reductions that are authorized by this bill would be available from the date that the individual reservist is called to active duty until 180 days after his or her release from that duty.

For microloans and loans guaranteed under the SBA's financial assistance programs, such as the 504 program or 7(a) loan programs, the bill directs the agency to develop policies that encourage and facilitate ways that SBA lenders can either defer or reduce loan repayments.

For example, a microlender's ability to repay its debt to the SBA is obviously dependent upon the repayments from its microborrowers. So, with this bill's authority, if a microlender extends or defers loan repayment to a borrower who is a deployed military reservist, in turn the SBA would extend repayment obligations to the microlender.

Second, the bill establishes a low-interest, economic injury loan program to be administered by the SBA through its disaster loan program. These loans would be specifically available to provide interim operating capital to any small business when the departure of a military reservist for active duty causes economic injury. Under the bill, such harm includes three general cases: No. 1, inability to make loan repayments; No. 2, inability to pay ordinary and necessary operating expenses; or, No. 3, inability to market, produce or provide a service or product that it ordinarily provides.

Identical to the loan deferral requirements, an eligible small business can apply for an economic injury loan from the date that the company's military reservist is ordered to active duty, again until 180 days after the release from active duty.

Finally, the bill directs the SBA, and all of its private sector partners, such as the small business development centers, the women's business centers, to make positive efforts—proactive efforts—to reach out to those businesses affected by the call-up of military reservists to active duty, and to offer

business counseling and training. Those left behind to run the businesses, whether it is a spouse or a child or an employee, while the military reservist is serving overseas, may be inexperienced in running the business and need quick access to management and marketing counseling. We think it is important to do what we can to help bring those folks together, to keep the doors of the business open, and to reduce the impact of a military conflict and national emergency on the economy.

Some people might argue—I have not heard this argument sufficiently—but it is not inconceivable that some people would say: Wait a minute now, reservists do not deserve this special assistance because they ought to know the inherent risks of their chosen role and they ought to be prepared for deployment.

It is true you may live with those possibilities and those probabilities. It is also true it is very hard to pick up from the moment of notification to the moment of departure in as little as 3 days, pulling all the pieces together sufficiently. During the Persian Gulf war, one reservist's wife, Mrs. Carolee Ploof of Middlebury, VT, reported that her family had 3 days to prepare for her husband's departure. She said: ''How do you prepare [for that]? I really think it's unfair that self-employed people have to lose their shirts to protect their country.'' So, from the moment her husband was mobilized, he reported for duty until 10 p.m. and then went home to try to teach his wife how to run the business—all in 48 hours before he was to depart.

I think we should understand we are talking here about loans and extensions on loans. We are not talking about forgiveness, and we are not talking about grants. We are talking about a hand up, not a hand-out. We are talking about trying to facilitate what is obviously a very difficult process.

Finally, let me just say we are the people who designed the policy that made it so our military deployments for significant kinds of conflicts are, in fact, so Reserve-dependent. We did that for a lot of good reasons, not the least of which is that we have a great tradition in this country of citizen soldiers—a voluntary civilian component of our military service. We also know it is a significant way to reduce the costs of a standing army. The costs of carrying a standing army, in lieu of having reservists as the important component they are, millions of times outweighs the very small, targeted help we are talking about in this legislation.

I thank my 30 other colleagues who are cosponsors of this bill. I hope that this legislation will move very rapidly through the Senate so reservists will know, and their families will know, that, should there be a greater deployment in the future, it will not come with the kind of loss, or double hit if you will, for the notion of service to our country.

Mr. President, I ask unanimous consent 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. 918

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 ''Military Reservists Small Business Relief Act of 1999''.

SEC. 2. REPAYMENT DEFERRAL FOR ACTIVE DUTY RESERVISTS.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following:

''(n) REPAYMENT DEFERRED FOR ACTIVE DUTY RESERVISTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE RESERVIST.—The term 'eligible reservist' means a member of a reserve component of the Armed Forces ordered to active duty during a period of military conflict.

''(B) OWNER, MANAGER, OR KEY EMPLOYEE.—An owner, manager, or key employee described in this subparagraph is an individual who—

''(i) has not less than a 20 percent ownership interest in the small business concern described in subparagraph (D)(ii);

''(ii) is a manager responsible for the day-to-day operations of such small business concern; or

''(iii) is a key employee (as defined by the Administration) of such small business concern.

''(C) PERIOD OF MILITARY CONFLICT.—The term 'period of military conflict' means—

''(i) a period of war declared by Congress;

''(ii) a period of national emergency declared by Congress or by the President; or

''(iii) a period of a contingency operation, as defined in section 101(a) of title 10, United States Code.

''(D) QUALIFIED BORROWER.—The term 'qualified borrower' means—

''(i) an individual who is an eligible reservist and who, received a direct loan under subsection (a) or (b) before being ordered to active duty; or

''(ii) a small business concern that received a direct loan under subsection (a) or (b) before an eligible reservist, who is an owner, manager, or key employee described in subparagraph (B), was ordered to active duty.

''(2) DEFERRAL OF DIRECT LOANS.—

''(A) IN GENERAL.—The Administration shall, upon written request, defer repayment of principal and interest due on a direct loan made under subsection (a) or (b), if such loan was incurred by a qualified borrower.

''(B) PERIOD OF DEFERRAL.—The period of deferral for repayment under this paragraph shall begin on the date on which the eligible reservist is ordered to active duty and shall terminate on the date that is 180 days after the date such eligible reservist is discharged or released from active duty.

''(C) INTEREST RATE REDUCTION DURING DEFERRAL.—Notwithstanding any other provision of law, during the period of deferral described in subparagraph (B), the Administration may, in its discretion, reduce the interest rate on any loan qualifying for a deferral under this paragraph.

''(3) DEFERRAL OF LOAN GUARANTEES AND OTHER FINANCINGS.—The Administration shall—

''(A) encourage intermediaries participating in the program under subsection (m) to defer repayment of a loan made with proceeds made available under that subsection, if such loan was incurred by a small business concern that is eligible to apply for assistance under subsection (b)(3); and

''(B) not later than 30 days after the date of enactment of this subsection, establish guidelines to—

''(i) encourage lenders and other intermediaries to defer repayment of, or provide other relief relating to, loan guarantees under subsection (a) and financings under section 504 of the Small Business Investment Act of 1958 that were incurred by small business concerns that are eligible to apply for assistance under subsection (b)(3), and loan guarantees provided under subsection (m) if the intermediary provides relief to a small business concern under this paragraph; and

''(ii) implement a program to provide for the deferral of repayment or other relief to any intermediary providing relief to a small business borrower under this paragraph.''.

SEC. 3. DISASTER LOAN ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after the undesignated paragraph that begins with ''*Provided,* That no loan'', the following:

''(3)(A) In this paragraph—

''(i) the term 'economic injury' means an economic harm to a business concern that results in the inability of the business concern—

''(I) to meet its obligations as they mature;

''(II) to pay its ordinary and necessary operating expenses; or

''(III) to market, produce, or provide a product or service ordinarily marketed, produced, or provided by the business concern;

''(ii) the term 'owner, manager, or key employee' means an individual who—

''(I) has not less than a 20 percent ownership in the small business concern;

''(II) is a manager responsible for the day-to-day operations of such small business concern; or

''(III) is a key employee (as defined by the Administration) of such small business concern; and

''(iii) the term 'period of military conflict' has the meaning given the term in subsection (n)(1).

''(B) The Administration may make such disaster loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) to assist a small business concern (including a small business concern engaged in the lease or rental of real or personal property) that has suffered or that is likely to suffer economic injury as the result of the owner, manager, or key employee of such small business concern being ordered to active military duty during a period of military conflict.

''(C) A small business concern described in subparagraph (B) shall be eligible to apply for assistance under this paragraph during the period beginning on the date on which the owner, manager, or key employee is ordered to active duty and ending on the date that is 180 days after the date on which such owner, manager, or key employee is discharged or released from active duty.

''(D) Any loan or guarantee extended pursuant to this paragraph shall be made at an

annual interest rate of 4 percent, without regard to the ability of the small business concern to secure credit elsewhere.

''(E) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such applicant constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

''(F) For purposes of assistance under this paragraph, no declaration of a disaster area shall be required.''.

(b) CONFORMING AMENDMENTS.—Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended—

(1) in paragraph (1), by striking ''7(b)(4),''; and

(2) in paragraph (2), by striking ''7(b)(4), 7(b)(5), 7(b)(6), 7(b)(7), 7(b)(8),''.

SEC. 4. BUSINESS DEVELOPMENT AND MANAGEMENT ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.

(a) IN GENERAL.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

''(*l*) MANAGEMENT ASSISTANCE FOR SMALL BUSINESSES AFFECTED BY MILITARY OPERATIONS.—The Administration shall utilize, as appropriate, its entrepreneurial development and management assistance programs, including programs involving State or private sector partners, to provide business counseling and training to any small business concern adversely affected by the deployment of units of the Armed Forces of the United States in support of a period of military conflict (as defined in section 7(n)(1)).

(b) ENHANCED PUBLICITY DURING OPERATION ALLIED FORCE.—For the duration of Operation Allied Force and for 120 days thereafter, the Administration shall enhance its publicity of the availability of assistance provided pursuant to the amendments made by this Act, including information regarding the appropriate local office at which affected small businesses may seek such assistance.

SEC. 5. GUIDELINES.

Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue such guidelines as the Administrator determines to be necessary to carry out this Act and the amendments made by this Act.

SEC. 6. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) DISASTER LOANS.—The amendments made by section 3 shall apply to economic injury suffered or likely to be suffered as the result of a period of military conflict occurring on or after March 24, 1999.

Mr. KOHL. Mr. President, more than 2,000 reservists were called up Tuesday to participate in NATO Operation Allied Force. These men and women who may serve for as long as nine months are making a great sacrifice, as are their family members and co-workers who are left behind.

It is incumbent upon us to find ways to ease the burden of this service for our reservists, their families and their employers. Two weeks ago the Senate passed tax relief for those serving in Operation Allied Force. The legislation we are introducing today addresses the economic impact of taking reservists away from small businesses, whether the reservist is the owner, a manager or a key employee.

The Military Reservists Small Business Relief Act allows small businessmen and women to defer loan payments on any direct loan from the Small Business Administration (SBA), including disaster loans. The bill directs SBA to come up with a policy for payment deferrals for the microloan program and loans guaranteed under one of SBA's financial assistance programs. Deferrals on loan payments would extend 180 days after the reservist's release from active duty.

The bill also establishes a low interest economic injury loan program to provide interim operating capital to any small business experiencing economic harm because a military reservist has been called to active duty. The bill defines economic harm as being unable to provide goods or services that the business usually provides. SBA will administer the loan program through its disaster loan program.

Recognizing the disruptions that may occur as a result of the recent call up, the Military Reservists Small Business Relief Act directs SBA and its private sector partners to mobilize their resources to offer business counseling and training to inexperienced employees or family members who are left behind to run businesses on their own when a reservist is called up.

This legislation is modeled on similar legislation adopted during Operation Desert Storm. It is a practical response to the real and often overlooked impact of calling up military reservists. Wisconsin has some marvelous employers who are tremendously supportive of their employees who serve in the reserves. Several years ago, Schneider Truck of Green Bay, WI, was recognized as the Reserves Employer of the year by the Defense Department. Companies like Schneider do all they can to make it easier for reservists and their families to manage while the service member is on active duty. It is my hope that this legislation will help smaller companies and encourage them to provide reservists and their families with this kind of support.

The men and women of the reserves are far more than ''weekend warriors,'' they are the backbone of our military. We are grateful for their willingness to serve. We thank the men and women of the reserves, their families, and their employers for their sacrifices and this service.

Mr. LEVIN. Mr. President, the President has approved the call-up of up to 33,000 Reservists to support NATO operations over Kosovo. Reserve forces are playing an ever-increasing role in military operations. With the downsizing of our Active forces and the increased number of missions, our Armed Forces cannot operate successfully without use of our Reserve component resources. For example, of the 540,000 service members deployed to Saudi Arabia for Desert Shield/Desert Storm, 228,000, or 42%, were reservists. Reservists have also answered the call for service in Operation RESTORE HOPE in Somalia, Operation UPHOLD DEMOCRACY in Haiti, and Operation JOINT ENDEAVOR/JOINT GUARD in Bosnia.

National Guard and Reserve forces are involved in helping Central America recover from the devastation of Hurricane Mitch, and they are routinely called upon to respond to disasters in the United States. As the Reserve components are relied on more and more, even during nornal times they are called away from their civilian jobs more and more.

The absence of these men and women from their families, jobs and businesses while they are serving their country on active duty will clearly present some hardships. We should do everything we can do to try minimize any economic hardships that might arise from their absence on their businesses and places of employment. That is why I have cosponsored the Military Reservists Small Business Relief Act that Mr. KERRY has introduced today to provide financial and business development assistance to military reservists' small businesses.

This legislation will help military reservists who are called away from their jobs and businesses to serve the United States in any military operation with respect to Kosovo by allowing them to defer existing government guaranteed small business loans and giving them access to low interest rate government guaranteed loans to bridge any financial gap that might arise out of their absence. These Reservists will be eligible for assistance if they are an owner, manager or key employee of a small business.

This legislation provides more generous loan repayment terms for small business reservists who have SBA loans. It does this by authorizing a deferral of loan repayments for small business reservists on any direct loan from the Small Business Administration (SBA), including disaster loans. Interest will not accrue during the time that the loan is deferred. The legislation also directs SBA to develop policies such as extending repayments of its government guaranteed loans such as micro loans or 7(a) loans for reservists who are called up for active duty. The deferrals will be available from the date the reservist is called to active duty until 180 days after his or her release from active duty.

The legislation also establishes a low interest economic injury loan program to be administered by SBA through its disaster loan program. Such loans

would be made available to provide interim operating capital to any small business when the departure of a military reservist to active duty causes economic harm.

The legislation also directs the SBA and its private sector partners to make every effort to reach out to those businesses affected by the absence of key employees who are Reservists and provide assistance such as businesses counseling and training for how to run the business in the absence of these key employees.

I am pleased to be a cosponsor of this important legislation designed to reduce any economic hardship created by the absence of active duty reservists from their jobs and businesses and I hope the Senate will act on it quickly.

Mr. JEFFORDS. Mr. President, it is widely known that our nation can no longer commit military force to conflicts, national emergencies and contingency operations without the participation of our National Guard and Reserves. This is expressly provided in our national military strategy. It is confirmed by the 300% increase in the pace of operations for our National Guard alone since Operation Desert Storm.

While I enthusiastically support the full integration of our reserve components into a seamless Total Force, I recognize its potential to seriously affect our nation's small businesses. In most communities across this nation small businesses sustain the local economy, yet many of these businesses rely upon key employees, owners or managers who are also Guard members or Reservists subject to being called away to active duty. On Tuesday, the President approved the call-up of 33,102 members of the Selected Reserve to active duty in support of NATO operations in Yugoslavia. We cannot ignore the impact of this on our small businesses. The challenge is upon us. That is why I am happy to join Senator KERRY in introducing the Military Reservists Small Business Relief Act.

For eligible reservists called to active duty in support of a declared war, national emergency or contingency operation, the bill provides in part:

1. An authorization to defer loan repayments on any direct loan from the Small Business Administration (SBA), including disaster loans, to borrowers who are members of the Guard and Reserves called to active duty.

2. A low interest economic injury loan program, administered by SBA, which would provide interim operating capital to any small business likely to suffer economic harm caused by the departure of an employee, who is a member of the Guard or Reserves called to active duty.

3. Direction to the SBA and all of its private sector partners, such as the Small Business Development Centers, to offer business training and counseling to small business affected by a loss of an employee who is a member of the Guard or Reserves called to active duty.

Given that our Guard and Reserve are shouldering an increasing share of our worldwide missions, we cannot overlook the effects of these operations on our civilian workforce and their civilian employers. This legislation ensures that we keep their interests in mind during periods of military conflict.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNEDY):

S. 919. A bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the corridor; to the Committee on Energy and Natural Resources.

QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION ACT OF 1999

Mr. DODD. Mr. President, I am pleased to join with my colleagues, Senator LIEBERMAN, Senator KERRY, and Senator KENNEDY, to introduce legislation to reauthorize the Quinebaug and Shetucket Rivers Valley National Heritage Corridor (Corridor). Congressman GEJDENSON from Connecticut and Congressman NEAL from Massachusetts will be introducing companion legislation today in other body.

The 25-town area in eastern Connecticut was originally designated a Corridor in 1994, when the U.S. Congress passed and the President signed Public Law 103–449. The purpose of the Corridor is to encourage grassroots efforts to preserve historic and environmental treasures while promoting economic development. Today's legislation builds upon the success of the Corridor and extends it by including nine towns from Massachusetts and one additional town from Connecticut. The towns affected include Union, Connecticut, and the following towns in Massachusetts—Brimfield, Charlton, Dudley, East Brookfield, Holland, Oxford, Southbridge, Sturbridge, and Webster.

Because this is an established Corridor which has been developing and implementing cultural, economic and environmental programs to preserve this beautiful and historic region of Connecticut, the legislation we are introducing increases the Corridor authorization level to $1.5 million. This level of funding is consistent with recent new Corridor authorization levels of $1 million. Our Corridor has been significantly underfunded each year; I can only imagine the further great works that can be undertaken with adequate funding.

Unfortunately, Connecticut ranks near the bottom among States in the amount of Federal land within its borders, such as National Parks, Recreation Areas, and Forests. That is why I joined with Congressman GEJDENSON back in 1993 to introduce the original bill designating the Quinebaug and Shetucket Heritage Corridor and why I am advocating an increase in the size and scope of it. Extending through eastern Connecticut and soon southeastern Massachusetts, the Corridor is within a two hour's drive from the major metropolitan areas of Boston, New Haven, Hartford and New York.

The Quinebaug and Shetucket Rivers Valley saw a rebirth with the dawn of the industrial age. Hundreds of mills were built along the banks of the rivers and this region became a leader in the textile industry. Today, the mills are quiet, many of them abandoned, and the valley is a picturesque area of rolling hills and beautiful farms. It offers landscapes for hiking and biking, rivers for canoeing and fishing, and abandoned mills which offer a glimpse at history. It is the birthplace of Revolutionary War hero Nathan Hale and the Prudence Crandall School, the site of the first teacher-training school for African-American women established in 1833. There are also many Native American and archaeological sites.

The area is rich in history and those groups and individuals involved with the Corridor have developed a management plan to preserve local resources, enhance recreational potential and promote appropriate development. By joining forces with the people of Massachusetts, a more integrated system can be undertaken. The important historic and cultural resources do not stop at the border.

In the few short years that the Corridor has been in place, its stewards have provided grants and technical assistance to towns and nonprofits embarking on historic preservation and research, economic development, tourism, natural resource conservation and recreation.

The Corridor has public and private support throughout Connecticut and the regions in Massachusetts look forward to working with the existing partnerships to enhance their quality of life. It is the goal of the Corridor to ensure a healthy environment and robust economy compatible with the character of the region.

Mr. President, I urge my colleagues to look favorably on this effort and I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 919

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Quinebaug and Shetucket Rivers Valley National Heritage Corridor Reauthorization Act of 1999''.

(b) REFERENCES.—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 the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; title I of Public Law 103–449).

SEC. 2. FINDINGS.

Section 102 is amended—

(1) in paragraph (1), by inserting ''and the Commonwealth of Massachusetts'' after ''State of Connecticut'';

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(4) in paragraph (3) (as so redesignated), by inserting ''New Haven,'' after ''Hartford,''; and

(5) in paragraph (8) (as so redesignated), by striking ''regional and State agencies'' and inserting ''regional, and State agencies,''.

SEC. 3. ESTABLISHMENT OF QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR; PURPOSE.

Section 103 is amended—

(1) in subsection (a), by inserting ''and the Commonwealth of Massachusetts'' after ''State of Connecticut''; and

(2) by striking subsection (b) and inserting the following:

''(b) PURPOSE.—The purpose of this title is to provide assistance to the State of Connecticut and the Commonwealth of Massachusetts, and their units of local and regional government and citizens, in the development and implementation of integrated natural, cultural, historic, scenic, recreational, land, and other resource management programs in order to retain, enhance, and interpret the significant features of the land, water, structures, and history of the Quinebaug and Shetucket Rivers Valley.''.

SEC. 4. BOUNDARIES AND ADMINISTRATION.

Section 104 is amended—

(1) in the first sentence of subsection (a)—

(A) by inserting ''Union,'' after ''Thompson,''; and

(B) by inserting before the period at the end the following: ''in the State of Connecticut, and the towns of Brimfield, Charlton, Dudley, East Brookfield, Holland, Oxford, Southbridge, Sturbridge, and Webster in the Commonwealth of Massachusetts, which are contiguous areas in the Quinebaug and Shetucket Rivers Valley, related by shared natural, cultural, historic, and scenic resources''; and

(2) by adding at the end the following:

''(b) ADMINISTRATION.—The Corridor shall be managed by Quinebaug-Shetucket Heritage Corridor, Inc., in accordance with the management plan and in consultation with the Governors.''.

SEC. 5. MANAGEMENT PLAN.

Section 105 is amended—

(1) by striking the section heading and inserting the following:

''SEC. 105. MANAGEMENT PLAN.'';

(2) by striking subsections (a) and (b);

(3) by redesignating subsection (c) as subsection (a);

(4) in subsection (a) (as so redesignated)—

(A) in the subsection heading, by inserting ''MANAGEMENT'' before ''PLAN'';

(B) by striking the first sentence and inserting the following: ''The management entity shall implement the management plan.'';

(C) in paragraph (5), by striking ''identified pursuant to the inventory required in section 5(a)(1)''; and

(D) in paragraphs (6) and (7), by striking ''plan'' each place it appears and inserting ''management plan''; and

(5) by adding at the end the following:

''(b) GRANTS AND LOANS.—The management entity may, for the purposes of implementing the management plan, make grants or loans to the States, their political subdivisions, nonprofit organizations, and other persons to further the goals set forth in the management plan.''.

SEC. 6. DUTIES OF THE SECRETARY.

Section 106 is amended to read as follows:

''SEC. 106. DUTIES OF THE SECRETARY.

''(a) IN GENERAL.—Upon request of the management entity, the Secretary and the heads of other Federal agencies shall assist the management entity in the implementation of the management plan.

''(b) FORMS OF ASSISTANCE.—Assistance under subsection (a) shall include provision of funds authorized under section 109 and technical assistance necessary to carry out this Act.''.

SEC. 7. DUTIES OF OTHER FEDERAL AGENCIES.

Section 107 is amended by striking ''Governor'' and inserting ''management entity''.

SEC. 8. DEFINITIONS.

Section 108 is amended—

(1) in paragraph (1), by inserting before the period at the end the following: ''and the Commonwealth of Massachusetts'';

(2) in paragraph (3), by inserting before the period at the end the following: ''and the Governor of the Commonwealth of Massachusetts'';

(3) in paragraph (5), by striking ''means each of'' and all that follows and inserting the following: ''means—

''(A) the Northeastern Connecticut Council of Governments, the Windham Regional Council of Governments, and the Southeastern Connecticut Council of Governments in Connecticut (or any successor council); and

''(B) the Pioneer Valley Regional Planning Commission and the Southern Worcester County Regional Planning Commission in Massachusetts (or any successor commission).''; and

(4) by adding at the end the following:

''(6) MANAGEMENT ENTITY.—The term 'management entity' means Quinebaug-Shetucket Heritage Corridor, Inc., a not-for-profit corporation incorporated under the law of the State of Connecticut (or a successor entity).

''(7) MANAGEMENT PLAN.—The term 'management plan' means the document approved by the Governor of the State of Connecticut on February 16, 1999, and adopted by the management entity, entitled 'Vision to Reality: A Management Plan', comprising the management plan for the Corridor, as the document may be amended or replaced from time to time.''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 109 is amended to read as follows:

''SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this title—

''(1) $1,500,000 for any fiscal year; but

''(2) not more than a total of $15,000,000.

''(b) COST SHARING.—Federal funding provided under this title may not exceed 50 percent of the total cost of any assistance provided under this title.''.

SEC. 10. CONFORMING AMENDMENT.

Section 110 is amended in the section heading by striking ''**SERVICE**'' and inserting ''**SYSTEM**''.

By Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. INOUYE):

S. 920. A bill to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001; to the Committee on Commerce, Science, and Transportation.

FEDERAL MARITIME COMMISSION AUTHORIZATION ACT OF 1999

• Mrs. HUTCHISON. Mr. President, today I, with Senator MCCAIN, Chairman of the Commerce Committee; Senator HOLLINGS, the ranking member of the Commerce Committee; and Senator INOUYE, ranking member of the Surface Transportation and Merchant Marine Subcommittee are introducing a bill to authorize appropriations for fiscal years 2000 and 2001 for the Federal Maritime Commission (FMC).

The Federal Maritime Commission is an independent agency composed of five commissioners. The Commission's primary responsibility is administering the Shipping Act of 1984 and enforcing the Foreign Shipping Practices Act and Section 19 of the Merchant Marine Act of 1920. By doing so, the FMC protects shippers and carriers from restrictive or unfair practices of foreign-flag carriers. Currently, the Commission is engaged in the implementation of the Ocean Shipping Reform Act of 1998. The Act, which takes effect on May 1 of this year is the first major deregulation of international ocean shipping. This bill authorizes funding for the Commission to continue its important work.

Specifically, the bill authorizes $15.6 million for the FMC for fiscal year 2000 and $16.3 million for fiscal year 2001. The fiscal year 2000 funding is $385,000 above the amount requested by the President in order to fund the appointment of the fifth commissioner and his or her staff.

I look forward to working on this important legislation and hope my colleagues will join me and the other sponsors in expeditiously moving this authorization through the legislative process.•

• Mr. MCCAIN. Mr. President, I am pleased to join Senator HUTCHISON, Chairman of the Surface Transportation and Merchant Marine Subcommittee in introducing this bill.

The Federal Maritime Commission has done a commendable job in its implementation of the Ocean Shipping Reform Act that takes effect on May 1, 1999. This measure will insure that the Commission can complete their implementation efforts and continue their other duties, administering the Shipping Act of 1984 and enforcing the Foreign Shipping Practices Act and Section 19 of the Merchant Marine Act of 1920.

I am pleased that the subcommittee is taking this action today and will join Senator HUTCHISON and the other sponsors in expeditiously moving this

authorization through the legislative process.●

Mr. HOLLINGS. Mr. President, I rise in support of the Federal Maritime Commission Authorization Act of 1999, which would authorize appropriations for the Federal Maritime Commission (FMC) for fiscal years 2000 and 2001. With the recent passage of the Ocean Shipping Reform Act of 1998 (''OSRA'') the Commission's role in overseeing the ocean transportation industry has changed dramatically and increased in importance. The Commission must have the necessary funding to ensure that Congress' intentions with OSRA are met, and that all segments of the industry are fully protected from potential abuses.

I am particularly pleased with the effort made by the Commission to adopt regulations to implement OSRA. OSRA, which was signed into law on October 14, 1998, and will go into effect on May 1, 1999, significantly altered the Commission's primary underlying statute—the Shipping Act of 1984. Nevertheless, the Commission was only given until March 1, 1999, to adopt final regulations to implement the changes made to the Act. The Commission met this deadline while fully complying with all notice and comment requirements of the Administrative Procedure Act. The Commission solicited and received comment from the entire industry and, based on those comments, arrived at final rules that are fully consistent with the Congressional intent. The Commission should be applauded for accomplishing this difficult task in such a timely and responsive manner.

I would also note that under OSRA the Commission will continue to exercise its vital role in addressing unfair foreign trade practices under section 19 of the Merchant Marine Act, 1920 and the Foreign Shipping Practices Act of 1988. The Commission has proven time and again—most recently with the Japan port controversy and several restrictive practices in Brazil—that it can effectively address such practices and, if adequately funded, will be able to continue to do its fine job. I am a firm proponent of aggressive policies that promote fair and open trades, and I commend the FMC for their role in opening markets for our ocean carrier and ocean shipper communities.

The amounts authorized for the FMC take into account the fact that the Commission will soon be fully staffed with five Commissioners. The President recently nominated a fifth Commissioner and his nomination is pending before the Commerce Committee. The Commission needs full funding to bring the agency up to its full complement of members and to meet its new responsibilities under OSRA.

By Mr. ABRAHAM (for himself, Mr. McCAIN, and Mr. LOTT):

S. 921. A bill to facilitate and promote electronic commerce in securities transactions involving broker-dealers, transfer agents, and investment advisers; to the Committee on Banking, Housing, and Urban Affairs.

ELECTRONIC SECURITIES TRANSACTIONS ACT

Mr. ABRAHAM. Mr. President, I rise today with Senator McCAIN and Senator LOTT to introduce legislation designed to modernize the manner in which registered securities broker-dealers, transfer agents, and investment advisers serve millions of American investors every day.

Only a few years ago, a few pioneering brokerage firms, utilizing the vast potential of the Internet, began to revolutionize the securities industry by offering individual investors the opportunity to buy and sell stocks online. Because of the lower costs of electronic transactions, investors have found they can place trades online at a mere fraction of the price they were paying for services at traditional brokerage firms. They have also found that online brokerage firms offer them access to a wide array of information, investing assistance, and research that previously was available only to institutional investors. Almost overnight, many investors have demonstrated their preference for the savings and the empowerment that online brokerage services give them.

For example, today Charles Schwab, which has been at the forefront of offering electronic services, reports that it has approximately 2.5 million active online accounts and that more than 50 percent of its custoemr trades are placed online. Since Schwab offers its customers multiple channels of access to its trading services, the fact that more than half of its customer trades are placed online is a dramatic illustration of the investing public's enthusiasm for and acceptance of online services. The dramatic emergence of online-only brokerage firms, such as E*Trade, Discover and Ameritrade, and the continued migration of traditional brokerage firms to the Web is further evidence of this. Soon, millions of securities transactions will be conducted electronically every day.

Unfortunately, the full potential of online investing has been impeded because of antiquated laws that do not yet take account of electronic commerce. These laws act as barriers to the efficiencies and investor empowerment opportunities that the online brokerage industry offers. Now, once again, it is time for the government to catch up to the market developments spurred by the technology sector. It is time for the government to remove impediments to online investing.

Today, when a person wishes to become a customer of an online broker, he can visit the web-sites of various brokerage firms to compare the value and services those firms offer. He may even provide some information about himself and the type of account he wishes to establish. However, because of traditional principles of contract law and certain recordkeeping requirements, an investor cannot open the account online with any legal certainty. Instead, he must print the application and physically sign and send it by regular mail. The technology gap demonstrated here must be bridged. Investors who, once their accounts are opened, may access investment tools and research and quickly submit trade orders online, should not have to wait days or perhaps even weeks to complete the process for opening an account. This system can and should be changed.

Continuing to require pen-and-ink signatures on account applications and other documents, when secure electronic signature technology exists, imposes unnecessary costs and inefficiencies on brokerage firms and customers alike. Similar costs and inefficiencies have been recognized and removed in other areas of securities regulation, such as recordkeeping and document delivery. Today, brokerage firms can store documents in electronic rather than paper format and are allowed to deliver many documents, such as prospectuses, to customers electronically. There is no reason why the advantages of technology cannot and should not be extended to documents that require a signature.

The legislation my colleagues and I introduce today would do just that by facilitating and enabling the use of electronic signatures by registered broker-dealers and others in the securities industry in their business dealings with customers and other transactional parties. The legislation would make clear that individuals can open a brokerage account and conduct business with a brokerage firm using an electronic signature as proof of identification and intent. It would also give both brokerage firms and their customers the assurance that they can rely on electronic signatures in their business dealings and that the validity of those dealings will not be challenged merely because a pen-and-ink signature was not used.

At this point I think it is important to stress to my colleagues that the online brokerage industry is different from the day-trading industry, which has received a lot of negative attention in the past year. Day-trading firms offer a specialized service that enables their customers to enter orders and trade directly with the market. And while I am sure that most of these businesses are legitimate and sound, in recent months reports of abusive or questionable practices have emerged in relation to this type of trading. Anecdotal accounts tell of investors losing many times the amount of money they originally brought to the market.

The online investing services provided by brokerage firms are quite different from the services provided by

day-trading firms. For example, brokerage firms such as Charles Schwab, E*Trade, DLJ Direct, Discover, among others, set strict limits on the extent to which investors are permitted access to margin and option accounts. These firms empower their customers and are not the problem, and it is important that my colleagues and the public understand the differences.

It is that simple. Frankly, I am surprised that the SEC does not require the use of electronic signatures, because unless a physical signature is witnessed, electronic signatures are a far more reliable means of guaranteeing a person is who they say they are. Electronic signatures may result from a variety of technological means that allow users to confirm the authenticity of an electronic documents author, location or content. These technologies are designed to allow contracts to be reviewed and agreed to electronically, to permit individuals and businesses to safely purchase goods online, and to enable government agencies to verify the authenticity of information submitted to them. It is a natural fit for transactions between online brokerage firms and investors.

Despite the changes being made in the investor-brokerage relationship, we recognize that the Securities and Exchange Commission must retain full regulatory authority in this industry. This legislation therefore authorizes the SEC to provide guidance on the use of electronic signatures by broker-dealers and others in the securities industry. The SECs active involvement in the move from physical to electronic signatures is important. If the change is to be orderly, the Commission must be familiar with the various types of electronic signatures available. The Commission, as the expert regulator of the securities industry, may determine that some forms of signature are superior to others for certain types of records.

Mr. President, the securities industry is experiencing explosive growth in electronic transactions, and this bill's response is necessary and appropriate. The industry and the investors who utilize this medium need the efficiencies and certainty this bill would provide. I believe that the more efficient transaction procedures that will result from the bill will translate into cost savings for customers and industry alike. And that should be the ultimate purpose of any securities legislation relating to electronic commerce.

Again, I would like to thank Senator McCAIN and the majority leader for joining me in introducing this legislation. I hope the Senate Banking Committee can move on this legislation in the near future.

I ask unanimous consent that a copy of this legislation be printed into the RECORD.

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

S. 921

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 ''Electronics Securities Transactions Act.''

SEC. 2. FINDINGS.

Congress finds that—

1. the growth of electronic commerce and electronic transactions represents a powerful force for econmic growth, consumer choice and creation of wealth;

2. inefficient transaction procedures impose unnecessary costs on investors and persons who facilitate transactions on their behalf;

3. new techniques in electronic commerce create opportunities for more efficient and safe procedures for effecting securties transactions; and

4. because the securities markets are an important national asset which must be preserved and strenghened, it is in the national interest to establish a framework to facilitate the economically efficient execution of securities transactions.

SEC. 3. PURPOSES.

The purposes of this act are—

1. to permit and encourage the continued expansion of electronic commerce in securities transactions; and

2. to facilitate and promote electronic commerce in securities transactions by clarifying the legal status of electronic signatures for signed documents and records used in relation to securities transactions involving broker-dealers, transfer agents and investment advisers.

SEC. 4. DEFINITONS.

For purposes of this subsection—

(1) ''document'' means any record, including without limitation any notification, consent, acknowledgement or written direction, intended, either by law or by custom, to be signed by a person.

(2) ''electronic'' means of or relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) ''electronic record'' means a record created, stored, generated, received, or communicated by electronic means.

(4) ''electronic signature'' means an electronic identifying sound, symbol or process attached to or logically connectd with an electronic record.

(5) ''record'' or ''records'' means the same information or documents defined or identified as ''records'' under the Securities Exchange Act of 1934 and the Investment Advisers Act of 1940, respectively.

(6) ''transaction'' means an action or set of actions relating to the conduct of business affairs that involve or concern activities conducted pursuant to or regulated under the Securities Exchange Act of 1934 or the Investment Advisers Act of 1940 and occurring between two or more persons.

(7) Signature.—The term ''signature'' means any symbol, sound, or process executed or adopted by a person or entity, with intent to authenticate or accept a record.

SEC. 5. SECURITIES MODERNIZATION PROVISIONS.

(1) Section 15 of the Securities Exchange act of 1934 (15 USC 78o) is amended by adding the following new subsections thereto:

(*i*) Reliance on Electronic Signatures

(i) A registered broker or registered dealer may accept and rely upon an electronic signature on any application to open an account or on any other document submitted to it by a customer or counterparty, and such electronic signature shall not be denied legal effect, validity, or enforceability solely because it is an electronic signature, except as the Commission shall otherwise determine pursuant to Section 23 of this Act (15 USC 78w) or Section 36 of this Act (15 USC 78mm).

(ii) Where any provision of this Act or any regulation, rule, or interpretation promulgated by the Commission thereunder, including any rules of a self-regulatory organization approved by the Commission, requires a signature to be provided on any record such requirement shall be satisfied by an electronic record containing an electronic signature, except as the Commission shall otherwise determine pursuant to Section 23 of this Act (15 USC 78w) or Section 36 of this Act (15 USC 78mm).

(iii) A registered broker or registered dealer may use electronic signatures in the conduct of its business with any customer or counterparty, and such electronic signature shall not be denied legal effect, validity or enforceability solely because it is an electronic signature.

(iv) With regard to the use of or reliance on electronic signatures, no registered broker or registered dealer shall be regulated by, be required to register with, or be certified, licensed, or approved by, or be limited by or required to act or operate under standards, rules, or regulations promulgated by, a State government or agency or instrumentality thereof.

(2) Section 17A of the Securities Exchange Act of 1934 (15 USC 78q-1) is amended by adding the following new subsections thereto:

(g) Reliance on Electronic Signatures

(i) A registered transfer agent may accept and rely upon an electronic signature on any application to open an account or on any other document submitted to it by a customer or counterparty, and such electronic signature shall not be denied legal effect, validity or enforceability solely because it is an electronic signature, except as the Commission shall otherwise determine pursuant to Section 23 of this Act (15 USC 78w) or Section 36 of this Act (15 USC 78mm).

(ii) Where any provision of this Act or any regulation or rule promulgated by the Commission thereunder, including any rule of a self-regulatory organization approved by the Commission, requires a signature to be provided on any record such requirement shall be satisfied by an electronic record containing an electronic signature, except as the Commission shall otherwise determine pursuant to Section 23 of this Act (15 USC 78w) or Section 36 of this Act (15 USC 78mm).

(iii) A registered transfer agent may use electronic signatures in the conduct of its business with any customer or counterparty, and such electronic signature shall not be denied legal effect, validity or enforceability solely because it is an electronic signature.

(iv) With regard to the use of or reliance on electronic signatures, no registered transfer agent shall be regulated by, be required to register with, or be certified, licensed, or approved by, or be limited by or required to act or operate under standards, rules, or regulations promulgated by, a State government or agency or instrumentality thereof.

(3) Section 215 of the Investment Advisers Act of 1940 (15 USC 80b-15) is amended by adding the following new subsections thereto:

(c) Reliance on Electronic Signatures

(i) A registered investment adviser may accept and rely upon an electronic signature on any investment advisory contract or on any other document submitted to it by a customer or counterparty, and such signature shall not be denied legal effect, validity or enforceability solely because it is an electronic signature, except as the Commission shall determine pursuant to 206A of this Act (15 USC 806-6a) or Section 211 of this Act (15 USC 80b-11).

(ii) Where any provision of this Act or any regulation or rule promulgated by the Commission thereunder, including any rule of a self-regulatory organization approved by the Commission, requires a signature to be provided on any record such requirement shall be satisfied by an electronic record containing an electronic signature, except as the Commission shall otherwise determine pursuant to Section 206A of this Act (15 USC 80b-6a) or Section 211 of this Act (15 USC 80b-11).

(iii) A registered investment adviser may use electronic signatures in the conduct of its business with any customer or counterparty, and such electronic signature shall not be denied legal effect, validity or enforceability solely because it is an electronic signature.

(iv) With regard to the use or reliance on electronic signatures no registered investment adviser shall be regulated by, be required to register with, or be certified, licensed, or approved by, or be limited by or required to act or operate under standards, rules, or regulations promulgated by, a State government or agency or instrumentality thereof.

SEC. 6. RULEMAKING AUTHORITY.

The Commission is authorized to provide guidance on the acceptance of, reliance on and use of electronic signatures by any registered broker, dealer, transfer agent or investment adviser, as provided in section 5 above.

By Mr. ABRAHAM (for himself and Mr. HOLLINGS):

S. 922. A bill to prohibit the use of the ''Made in the USA'' label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment; to the Committee on Finance.

THE ''MADE IN USA'' LABEL DEFENSE ACT OF 1999

Mr. ABRAHAM. Mr. President, I am very pleased today to join my distinguished colleague Senator HOLLINGS in introducing legislation to defend the truth and the integrity of the ''Made in USA'' label.

This is the second time, Mr. President, that the Senator from South Carolina and I have worked together to defend the ''Made in USA'' label.

Last Congress, when the Federal Trade Commission proposed to dilute the meaning of the ''Made in USA'' label by allowing that label on products with substantial foreign content, Senator HOLLINGS and I introduced a bipartisan resolution opposing this plan.

Our resolution urged the FTC to restore the traditional and honest standard for the use of the ''Made in USA'' label. That standard, which has been in existence for more than 50 years, is that products must be ''all or virtually all'' made in the U.S.A. in order to earn the label ''Made in USA.''

Mr. President, there was an overwhelming outpouring of grassroots support from the American people for this straightforward and honest standard and for our Resolution. In just a few months, a total of 256 Members of Congress, including the Majority and Minority Leaders of the U.S. Senate, joined us as cosponsors of our Senate Resolution and its companion bill in the House.

We were extremely pleased to see the FTC reverse its decision to dilute the ''Made in USA'' label and return to the traditional and time-tested standard for the use of the label. Frankly, this is the only standard that makes sense to the American consumers. If it says ''Made in USA'' the U.S. consumer has a right to expect that the entire product and all of its components was made by U.S. citizens.

This standard is honest. It is clear. It provides value for all those who look for the label and for those who have earned the use of it.

But in order to retain that value, the integrity of the ''Made in USA'' label must be defended. We cannot and will not permit the ''Made in USA'' label to be used misleadingly. It belongs to those American businesses and workers who follow the rules, pay the taxes, and work hard—often against the odds presented by unfair foreign competition—to continue to manufacture products here in America.

These workers are correct to insist that Congress protect this cherished symbol of American pride and workmanship from abuse and misuse.

That is why Senator HOLLINGS and I recently informed our colleagues of our intention to introduce ''The 'Made in USA' Label Defense Act of 1999.''

This legislation is necessary to close loopholes that currently allow the ''Made in USA'' label to be misused. These loopholes must be closed to prevent the inappropriate and misleading use of this label at the expense of American consumers, taxpayers, and U.S. workers.

The particular misuse of the ''Made in USA'' label which we seek to address involves a U.S. territory, the Commonwealth of the Northern Mariana Islands, or as it is sometimes referred to, Saipan.

To understand how this situation arose, some history is in order.

Saipan was the site of an important battle in World War II which cost America 15,000 casualties. Following the end of the war, it was administered by the U.S. on behalf of the United Nations as a district of the Trust Territory of the Pacific Islands from 1947 to 1986. In 1986, Saipan came under U.S. sovereignty pursuant to a Covenant that was approved by popular vote in Saipan and by the U.S. Congress (Public Law 94–241.) At that point, Saipan, now known as the Commonwealth of the Northern Mariana Islands, or CNMI, became an insular possession of the United States.

CNMI negotiators for this Covenant sought an exemption from U.S. immigration laws. This exemption was granted, but it came with a clear warning from the Reagan Administration: the exemption was not to be used to bring in a permanent alien labor force in order to evade duties and quotas on Asian textile products and to provide unfair competition to domestic textile industry. The duty free and quota free treatment provided to Headnote 3(a) industries such as textiles was to benefit local U.S. citizens living and working in the CNMI.

In a letter to the Governor of the CNMI in May of 1986, the year in which the Covenant was adopted, the Assistant Secretary for Territorial and International Affairs of Interior Department in the Reagan Administration, Richard R. Montoya, issued the following clear warnings to the Government of the CNMI:

> The recent news reports on the tremendous growth in alien labor in the Northern Mariana Islands are extremely disturbing. . . . I would be remiss if I did not speak frankly to you on the possible consequences of the NMI's alien labor policy.
>
> As I have often stated, the intent of the Congress in providing the privilege of Headnote 3(a) to the territories is to benefit local and not alien job and business growth. The extensive and permanent use of alien labor in Headnote 3(a) industries is an abuse which cannot be tolerated by the [Reagan] Administration.
>
> The objectives of the recently negotiated Covenant financial agreement could be derailed as the wholesale transfer of U.S. tax, trade and social benefits to non-U.S. citizens occurs under the CNMI's alien labor promotion policies.

Mr. President, I ask unanimous consent to insert the full text of this letter, dated May 7, 1986, from then-Assistant Secretary Richard Montoya to the then-Governor of the CNMI, Pedro Tenorio, at this point in my remarks.

At the time of the concerns raised in this letter, the total number of aliens in the CNMI was a mere 6,600 people. Today, the number of alien workers in the textile industry alone greatly exceeds this number. The number of non-U.S. citizens in the CNMI now tops 35,000, and actually exceeds the number of U.S. citizens in the territory. In fact, 91 percent of the entire private sector workforce is composed of alien labor.

Even more alarming, Mr. President, we are now told by U.S. Government officials and news media investigations that the People's Republic of China itself may actually be involved in running some of these garment factories in Saipan. According to the February 8, 1998 Philadelphia Inquirer: ''One of the biggest island factories is Marianas

Garment Manufacturing, Inc.—indirectly owned by the China National Textiles Import and Export Corp. (Chinatech), a behemoth that handles $1.2 billion in Chinese textile exports to the world, much of it to the United States.'' If this is true, then companies owned by the communist Chinese government have succeeded in deceiving U.S. consumers and evading U.S. trade laws. Clearly, this is a situation that demands the immediate attention of and a firm response by both parties in the Congress.

But what concerns Senator HOLLINGS and myself and what directly prompted us to introduce this legislation is the direct effect of the CNMI situation on American consumers.

First, American consumers are deceived by the fact that, due to a loophole in U.S. law, the more than $1 billion worth of textile products that are now shipped each year from the CNMI to the U.S. can be legally labeled as ''Made in USA''—even though they are made with nearly all foreign labor and foreign materials.

This deceives American consumers, who have a right to expect that products labeled as ''Made in USA'' are made by U.S. workers with U.S. materials.

Second, American taxpayers are harmed because these foreign goods are allowed to be imported into the U.S. duty-free—as if they were made by U.S. workers. As the CNMI was so clearly warned by the Reagan Administration, duty free treatment for textiles from the insular possessions was designed to help local U.S. citizens in these territories.

This abuse of our duty-Free laws is costing American taxpayers an estimated $200 million annually. This $200 million could be used to fund a tax cut to the American people or could be used to reduce other duties.

Mr. President, let me say that I am a strong believer in free trade. I believe the U.S. and the whole world benefits form the unfettered movement of goods and services.

But the fact that foreign garment exports to the U.S are laundered in Saipan to escape duties and quotas has nothing to do with free trade and everything to do with a form of subterfuge. We cannot allow those nations whose imports are subject to lawful duties and quotas to evade these laws at the expense of American taxpayers.

Third, American workers also are being harmed by this situation because the $200 million which these foreign imports escape paying to the U.S. Treasury acts as a subsidy for these misleadingly labeled products.

Mr. President, in order to address these concerns, I am proud to join today with my colleague from South Carolina in introducing a tightly crafted and narrowly drawn piece of legislation that will address these concerns.

Our bill is designed to protect Americans from the deleterious effects of the current situation by closing what we believe our colleagues will agree are two indefensible loopholes in current law:

(1) The loophole that allows these factories in the CNMI to use the ''Made in USA'' label on their products or in any way imply that they were produced or assembled in the United States.

(2) The loophole that allows foreign exports from the CNMI to masquerade as U.S.-made products for duty and quota purposes. Further, I will work to ensure that the estimated $200 million derived from eliminating the duty-free treatment of these products is rebated to the American taxpayer through tax cuts or tariff reductions.

If in the future the CNMI feels that the domestic content of its products has increased to the extent that a use of the ''Made in USA'' label on these products would no longer be deceptive to the consumer, then it can petition Congress for a change in the covenant. Given its history of ignoring warnings from both Republican and Democratic Administrations on this matter, Senator HOLLINGS and I believe that the burden should be on the CNMI to prove to Congress and the American people that products coming from the CNMI deserve to be labeled ''Made in USA.''

At the same time, Mr. President, we are currently engaged in the long and arduous process of bringing China into the World Trading Organization. I support China's admission into the WTO as long as they meet the same criteria which all member nations must meet and as long as they are truly dedicated to working to reduce and eliminate such trade barriers as quotas and tariffs. Our long-term objective must be to create a global trading regime where all nations conduct trade and commerce on a level playing field. However, until countries such as China demonstrate that they are prepared to adhere to such principles, we must continue to take certain steps to protect our own domestic industries and workers from the unfair trade practices utilized by some of our trading partners, such as those currently ongoing in the CNMI.

This legislation is a bipartisan compromise measure that I hope avoids the political pitfalls of previous measures. Mindful of Members who wish not to interfere in the domestic laws of the CNMI, our bill merely takes those minimal steps necessary to defend the ''Made in USA'' label from misuse and to enforce U.S. trade laws for the benefit of the American taxpayer. It simply prevents the substantive equivalent of foreign textile products from evading U.S. trade laws.

There will be those who argue that more is necessary, and this may be true. But Senator HOLLINGS and I are committed to doing that which can be done on a bipartisan basis and achieved in this Congress.

We urge our colleagues on both sides of the aisle to cosponsor this important legislation.

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. 922

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 ''Made in USA Label Defense Act of 1999''.

SEC. 2. RESTRICTIONS ON GOODS IMPORTED FROM NORTHERN MARIANA ISLANDS.

The joint resolution entitled ''Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (48 U.S.C. 1801 et seq.), is amended by adding at the end the following new sections:

''SEC. 7. PROHIBITION ON IDENTIFICATION OF CERTAIN GOODS AS MADE IN THE UNITED STATES.

''Notwithstanding any other provision of law, no product that is made in the Northern Mariana Islands shall have a stamp, tag, label, or other means of identification or substitute therefor on or affixed to the product stating 'Made in the USA' or otherwise stating or implying that the product was made or assembled in the United States.

''SEC. 8. DUTY-FREE TREATMENT OF PRODUCTS PRODUCED BY UNITED STATES CITIZENS.

''Notwithstanding General Note 3(a)(iv) of the Harmonized Tariff Schedule of the United States, any provision of the covenant set forth in the first section of this joint resolution, or any other provision of law, no product that is made in the Northern Mariana Islands shall be admitted free of duty or quotas into the customs territory of the United States as the product of a United States insular possession.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. SMITH of Oregon (for himself, Mr. THOMAS, and Mr. BROWNBACK):

S. 923. A bill to promote full equality at the United Nations for Israel; to the Committee on Foreign Relations.

INTERNATIONAL AFFAIRS LEGISLATION

Mr. SMITH of Oregon. Mr. President, I rise today to introduce legislation requiring the Secretary of State to report on actions taken by our Ambassador to the United Nations to push the nations of the Western Europe and Others Group (WEOG) to accept Israel into their group.

As you may know, Israel is the only nation among the 185 member states that does not hold membership in a regional group. Membership in a regional

group is the prerequisite for any nation to serve on key United Nations bodies such as the Security Council. In order to correct this inequality, I am introducing ''The Equality for Israel at the United Nations Act of 1999.'' I believe that this legislation will prompt our United Nations Representative to make equality for Israel at the United Nations a high priority.

I am proud to be joined by Senators BROWNBACK and THOMAS as original cosponsors of this important legislation.

Mr. President, Israel has been a member of the United Nations since 1949, yet it has been continuously precluded from membership in any regional bloc. Most member states from the Middle East would block Israel's membership in any relevant regional group. The Western Europe and Others Group, however, has accepted countries from other geographical areas—the United States and Australia for example.

Last year, United Nations Secretary General Kofi Annan announced that ''It's time to usher in a new era of relations between Israel and the United Nations * * *. One way to rectify that new chapter would be to rectify an anomaly: Israel's position as the only Member State that is not a member of one of the regional groups, which means it has no chance of being elected to serve on main organs such as the Security council or the Economic and Social Council. This anomaly would be corrected.''

I believe it is time to back Secretary General Annan's idea with strong support from the United States Senate and I ask all my colleagues to join me in sending this message to the UN to stop this discrimination against Israel.

By Mr. NICKLES (for himself, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. DOMENICI, and Mrs. HUTCHISON):

S. 924. A bill entitled the ''Federal Royalty Certainty Act''; to the Committee on Energy and Natural Resources.

FEDERAL ROYALTY CERTAINTY ACT

Mr. NICKLES. Mr. President, I rise today to introduce the Federal Royalty Certainty Act. The domestic oil and gas industry is an essential element of the United States economy. The Administration needs to acknowledge the critical importance of this industry and stop hindering it with regulatory obstacles. Right now, our domestic oil and gas procedures are reeling from low oil prices. In Oklahoma alone, 50,000 jobs are dependent on the oil industry. Last year, we had over 350 producing oil rigs in the country, now we have slightly over 100. The industry is in a state of depression, not a decline, and these conditions pose a threat to our national security and our economy.

The Administration's policies have failed domestic producers. What is needed is a comprehensive plan to maintain the viability of the domestic oil and gas industry. Part of that plan should be to eliminate or greatly reduce the administrative costs of the current royalty program with simple, clear and certain guidelines. We need to eliminate rules that are burdensome and excessively costly. The Nation cannot afford to allow the devastation of our domestic oil and gas industry to continue.

We should be taking action to encourage growth in the industry. Instead, the Administration has advocated policies that undermine it. We must raise our country's awareness and reverse this course of action by providing relief from big government and burdensome regulations. We must provide this critical segment of our economy fairness and efficiency in their contracts with the federal government.

Several years ago, I began taking a closer look at oil and gas produced from federal leases and the Department of the Interior's administration of those lease contracts. I was pleased when Congress passed the Royalty Simplification and Fairness Act which I introduced and which became law in August of 1996. What that Act accomplished was to streamline the accounting processes for federal royalties. While that Act made significant steps forward in simplifying the payment of federal royalties, the heart of the issue is still before us—what royalty does a lessee owe to the government under its lease contract for oil and gas produced from a federal lease? When a person or company contracts with the federal government, it should know exactly what is owed under the contract.

While this should be a simple question with a simple and unambiguous answer, that is unfortunately not the case today. There appears to be multiple answers, changing answers and a morass of regulatory interpretations that change over time. Such regulatory obstacles prevent industry from knowing what they owe and being able to make business decisions with that knowledge. It also prevents the collection of royalties easily and efficiently. Having a clear understanding of the correct amount due is the central and critical element of any successful royalty management program. Without it, the program cannot operate fairly, efficiently or cost effectively.

In January 1997, MMS issued a Notice of Proposed Rulemaking for a new oil valuation rule. The proposed rule was met with a firestorm of protests and thousands of pages of comments have ensued. Despite serious problems that have been raised with the proposal, its workability and its fairness, the Department has repeatedly stated that it will publish its rule as final. As a result, this Congress has imposed two moratoriums on the proposed rule and is in the process of imposing another. Congress and Industry have repeatedly attempted to initiate negotiations with DOI/MMS to no avail. The current moratorium continues until June 1, 1999. Secretary Babbitt has stated that the MMS would publish a final rule on June 1, 1999 and in Congressional briefings the MMS has stated that ''MMS does not believe that further dialogue on the rule would be productive.'' DOI Communications Director Michael Gaulding stated to Inside Energy that ''we're sticking to the position we've taken. It gives us an issue to demogogue for another year.'' Rather than perpetuate the moratoria I believe Congressional action is needed. I am therefore today introducing the ''Federal Royalty Certainty Act.'' This Act addresses and resolves issues related to royalties both when they are paid in value and in amount.

This bill amends the Outer Continental Shelf Lands Act and the Minerals Lands Leasing Act and provides that when payment of royalties is made in value, the royalty due is based on oil or gas production at the lease in marketable condition. When royalty is paid in kind, the royalty due is based on the royalty share of production at the lease. If the payment (in value or kind) is calculated from a point away from the lease, the payment is adjusted for quality and location differentials, and the lessee is allowed reimbursements at a reasonable commercial rate for transportation, marketing, and processing services beyond the lease through the point of sale, other disposition, or delivery

My bill will codify the fundamental, longstanding principle that royalty is due on the value of production at the lease. The Department of the Interior recognizes this principle and very recently has said ''royalty payments [should be] based on no more than the value of production at the lease'' (News Release, MMS 2/5/98), there should be agreement on this codification. This legislation provides proper adjustments when sales are made downstream of the lease to arrive at values that equal the value of production at the lease. In addition, this legislation includes a consistent basis for valuation of royalty both onshore and offshore. Importantly, this legislation also resolves many of the core issues related to the proposed rule on oil valuation in a manner that is fair and equitable to the people of the United States and the producers who have entered into contracts with the federal government. These provisions will reduce the costs of a complicated system that spawns disputes, while preserving the taxpayer's right to a fair return for its resources. As I have said on many occasions, we need to reduce unnecessary, burdensome and excessively costly regulations. We need a little common sense.

In summary, all interested parties need to work together to arrive at a

workable, permanent solution—a system whereby the government can collect what is due in a manner that is simple, certain, consistent with lease agreements and fair to all parties involved. The Royalty Fairness bill was a significant first step to simplify and eliminate regulatory obstacles in the Department's accounting procedures. I believe that the Federal Royalty Certainty Act is an important next step.

Mr. DOMENICI. Mr. President, I want to commend Senator NICKLES for developing this legislation. Simply stated, it stands for the proposition that there has never been, is not now, nor ever shall be a ''duty to market.''

If you read a federal oil and gas lease there is no mention of a duty to market. It has been Mineral Management Services' (MMS) position that the duty to market is an implied covenant in the lease. And this legislation says that MMS is wrong.

Let me back up, and explain the issue and why this legislation is needed.

Oil and gas producers doing business on federal leases pay royalites to the federal government based on ''fair market value.'' Under the Clinton Administration, this is easier said than done. One of the long standing disputes between the Congress and the Mineral Management Service (MMS) has been the development of workable oil royalty valuation regulations that can articulate just exactly what fair market value is.

Cynthia Quarterman, the former director of the MMs, set out the Interior Department's position that fair market value includes a ''duty to market the lease production for the mutual benefit of the lessee and the lessor,'' but without the federal government paying its share of the costs. Many of these costs are transportation costs and they are significant. MMS calls it a duty to market, I call it federal government mooching.

This bill states Congressional intent: No duty to market, no federal government mooching. And let me be clear, whether there is a duty to market is a matter exclusively within the jurisdiction of Congress. It is not the job of lawyers at the MMS to raise the Congressionally set royality rate through the back door.

And, the so-called ''duty to market'' is a back door royalty increase—make no mistake about it.

The MMS has been unable to develop workable royalty valuation rules and Congress has had to impose a moratorium on these regulations. The core issue has been duty to market.

For this reason, I hope the Senate Energy and Natural Resources Committee will act expeditiously on this legislation. In this period of hard economic times for the oil and gas industry, the oil royalty valuation issue should be resolved with certainty, fairness and without a hidden royalty rate increase.

By Mr. DOMENICI:

S. 925. A bill to require the Secretary of the military department concerned to reimburse a member of the Armed Forces for expenses of travel in connection with leave canceled to meet an exigency in connection with United States participation in Operation Allied Force; to the Committee on Armed Services.

REIMBURSEMENT FOR U.S. PERSONNEL INVOLVED IN KOSOVO

Mr. DOMENICI. Mr. President, I rise today to offer a bill to reimburse U.S. military personnel for costs incurred due to cancellation of travel plans. This bill would authorize DoD to reimburse the men and women involved in Kosovo operations in any instance where they are forced to pay a fee to the airlines for changes in travel plans or purchased non-refundable tickets.

In those instances where military personnel are recalled from leave or forced to cancel their leave plans due to the current crisis in Kosovo, the Defense Department is not authorized to reimburse them for costs incurred to change or cancel their personal travel plans.

Military legal offices only pay the claims that Congress has authorized them to pay through legislation. Currently, DoD is only authorized to pay very specific claims. These claims usually involve damage to government property. Personal property is only covered if the damage or loss is related to official duty. There is no statutory authority to reimburse a member who incurs additional costs related to their leave, even if these costs are a direct result of performing their duty as members of the U.S. military.

I find this situation preposterous. These men and women are being asked to cover expenses incurred through no fault of their own. In response to their commitment to an international security crisis, we tell them to foot the bill for any vacation plans they might have had.

In light of earlier legislation we passed this year to signal to our military personnel that Congress will not short-change them for their service to this country, this measure offers one additional token of our appreciation and pride.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 925

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

SECTION 1. REIMBURSEMENT OF TRAVEL EXPENSES INCURRED BY MEMBERS OF THE ARMED FORCES IN CONNECTION WITH LEAVE CANCELED FOR INVOLVEMENT IN KOSOVO-RELATED ACTIVITIES.

(a) REQUIREMENT FOR REIMBURSEMENT.—The Secretary of the military department concerned shall reimburse a member of the Armed Forces under the jurisdiction of the Secretary for expenses of travel (to the extent not otherwise reimbursable under law) that have been incurred by the member in connection with approved leave canceled to meet an exigency in connection with United States participation in Operation Allied Force.

(b) ADMINISTRATIVE PROVISIONS.—The Secretary of Defense shall prescribe the procedures and documentation required for application for, and payment of, reimbursements to members of the Armed Forces under subsection (a).

By Mr. DODD (for himself, Mr. HAGEL, Mr. GRAMS, Mr. LUGAR, Mr. CHAFEE, Mr. LEAHY, Mr. KERREY, Mr. KERRY, Mr. LEVIN, Mr. KENNEDY, Mr. JEFFORDS, Mrs. LINCOLN, and Mrs. MURRAY):

S. 926. A bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes; to the Committee on Foreign Relations.

THE CUBAN FOOD AND MEDICINE SECURITY ACT OF 1999

• Mr. DODD. Mr. President, today Senator JOHN WARNER and twelve of our colleagues in the Senate are introducing a bill to end restrictions on the sale of food and medicine to Cuba—the so-called Cuban Food and Medicine Security Act of 1999. Our House colleagues JOSÉ SERRANO and JIM LEACH are introducing the House companion bill today as well.

Yesterday the Clinton Administration took some long overdue steps to end the practice of using food and medicine as foreign policy weapons. President Clinton has decided to reverse existing U.S. policy of prohibiting sales of such items to Iran, Libya, and Sudan. We applaud that decision. Joe Lockhart, the White House spokesman said President Clinton had decided that, ''food should not be used as a tool of foreign policy, except under the most compelling circumstances.''

In announcing the change in policy yesterday, Under Secretary of State Stuart Eizenstat stated that President Clinton had approved the policy after a two-year review concluded that the sale of food and medicine ''doesn't encourage a nation's military capability or its ability to support terrorism.''

I am gratified that the administration has finally recognized what we determined some time ago, namely that ''sales of food, medicine and other human necessities do not generally enhance a nation's military capacities or support terrorism.'' On the contrary, funds spent on agricultural commodities and products are not available for other, less desirable uses.

Regrettably, the Administration did not include Cuba in its announced policy changes. It seems to me terribly inconsistent to say that it is wrong to deny the children of Iran, Sudan and Libya access to food and medicine, but

it is all right to deny Cuban children, living ninety miles from our shores, similar access. The administration's rationale for not including Cuba was rather confused. The best I can discern from the conflicting rationale for not including Cuba in the announced policy changes was that policy toward Cuba has been established by legislation rather than executive order, and therefore should be changed through legislative action.

I disagree with that judgment. However, in order to facilitate the lifting of such restrictions on such sales to Cuba, Senator WARNER, myself, and twelve of our Senate colleagues have decided to move forward with this legislation today.

It is our assumption that the Clinton Administration will support this legislation, since it does legislatively for Cuba what it has just instituted by Executive order for Sudan, Libya and Iran.

What about those who say that it is already possible to sell food and medicine to Cuba? To those people I would say, ''If that is what you think, then you should have no problem supporting this legislation.''

However, I must tell you, Mr. President, that the people who say that are not members of the U.S. agricultural or pharmaceutical industries. Ask any representative of a major drug or grain company about selling to Cuba and they will tell you it is virtually impossible.

The Administration's own statistics speak for themselves. Department of Commerce licensing statistics prove our point:

Between 1992 and mid-1997, the Commerce Department approved only 28 licenses for such sales, valued at less than $1 million, for the entire period. To give you some perspective: prior to the passage of the 1992 Cuba Democracy Act which shut down U.S. food and medicine exports, Cuba was importing roughly $700 million of such products on an annual basis from U.S. subsidiaries.

Moreover, since Commerce Department officials do no follow up on whether proposed licenses culminate in actual sales, the high water mark for the export of U.S. medicines to Cuba over a four and one half year period doesn't even represent roughly 0.1% of the exports of U.S. food and medicines that took place prior to 1992.

For these reasons we feel strongly that the complexities of the U.S. licensing process, coupled with on-site verification requirements, serve as de facto prohibitions on U.S. pharmaceutical companies doing business with Cuba. Food sales are virtually impossible to undertake as well.

Let me be clear—I am not defending the Cuban government for its human rights practices or some of its other policy decisions. I believe that we should speak out strongly on such matters as respect for human rights and the treatment of political dissidents. But U.S. policy with respect to Cuba goes far beyond that—it denies eleven million innocent Cuban men, women and children access to U.S. food and medicine.

The highly respected human rights organization, Human Rights Watch—a severe critic of the Cuban government's human rights practices—recently concluded, that the ''(U.S.) embargo has not only failed to bring about human rights improvements in Cuba,'' it has actually ''become counterproductive'' to achieving that goal.

America is not about denying medicine or food to the people in Sudan, in Libya, or in Iran, and it shouldn't be about denying food and medicine to the Cuban people either, certainly not my America.

That is why I hope my colleagues will support this legislation when it comes to a vote later this year.●

● Mr. WARNER. Mr. President, I rise today as chief co-sponsor of the Cuban Food and Medicine Security Act of 1999. I am pleased to join my good friend and colleague Senator DODD and many of our colleagues in introducing this important legislation.

The goal of this bill is simple—alleviate the suffering of the Cuban people created by the inadequate supplies of food, medicine and medical supplies on that island nation less than 100 miles from our shore. If enacted, this legislation would authorize the President to permit the sale of food, medicine and medical equipment to the Cuban people.

The Cuban Food and Medicine Security Act of 1999 also mandates that a study be carried out on how to promote the consumption of U.S. agricultural commodities in Cuba through existing U.S. agricultural export promotion and credit programs and requires a report to Congress assessing the impact of the bill six months after its enactment.

Yesterday, President Clinton announced an important change in U.S. economic sanctions policy which will enable U.S. firms to sell food and medicine to Iran, Sudan and Libya. In making the announcement, Under Secretary of State Stuart Eizenstat stated ''Sales of food, medicine and other human necessities do not generally enhance a nation's military capabilities or support terrorism. On the contrary, funds spent on agricultural commodities and products are not available for other, less desirable uses. Our purpose in applying sanctions is to influence the behavior of regimes, not to deny people their basic humanitarian needs.''

This major change in the Administration's sanctions policy, however, will not affect Cuba because restrictions on the sale of food and medicine to that country are statutory. The legislation we are introducing today, however, would remove those restrictions on the sale of food and other agricultural products, medicine and medical supplies with regards to Cuba.

The time has come to stop using food and medicine as a foreign policy tool. I hope my colleagues will join us in supporting this important and timely legislation.●

By Mr. DODD (for himself and Mr. HAGEL):

S. 927. A bill to authorize the President to delay, suspend, or terminate economic sanctions if it is in the important national interest of the United States to do so; to the Committee on Foreign Relations.

THE SANCTIONS RATIONALIZATION ACT OF 1999

● Mr. DODD. Mr. President, I rise today to introduce a bill on behalf of myself and Senator HAGEL, which we hope will bring desperately needed reform to the process by which the United States imposes sanctions on other nations.

Eighty years ago, President Wilson formally added economic sanctions to America's foreign policy arsenal for the first time, saying that with sanctions as a weapon, ''there will be no need for force.'' In the intervening decades, we have taken a greater liking to sanctions than President Wilson ever could have imagined. I doubt very much, however, that he would approve of the way in which we employ that tool today nor of the results accomplished by sanctions.

When President Wilson described his idea of sanctions as a diplomatic tool, he was trying to convince the Senate to ratify American membership in the League of Nations. The sanctions he envisioned were broad, multi-national efforts designed to affect specific results under limited circumstances. He also intended sanctions to serve as one component of multi-stage escalation of diplomatic pressure, rather than a complete response.

Our method for imposing sanctions today bears almost no resemblance to President Wilson's original concept. Sanctions have become the first response to actions which are objectionable to the United States. Very often, they are also a response in and of themselves, rather than part of a coherent escalation of pressure. In addition, the vast majority of American sanctions are not the multilateral efforts President Wilson envisioned. Rather, Mr. President, they are unilateral efforts which anger our allies, damage our global standing, and hurt our own businesses and people. And lest we excuse the drawbacks of unilateral sanctions with the argument that the benefits for American foreign policy outweigh the harm, let me be very clear: there are very rarely such benefits.

For far too long we have subscribed to the mistaken view that sanctions

represent concrete steps more powerful than mere condemnation and more speedy than diplomacy. Unilateral sanctions, Mr. President may make us feel good by severing access to American know-how, markets, ideas, and products. They may help us demonstrate that we are willing to be tough on governments with unacceptable policies or even allow us to appease a particular constituency that has clamored for action against a particular rogue nation.

What unilateral sanctions do not do, however, is work. We are blindfolded by our own rhetoric, Mr. President, if we think that sanctions are the key to correcting the behavior of targeted nations. A recent study found that perhaps one out of every five unilateral sanctions has any desired effect at all. And in those few cases where our goal was met, such as a change in the President of Colombia, sanctions were only one of many factors.

When we mention successes, we all too often ignore the much longer list of countries—including Haiti, Cuba, Libya, Iran, Iraq, China, Panama, and North Korea—where sanctions have failed. In fact, sanctions may even allow some authoritarian regimes to consolidate their control by providing them with a convenient scapegoat to blame for their domestic failures.

In addition, we must not lose sight of the unintended consequences of sanctions. They hurt our economy. They hurt our allies. They hurt our ability to achieve our foreign policy goals. Perhaps most of all, they hurt our own citizens. Mr. President, it is imperative that we move expeditiously to correct the deep flaws in our system for imposing sanctions. In recent years, Congress has imposed sanctions intended to discourage the proliferation of weapons of mass destruction and the ballistic missiles to deliver them, advance human rights and end genocide, end state-supported terrorism, discourage armed aggression, thwart drug trafficking, protect the environment and even, in a few cases, oust governments that are anathema to the United States.

Since President Wilson proposed the use of sanctions to realize American foreign policy goals, we have imposed them more than 110 times. Today, however, the situation is growing more acute. In just the past six years, Congress passed more than 70 sanctions. That is more than 11 per year. Last year, we had sanctions in place against 26 different countries which included more than half of the world's population.

When Congress passes these sanctions, however, it often takes a second congressional action to repeal them. This onerous process robs our nation of the ability to react to changing circumstances, interferes with the President and Secretary of State's mandate to negotiate with foreign governments and leaders and prevents the lifting of sanctions which have little chance of success while bringing harm on the United States' national interests. The bill that I am proposing today will correct these deficiencies by giving the President the authority to delay, suspend or terminate any sanction that he determines is not in the United States' national interest.

We often think of sanctions as costless actions since they require no governmental appropriation. As business leaders and workers across the country will tell you, however, that perception is simply erroneous. In 1998, the United States had sanctions, of some sort, in place against 26 different nations including China and India, the two most populous nations in the world. Those sanctions covered well over half of the world's population, cutting American firms off from billions of potential customers. According to the Institute for International Economics here in Washington, the economic sanctions currently in effect cost American businesses $20 billion annually in lost export sales and cost America's workers 200,000 high-wage jobs.

Those figures, however, tell only part of the story. The cost to businesses does not end when the sanctions are repealed. Rather, the absence of American companies allows foreign competitors to make inroads leaving the American businesses to try battle the entrenched competition, along with any lingering popular resentment toward the United States, when the barriers fall. Needless to say, our allies think that American unilateral sanctions, while affording them a rather pleasant competitive advantage, lack a degree of rationality.

It would be shortsighted, Mr. President, to consider the cost merely in terms of the monetary loss. Rather, our wholesale use of unilateral sanctions damages our standing in the world community. Our diplomats have to spend an inordinate amount of time and effort trying to assuage the concerns of our allies who find themselves on the receiving end of some of our secondary sanctions. Meanwhile, when dealing with target nations, they are deprived of the ability to offer a carrot in exchange for policy changes. Moreover, the fact that more than half of the world's population is now on the receiving end of American sanctions and our willingness to impose sanctions when the rest of the world finds them unnecessary degrades our ability to convince other nations to follow our leadership.

Congress' current infatuation with sanctions also hampers our nation's ability to conduct diplomacy. The Constitution gives Congress a powerful role in foreign policy, from the power to declare war to the power to regulate commerce. Clearly, Congress is within its Constitutional mandate when it imposes sanctions on foreign governments. What Congress cannot do, however, is micro-manage our foreign policy on a day to day basis. The power to negotiate with foreign governments and leaders rests solely with the President. Anything which detracts from his ability to negotiate, including sanctions over which he has no control over, damages his ability to exact concessions and come to an agreement acceptable to the United States.

I am not arguing, Mr. President, that sanctions are not a legitimate foreign policy tool nor that, if used appropriately, they can be efficacious. Nor am I arguing that all sanctions currently in place should be removed. To the contrary, I strongly support sanctions against countries such as Iraq and Yugoslavia.

Sanctions, however, should be part of a comprehensive foreign policy with clear goals. They should be imposed for a finite period of time with an option to extend if the situation warrants continued pressure. Finally, sanctions must allow the President and Secretary of State the room they need to maneuver in order to effectively negotiate foreign governments.

It is also essential that we strive for multinational support of our sanctions. Board sanctions, either global or at least in concert with the other industrialized countries, not only have a far greater chance of affecting the desired result but minimize the threat to our international leadership, and domestic economy in both the short and long term.

Occasionally, other nations take actions so offensive to American policy that the United States must act regardless of foreign cooperation. In those cases, we must endeavor to minimize the negative effects our sanctions have on third countries and on our own economy. We must also carefully target our sanctions at the offending government officials rather than the general population—people who often have little or no ability to affect meaningful change.

Sanctions deserve a place, even a prominent place, in our foreign policy tool kit. Working with our allies, they can have the power President Wilson described shortly after witnessing the horrors of World War I. At the same time, Mr. President, we must not be so infatuated with sanctions as to replace tools which have stood us in such good stead for more than two centuries, such as diplomacy.

The legislation that my colleagues and I are introducing today will make the sanctions we do impose more powerful and improve the results while simultaneously reducing the costs to Americans and our allies. In fact, Mr. President, these reforms will lead to a stronger American foreign policy capable of realizing our foreign policy goals

more quickly and with less effort. This bill will allow us to finally reach the goal Congress held when it began imposing sanctions at this alarming pace. Mr. President, I urge my colleagues to join me in supporting this bipartisan resolution and enacting these overdue reforms.●

● Mr. HAGEL. Mr. President, I am pleased to join with Senator DODD in introducing the Sanctions Rationalization Act. This bill would grant broad authority to the President to waive unilateral sanctions that no longer make sense and that he determines harm U.S. national interests.

Sanctions must remain a policy tool. But sanctions are only effective when they are multilateral.

This bill will complete the package of three sanctions reform bills that have been introduced this Congress. Senator DODD and I are sponsors or cosponsors of each of these three bills.

The first of these three sanctions reform bills is S. 757, the Sanctions Policy Reform Act. This legislation, introduced by Senator LUGAR would establish a sensible process for the enactment of future unilateral economic sanctions by either the President or the Congress. Among its safeguards, the Lugar bill would require a cost/benefit analysis and would require a study on the likelihood that the proposed sanctions would achieve their policy goals. It would also sunset all unilateral sanctions after two years unless reauthorized by Congress. The Lugar bill does not undo any existing sanctions, with one exception. It would make permanent the President's ability to waive the Glenn amendment for U.S. national security reasons. The Glenn amendment as originally drafted puts permanent unilateral sanctions on any country that tests a nuclear device.

I introduced the second bill, which is S. 327, the Food and Medicine Sanctions Relief Act. Senator DODD is the lead cosponsor on that bill. Food and medicine are basic humanitarian needs. As a matter of policy, food and medicine should not be included in unilateral sanctions. The President made a good first step in addressing this issue yesterday when he removed most, but not all, food and humanitarian goods from sanctions on Iran, Sudan and Libya. He did not lift restrictions on financing for agricultural sales, nor did he lift food and medicine sanctions on several other nations. He could not take these two additional steps because he is restricted from doing so by other legislation. My bill, S. 327, would enable him to adopt a comprehensive policy of exempting food and medicine from unilateral sanctions.

The bill Senator DODD and I are introducing today would also grant the President much broader authority to protect U.S. interests by waiving unilateral sanctions.

The Sanctions Rationalization Act allows the President, with Congressional review, to ''delay, suspend or terminate'' any unilateral economic sanction if he determines that it ''does not serve U.S. national interests.'' A Presidential waiver under the Act cannot go into effect for 30 days. This gives the Congress ample time to consider the Presidential action. The bill establishes expedited procedures to ensure that Congress would have a chance to disapprove the Presidential waiver if the action is unwise.

Finally, the legislation restricts the use of this Presidential waiver authority in specific cases. The President cannot waive sanctions that are multilateral rather than unilateral. He is also restricted from waiving sanctions based on health or safety concerns, treaty obligations, and specific trade laws enacted to remedy unfair trade practices or market disruptions.

As a nation, we are letting unilateral sanctions isolate ourselves. Let me demonstrate why:

A CRS report on January 22, 1998 listed a total of 97 unilateral sanctions now in place.

A study by the National Association of Manufacturers found that from 1993–1996, the U.S. imposed unilateral sanctions 61 times against 35 countries. These 35 nations make up 42% of world population and 19% of world's $790 billion export market.

A study by the International Institute of Economics estimates that in 1995 alone unilateral sanctions cost Americans $15–20 billion in lost exports . . . which resulted in 200,000 lost jobs.

The National Foreign Trade Council has identified 41 separate legislative statutes on the books that either require or authorize the imposition of unilateral sanctions.

Repeated use of sanctions undermines confidence in America as a reliable supplier. Even after sanctions are lifted, Americans find it difficult or impossible to regain export markets.

Mr. President, each of the three bills I mentioned addresses an important feature of ending the overuse of unilateral economic sanctions. The Lugar bill would create a process for producing more effective sanctions policies for the future. The Hagel bill would exempt food and medicine from all unilateral economic sanctions. The Dodd bill is a final, critical reform. It would allow the President, with congressional review, to waive those sanctions laws that have become outdated and no longer serve U.S. national interests.

Again, I congratulate my colleague from Connecticut for his leadership on this issue. I am pleased to join him in introducing the Sanctions Rationalization Act.●

By Mr. SANTORUM (for himself, Mr. SMITH of New Hampshire, Mr. LOTT, Mr. ABRAHAM, Mr. ALLARD, Mr. ASHCROFT, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. COCHRAN, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mr. FITZGERALD, Mr. Frist, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. KYL, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of Oregon, Mr. THOMAS, Mr. THURMOND, Mr. VOINOVICH, and Mr. WARNER):

S. 928, A bill to amend title 18, United States Code, to ban partial-birth abortions; to the Committee on the Judiciary.

THE PARTIAL BIRTH ABORTION BAN ACT OF 1999

Mr. SANTORUM. Mr. President, I rise today to introduce the Partial Birth Abortion Ban Act. This bill is identical to the legislation endorsed by the American Medical Association (AMA) and vetoed by President Clinton in October, 1997. This bill is narrowly written to prohibit one particularly gruesome, inhumane, and medically unaccepted late term abortion method, except when the procedure is necessary to save the life of the mother.

Also known as Intact Dilation Evacuation or Intrauterine Cranial Decompression, a partial birth abortion is performed over a three day period during the second or third trimester. After the cervix is dilated over a two-day period, the doctor begins the actual abortion on the third day. Once the doctor turns the baby into the breech position, he delivers all but the head through the birth canal. At this point the child is still alive. Then, the doctor stabs the baby in the base of its skull with curved scissors and uses a suction catheter to remove the child's brain. This procedure kills the baby. After the skull collapses, the doctor completes the delivery.

Partial birth abortions are performed as outpatient procedures in clinics. They are usually done on healthy 20–25 week olds with healthy mothers. Estimates suggest as many as 5000 are performed annually in the U.S. We know of 1500 per year in one New Jersey clinic.

The American public finds this procedure repugnant. A growing consensus in the medical community considers it unnecessary and even unethical. Yet the reason this horrific procedure is still legal in the United States is because President Clinton has twice vetoed legislation that would have outlawed partial birth abortion, except in cases of maternal life endangerment.

The lies propagated by proponents of partial birth abortion have taken on a life of their own. First, we were told—

and by we I mean Congress—there was no such thing as partial birth abortion. Three years after Dr. Martin Haskell, a pioneer of this technique, described it to the National Abortion Federation (NAF), the NAF sent a letter to Congress denying its existence. Then Congress was assured the fetus feels no pain during the procedure because anesthesia given to the mother induced ''neurological fetal demise.'' Such was the testimony of Dr. James McMahon, another pioneer of the partial birth abortion, to the House Judiciary Subcommittee on the Constitution. After pregnant women across the country started refusing necessary surgery, Dr. Norig Ellison, President of the American Society of Anesthesiologists, testified before the Senate Judiciary Committee to set the record straight. He told the Committee women would have to be anesthetized to the point where their own health was endangered to achieve ''neurological demise'' of the fetus. By the way, ''neurological demise'' refers to the ''brain death,'' not literal death. Not to be deterred, proponents of partial birth abortion circulated a third lie—anesthesia kills the fetus. Yet we know from Dr. Ellison's testimony and Dr. Haskell's own statements that the baby is alive during the procedure. Lie number four asserted partial birth abortions were ''rare.'' Then, a small newspaper in New Jersey discovered that 1500 of these ''rare'' procedures were performed each year in one clinic. This one clinic was performing three times the supposed national rate of partial birth abortions. Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, suggested as many as 5000 could be performed annually. Another egregious lie asserted this technique was only used in cases where the mother's life or health were at risk, or when the fetus was deformed. Ron Fitzsimmons helped spread this misinformation. He would later admit that he ''lied through my teeth.''

The last lie, which the President continues citing in defense of this procedure, proports that partial birth abortion is necessary to protect women's health. A group of more than 600 doctors, most of whom are OB–GYNs or perinatologists, call this lie the ''most serious distortion.'' In reality, partial birth is never medically necessary. That is the opinion of doctors across this country. The AMA says it is ''not medically indicated,'' ''is not good medicine,'' is ''ethically wrong'' and ''is not an accepted 'medical practice' ''. Former Surgeon General C. Everett Koop, who has 30 years of experience in pediatric surgery, has publicly denounced this procedure. Dr. Warren Hern, who wrote the most widely used textbook on performing abortions admitted he ''* * * would dispute any statement that this is the safest procedure to use.'' The Physicians Ad Hoc Coalition for Truth (PHACT), a group of over 600 doctors, emphatically states that partial birth abortion is never medically necessary and ''should be banned in the interests of women, their children, and the proper practice of medicine.''

There is absolutely no evidence that partial birth abortion is a safe procedure. There are no peer reviewed scientific studies. It is not mentioned in medical textbooks or taught in medical schools. The facts, as reviewed by doctors, suggest this technique is in fact dangerous for women. Because of the deliberate breech positioning and the blind procedure of stabbing the baby at the base of its skull, partial birth abortion subjects women to risks beyond those normally encountered in conventional late term abortions. Furthermore, it could not be used in the two most common life endangering conditions during pregnancy, infection and hemorrhage, because it puts women at greater risk for both.

Conditions such as hydrocephaly, trisomy, Downs Syndrome, and development of the organs or brain outside the body have been cited as instances in which partial birth abortion was recommended to preserve a woman's life, health, or future fertility. There are tragic situations that require separation of the child from the mother. But it is never necessary to kill the child during that separation to preserve maternal health.

I have met families who were advised to have a partial birth abortion after their child was diagnosed with a disability. These mothers faced many of the same struggles, such as concerns for their other children, concerns about whether they would be able to care for a handicapped baby, and finding a doctor who was willing to deliver the child. As the Senate considers the Partial Birth Abortion Ban Act, I will tell the stories of these families and the children.

In closing, I ask my colleagues to examine this issue with their hearts. We know of two baby girls, one born in Phoenix and the other in Ohio, who survived this brutal procedure. Baby Phoenix overcame cuts and a skull fracture sustained during a partial birth abortion procedure. Today, she lives with her adopted parents in Texas. Baby Hope lived only three hours and eight minutes. She was born prematurely during the first dilation stage of a partial birth abortion. Her life was short, but she personalized this issue for the hospital staff who gently nursed her for those few hours. I ask that my colleagues consider whether these little girls deserved to be subjected to partial birth abortions. I ask them to consider that these children were not catch phrases, slogans, or concepts. These babies, and other candidates for partial birth abortions, are human beings. They are being killed with a procedure that would not be legal for use on animals. I ask my colleagues to do the right thing and vote to outlaw this horrific procedure.

Mr. President, I ask unanimous consent that the text of the Partial Birth Abortion Ban Act of 1999 be inserted into the RECORD.

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

S. 928

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 ''Partial-Birth Abortion Ban Act of 1999''.

SEC. 2. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

''CHAPTER 74—PARTIAL-BIRTH ABORTIONS

''Sec.

''1531. Partial-birth abortions prohibited.

''§ 1531. Partial-birth abortions prohibited

''(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both. This paragraph shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury. This paragraph shall become effective one day after enactment.

''(b)(1) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

''(2) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: *Provided*, *however*, That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

''(3) As used in this section, the term 'vaginally delivers a living fetus before killing the fetus' means deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus.

''(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

''(2) Such relief shall include—

''(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

''(B) statutory damages equal to three times the cost of the partial-birth abortion.

''(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness or injury.

''(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

''(e) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

''74. Partial-birth abortions ..... 1531''.

• Mr. DEWINE. Mr. President, I am very proud to join my distinguished colleague, Senator SANTORUM, in introducing this legislation to ban one of the most barbaric practices ever tolerated in a civilized society. The Partial Birth Abortion Ban Act is a measure we have already passed twice, only to see it overturned by Presidential vetoes. Enactment of this bill into law is long overdue.

A recent tragic event in my own home state of Ohio brings home yet again the need for this ban.

On April 6, a young woman went into the Dayton Medical Center in Montgomery County, Ohio, to undergo a partial-birth abortion. This is a procedure that usually takes place behind closed doors, where it can be ignored, its moral status left unquestioned.

But this particular procedure was different. In this procedure, on April 6, things did not go as planned. Here's what happened.

The Dayton abortionist, Dr. Martin Haskell, started a procedure to dilate her cervix, so the child could eventually be removed and killed. He applied seaweed to start the procedure. He then sent her home—because this procedure usually takes two or three days. In fact, the patient is supposed to return on the second day for a further application of seaweed—and then come back a third time for the actual partial-birth abortion.

So the woman went home to Cincinnati, expecting to return to Dayton and complete the procedure in two or three days. But her cervix dilated far too quickly. Shortly after midnight in the first day, after experiencing severe stomach pains, she was admitted to Bethesda North Hospital in Cincinnati.

The child was born. After three hours and eight minutes, the child died.

The cause of death was listed on the death certificate as ''prematurity secondary to induced abortion.''

True enough, Mr. President. But also on the death certificate is a space for ''Method of death.'' And it says, in the case of this child, quote, ''Method of death: natural.''

Now that, Mr. President, may well be true in the technical sense. But if you look at the events that led up to her death, you'll see that there was really nothing natural about them about them at all.

The medical technician who held that little girl for the three hours and eight minutes of her short life named her Baby Hope. Baby Hope did not die of natural causes. She was the victim of a barbaric procedure that is opposed by the vast majority of the American people. A procedure that has twice been banned by act of Congress—only to see the ban repeatedly overturned by a Presidential veto.

The death of Baby Hope did not take place behind the closed doors of an abortion clinic. It took place in public—in a hospital dedicated to saving lives, not taking them. It reminds us of the brutal reality and tragedy of what partial birth abortion really is.

When we voted to ban partial-birth abortions, we talked about this procedure in graphic detail. The public reaction to this disclosure—the disclosure of what partial-birth abortion really is—was loud and it was decisive. And there is a very good reason for this. The procedure is barbaric.

One of the first questions people ask is ''why?''

''Why do they do this procedure? Is it really necessary? Why do we allow this to happen?''

Dr. C. Everett Koop speaks for the consensus of the medical profession when he says this is never a medically necessary procedure. Even Martin Haskell—the abortionist in the Baby Hope case—has admitted that at least eighty percent of the partial-birth abortions he performs are elective.

The facts are clear. Partial-birth abortion is not that rare a procedure. What is rare is that we—as a society—saw it happen. It happened by surprise, at a regular hospital, where it wasn't supposed to.

Baby Hope was not supposed to die in the arms of a medical technician. But she did. And she cannot easily be ignored.

This procedure is not limited to mothers and fetuses who are in danger. It's performed on healthy women—and healthy babies—all the time.

The goal of a partial birth abortion is not to protect somebody's health but to kill a child. That is what the doctor wants to do.

Dr. Haskell himself has said as much. In an interview with the American Medical News, he said—and I quote—''you could dilate further and deliver the baby alive but that's really not the point. The point is you are attempting to do an abortion. And that's the goal of your work, is to complete an abortion. Not to see how do I manipulate the situation so that I get a live birth instead.'' Unquote.

Dr. Haskell admitted it. Why don't we?

Again, let's hear Dr. Haskell describe this procedure. Quote: ''I just kept on doing D&Es (dilation and extractions) because that was what I was comfortable with, up until 24 weeks. But they were very tough. Sometimes it was a 45-minute operation. I noticed that some of the later D&Es were very, very easy. So I asked myself why can't they all happen this way. You see the easy ones would have a foot length presentation, you'd reach up and grab the foot of the fetus, pull the fetus down and the head would hang up and then you would collapse the head and take it out. It was easy.''

It was easy, Mr. President. Easy for him. He doesn't say it was easy for the mother, and I suspect he doesn't care. His goal is to perform abortions. Is he the person we're going to trust to decide when abortions are necessary? He's got a production line going—and nothing's going to stop him from meeting his quota.

Dr. Haskell continues: ''At first, I would reach around trying to identify a lower extremity blindly with the tip of my instrument. I'd get it right about 30–50 percent of the time. Then I said, 'Well gee, if I just put the ultrasound up there I could see it all and I wouldn't have to feel around for it.' I did that and sure enough, I found it 99 percent of the time. Kind of serendipity.'' End of quote.

Serendipity, Mr. President.

Let me conclude.

We need to ask ourselves, what does our toleration of this procedure say about us, as a nation?

Where do we draw the line? At what point do we finally stop saying, ''I don't really like this, but it doesn't really matter to me, so I'll put up with it?''

At what point do we say, unless we stop this from happening, we cannot justly call ourselves a civilized nation?

Mr. President, when you come right down to it, America's moral anesthetic is wearing off. We know what's going on behind the curtain—and we can't wish that knowledge away. We have to face it—and do what's right.

We have to make the Partial Birth Abortion Ban Act the law of the land. Twice in the last three years, Congress has passed this legislation with strong, bipartisan support, only to see it fall victim to a Presidential veto. Once again, I am confident Congress will do the right thing and pass this very important bill.

But that's not enough, Mr. President. Passing this legislation in Congress is not enough. It will not save any lives. For lives to be saved, the bill must become law.

If something happens behind the iron curtain of an abortion clinic it's easier to pretend that it doesn't happen. But the death of Baby Hope has torn that

curtain, revealing the truth of this barbaric procedure. Let people not ask about us fifty years from now, ''How can they not have known?'' and ''Why didn't they do anything?''

Because, Mr. President, the fact is: We do know. And we must take action.●

By Mr. ROBB (for himself, Mrs. HUTCHISON, Mr. KERREY, Mr. HAGEL, Mr. REED, Mr. SMITH of New Hampshire, Mr. CLELAND, Mr. ABRAHAM, and Mr. HUTCHINSON):

S. 929. A bill to provide for the establishment of a National Military Museum, and for other purposes; to the Committee on Armed Services.

NATIONAL MILITARY MUSEUM ACT

Mr. ROBB. Mr. President, when future generations search for ''lessons learned'' from America's 18th, 19th and 20th century military experiences, they no doubt will be accessible through dusty texts, dated documentary videos, or long-forgotten Congressional transcripts.

I am concerned, however, that these lessons will not carry forward into the next century as an enduring reminder of the true costs, and the true benefits, of waging wars, on behalf of freedom and democracy.

Increasingly, we have seen the gap between the military, and the rest of society, widen.

Early in the next century, for example, we expect that less than four percent of the population will be veterans, down from over 11 percent in 1980.

This means that fewer and fewer civilians will have a personal understanding of the military, making it more and more difficult to pass on to successive generations, one of our most powerful military assets—our experience.

How then do we ensure that we don't ''repeat'' our past mistakes—and that we build on our past successes?

Mr. President, I am joined by Senators HUTCHISON, of Texas, KERREY of Nebraska, HAGEL, REED of Rhode Island, SMITH of New Hampshire, CLELAND, ABRAHAM, and HUTCHINSON of Arkansas in introducing the National Military Museum Act.

It will teach visitors about each of the major wars in which America has fought.

Finally, it will help build pride, in our military, and the nation.

The United States, through the fine stewardship of the Smithsonian Institution, operates over a score of excellent national museums—from the National Portrait Gallery, to the National Postal Museum, yet none of these are dedicated to the armed forces.

In fact, the individual military services have many museums—the Army alone, has over 60.

We also have military artifacts and battles represented in sections of some of the Smithsonian museums.

Yet we do not have a single, prestigious, integrated national museum to tell America's military story and to honor our armed forces.

This is an extraordinary shortcoming in the telling of our national heritage.

By contrast, many of our key allies have national military museums.

The British Imperial War Museum, and the Australian War Memorial, are two fine examples.

The United States is a nation that has influenced world events decisively over the last century and will continue to do so for centuries to come.

And it is a military power that has sought not to conquer other lands, but to bring freedom, and democracy to the entire world.

History shows few if any nations, with such disproportionate means, employing force for such consistently altruistic ends.

Yet we have no national place to tell, this extraordinary story.

Mr. President, where, would a teenager interested in World War I, World War II, Korea, or Vietnam, go, to learn more about these wars? There really is no museum displaying artifacts from these wars, in a comprehensive fashion.

We do in fact have several fine Civil War museums, but the lack of representations of so many other wars is remarkable.

The idea of a National Military Museum goes back to the late 1800s.

Several attempts to build this museum, (including a concerted effort by President Truman) failed, for various reasons: inadequate funding, post-war disillusionment, or blueprints that were too ambitious.

Now, as we enter the 21st century, the time is right to display the enormous inventories of artifacts, that have been accumulated from this century—especially from conflicts since World War II.

As now envisioned, the National Military Museum would include display sections for each of the military services as well as separate sections for each of the country's major wars.

A spectacular atrium would house large items, from: missiles to ship sections to aircraft.

Based on a review of numerous potential sites, this legislation authorizes that the new museum be located on the Navy Annex property just west of the Pentagon.

Bounded symbolically, by Arlington National Cemetery, to the north, and offering a commanding view of the capital area, this location is ideal, and one of the last available parcels, in the area, suitable for a museum of this scope and importance.

The museum would share a large 55-acre tract of land with an expansion of Arlington National Cemetery and possibly other veterans' memorials.

The buildings currently on this land, are slated for demolition around 2015.

The National Military Museum Act establishes a National Military Museum Foundation, which will be responsible for the design construction, and operation, of the museum.

The Foundation's Board, will consist of 10 members, and their first action will be to conduct a study on the siting, design, environmental impact, and governing of the museum.

The Foundation may recommend that the museum, become part, of the Smithsonian Institution.

Assuming no Congressional action, upon receipt of both this study, and a General Accounting Office evaluation, the Foundation will proceed with final design preparations, and pursue fundraising.

Construction would begin after demolition of the existing Navy Annex buildings.

Mr. President, I am very pleased to introduce this legislative cornerstone, for building, one of the most important, and—I would anticipate—most visited museums, in the world.

Let us honor our nation's military with this long overdue museum.

Let us safeguard our past, so that future generations will know what has been done before—and what may have to be done again, in the future—to push back the forces of tyranny, and to preserve the freedoms, we are so fortunate to enjoy.

By Mr. REID (for himself and Mr. BRYAN):

S. 930. A bill to provide for the sale of certain public land in the Ivanpah Valley, Nevada, to the Clark County, Nevada, Department of Aviation; to the Committee on Energy and Natural Resources.

IVANPAH VALLEY AIRPORT PUBLIC LAND TRANSFER ACT

Mr. REID. Mr. President, I rise today to introduce the Ivanpah Valley Airport Public Land Transfer Act. This act authorizes the Secretary of Interior to convey, at fair market value, certain lands in the Ivanpah Valley to the Clark County Department of Aviation. Authorization of this conveyance will allow the Department to proceed with the proposed development of a new airport to serve Southern Nevada.

As you are aware, growth in both the general population and the tourism industry in Southern Nevada has been and is expected to continue to be very strong. Statistics show that over half the people who come to Southern Nevada now come by air. From 1985 to 1998, operations at McCarran Airport increased at an annual rate of approximately five percent. Even if this growth rate slows to two percent, activities at McCarran will be at or exceed capacity by the year 2014. At this level, the traveling public will also experience significant delays. It is obvious we must begin to plan now for the future.

The Department of Aviation has completed an extensive review of options available for meeting the growing needs for air traffic in Southern Nevada. These options included construction of a new runway at McCarran and the building of an entirely new airport at any one of four different sites. Analysis of these options shows that for a variety of technical, safety-related, and economic reasons, the Ivanpah site is the only option that can accommodate the growing air traffic needs of the region.

The bill Senator BRYAN and I introduce today is based on similar legislation that was introduced in both the House and Senate in the 105th Congress. However, this bill incorporates changes from the prior legislation to address environmental concerns and issues that were raised by the Bureau of Land Management in testimony before the House Resources Subcommittee on National Parks and Public Lands last year. Some of those concerns were related to endangered species habitat, potential conflicts with existing uses, and determination of fair market value for the lands to be conveyed.

Congress should be aware that this is not a giveaway. Clark County will pay fair market value for the land and the airport will be publicly owned and operated. The bill also provides that the revenues collected by the government for the sale will be available for other use by the BLM under the terms of the Southern Nevada Public Land Management Act of 1998.

The Clark County Department of Aviation is committed to the preparation of necessary environmental documentation for airport construction once Congressional approval for the land sale is granted. The County cannot, however, invest the substantial amounts of time, dollars, and resources an environmental study demands without assurance the site will be available for purchase should an airport be deemed to have no significant negative impacts. The bill also provides for return of the land to the Department of Interior, should airport development prove to be infeasible.

I thank my fellow Senator from Nevada, Mr. BRYAN, for his support on this issue and urge my colleagues to vote for passage of this bill.

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. 930

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 ''Ivanpah Valley Airport Public Land Transfer Act''.

SEC. 2. CONVEYANCE TO CLARK COUNTY, NEVADA, DEPARTMENT OF AVIATION.

(a) IN GENERAL.—

(1) CONVEYANCE.—Notwithstanding the land use planning reqirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712), on occurrence of the conditions specified in subsection (b), the Secretary of the Interior (referred to in this section as the ''Secretary'') shall convey to Clark Country, Nevada, on behalf of the Department of Aviation (referred to in this section as the ''Department''), all right, title, and interest of the United States in and to the public land identified for disposition on the map entitled ''Ivanpah Valley, Nevada-Airport Selections'' numbered 01 and dated April 1999, for the purpose of developing an airport facility and related infrastructure.

(2) MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management and the Las Vegas District of the Bureau of Land Management.

(b) CONDITIONS.—The Secretary shall make the conveyance under subsection (a) if—

(1) the Department conducts an airspace assessment to identify any potential adverse effect on access to the Las Vegas basin under visual flight rules that would result from the construction and operation of a commercial or primary airport, or both, on the land to be conveyed;

(2) the Administrator of the Federal Aviation Administration certifies to the Secretary that—

(A) the assessment under paragraph (1) is thorough; and

(B) alternatives have been developed to address each adverse effect identified in the assessment, including alternatives that ensure access to the Las Vegas basin under visual flight rules at a level that is equal to or better than the access in existence as of the date of enactment of this Act; and

(3) the Department enters into an agreement with the Secretary to retain ownership of Jean Airport and to maintain and develop Jean Airport as a general aviation airport.

(c) PHASED CONVEYANCES.—At the option of the Department, the Secretary shall convey the land described in subsection (a) in parcels over a period of up to 20 years, as may be required to carry out the phased construction and development of the airport facility and infrastructure on the land.

(d) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance of each parcel, the Department shall pay the United States an amount equal to the fair market value of the parcel.

(2) DETERMINATION OF FAIR MARKET VALUE.—

(A) INITIAL 3-YEAR PERIOD.—During the 3-year period beginning on the date of enactment of this Act, the fair market value of a parcel to be conveyed under subsection (a) shall be based on an appraisal of the fair market value of the parcel as of a date not later than 180 days after the date of enactment of this Act.

(B) SUBSEQUENT APPRAISALS.—

(i) IN GENERAL.—The fair market value of each parcel conveyed after the end of the 3-year period referred to in subparagraph (A) shall be based on a subsequent appraisal.

(ii) FACTORS.—An appraisal conducted after that 3-year period—

(I) shall take into consideration the parcel in its unimproved state; and

(II) shall not reflect any enhancement in the value of the parcel based on the existence or planned construction of infrastructure on or near the parcel.

(3) USE OF PROCEEDS.—The proceeds of the sale of each parcel—

(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

(B) shall be disposed of by the Secretary as provided in section 4(e)(3) of that Act (112 Stat. 2346).

(e) REVERSIONARY INTEREST.—

(1) IN GENERAL.—During the 5-year period beginning 20 years after the date on which the Secretary conveys the first parcel under subsection (a), if the Secretary determines that the Department is not developing or progressing toward the development of the parcel as part of an airport facility, the Secretary may exercise a right to reenter the parcel.

(2) PROCEDURE.—Any determination of the Secretary under paragraph (1) shall be made on the record after an opportunity for a hearing.

(3) REFUND.—If the Secretary exercises a right to reenter a parcel under paragraph (1), the Secretary shall refund to the Department an amount that is equal to the amount paid for the parcel by the Department.

(f) WITHDRAWAL.—The public land described in subsection (a) is withdrawn from mineral entry under—

(1) sections 910, 2318 through 2340, and 2343 through 2346 of the Revised Statutes (commonly known as the ''General Mining Law of 1872'') (30 U.S.C. 21, 22, 23, 24, 26 through 30, 33 through 43, 46 through 48, 50 through 53); and

(2) the Act of February 25, 1920 (commonly known as the ''Mineral Lands Leasing Act of 1920'') (41 Stat. 437, chapter 85; 30 U.S.C. 181 et seq.).

(g) MOJAVE NATIONAL PRESERVE.—The Secretary of Transportation shall consult with the Secretary in the development of an airspace management plan for the Ivanpah Valley Airport that, to the extent practicable and without adversely affecting safety considerations, restricts aircraft arrivals and departures over the Mojave National Preserve, California.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, and Mr. CONRAD):

S.J. Res. 23. A joint resolution expressing the sense of the Congress regarding the need for a Surgeon General's report on media and violence; to the Committee on Health, Education, Labor, and Pensions.

SURGEON GENERAL'S MEDIA VIOLENCE REPORT ACT

Mr. MCCAIN. Mr. President, an entire nation was stunned this past week with the shocking violence that unfolded in Littleton, Colorado. Perhaps, if this had been an isolated incident, we could have written it off as two crazed individuals. However, the tragic reality is that it was not an isolated incident, but another in an increasing pattern of violence in our schools. Even more disturbing is that these schoolyard shootings are occurring against the backdrop of ever-escalating youth violence, and suicide.

This is an extraordinarily complex problem, with many contributing factors. However, what this comes down to is responsibility, and the most basic and profound responsibility that our culture—any culture—has, is raising its children. We are failing that responsibility, and the extent of our failure is

being measured in the deaths, and injuries of our kids in the schoolyard and on the streets of our neighborhoods and communities.

Primary responsibility lies with families. As a country, we are not parenting our children. We are not adequately involving ourselves in our children's lives, the friends they hang out with, what they do with their time, the problems they are struggling with. This is our job, our paramount responsibility, and most unfortunately, we are failing. We must get our priorities straight, and that means putting our kids first.

However, parents need help. They need help because our homes and our families—our children's minds, are being flooded by a tide of violence. This dehumanizing violence pervades our society: our movies depict graphic violence; our children are taught to kill and maim by interactive video games; the Internet, which holds such tremendous potential in so many ways, is tragically used by some to communicate unimaginable hatred, images and descriptions of violence, and ''how-to'' manuals on everything from bomb construction to drugs. Our culture is dominated by media, and our children, more-so than any generation before them, is vulnerable to the images of violence and hate that, unfortunately, are dominant themes in so much of what they see, and hear.

Thus, today I rise to introduce, calling upon the Surgeon General to conduct a comprehensive study of media violence, in all its forms, and to issue a report on its effects, and recommendations on how we can turn this tragic tide of youth violence.

As I have said, this is a complex challenge. Certainly, working with the media industry, we can come to some consensus on immediate measures that can be taken to curb our children's access to the types of excessive and gratuitous violence that is currently flooding our homes and families. However, the crisis we are currently facing did not occur overnight, and we must take time to achieve a comprehensive understanding of how media violence affects childhood development, and what children are most at risk to its impact.

Again, I urge all Americans to get involved in their kids' lives. Ask questions, listen to their fears and concerns, their hopes and their dreams. Children are not simply small adults.

Childhood is a time of innocence, a time to teach discipline and values. Our children are our most precious gift, they are full of innocence and hope. We must work together to preserve the sanctity of childhood.

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. BIDEN, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 58

At the request of Ms. COLLINS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 58, a bill to amend the Communications Act of 1934 to improve protections against telephone service ''slamming'' and provide protections against telephone billing ''cramming'', to provide the Federal Trade Commission jurisdiction over unfair and deceptive trade practices of telecommunications carriers, and for other purposes.

S. 218

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 218, a bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits.

S. 344

At the request of Mr. BOND, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 443

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 443, a bill to regulate the sale of firearms at gun shows.

S. 459

At the request of Mr. BREAUX, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 487

At the request of Mr. GRAMS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Nebraska (Mr. HAGEL), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 517

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 517, a bill to assure access under group health plans and health insurance coverage to covered emergency medical services.

S. 564

At the request of Mrs. MURRAY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Virginia (Mr. ROBB), the Senator from Maryland (Mr. SARBANES), the Senator from Rhode Island (Mr. REED), the Senator from Hawaii (Mr. AKAKA), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Nebraska (Mr. KERREY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Nevada (Mr. BRYAN), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mr. SCHUMER), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 564, a bill to reduce class size, and for other purposes.

S. 594

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. TORRICELLI), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 594, a bill to ban the importation of large capacity ammunition feeding devices.

S. 632

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 636

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 636, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 638

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 638, a bill to provide for the establishment of a School Security Technology Center and to authorize grants for local school security programs, and for other purposes.

S. 648

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 648, a bill to provide for the protection of employees providing air safety information.

S. 676

At the request of Mr. CAMPBELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 678

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 678, a bill to establish certain safeguards for the protection of purchasers in the sale of motor vehicles that are salvage or have been damaged, to require certain safeguards concerning the handling of salvage and nonrebuildable vehicles, to support the flow of important vehicle information to the National Motor Vehicle Title Information System, and for other purposes.

S. 704

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 704, a bill to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

S. 708

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 708, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 735

At the request of Mr. TORRICELLI, his name was added as a cosponsor of S. 735, a bill to protect children from firearms violence.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 735, supra.

S. 757

At the request of Mr. LUGAR, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 764

At the request of Mr. THURMOND, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 764, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 839

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 839, a bill to restore and improve the farmer owned reserve program.

S. 881

At the request of Mr. BENNETT, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 881, a bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes.

S. 882

At the request of Mr. MURKOWSKI, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

SENATE JOINT RESOLUTION 20

At the request of Mr. MCCAIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Joint Resolution 20, a joint resolution concerning the deployment of the United States Armed Forces to the Kosovo region in Yugoslavia.

SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of Senate Resolution 22, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

SENATE RESOLUTION 27

At the request of Mr. DEWINE, his name was added as a cosponsor of Senate Resolution 27, a resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as ''National Correctional Officers and Employees Week.''

SENATE RESOLUTION 72

At the request of Mr. TORRICELLI, the names of the Senator from Rhode Island (Mr. REED), the Senator from Michigan (Mr. LEVIN), the Senator from Wyoming (Mr. ENZI), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. VOINOVICH), the Senator from Kansas (Mr. ROBERTS), the Senator from Texas (Mr. GRAMM), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of Senate Resolution 72, a resolution designating the month of May in 1999 and 2000 as ''National ALS Awareness Month.''

SENATE RESOLUTION 90—DESIGNATING THE 30TH DAY OF APRIL 2000 AS ''DIA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS''

Mr. HATCH (for himself, Mr. BINGAMAN, Mr. MCCAIN, Mr. REID, Mr. DOMENICI, Mr. LAUTENBERG, Mr. ABRAHAM, Mrs. FEINSTEIN, Mr. BOND, Mrs. MURRAY, and Mrs. HUTCHISON) submitted the following resolutions; which was referred to the Committee on the Judiciary:

S. RES. 90

Whereas many of the nations throughout the world, and especially within the Western hemisphere, celebrate ''Día de los Niños'' on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the citizens of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Latinos in the United States, the youngest and fastest growing ethnic community in the nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the nation;

Whereas one in four Americans is projected to be of Hispanic descent by the year 2050, and there are now 10.5 million Latino children;

Whereas traditional Latino family life centers largely on its children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year and hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are more often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the Nation will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition of children of the United States will provide an opportunity to children to reflect on their future, to articulate their dreams and aspirations, and find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as ''Día de los Niños: Celebrating Young Americans''—a day to bring together Latinos and other communities nationwide to celebrate and uplift children;

Whereas the children of a nation are the responsibility of all its citizens, and citizens

should be encouraged to celebrate the gifts of children to society—their curiousity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate designates the 30th of April of 2000, as ''Día de los Niños: Celebrating Young Americans'' and requests that the President issue a proclamation calling on the people of the United States to join with all children, families, organizations, communities, churches, cities, and states across the nation to observe the day with appropriate ceremonies, beginning April 30, 2000, that include:

(1) Activities that center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our citizens;

(2) Activities that are positive, uplifting, and that help children express their hopes and dreams;

(3) Activities that provide opportunities for children of all backgrounds to learn about one another's cultures and share ideas;

(4) Activities that include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(5) Activities that provide opportunities for families within a community to get acquainted; and

(6) Activities that provide children with the support they need to develop skills and confidence, and find the inner strength—the will and fire of the human spirit—to make their dreams come true.

Mr. HATCH. Mr. President, I am very pleased to announce my submission of a Senate resolution, together with other members of the U.S. Senate Republican Conference Task Force on Hispanic Affairs and the Senate Democrat Working Group on Hispanic Issues, to designate April 30, 2000, as Dia de los Niños: Celebrating Young Americans.

Last Congress, the resolution to designate April 30, 1999, as a day to celebrate young Americans passed with overwhelming bipartisan support. As a result, cities and towns throughout the country will host community events to celebrate the nation's children throughout this week.

In fact, in my home state of Utah a very special celebration is planned. Tomorrow, in Salt Lake City, on Dia de los Niños: Dia de Los Libros [Day of the Children: Day of Books], we will dedicate the first Americas Award Reference and Resource Library to be established at the Centro de la Familia Center. This unique library will house over 1,500 books and will form the central part of a literacy program aimed at encouraging children and young adults to explore the written world by reading books that authentically and engagingly present the experience of individuals in Latin America, the Caribbean, and Latinos in the United States. These wonderful stories will help children learn to read, to expand their universe and dreams, to develop a better understanding of the history of the Americas, and to enhance their own self-esteem.

Our children are our greatest promise for the preservation and betterment of this country's healthy and competitive global edge. As leaders and purveyors of hope for a better America, we must continue to nurture their development and potential through innovative programs and discussions that encourage and challenge them to become the prime movers and guardians of investments made thus far.

Children's days are celebrated in many other nations, including Japan and Korea on May 5, Canada on November 20, Turkey on April 23, and Mexico on April 30. Local coalitions have formed in 17 states to realize Dia de los Niños: Celebrating Young Americans as a special day for all children throughout this country.

I think it is imperative, especially now given the recent tragedy of Columbine, Colorado, that we celebrate, honor, and encourage our youth, in much the same way we honor parents during Mother's Day or Father's Day. Our purpose is strictly to uplift children.

There are no easy solutions for the challenges that face our modern day society. But I do know that we need to make and take the time to listen, to support, to observe, and to accept responsibility as parents for raising children prepared to meet the challenge of living in a complex multicultural society—a society that bestows freedom on its citizens predicated on the acceptance of basic moral values. I believe that calling upon the nation to set aside a day for that purpose can be an important step in building awareness among adults that our children need parental love, care, and guidance. They need positive role models—coaches, teachers, employers—as well as from the entertainment industry and professional sports. They need to know there is satisfaction in doing their best, honor in doing the right things, and consequences for doing the wrong thing.

A day to reflect on what we are teaching our children and the cultural legacy we are leaving them could very well be a turning point for our country. It is my hope that when the sun goes down tomorrow evening we will have rededicated ourselves to this most important purpose of all—to nurture our children.

AMENDMENTS SUBMITTED

Y2K ACT

DODD (AND OTHERS) AMENDMENT NO. 298

(Ordered to lie on the table.)

Mr. DODD (for himself, Mr. MCCAIN, Mr. WYDEN, Mr. HATCH, Mrs. FEINSTEIN, Mr. BENNETT, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problem related to processing data that includes a 2-digit expression of that year's date; as follows:

At the appropriate place insert the following:

In section 5, strike subsection (b) and insert the following:

(b) CAPS ON PUNITIVE DAMAGES.—

(1) IN GENERAL.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant described in paragraph (2) in a Y2K action may not exceed the lesser of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) DEFENDANT DESCRIBED.—A defendant described in this paragraph is a defendant—

(A) who—

(i) is sued in his or her capacity as a individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, or organization with fewer than 50 full-time employees.

(3) NO CAP IF INJURY SPECIFICALLY INTENDED.—Paragraph (1) does not apply if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

In section 13—

(1) in subsection (a), strike ''by clear and convincing evidence'' and inserting ''by the standard of evidence under applicable State law in effect before January 1, 1999'';

(2) in subsection (b)(1), strike ''by clear and convincing evidence'' and inserting ''by the standard of evidence under applicable State law in effect before January 1, 1999''; and

(3) at the end add the following:

(d) PROTECTIONS OF THE YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT APPLY.—The protections for the exchange of information provided by section 4 of the Year 2000 Information and Readiness Disclosure Act (Public Law 105–271) shall apply to this Act.

Strike section 14.

DOMENICI AMENDMENT NO. 299

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 96, supra; as follows:

At the end of amendment 273 insert the following:

At the appropriate place, insert the following:

SEC. ____. WAIVER OF SOVEREIGN IMMUNITY FOR A Y2K ACTION.

(a) IN GENERAL.—Consent is given to join the United States as a necessary party defendant in a Y2K action.

(b) JURISDICTION AND REVIEW.—The United States, when a party to any Y2K action—

(1) shall be deemed to have waived any right to plead that it is not amenable thereto by reason of its sovereignty;

(2) shall be subject to judgments, orders, and decrees of the court having jurisdiction; and

(3) may obtain review thereof, in the same manner and to the same extent as a private individual under like circumstances.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. GRAMS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, April 29, 1999, beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Thursday, April 29, 1999, at 10 a.m. for a hearing on the nominations of Myrta ''Chris'' Sale to be Controller of the Office of Federal Financial Management at the Office of Management and Budget and John Spotila to be Administrator of the Office of Information and Regulatory Affairs at the Office of Management and Budget.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''ESEA Reauthorization'' during the session of the Senate on Thursday, April 29, 1999, at 10 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Thursday, April 29, 1999, at 4 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold an Executive Business Meeting during the session of the Senate on Thursday, April 29, 1999, at 10 a.m. in room 226 of the Senate Dirksen Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 29, 1999, at 10 a.m. to hold a closed hearing on intelligence matters.

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

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. GRAMS. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on April 29, 1999, at 9:30 a.m. for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 29, 1999, to conduct a hearing on ''Oversight of HUD's Grants Management System.''

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 29, 1999, at 10 a.m. to hold a hearing.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, April 29, for purposes of conducting a joint hearing with the Subcommittee on Interior Appropriations of the Appropriations Committee which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to review the report of the General Accounting Office on the Everglades National Park Restoration Project.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 29, 1999, at 10 a.m. on NASA FY/2000 Budget.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Thursday, April 29, 9:30 a.m., hearing room (SD–406), on project delivery and streamlining of the Transportation Equity Act for the 21st Century.

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

ADDITIONAL STATEMENTS

TRIBUTE TO PATRICIA J. KOLL

• Mr. KOHL. Mr. President, I rise today to pay tribute to one of Wisconsin's premier educators. Dr. Patricia J. Koll is retiring this May after a distinguished 31-year career with the University of Wisconsin-Oshkosh.

Born and raised in Wisconsin, Patricia has excelled in the field of Education. Working as a professor of education and assistant vice chancellor, she has authored numerous books and received many accolades for her work. She was honored in both 1991 and 1992 with the Wisconsin Teacher Educator of the Year Award. She has also been a recipient of the University of Wisconsin-Oshkosh John McN Rosebush award, the university's highest award for scholarly excellence.

Patricia has been an instrumental part of education development in the state. She has served as president of both the Wisconsin Association for Supervision and Curriculum Development and the Northern Wisconsin chapter of the American Society for Training and Development. In addition, she has worked with many school districts providing invaluable leadership experience and expertise.

Patricia's dedication and talent have been enormous assets to the University of Wisconsin-Oshkosh and the Oshkosh community. Her talents will be sorely missed by her colleagues. However, we wish Patricia all the best for her retirement.•

RECOGNIZING LIBERTY ELEMENTARY SCHOOL IN MARYSVILLE, WA.

• Mr. GORTON. Mr. President, this week's Innovation in Education Award recipient is a remarkable school, Liberty Elementary, in Marysville, Washington. With help from school staff and led by Principal Paula Jones, Liberty Elementary's students have made outstanding advances in their reading performance.

Historically, this school has not shown great success in student standardized test results. To improve those results, the school's staff researched proven ''best practices'' for improving student reading. The staff eventually selected a program called ''Success For All'' that focuses on early intervention and personal attention to promote literacy.

Liberty Elementary's parents and staff recognized that in order for this program to succeed, they needed to be closely involved. So the parents and staff established ''Family Fun Night'' each month to educate families on the importance of reading, the benefits of education reform, and how to feel more comfortable as active partners in their children's education. Liberty's staff attends these family activities without

extra compensation. The staff has also teamed up with local businesses to help acknowledge outstanding participation and achievement by students and parents.

Two years ago, Liberty teachers, parents, and students decided to refocus their efforts on reading. Now 80% of the students are reading at current grade level and above—a tremendous increase of 58%. Students at Liberty are now proud and successful readers thanks to the hard work of the Liberty staff and the support from their devoted parents and community.

What is noteworthy about Liberty is that the students became better readers because the community became more involved with its children. This Innovation in Education award is another example of how local communities really do know best. Local educators and parents work with our children every day and know what needs improvement. They deserve our support and should have more decision-making authority over how federal education dollars are to be spent. Educators from Washington state and from across the country need and deserve more flexibility and more control over their classrooms. Liberty Elementary and schools like it are the reasons why I will fight to return that power to our local schools where it belongs.●

MAY 1—GUILLAIN-BARRÉ SYNDROME AWARENESS DAY

● Mr. KENNEDY. Mr. President, communities across America will observe Guillain-Barré Syndrome Awareness Day this Saturday, May 1. Guillain-Barré Syndrome, or GBS, is a paralyzing disorder that can strike any person, regardless of age, gender, or background. Victims often face months of hospital care and long-term disabilities can result.

For many years the GBS Foundation International has been renowned for its worldwide leadership in the battle against GBS, and I welcome this opportunity to commend the Foundation for all it has done. The Foundation, established in 1980, provides an effective support network for patients and their families. It also provides educational materials, funds medical research, and conducts symposia.

GBS Awareness Day is an important part of educating the public about this potentially catastrophic disease. In Massachusetts, for example, the chapter of the Foundation in Boston is coordinating an event for the entire New England area that will include a fundraising walk around the New England Rehabilitation Hospital in Woburn, followed by a video presentation and seminars on the medical and psychological aspects of the disease.

One of the most disturbing developments in the battle against GBS is the recent scientific research linking this disease to infection by a common food-borne pathogen known as Campylobacter, which is the most common bacterial cause of food-borne illness in the United States. These bacteria frequently contaminate raw chicken. Unfortunately, Campylobacter is also one of a growing number of bacteria that are developing resistance to the antibiotic drugs commonly used to treat the diseases they cause, and these drug-resistant bacteria are now a major public health threat.

The health and safety of the American people is one of our top priorities in Congress. Microbial contamination of food is an increasing problem. The association of GBS with Campylobacter infection demonstrates that food-borne illness is a serious national challenge. We need to take more effective action against these threats to families and communities. An important priority of this Congress is to act on legislation that will enhance the nation's ability to deal with contaminated food and antimicrobial-resistant organisms.

We in Congress also need to do more to support research into all aspects of the prevention, treatment, and cure of GBS. I welcome GBS Awareness Day this year as an opportunity for all of us in Congress and across the country to become more actively involved in meeting this important public health challenge.●

25TH ANNIVERSARY OF ASSOCIATION OF MAPPING SENIORS

● Ms. MIKULSKI. Mr. President, I rise today to congratulate the Association of Mapping Seniors (AMS) on the 25th Anniversary of their founding.

The AMS is a distinguished organization of former employees at mapping and imagery agencies like the National Imagery and Mapping Agency (NIMA). Their important work has been invaluable to both our national policy makers, and our national security.

Mr. President, the data produced by these dedicated Americans has been key to understanding our world and making it safer. Mapping and imagery not only help us support our men and women in uniform, but also help us develop our cultural understanding of ourselves in terms of population, growth, religious and economic clusters, and more. I want to commend each and every member of the AMS for their indispensable service to our country, our community, and our culture.

I am also proud to note that Maryland has been home to many devoted members of this important organization. As many of my colleagues know, I am a strong and unyielding supporter of federal employees, and these men and women are no exception. I want to thank them, Mr. President, for their outstanding service to our country, and to honor them in celebration of the 25th Anniversary of the Association of Mapping Seniors.●

RECOGNITION OF FAMILIES FOR HOME EDUCATION

● Mr. BOND. Mr. President, I rise today in recognition of Families for Home Education (FHE) in observance of Home Education Week, May 2–8, in my home State of Missouri. I join with the Missouri General Assembly in recognizing their commitment not only to excellence in education, but also to the promotion of public policy that strengthens the family.

Home educators make tremendous sacrifices to educate our nation's young people and they are making a difference. Countless studies show that parental involvement positively impacts the education of a child. Home-schooled children, in particular, benefit greatly from the individualized, one-on-one training they receive from dedicated parents and home educators. They are also afforded unique opportunities to participate in apprenticeships, and community and civic organizations. These activities serve to strengthen social skills and enrich their overall educational experience.

In today's challenging society, it is more important than ever that our young people receive a quality education if they are to succeed in the expanding global market. Home educators play a vital part in preparing children, tomorrow's workforce, to successfully compete and prosper in the adult world. I commend these dedicated parents and FHE, and wish them continued success in their endeavors.●

TRIBUTE TO MARIANNE BOND WEBSTER

● Mr. CLELAND. Mr. President, I rise today to pay tribute to and honor the many accomplishments of Marianne Bond Webster, of Dunwoody, Georgia. By the age of 43, Marianne was a success by most yardsticks: happily married and the mother of two, tennis champion, gourmet cook, and a popular caterer. However, several events in Marianne's life sparked a midlife change which would cause her to re-examine her life and become more involved in our nation's political system. This realization spurred her to a more active role in WAND—the Women's Action for New Directions.

WAND is a national grassroots peace group emphasizing the role of women—activists, legislators and community leaders—on issues related to the federal budget, the military, violence, and nuclear disarmament and nonproliferation. A nonprofit organization founded in the early 1980s, WAND has grown into a national organization headquartered in Boston, MA, with an advocacy office in Washington, DC, and

a field office in Atlanta, GA, with chapters and organizational partners across the country. WAND's educational arm, WAND Education Fund, was started in 1982.

WAND's mission is to empower women to act politically to reduce violence and militarism and redirect excessive military resources to human and environmental needs.

In 1990, WiLL—the Women Legislators' Lobby, a program of WAND—was formed. WiLL is a powerful and unique membership network of progressive women state legislators. It is the only national multipartisan network of women state legislators from all 50 states working to influence federal policies and budget priorities. One out of three women state legislators is a member.

During the 1990s, it seemed Marianne Bond Webster was everywhere, doing everything for WAND and WiLL: lobby days, media workshops, a session on nuclear waste for junior high school students, a tour of the Savannah River Site, campaigning for Congresswoman CYNTHIA MCKINNEY, arranging benefit concerts with the Indigo Girls, and leading WAND both locally and nationally.

By 1998 Marianne had made two major decisions: to serve as WAND's National president, and to run for an open seat in the Georgia legislature. Caring, smart, honest, brave, and decent, I know she would have made a tremendous difference.

But, tragically, on April 17, 1998 she jumped on her bicycle to deliver her campaign leaflets. The bag holding her literature caught in the spokes, and she flew over the handlebars, breaking her neck when she landed. Marianne never regained consciousness. She died on June 11, 1998.

Family, friends, and WAND members maintained a constant vigil by Marianne's hospital bed and joined hands with those who could not through daily e-mail updates. She touched so many with her special magic. Her spirit lives on in all of us. And her work continues through Marianne's Fund.

Her family and friends developed the idea for a fund shortly after Marianne's death. And in 1999 WAND Education Fund established Marianne's Fund with the Atlanta Women's Foundation. WiLL and the other WAND programs, which had become so central in Marianne's life, will be beneficiaries of the Fund.

Marianne believed wholeheartedly that all women, if offered support and training, would contribute significantly to the political process. She recruited women state legislators to WiLL enthusiastically, and connected WAND activists with WiLL members nationally, to forge powerful alliances. With courage and intelligence, she took on WAND's complex issues, becoming an expert on the subject of nuclear waste. Marianne toured nuclear weapons facilities and test sites. She wrote passionately about the legacy of nuclear weapons, alerting her audience to the dangers and costs of continued nuclear weapons production.

Related programs of peace, justice, and protection of the environment identified by the Webster/Bond family will also be beneficiaries of Marianne's Fund. Marianne worked to increase the women's vote, strongly supported affirmative action for women in business and the professions, donated generously to battered women and children's causes, and contributed much to other grassroots organizations.

Mr. President, I ask that you and my colleagues join me in recognizing and honoring the life of Marianne Bond Webster. Marianne was a wonderful and amazing person who positively touched the lives, and bettered the lives, of many Georgians and many Americans. Although her life was unfortunately too short, her memory and her work on behalf of our country and our political system will last forever.●

TRIBUTE TO HIS HIGHNESS SHAIKH ESSA BIN SALMAN AL-KHALIFA

● Mr. ABRAHAM. Mr. President, I rise today to pay tribute to His Highness Shaikh Essa Bin Salman Al-Khalifa, the late Amir of the State of Bahrain. The people of Bahrain recently commemorated the 40th day of mourning for their great leader who passed away on the 6th of March. Shaikh Essa was known for his kindness and compassion and will be dearly missed by both the people of Bahrain and his friends around the world.

Shaikh Essa was a visionary leader who helped transform the Bahraini economy from an oil-based economy to an economy of trade, investment, banking, and service. These improvements led to Bahrain achieving one of the highest standards of living among the Arab countries.

Under Shaikh Essa, Bahrain strengthened its relationship with the West. In 1903, Mason Memorial, the first American hospital in the region, was established. It has since become a landmark. In 1932, when Bahrain became the first country in the southern Gulf region to discover oil, American expertise backed the exploration. This year Bahrain is celebrating the 50th Anniversary of the strong friendship it has with the United States and our Navy. The Bahrani Ambassador to the United States, His Excellency Mohammad Abdul Ghaffar Abdulla, continues to do a wonderful job in keeping this strong friendship alive.

My condolences go out to the people of Bahrain and Shaikh Essa's family. I wish to extend my warmest regards to His Highness Shaikh Hamad Bin Essa Al-Khalifa, who has succeeded his father as the new Amir of Bahrain. I am certain he will follow his father's path and continue to keep allied relations between Bahrain and the United States.

Mr. President, I ask that the Amir's tribute to his father be printed in the RECORD.

The tribute follows.

SPEECH OF HIS HIGHNESS SHAIKH HAMAD BIN ESSA AL-KHALIFA, AMIR OF THE STATE OF BAHRAIN

In The Name of God, Most Gracious, Most Merciful

Our Dear People, Peace, And God Blessings Be Upon You

God most high said ''among the believers are men who have been true to their covenant with God, of them some have completed their vow, and some still wait, but they have never changed their determination in the least.'' Trust said God almighty.

At this historical circumstances, we share with you the great tragic of the sad demise and great loss of our father, the leader.

At the same time we are all united with prospect of confidence to shoulder the responsibility of continuing the pursuance of the path and the course he laid down through his sagacity, devotion and tolerance.

In line with this, we need to meet the demands and changes of the future, in a world rift with volatility, by means of Bahrain's potentialities comprising the ability to develop and revitalize since the start of process of modern progress and development.

For that, Bahrain has been leading the drive among brotherly states and closely working with them in this vital region, of the Arab nation and the whole world.

The Respected Citizens, with the loss of our father, late Shaikh Essa Bin Salman Al-Khalifa, we have lost an Amir who was a caring beloved leader, a close friend to every individual of his people and a great man whom the whole world loved and respected.

His human legacy shall remain the guide of this nation and over next generations, reflecting the true image of Bahrain in devotion, tolerance and civilization.

Prevailed by this great tragic loss, and satisfied by the creed of God almighty, we pray that his mercy and blessing bestow our beloved who granted his country, people and nation all the goodness of action which shall remain the guide we follow in the nation and which will be preserved as a path we pursue enabling us to shoulder and assume the tremendous responsibility, we all are charged with for the sake of the pride, prosperity of Bahrain and for the future of the generations.

The great late beloved left for us a well-developed, flourished and secured nation and he turned Bahrain into an oasis of civilization, prosperity and a landmark of knowledge and progress in an Arabian Gulf and the pan Arab nation.

We ought to carry the standard, should the responsibility and continue the drive to serve this nation which is characterized by good nature and manner of the people, and by the competence and the civilized standard of the sons of this country.

Our dear people, Our great late man shall be recorded by history for his leading role, high status and great decency.

From this rich testimony, having great respect for the great late father, and at this adieu position with a forward look towards future, we recall that Essa Bin Salman was for us and his people in Bahrain, the man of

national independence, of the constitution and consultation and the man who accomplished the state of institutions, law and order.

He was the man of development, panprogress and national economy.

He was the man of Gulf unity and Arab solidarity in most difficult situations and circumstances.

He was the man of peace and international cooperation and genuine friendship among the peoples of the world.

All these guiding features shall remain before us while we pursue national path, our Gulf unity and our Arab solidarity and in all domains of our regional approach with the neighbors and our global cooperation.

We shall remain the solid course at various levels, with all of you in the drive of the national work, with the brothers in the Gulf and the Arab world and with every sincere friend of Bahrain, in this region and in the whole world.

With the blessings of God almighty, we shall adhere to the track forged by the great late, we shall share love, brace and cooperation with all who seek goodness for Bahrain, inside and outside, and we shall protect and safeguard Bahrain against any harm through the determination and sacrifices.

As we pay tribute to the great late man and accolade his achievements, we ought to applaud with gratitude and for the sake of truth and history, the leading role of his brother and his right hand our uncle His Highness Shaikh Khalifa Bin Salman Al-Khalifa, the Prime Minister, who and since the beginning till the last minute, spared no effort in serving the nation, developing the country, leading the government through his deep vision, sagacity and hard work resulting in the fruits of wisdom, experience and well organized systems.

He was and shall remain a source of richness and a source of vision and inspiration to face the tasks of national work and future challenges.

Every thanks and appreciation are extended to His Highness for the honorable and leading stances he played for the sake of this nation and at all stages of development. We have the confidence that through gifted traits of deep perception and solid resolve, His Highness will continue the path of devotion we expect from him and from the generation of the fathers who accompanied him in quest for development and progress.

On other respect, witnessing this historical turning point, we call on and urge the young generation of Bahrain to shoulder their responsibilities and prepare for their tasks, starting from our Crown Prince His Highness Shaikh Salman Bin Hamad Al-Khalifa, whom we wish every success in discharging his new constitutional mission.

We take this opportunity to express our appreciation for the unanimity and the support we gained from the members of the ruling family, led by our uncle His Highness Shaikh Khalifa Bin Salman Al-Khalifa and our uncle His Highness Shaikh Mohammed Bin Salman Al-Khalifa who commended his appointing as the Crown Prince in accordance with the constitution.

Our dear people, It would be necessary to express to all of you every gratitude over the cohesion and sincere loyalty you have demonstrated at this historical situation, representing your sustained allegiance which reflects true unity between the people and their leadership in this cherished country.

I would like to say it clearly that as a son of Essa and as an adherent to the duty, I shall raise the standard of his path which does not differentiate between the people of the single nation, regardless of their beliefs and origin, and which only consider the honesty of national association, and which consider the true citizenship which seeks every goodness for Bahrain and her people.

On the Gulf, Arab and Islamic domains, we are pleased to express, on your behalf, the deep appreciation for the sentiments of heartfelt condolences and over the stances of sincere support we received from all brothers, leaders and people in the Gulf and Arab states, affirming the reality of unity which binds us all and to whom our late great leader was one of its prominent figures.

We are also in the position to convey appreciation and thanks to the Islamic countries which embraced us with truly sincere feelings, and to all friendly states of the world with whom we share the keenness for a stable, secure and prosperous international community.

To conclude, witnessing this historical point, and as we consider our assessment of all the institutions, the Consultative Council and various bodies of Bahrain national community for their constructive contribution, we have the pleasure to extend a message of applaud to those who safeguarded the soil of this nation and protected the achievements, and to express, on your behalf, every encouragement and support to the personnel of Bahrain Defense Force, who are shouldering the tremendous responsibilities in protecting the country, safeguarding its territories and securing the security and tranquility of citizens and residents.

This is achieved by means of joining forces with exerted efforts of security forces, police and the national guard.

At this moment, we recall the saying of our great late leader who addressed the personnel of Bahrain Defense Force and said ''our solid belief of Bahrain Defense Force is an integral part of the forces of Gulf Cooperation Council providing with further confidence and determination to achieve the security and stability of our region. You have presented a true example in accomplishing the mission of honor and duty.''

Such belief will remain our solid conviction at all times and circumstances.

Our dear people, We pledge to remain with you at every step and stage of our national work, for we are strong through the support of God almighty and your backing.

Cohesion and unity will continue to exist between us for the sake of Bahrain image and pride and for the sake of her prosperity.

We shall present before you our views and perspective on the future of the national action, and it would be our concern to perceive your expectations and aspirations for the goodness of Bahrain based on the formula of cohesion between the leadership and the citizen.

We are greatly confident that our Bahraini civilized society is blessed with many potentials of real progress upon which we can build in the path of political, administrative and economic development.

Such path we highly believe in and consider it as a source of richness for our traditions of consultation, and as a pattern for governmental development and for accomplishing the comprehensive progress and diversifying of the national economy in the interest of the people of this nation and every piece of this soil.

Finally, we have but to pray for God almighty to bestow our great loss and our leader with the mercy and rest him unto the heaven.

We are consoled by the fact that we shall remain adherent to his spirit and keep his path, to protect the soil of this nation, by every means of determination, dedication and resolve.

And say work righteousness, soon will God observe your work and his Apostle and the believers. Peace and God's blessings be upon you.●

HONORS FOR STAN AND IRIS OVSHINSKY

● Mr. LEVIN. Mr. President, this weekend, two very special people, Stan and Iris Ovshinsky, will be honored by the Workmen's Circle/Arbeter Ring, a nonprofit organization dedicated to preserving Jewish heritage and Yiddish culture, and to pursuing social and economic justice.

The organization's selection of Stan and Iris is most fitting. Their work on behalf of social causes and their love of Yiddish culture has been a constant part of their lives. But what makes Stan and Iris so special is that theirs is also a great love story. Stan and Iris met, fell very much in love, married and dedicated themselves to ''Tikkun Olam,'' the Jewish belief in the responsibility to ''repair the world'' and leave it a better place for future generations. Their steadfast commitment to Tikkun Olam is nowhere more evident than in their work together at Energy Conversion Devices (ECD), the materials technology company they founded in Troy, Michigan in 1960 when they joined their lives together.

Stan, a self-taught inventor/scientist who never attended college, began working in the field of amorphous and disordered materials in 1955, when the scientific community regarded them as of little scientific interest. Iris, who has a PhD in biochemistry, joined him in his work after they met. Stan and Iris proved that these materials were of great value scientifically and technologically. Stan's initial paper describing their properties has become one of the five most cited publications in the history of the prestigious Physical Review Letters. That and subsequent papers, some co-authored with Iris, led to a new field of scientific study.

From the beginning, Stan and Iris understood the significance of their discoveries. They saw a future in which new engineered materials could be used to improve people's lives, solve societal problems and build new industries. They committed themselves and ECD to that vision and never wavered from it. Always on the cutting edge, often ahead of their time, they have stayed the course. Today, ECD holds over 350 active U.S. patents and over 800 corresponding foreign patients. Amorphous semiconductors and other engineered amorphous and disordered materials are now widely used in an array of products, many of which have been developed and commercialized at ECD.

Three technologies exemplify the Ovshinskys' ingenuity and commitment to their vision:

Amorphous Silicon Photovoltaics (PV): The Ovshinskys were determined to develop a practical and affordable method of generating electric power from the sun, and pioneered the use of amorphous silicon materials to reduce materials costs and energy used in a highly innovative roll-to-roll solar cell production process. Award winning products using their technologies are already in the marketplace.

Ovonuc Nickel Metal Hydride Batteries: The ''Ovonic'' battery is a high performing, nontoxic rechargeable nickel metal hydride (NiMH) battery. NiMH batteries are replacing nickel cadmium batteries used in portable electronic devices. Determined to develop products of benefit to society, the Ovshinskys led their company into developing the battery for advanced vehicle technologies to ease growing concerns over air pollution. NiMH batteries are the advanced electric vehicle battery of choice of major auto manufacturers.

Computer Information Storage Materials and Devices: The phase change erasable semiconductor materials developed by the Ovshinskys have become the standard in rewritable optical discs. Similar materials employing the same physics show the potential for use in electronic devices that can help the United States recapture its former dominant position in semiconductor memories.

The totality of Stan and Iris's achievements is remarkable. They pioneered a new branch of science and then successfully applied this science to develop new technologies and commercial products having significant impacts on the energy and information industries. Because of their efforts to solve major problems through science and technology, the world will be a better place. Now in their 70s, their work and their commitment continue unabated, as does their obvious love for and delight in one another.●

WHEN HISTORY ASKS WHO STOOD UP TO EVIL IN KOSOVO, THE ANSWER WILL BE: NATO

● Mr. DODD. Mr. President, sixty years ago, as Europe moved increasingly close to war, a number of philanthropic organizations came to the aid of those desperately trying to escape the Holocaust. Today, many of those same organizations have turned their attention to helping the latest victims of genocide. The American Jewish Committee, for example, has raised over $800,000 in humanitarian aide for the Kosovar refugees.

As in World War II, these organizations recognize that they cannot stop the genocide without support from the world community. In the case of Kosovo, that means that NATO has had to bring its military might to bear on Slobodan Milosevic. This sentiment was poignantly expressed in a recent statement by the American Jewish Committee, one of the organizations actively worked to alleviate both the European genocide of today and that of a generation ago.

Mr. President, I therefore ask that their statement in support of NATO's ongoing efforts be printed in the RECORD.

The statement follows.

STATEMENT BY THE AMERICAN JEWISH COMMITTEE

When history asks who stood up to evil in Kosovo, the answer will be: NATO. The world could see the slaughter coming. Diplomats worked furiously to prevent it—and, for a time, succeeded.

But when Yugoslavia's Slobodan Milosevic, in the name of a nationalism run amok, set his army and police at the throat of the ethnic Albanian citizens of Kosovo defying appeals to end the terror and withdraw, one international force had the resolve to stand up to Belgrade's policy of barbarism.

NATO, the guarantor of European security for half a century, rose to the challenge of defending the Kosovo Albanians. Nineteen countries acted in unison to stop the violence against the Kosovars and seek their safe return under international protection.

In this noble mission, NATO must prevail. What is at stake in Kosovo isn't oil or commerce or trading routes. What is at stake are basic principles: human rights, human dignity, the credibility of deterrence, collective security. With determination and courage, NATO weighed the difficult choices and chose to act—because it was right, because the alternative would give tyrants a green light to terrorize civilian populations and destroy the fabric of international order. We recognize the sacrifice made by each NATO member to arrest evil in Kosovo. In this dark century, witness to unspeakable acts of inhumanity, we applaud the alliance for taking a principled stand.●

TRIBUTE TO CHIEF THOMAS C. O'REILLY

● Mr. LAUTENBERG. Mr. President, throughout my career in the Senate I have made the fight against crime one of my top legislative priorities. Consequently, it gives me great pleasure to recognize the career and accomplishments of one of New Jersey's most distinguished public servants, Chief Thomas C. O'Reilly of the Newark Police Department.

For years, the City of Newark has faced many challenges. But I am proud to say today Newark is now a city on the rise. There are many people to thank and recognize for the rebirth of New Jersey's largest city. Today, I would like to thank Chief Thomas C. O'Reilly in particular. Chief O'Reilly has devoted more than four decades of his life to serving the city of Newark as a police officer. His service to the city began on December 10, 1956, when he joined the Police Department. He started as a patrol officer and rose through the ranks to Detective, Sergeant, Lieutenant, Captain, Inspector, Deputy Chief, Chief-of-Staff and finally Police Chief.

Tonight, April 29, 1999, Chief Thomas C. O'Reilly will be honored by the city of Newark and I am happy to join the many voices who will thank him for his career on the front lines of law enforcement. We are indebted to him for his service. Those who follow him as Police Chief have a spendid model of leadership to follow. Chief Thomas O'Reilly's level of commitment and dedication to the safety of Newark's residents represents our nation's finest traditions of community service.●

APPOINTMENT

The PRESIDING OFFICER. The Chair announces on behalf of the majority leader, pursuant to Public Law 105–277, the appointment of Delna Jones of Oregon, Representative of Local Government, as a member of the Advisory Commission on Electronic Commerce, vice James Barksdale.

Mr. LOTT. Mr. President, the Internet is nearly a ubiquitous aspect of American life. It goes without saying ''electronic commerce''—e-commerce—has become a central aspect for buying products and services. Only two years ago five million households shopped for some product on the Internet. Last year that number doubled. Now the forecast for this year is that nearly 15 million households will let their keyboards do the work. This is a threefold increase of shoppers in only two years. One can also look at the dollar volume affected, which is predicted to double to $31B this year.

Mr. President, city, county and state officials are understandably overwhelmed by this Internet Tsunami—15 million homes spending $31 billion. I have spent time talking with these public officials. I have listened to their views. They are frightened, and they have legitimate concerns about their sales tax base. However, electronic commerce will not end Main Street as we now know it. I am confident public policy will evolve to deal with the new electronic marketplace in a fair and balanced manner.

Although the Internet is currently accessed by almost 40 million American homes, less than half are using the Internet for commerce purposes. This tells me there are issues that need to be addressed beyond how the sales tax is treated—issues like encryption, privacy and digital signatures—all necessary components for vibrant Internet commerce. I hope Congress will examine and act on these issues during the 106th Congress, while the Advisory Commission on Electronic Commerce works on the tax implications.

The Advisory Commission on Electronic Commerce must complete its report promptly so the information is available to Congress before the moratorium on new Internet taxes ends. Mr. President, the report date does not need to be extended. I am very impressed with Governor Jim Gilmore's

leadership of the Commission and his aggressive technology agenda. I commend him for his progress thus far, and I know he will deliver on time a fair and balanced report.

Mr. President, let me back up and say a few words about the Commission. This provision was part of the compromise Representative CHRIS COX worked out with state and local government associations. His efforts precipitated the legislative process and culminated in the bill becoming law. I want to thank Representative COX for proposing and fine tuning the Commission. I consulted with him as Congress worked to get this Commission up and running and appreciate his diligence and insight throughout the process.

Mr. President, today I also want to commend my friend Jimmy Barksdale for graciously volunteering to step down from the Commission. He and I both agree that the issues surrounding the Internet are too important to let individuals and personal agendas get in the way. Jimmy decided to step aside so the Commission can get beyond the disruptive law suit. Let me say a few words about why I selected Jimmy in the first place—I wanted a Mississippian who could bring Southern common sense and wisdom to the evolving public policy for the Internet. Jimmy knows what it takes to create a new marketplace and he understands the interplay and context for each facet of the telecommunications sector, especially since the Telecommunications Act of 1996 empowered many sectors to compete with each other.

I have selected Ms. Delna Jones to fill the vacancy. Ms. Jones is a public official who brings the Commission into a balance between public and private sector interests. Ms. Jones is a county official from Washington County, Oregon, thus ensuring that each layer of local government is now represented. Ms. Jones is from a non-sales tax state which now means all state configurations for income and sales tax approaches are present. Ms. Jones also worked for a telecommunications company and is no stranger to this aspect of the communication world. Ms. Jones will provide the Commission a voice for the 46% of all Internet users who are female. Ms. Jones has been recognized by the National Federation of Independent Business which tells me she is sensitive to the needs of small business—a key component of our economy. Her background brings a valuable professional richness to the Commission. Senator GORDON SMITH both knows and has served with Ms. Jones in Oregon's state legislature. He believes she has the right mix of professional and personal skills to make a meaningful and significant contribution to the Commission.

Mr. President, I want the record to be clear. The Commission's imbalance was not created by me, and it is unfortunate that those who did not fulfill the law's mandate were paralyzed and unable to offer a real fix. I have stepped up to the problem and changed one of my selections. Evolving Internet public policy is just too important to be held hostage. I want America to have a vibrant electronic communication and commerce medium for the 21st Century.

I also want to challenge the members of the Advisory Commission on Electronic Commerce to focus and produce recommendations that will assist Congress in making the right public policy for the Internet.

Mr. President, today 37 million Americans will click on the Internet for something, perhaps a purchase. They need and deserve the right public policy—a policy this Commission can and will influence. We should not be afraid of this technology shift—the Internet's Tsunami, e-commerce—nor should we ignore the consequences of how America's commerce is or should be structured to ensure the prosperity and vitality of America's 21st Century electronic economy.

The PRESIDING OFFICER. The Senator from Oklahoma.

COMMEMORATING MEN AND WOMEN WHO HAVE LOST THEIR LIVES SERVING AS LAW ENFORCEMENT OFFICERS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to immediate consideration of Senate Resolution 22, reported today by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 22) commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NICKLES. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table

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

The resolution (S. Res. 22) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 22

Whereas the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of peace;

Whereas peace officers are the front line in preserving our children's right to receive an education in a crime-free environment that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 158 peace officers lost their lives in the performance of their duty in 1998, and a total of nearly 15,000 men and women have now made that supreme sacrifice;

Whereas every year 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty; and

Whereas, on May 15, 1999, more than 15,000 peace officers are expected to gather in our Nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 1999, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with the appropriate ceremonies and respect.

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 100, Senate Resolution 29.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 29) designating the week of May 2, 1999, as ''National Correctional Officers and Employees Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. NICKLES. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table

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

The resolution (S. Res. 29) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 29

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human beings charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

Resolved, That the Senate designates the week of May 2, 1999, as ''National Correctional Officers and Employees Week''. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

NATIONAL ALS AWARENESS MONTH

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 102, Senate Resolution 72.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 72) designating the month of May in 1999 and 2000 as ''National ALS Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table

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

The resolution (S. Res. 72) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 72

Whereas Amyotrophic Lateral Sclerosis (ALS), commonly known as Lou Gehrig's Disease, is a progressive neuromuscular disease characterized by a degeneration of the nerve cells of the brain and spinal cord leading to the wasting of muscles, paralysis, and eventual death;

Whereas approximately 30,000 individuals in the United States are afflicted with ALS at any time, with approximately 5,000 new cases appearing each year;

Whereas ALS usually strikes individuals that are 50 years of age or older;

Whereas the life expectancy of an individual with ALS is 3 to 5 years from the time of diagnosis;

Whereas there is no known cause or cure for ALS;

Whereas aggressive treatment of the symptoms of ALS can extend the lives of individuals with the disease; and

Whereas recent advances in ALS research have produced promising leads, many related to shared disease processes that appear to operate in many neurodegenerative diseases: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of May in 1999 and 2000 as ''National ALS Awareness Month''; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the month with appropriate ceremonies and activities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NICKLES. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations: Executive Calendar No. 44 and all nominations reported by the Armed Services Committee today with the exception of Lt. Gen. Ronald T. Kadish.

I further ask unanimous consent the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

David C. Williams, of Maryland, to be Inspector General for Tax Administration, Department of the Treasury. (New Position)

DEPARTMENT OF DEFENSE

Brian E. Sheridan, of Virginia, to be an Assistant Secretary of Defense.

Lawrence J. Delaney, of Maryland, to be an Assistant Secretary of the Air Force.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Donald G. Cook, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Lance W. Lord, 0000.

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated title 10, U.S.C., section 624:

To be brigadier general, Dental Corps

Col. Kenneth L. Farmer, Jr., 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. John G. Coburn, 0000.

The following named officer for appointment in the United States Army to the grade indicated title 10, U.S.C., section 624:

To be brigadier general, Medical Corps

Col. Joseph G. Webb, Jr., 0000.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Leslie F. Kenne, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Ralph E. Eberhart, 0000.

The following named officer for appointment as Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and 8034:

To be general

Lt. Gen. Lester L. Lyles, 0000.

IN THE ARMY

The following named officer for appointment as Assistant Surgeon General and Chief of the Dental Corps, United States Army, and for appointment to the grade indicated under title 10, U.S.C., section 3039:

To be major general

Brig. Gen. Patrick D. Sculley, 0000.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Thomas R. Wilson, 0000.

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Ronald J. Bath, 0000.

The following named officer for appointment to the grade indicated in the United States Air Force, under title 10, U.S.C., sections 624 and 1552:

To be lieutenant colonel

Jerry A. Cooper, 0000

The following named officer for appointment to the grade indicated in the United States Air Force and appointment as permanent professor, United States Air Force Academy, under title 10, U.S.C., sections 9333(b) and 9336(a):

To be colonel

Thomas A. Drohan, 0000

The following named officer for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., section 12203:

To be colonel

Stephen K. Siegrist, 0000

The following named officer for appointment to the grade indicated in the United States Army in the Judge Advocate General's Corps under title 10, U.S.C., sections 624 and 3064:

To be lieutentant colonel

David A. Mayfield, 0000

The following named officer for appointment to the grade indicated in the United States Army Medical Corps under title 10, U.S.C., sections 624, 628, and 3064;

To be lieutenant Colonel

Francisco J. Dominguez, 0000

The following named officer for appointment to the grade indicated in the United States Army Medical Service Corps under title 10, U.S.C., sections 531, 624, 628, and 3064:

To be major

Japhet C. Rivera, 0000

The following named Army National Guard of the United States officer for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 12203 and 12211:

To be colonel

Roy T. McCutcheon, III, 0000

IN THE MARINE CORPS

The following named officer for appointment to the grade indicated in the United States Marine Corps under title 10, U.S.C., section 624:

To be colonel

Harold E. Poole, Sr., 0000

The following named limited duty officer for appointment to the temporary grade indicated in the United States Marine Corps in

accordance with section 6222 of title 10, U.S.C.:

To be colonel

Timothy W. Foley, 0000

The following named officer for appointment to the grade indicated in the United States Marine Corps under title 10, U.S.C., section 624:

To be major

Kenneth C. Cooper, 0000

IN THE NAVY

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Leo J. Grassilli, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be captain

Melvin D. Newman, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Scott R. Hendren, 0000

IN THE AIR FORCE

Air Force nominations beginning *Husam S. Nolan, and ending James H. Walker, which nominations were received by the Senate and appeared in the Congressional Record on March 18, 1999.

Air Force nominations beginning Robert J. Vaughn, and ending Todd B. Silverman, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 1999.

Air Force nominations beginning Gerald F. Bunting Blake, and ending Jeffery A. Renshaw, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 1999.

Air Force nominations beginning Harvey J.U. Adams, Jr., and ending David J. Zupi, which nominations were received by the Senate and appeared in the Congressional Record on April 20, 1999.

Air Force nominations beginning Ronald G. Adams, and ending Walter H. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record on April 20, 1999.

IN THE ARMY

Army nominations beginning Thomas M. Johnson, and ending *Anthony P. Risi, which nominations were received by the Senate and appeared in the Congressional Record on March 18, 1999.

Army nominations beginning Randall F. Cochran, and ending *Regina K. Draper, which nominations were received by the Senate and appeared in the Congressional Record on March 18, 1999.

Army nominations beginning Alfred C. Faber, Jr., and ending Edward L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on March 18, 1999.

Army nominations beginning Dale F. Becker, and ending John F. Stoley, which nominations were received by the Senate and appeared in the Congressional Record on March 18, 1999.

Army nominations beginning John D. Knox, and ending David M. Shublak, which nominations were received by the Senate and appeared in the Congressional Record on April 20, 1999.

Army nominations beginning Joseph I. Smith, and ending Sara J. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record on April 20, 1999.

Army nominations beginning Paul C. Proffitt, and ending Michael D. Zabrzeski, which nominations were received by the Senate and appeared in the Congressional Record on April 21, 1999.

Marine Corps nominations beginning Francis X. Bergmeister, and ending Kenneth P. Myers, which nominations were received by the Senate and appeared in the Congressional Record on April 20, 1999.

Marine Corps nominations beginning Seth D. Ainspac, and ending James B. Zientek, which nominations were received by the Senate and appeared in the Congressional Record on April 20, 1999.

Marine Corps nominations beginning Robert S. Abbott, and ending Steven M. Zotti, which nominations were received by the Senate and appeared in the Congressional Record on April 20, 1999.

IN THE NAVY

Navy nominations beginning Clifford A. Anderson, and ending Stephen G. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 1999.

Navy nominations beginning Brian L. Kozlik, and ending Stephen M. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on April 20, 1999.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR FRIDAY, APRIL 30, 1999

Mr. NICKLES. Mr. President I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Friday, April 30. I further ask that on Friday immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

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

PROGRAM

Mr. NICKLES. Mr. President, for the information of all Senators, the Senate will convene on Friday at 9:30 a.m. and immediately begin 30 minutes of debate relating to the cloture on the Social Security lockbox issue. Following that debate, the Senate will proceed to two rollcall votes. The first vote will be on the cloture to the Abraham amendment to Senate bill 557. The second vote on Senate Resolution 33, regarding a National Military Appreciation Month, will take place immediately following the first vote. Therefore, Senators can expect two votes at approximately 10 a.m. For the remainder of the day, the Senate may continue to debate the lockbox issue or any other legislation or executive items cleared for action.

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

ORDER FOR ADJOURNMENT

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of my colleague, Senator ROBB.

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

The Senator from Virginia is recognized.

Mr. ROBB. I thank my colleague from Oklahoma.

(The remarks of Mr. ROBB pertaining to the introduction of S. 929 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, stands adjourned until 9:30 a.m. Friday, April 30, 1999.

Thereupon, the Senate, at 5:44 p.m., adjourned until Friday, April 30, 1999, at 9:30 a.m.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate April 29, 1999:

DEPARTMENT OF THE TREASURY

DAVID C. WILLIAMS, OF MARYLAND, TO BE INSPECTOR GENERAL FOR TAX ADMINISTRATION, DEPARTMENT OF THE TREASURY. (NEW POSITION)

DEPARTMENT OF DEFENSE

BRIAN E. SHERIDAN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

LAWRENCE J. DELANEY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD G. COOK, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LANCE W. LORD, 0000.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general, Dental Corps

COL. KENNETH L. FARMER, JR., 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. JOHN G. COBURN, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general, Medical Corps

COL. JOSEPH G. WEBB, JR., 0000.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LESLIE F. KENNE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

To be general

GEN. RALPH E. EBERHART, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8034:

To be general

LT. GEN. LESTER L. LYLES, 0000.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT SURGEON GENERAL AND CHIEF OF THE DENTAL CORPS, UNITED STATES ARMY, AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3039:

To be major general

BRIG. GEN. PATRICK D. SCULLEY, 0000.

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. THOMAS R. WILSON, 0000.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RONALD J. BATH, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be lieutenant colonel

JERRY A. COOPER, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND APPOINTMENT AS PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

To be colonel

THOMAS A. DROHAN, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEPHEN K. SIEGRIST, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

DAVID A. MAYFIELD, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 3064:

To be lieutenant colonel

FRANCISCO J. DOMINGUEZ, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628, AND 3064:

To be major

JAPHET C. RIVERA, 0000.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROY T. MC CUTCHEON III, 0000.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

HAROLD E. POOLE, SR., 0000.

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE TEMPORARY GRADE INDICATED IN THE UNITED STATES MARINE CORPS IN ACCORDANCE WITH SECTION 6222 OF TITLE 10, U.S.C.:

To be colonel

TIMOTHY W. FOLEY, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KENNETH C. COOPER, 0000.

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

LEO J. GRASSILLI, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MELVIN D. NEWMAN, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE INDICATED IN THE UNITED STATES NAVY UNDER TITLE, 10, U.S.C., SECTION 624:

To be commander

SCOTT R. HENDREN, 0000.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING *HUSAM S. NOLAN, AND ENDING JAMES H. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 18, 1999.

AIR FORCE NOMINATIONS BEGINNING ROBERT J. VAUGHN, AND ENDING TODD B. SILVERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 1999.

AIR FORCE NOMINATIONS BEGINNING GERALD F BUNTING BLAKE, AND ENDING JEFFERY A. RENSHAW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 1999.

AIR FORCE NOMINATIONS BEGINNING HARVEY J. U. ADAMS, JR., AND ENDING DAVID J. ZUPI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 20, 1999.

AIR FORCE NOMINATIONS BEGINNING RONALD G. ADAMS, AND ENDING WALTER H. ZIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 20, 1999.

IN THE ARMY

ARMY NOMINATIONS BEGINNING THOMAS M. JOHNSON, AND ENDING *ANTHONY P. RISI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 18, 1999.

ARMY NOMINATIONS BEGINNING RANDALL F. COCHRAN, AND ENDING *REGINA K. DRAPER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 18, 1999.

ARMY NOMINATIONS BEGINNING ALFRED C. FABER, JR., AND ENDING EDWARD L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 18, 1999.

ARMY NOMINATIONS BEGINNING DALE F. BECKER, AND ENDING JOHN F. STOLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 18, 1999.

ARMY NOMINATIONS BEGINNING JOHN D. KNOX, AND ENDING DAVID M. SHUBLAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 20, 1999.

ARMY NOMINATIONS BEGINNING JOSEPH J. SMITH, AND ENDING SARA J. ZIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 20, 1999.

ARMY NOMINATIONS BEGINNING PAUL C. PROFFITT, AND ENDING MICHAEL D. ZABRZESKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 1999.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING FRANCIS X. BERGMEISTER, AND ENDING KENNETH P. MYERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 20, 1999.

MARINE CORPS NOMINATIONS BEGINNING SETH D. AINSPAC, AND ENDING JAMES B. ZIENTEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 20, 1999.

MARINE CORPS NOMINATIONS BEGINNING ROBERT S. ABBOTT, AND ENDING STEVEN M. ZOTTI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 20, 1999.

IN THE NAVY

NAVY NOMINATIONS BEGINNING CLIFFORD A. ANDERSON, AND ENDING STEPHEN G. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 1999.

NAVY NOMINATIONS BEGINNING BRIAN L. KOZLIK, AND ENDING STEPHEN M. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 20, 1999.

EXTENSIONS OF REMARKS

ELDERLY HOUSING QUALITY IMPROVEMENT ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. LAFALCE. Mr. Speaker, today, I plan to introduce the ''Elderly Housing Quality Improvement Act.'' I am pleased to be joined in this effort by ranking Banking Committee Democrats VENTO, KANJORSKI, and FRANK, as well as many other co-sponsors.

According to HUD's ''Worse Case Housing Needs'' study, 1.5 million elderly households pay over 50% of their income for rent or live in severely substandard housing. As our nation ages, and as our affordable housing stock continues to shrink, this problem is likely to get worse.

The Elderly Housing Quality Improvement Act addresses this growing crisis through targeted funding increases and legislative changes designed to update and expand our stock of elderly housing, and to improve the quality of life of low-income seniors.

As affordable elderly housing units built in the 1970's and 1980's have aged, project sponsors, many of them non-profits, all too often lack the resources for adequate repair and maintenance. The first goal of the Elderly Housing Quality Improvement Act is to give these sponsors additional tools and resources to properly maintain elderly housing.

Most dramatically, the bill creates a new grant program for capital repairs for federally assisted elderly housing units, to be funded at $100 million a year. Funds would be awarded on a competitive basis, based on the need for the proposed repairs, the financial need of the applicant, and the impact on the tenants for failure to make such repairs.

The bill also amends existing programs to improve the quality of elderly housing units. It facilitates the refinancing of high interest rate Section 202 elderly housing projects, by guaranteeing that at least half of refinancing savings, plus all excess reserve funds, may be retained for the benefit of the tenants or for the benefit of the project.

The bill contains an innovative approach to accelerate the availability of 1997 Mark-to-Market Section 531 recapture grant funds, to enable affordable housing sponsors to make large capital expenditures. The bill also makes all federally assisted housing projects eligible for such grants. And, the bill increases annual income for non federally insured Section 236 affordable housing projects, by letting them keep ''excess income.''

The second major goal of the bill is to make assisted living facilities more available and affordable to low income elderly. Assisted living facilities provide meals, health care, and other services to frail senior citizens who need assistance with activities of daily living. Unfortunately, poorer seniors who can't afford assisted living facilities are instead forced to move into nursing homes—with a lower quality of life at a higher cost.

In order to overcome this affordability problem, the bill makes conversion of federally assisted elderly housing to assisted living facilities an eligible activity under the newly created capital grant program. It also authorizes the use of Section 8 vouchers to pay the rental component of any assisted living facility. This would make the 200,000 elderly now receiving vouchers eligible to use them in assisted living facilities.

The legislation also authorizes 15,000 incremental vouchers, on a demonstration basis, for low income seniors for use in assisted living facilities. These vouchers are to be made available to ten state housing finance agencies or local public housing agencies.

Funds may be used so that an elderly tenant in project-based Section 8 project-based housing who needs assistance with activities of daily living may receive a new voucher to move to an assisted living facility. The vouchers may also be used to incentivize construction of assisted living facilities which agree to serve low-income seniors.

This demonstration would give us the opportunity to analyze whether authorizing additional Section 8 vouchers for this purpose might actually reduce government spending, by reducing the level of Medicaid expenditures that would otherwise be expended by the state and federal government in a nursing home setting.

Third, the bill promotes the use of service coordinators, which help elderly and disabled tenants gain access to local community services, thereby promoting independence. This bill doubles funding for grants for service coordinators in federally assisted housing, and lets service coordinators serve other low-income seniors in a local community. It also provides funds for new public housing service coordinator grants, and mandates renewal of all expiring grants, including those grants not renewed in the FY 1998 lottery.

Finally, the bill seeks to expand our stock of affordable housing for the elderly, by increasing Section 202 new construction of elderly housing by $50 million. It also encourages appropriators to consider demonstration projects which encourage the leveraging of funds from other sources, such as from tax credit deals, and to encourage the development of additional housing which is affordable for moderate income elderly.

Earlier this year, the Chairmen of the Housing Subcommittee and Banking Committee introduced H.R. 202, which deals with the worthy goal of ''conversion'' of Section 202 elderly housing projects. The Elderly Housing Quality Improvement Act complements H.R. 202, and simply gives elderly housing sponsors additional tools to carry out their mission. It is my hope that Democrats and Republicans can work together in a bi-partisan fashion to adopt the best of all these proposals and enact them into law.

THE 75TH ANNIVERSARY OF THE FAIRVIEW COMMUNITY CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. KUCINICH. Mr. Speaker, today I rise in honor of the 75th Anniversary of the Fairview Community Church for their outstanding service to the Cleveland area for the past 75 years.

Starting as just a Sunday School, with an enrollment of 129 people, the church grew to accommodate the growing community. On January 27, 1924, the Fairview Christian Union Church was founded with 52 members from 28 families. As the community continued to grow many in the community were unchurched. In addition to expanding to bring more people in to the church the congregation supported Christian missions. Mission giving continues to be an important part of the church's tradition today, over seventy years later.

Membership doubled and in April of 1936, even through hard financial times, the need for a building became apparent. With the support of the Cleveland Baptist Association a new Baptist chapter was formed. On May 2, 1943, even through the financial challenges, the new church building was dedicated.

In its effort to better serve the citizens of Cleveland on October 13, 1968, The Fairview Church merged with the West Shore Baptist Church and became known as the Fairview Community Church. Over the years the church has become an active member in many programs such as FISH, Food For Our Brothers, and the building of Willowood Manor. To help the needy in the area the church is also involved at the Jones Home, St. Paul's Community Church, The City Mission and with the families at Garnett School.

My fellow colleagues join me in honoring The Fairview Community Church for its outstanding commitment to the whole community, and especially the needy in the Cleveland area.

TRIBUTE TO BOY SCOUT TROOP 116

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Boy Scout Troop 116 which is celebrating its 50th year of service to

Madera, California. Troop 116 has influenced the lives of approximately 700 men and boys in the values of citizenship, leadership by example, caring for the environment, respecting one's fellow man, and respecting the religious values of others.

During the troop's 50 years it has guided 42 of its members through the requirements to attain the ultimate rank of Eagle Scout. About eight percent of Troop 116's youth have attained the Eagle Scout Rank—about four times the national average. Scout training has also enabled two scouts to receive the Life Saving Awards from the National Council for saving a life while greatly risking their own.

Troop 116 has participated in several activities, and encourages volunteerism. It has sent many members to the periodic National jamborees held at various national historical sites. Scouts have initiated and participated in numerous food and clothing drives for the needy, a variety of clean-up and local improvement projects, as well as volunteering and doing a host of maintenance and upgrading projects in state and federal parks.

The Eagle Scouts will recognize their sponsor, The United Methodist Church of Madera, by presenting an Eagle's Nest as a sign of appreciation for the church's sponsorship over the past 50 years.

Mr. Speaker, I rise today to recognize Boy Scout Troop 116 in their 50th Anniversary for doing its part to positively influence the lives of men and boys in the Central Valley, and contribute to the community. I urge my colleagues to join me in wishing Troop 116 many years of continued success.

MEDICARE MODERNIZATION BILL NO. 3—RURAL CASE MANAGEMENT ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. STARK. Mr. Speaker, it gives me great pleasure to introduce the Rural Case Management Act of 1999, a common sense approach to delivering high-quality, coordinated health care in rural America. This is the third week, and the third bill, in my campaign to modernize and improve Medicare.

Health care needs in rural areas are unique. Whereas many metropolitan areas suffer from an over-supply of providers, often there is only one provider serving a vast number of rural communities. One-size-fits-all solutions do not work for these opposite ends of the health care spectrum.

Yet, Republicans continue to promote managed care as the solution for all problems and people. Most recently, they have asked taxpayers to subsidize private managed care companies in rural counties, despite the widely acknowledged reality that managed care cannot function in rural areas due to the lack of providers. Changes made in 1997 BBA result in outlandish over-payments to private managed care plans that serve rural markets. In some counties, health plans are being paid almost twice as much as it costs traditional fee-for-service Secretary to operate there. Putting more money into an idea that simply cannot work is ridiculous. It's like watering a garden that has no seeds.

The Rural Case Management Act of 1999 would eliminate the waste established in the BBA by making payments directly to rural providers who coordinate care for their patients. This benefit would help coordinate care for the chronically ill, such as diabetes or HIV/AIDS patients, improve notification for preventive services, such as mammograms and flu shots, and provide follow-up care for people who need it. The choice to participate would be entirely voluntary: no one would be ''locked in'' to the web of a rural managed care plan that had limited providers and limited budgets.

There is no evidence that managed care is better for consumers than fee-for-service Medicine. In fact, for the frail chronically ill, evidence suggests the contrary. If HMOs were established in rural communities, beneficiaries in the area might be forced to join in order to get any service from the few local doctors and the one local hospital. Then, if they needed expensive care at a specialty center, would their local providers be reluctant to refer them to that center for care, when the cost would come out of the small budget of the local, rural HMO?

In light of the Patients Bill of Rights debate and the managed care horror stories I have shared with my colleagues in the past, I wonder if we should be subjecting rural America to monopolistic ''managed care'' unless much stronger consumer protections and quality measures are in place.

Providers are also having a difficult time with managed care. In a recent Project Hope survey, providers reported very serious problems with HMO reimbursement, clinical review, and paperwork. We should not encourage the growth of a health system with this many problems.

The most valuable thing managed care offers is coordinated follow-up care. This is an administrative function. Providers in areas without managed care can serve this function effectively. We can reap the benefits of managed care without throwing more money at an idea that simply will not work. The bill I am proposing would pay rural providers a special amount to provide the best thing that managed care has to offer: care management.

Some Members believe that bringing managed care into rural areas would being prescription drug coverage to rural beneficiaries. This is not likely. Managed care needs competition in order to work. But there will never be competition in many rural areas. The problem is that rural areas do not have ''extra'' providers to compete against one other.

Competition is also what results in extra benefits in Medicare managed care. Health plans vying for greater enrollment entice beneficiaries to their plan by providing extra benefits, such as prescription drug coverage and zero deductibles. Due to the lack of competition, these extra benefits will seldom be offered in rural areas. A recent GAO report noted that prescription drugs were the only extra benefit for which overall beneficiary access increased in 1999. However, access to prescription drugs actually decreased in lower payment (i.e., rural) areas. This decrease occurred despite the 23 percent payment increase in low-payment counties (compared to only 4 percent increase in all other counties). The GAO report proves that more money will not guarantee extra benefits in rural areas. We must find creative alternatives to solve the unique problems of health access in rural America.

Managed care is not a silver bullet solution for delivering health care. In the best of worlds, managed care can offer coordinated health services for enrollees. The same function can be provided by providers who live in rural areas and have an established relationship with their patients. This bill eliminates the middle man by sending payments directly to providers in rural areas. Instead of spending money to create managed care plans in areas of provider shortages, this bill helps to improve the quality of care by putting the money where it is needed most. I strongly encourage members' support.

IN RECOGNITION OF OCCUPATION THERAPY MONTH

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mrs. TAUSCHER. Mr. Speaker, I rise in recognition of Occupation Therapy Month and in recognition of the invaluable services that occupational therapists provide to their patients. Occupational therapists provide people with the support, the rehabilitation, and the medical care that enables them to live full lives and function at the highest possible level, despite disability, illness, injury, or other limitations. Occupational therapists work in nursing homes, support individuals with mental illnesses, assist physically disabled individuals in performing ordinary life activities, and help children in our schools learn at the highest level. Occupational therapy is a necessary component of quality medical care in that it allows individuals who face physical challenges to retain their independence and to perform the daily activities that we all take for granted.

I know from personal experience that this is true. A number of years ago, my father contracted Guillan-Barre Syndrome, a devastating illness which leaves the individual in temporary paralyzed state. We were truly fortunate that we had the highest quality medical care. The doctors saved my father's life. The therapists gave him his life. Their expertise and specialized knowledge allowed him to resume his daily activities and stay independent.

My daughter Katherine is an active, energetic seven-year old who plays soccer and a number of other sports. Seeing her today, you would never guess that as an infant she spent a year of her life in a full body cast because of problems with her hip. Again, we had the most qualified and experienced doctors caring for her, but I believe that it was her therapists who were responsible for assuring that she would remain active and energetic for the rest of her life.

Quality medical care is a composite and I would like to recognize the contribution that occupational therapists make in assuring that our medical system not only cures patients, but allows them to live their lives to the fullest.

THE COURAGE OF ONE'S CONVICTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I want to call my colleagues' attention to the incisive commentary on the moral and religious dimensions of the horrific tragedy in Littleton, Colorado by Charles W. Colson, who many believe is one of the greatest Christian leaders in the world.

The senseless killings at the Columbine High School are a direct challenge to human decency and powerfully underscore the consequences that can occur when the value of human life is eroded by our society and culture.

Below is the full text of Mr. Colson's analysis of the killings, with a special emphasis on the heroism and courage of Cassie Bernall, who was gunned down, point blank, for merely professing her faith in God publicly.

[BreakPoint Commentary, Apr. 26, 1999]

LITTLETON'S MARTYRS

(By Charles W. Colson)

It was a test all of us would hope to pass, but none of us really wants to take. A masked gunman points his weapon at a Christian and asks, ''Do you believe in God?'' She knows that if she says ''yes,'' she'll pay with her life. But unfaithfulness to her Lord is unthinkable.

So, with what would be her last words, she calmly answers ''yes, I believe in God.''

What makes this story remarkable is that the gunman was no communist thug, nor was the martyr a Chinese pastor. As you may have guessed, the event I'm describing took place last Tuesday in Littleton, Colorado.

As the Washington Post reported, the two students who shot 13 people, Eric Harris and Dylan Klebold, did not choose their victims at random—they were acting out of a kaleidoscope of ugly prejudices.

Media coverage has centered on the killers' hostility toward racial minorities and athletes, but there was another group the pair hated every bit as much, if not more: Christians. And, there were plenty of them to hate at Columbine High School. According to some accounts eight Christians—four Evangelicals and four Catholics—were killed.

Among them was Cassie Bernall. And it was Cassie who made the dramatic decision I've just described—fitting for a person whose favorite movie was ''Braveheart,'' in which the hero dies a martyr's death.

Cassie was a 17-year-old junior with long blond hair, hair she wanted to cut off and have made into wigs for cancer patients who had lost their hair through chemotherapy. She was active in her youth group at Westpool's Community Church and was known for carrying a Bible to school.

Cassie was in the school library reading her Bible when the two young killers burst in. According to witnesses, one of the killers pointed his gun at Cassie and asked, ''do you believe in God?'' Cassie paused and then answered, ''Yes, I believe in God.'' ''Why?'' the gunman asked. Cassie did not have a chance to respond; the gunman had already shot her dead.

As her classmate Mickie Cain told Larry King on CNN, ''She completely stood up for God. When the killers asked her if there was anyone who had faith in Christ, she spoke up and they shot her for it.''

Cassie's martyrdom was even more remarkable when you consider that just a few years ago she had dabbled in the occult, including witchcraft. She had embraced the same darkness and nihilism that drove her killers to such despicable acts. But two years ago, Cassie dedicated her life to Christ, and turned her life around. Her friend, Craig Moon, called her a ''light for Christ.''

Well, this ''light for Christ'' became a rare American martyr of the 20th Century. According to the Boston Globe, on the night of her death, Cassie's brother Chris found a poem Cassie had written just two days prior to her death. It read:

Now I have given up on everything else
I have found it to be the only way
To really know Christ and to experience
The mighty power that brought
Him back to life again, and to find
Out what it means to suffer and to
Die with him. So, whatever it takes
I will be one who lives in the fresh
Newness of life of those who are
Alive from the dead.

The best way all of us can honor Cassie's memory is to embrace that same courageous commitment to our faith. For example, we should stand up to our kids when they want to play violent video games. We should be willing to stand up to community ridicule when we oppose access to Internet pornography at the local library.

For the families of these young martyrs, I can only offer deep personal sympathy and the hope that they might take strength from the words Jesus spoke to the woman who honored Him by pouring ointment on His head. ''Wherever this gospel is preached in the whole world, what she has done will be told in memory of her'' (Matthew 26:13).

''Well done, good and faithful servant. Now enter into the joy of your Lord'' (Matthew 25:23).

CLEVELAND CATHOLIC BLIND COMMUNITY'S 50TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the Cleveland Catholic Blind Community for 50 years of providing support to the city's blind residents.

The Catholic Blind Community, an organization for blind and partially sighted Catholics, was founded in 1949 by Mr. and Mrs. Glenn Hoffman. Because Mr. Hoffman himself was blind and his wife was partially sighted, they clearly understood the needs and challenges faced by the visually impaired. According to Mr. Green, the first president of the Catholic Blind Community, the group represented an effort "to bring blind people into the Church and bring the Church closer to the blind." This mission was achieved with help from members of the St. Vincent de Paul society.

By the mid-1970s, the organization had grown significantly in size and began meeting regularly at the St. Augustine Parish. The Catholic Blind Community soon joined in partnership with the parish and began working with the hunger center, the Deaf Community, and support groups established at the parish for those suffering from mental disabilities and illnesses. The blind quickly became integral members in the parish by singing in the choir, serving as lectors and Eucharistic ministers, serving on the parish council and planning parish activities.

In 1994 the Catholic Blind Community organized the Catholic Blind Association, a voluntary association that is Catholic in character but welcomes members of all faiths. This additional group was organized to provide greater service to the Blind Community. The Blind Community now boasts a membership of 225 blind individuals.

I would like to take this opportunity to commend Mr. Jim Green, the organization's first president who served for nine years and is honored by the group for his 50 years of volunteerism and leadership by voting him president in this anniversary year.

Through its dedicated efforts, the group has worked to improve the quality of life for the blind. On behalf of all those whose lives have been affected by the group, I offer my congratulations to the Cleveland Catholic Blind Community for 50 years of service.

TRIBUTE TO EDWARD BOELE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. RADANOVICH. Mr. Speaker, I rise to pay tribute to Ed Boele for his dedicated loyalty to Electric Motor Shop for 53 years. Mr. Boele started working at the Electric Motor Shop on New Year's Day in 1946, and has been employed ever since.

Ed Boele is as enthusiastic today as he was on his first day back in 1946. Electric Motor Shop has been in Fresno since 1913. The need for electric motors flourished in Fresno and the San Joaquin Valley due to the agriculture. Ed Boele hasn't quite figured out what to call himself, he isn't an electrical technician, but he serves a vital purpose at the shop. Customer service is a large part of Boele's daily routine. He also purchases many of the electrical motors for the shop.

When Ed started, he didn't know a nut from a bolt, his knowledge of electrical motors comes from years of working at the shop, and he says he's not done learning. Ed never considered quitting his work at the shop and told Frank that he would give him a years notice when he was ready to retire. In January 1998, at the age of 68, Ed finally gave Frank his years notice.

Mr. Speaker, I rise today to pay tribute to Ed Boele on his retirement from Electric Motor Shop. Mr. Boele has been a dedicated employee from the first day he started. I urge my colleagues to join me in wishing Ed Boele happiness in his retirement.

CELEBRATING A LIFETIME OF ACHIEVEMENTS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. BARCIA. Mr. Speaker, it gives me great pleasure today to honor a dedicated father of four wonderful children and three grandchildren, a loyal and supportive friend, an outstanding humanitarian and a fiercely focused hardworking self-made entrepreneur, respected by all of his peers, Paul Mark Monea.

Paul was born in the beautiful countryside of Ohio to George and Sylvia Monea, immigrants from Romania and Switzerland, respectively. George Monea missed his date with destiny by being two days late for the ill-fated Titanic on which he was scheduled to travel. Paul's parents always taught and instilled the virtues of honesty, integrity and family values. Although some individuals and trusted professional advisors over the years have taken incredible unfair advantage of Paul and his family, he has always stood by his upbringing motto, ''right will always ultimately win out.''

Today I join Paul's children, Andrew, Michele, Brooke and Blake, his three grandchildren, Alex, Sean, and Brandon, his family friends and confidants Daniel, Sharie, Richard, Walter and Nora Bohlmann together with a host of supporters over the years to salute Paul Monea's triumph over incalculable odds. Paul's family and true friends have always stood by him over the years; a tribute to his honesty and integrity in working with his fellow colleagues. Paul proudly notes that his favorite pastime is spending time with his children and grandchildren.

Charitable and community support in a silent behind the scenes fashion has always been Paul's style. As a young businessman, Paul mustered the support of his fellow Hobby Industry Association members to contribute on a per mile basis for his walk-a-thon dedication to the Muscular Dystrophy of America. Paul walked 28 straight days, over 400 miles from Louisville, Ohio to King of Prussia, Pennsylvania and raised well over $25,000, all without any desire for personal publicity. This year marks the 25th Anniversary of that noteworthy event where Paul in his true reserved fashion is silently supporting Walk-A-Thon and other charitable events in his mid-west area. Paul has formed the Paul Monea Family Charitable Foundation, to benefit programs targeted to assisting our youth in a better quality of life and the elderly to live in dignity. Paul's challenge to the young people of America is: ''Focus on the future with honesty, integrity, and a spirit of innovation in your hearts.''

Paul Monea is widely recognized as the World's leading trendsetter in state of the art, multi-level marketing and informercial programs. TaeBo, starring Billy Blanks, was the mastermind informercial creation of Paul who in his typical humble style gives credit for this phenomenal success story to everyone except himself. Incidentally, Johnny Unser, driving his father's ''retired'' number 92 will drive the ''Tae-Bo'' race car at this year's Indy 500 in honor of America's National Fitness month. Prior to TaeBo, Paul originated the 2 for 1 Dine out Programs, ''The Stimulator,'' pain relief product promotions, ''My Little Angel,'' children's programs, and the ''Super Salsa'' machine for gourmets. Monea Publishing company is also the distributor of works done by artist Sharie Hatchett Bohlmann, who created the art commemorating the 1987 White House Easter Egg Roll. Always vigilant to offer to the world products which make life safer, cleaner, healthier and less troublesome, Paul is currently producing a ''Stop Smoking'' program that has proven results.

Paul has never been a political person and those around Paul Monea are frequently reminded by him that his work is never about making money. On the contrary, it is always about providing a better way of life for others. This inward desire to provide innovative products because, ''It's the right thing to do,'' puts Paul Monea in a class by himself.

Mr. Speaker, I invite you and our colleagues to join me in recognizing one of America's business leaders and legends, Paul Mark Monea. We salute him on his special day and thank him for the countless millions of people around the World whose lives he has made better because of his dedication to mankind.

NATIONAL CEMETERY FOR VETERANS IN MIAMI, FLORIDA AREA

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Ms. BROWN of Florida. Mr. Speaker, I am today introducing legislation requiring the Secretary of Veterans Affairs to establish a national cemetery in the Miami, Florida, metropolitan area to serve the needs of veterans and their families, and to report to Congress on a schedule for that establishment and an estimate of associated costs.

I am distressed that the Department of Veterans Affairs continues to ignore the long-identified national veterans' cemetery needs of southern Florida. In both 1987 and 1994, the Miami area was designated by congressional mandated reports as one of the top geographic areas in the United States in which need for burial space for veterans is greatest. Yet, as late as August 1998, VA's strategic planning through the year 2010 indicated nothing more than a willingness to continue evaluating the needs of nearly 800,000 veterans in the Miami/Ft. Lauderdale primary and secondary service area. Mr. Speaker, that is over 54 percent of the estimated State veteran population and 3.3 percent of the total U.S. veteran population. By VA's estimate, there will be nearly 25,000 veteran deaths in the greater Miami area in FY 2000, and by the year 2010, the annual veteran death rate in southern Florida will be nearly 26,000.

Although VA statistics show that demand for cemetery space will increase sharply in the near future—with burials increasing 42 percent from 1995 to 2010—the Administration's FY 2000 budget for VA failed to include a request for the funding required to initiate a single new national cemetery.

Mr. Speaker, the time for evaluating the needs of southern Florida is long past and the time for action is rapidly slipping away. National veterans' cemeteries are not built in a day. It takes at least five-to-seven years to plan and build one. For those who served this country with pride and dignity, VA has an obligation to provide an opportunity to be buried in a national cemetery near their home—an opportunity not now available to those who live in southern Florida.

It has been the intent of Congress since the establishment of the National Cemetery System in 1862 that the Federal Government purchase ''cemetery grounds'' to be used as national cemeteries ''for soldiers who shall have died in the service of the country.'' Today, of the 115 national cemeteries administered by VA, only 57 are open to all interment, 36 can accommodate cremated remains and family members of those already interred, and 22 are closed to new interments. In southern Florida there is not a veterans cemetery of any description.

I urge Members to support my legislation so that the Memorial Days of the 21st century can be observed by the families and friends of veterans in southern Florida at a nearby, appropriate national resting place of honor for an American hero.

THE MEDICARE CRITICAL NEED GME PROTECTION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. STARK. Mr. Speaker, I rise today to introduce ''The Medicare Critical Need GME Protection Act of 1999.'' This important legislation seeks to protect our nation against the depletion of health care professionals that are trained to appropriately treat costly and deadly illnesses.

Under current law, the Medicare program provides reimbursement to hospitals for the direct costs of graduate medical education training. That reimbursement is designed to cover the direct training costs of residents in their initial residency training period. However, if a resident decides to proceed with further training in a specialty or subspecialty, a hospital's reimbursement is cut to half (50 percent) for that additional training.

The rationale for this policy is strong. In general, we have an oversupply of specialty physicians in our country and a real need to increase the number of primary care providers. By reducing the reimbursement for specialty training, the Medicare program has promoted increases in primary care training rather than specialty positions.

I agree with this policy. However, as is often the case, there are always exceptions to the rule. We do not want to hinder training of particular specialties or subspecialties if there is strong evidence that there is a serious shortage of those particular physicians. That is why I am introducing The Medicare Critical Need GME Protection Act.

To provide an example of a current subspecialty facing serious shortages of professionals, we can look at nephrology. Between 1986 and 1995, the number of patients with

End Stage Renal Disease (ESRD) has more than doubled. At present, more than 40 million Americans die from kidney failure or its complications each year. In 1998, the estimated cost to treat ESRD exceeded $12 billion. However, current data indicates that only 51.8 percent of today's nephrologists will still be in practice in the year 2010.

Most primary care physicians are not trained to treat the complex multi-symptom medical problems typically seem in ESRD and are unfamiliar with particular medications and technology prescribed for such patients. The decreasing supply of nephrologists, coupled with an expanding population of renal patients, puts the health of our nation at risk.

The Medicare Critical Need GME Protection Act provides a tool to help combat such shortages of qualified professionals. The bill would simply provide the Secretary of Health and Human Services with the flexibility to continue full-funding for a specialty or subspecialty training program if there is evidence that the program has a current shortage, or faces an imminent shortage, of physicians to meet the needs of our health care system. The Secretary would grant this exception only for a limited number of years. The Secretary would have complete control of the exception process. Programs would present evidence of the shortage and she could agree or disagree with the analysis. Nothing in this bill would require the Secretary to take any action whatsoever.

The bill also includes protections for budget neutrality. If the Secretary approves a specialty or subspecialty training program for full-funding under this bill, the Secretary must adjust direct GME payments to ensure that no additional funds are spent.

Again, The Medicare Critical Need GME Protection Act does nothing more than provide limited flexibility to the Secretary of Health and Human Services to ensure that we are training the health care professionals that meet our nation's needs.

I would encourage my colleagues to join me in support of this important legislation. By giving the Secretary the flexibility to allocate funds to attract and train professionals in certain "at risk" fields of medicine, we will significantly improve patient care and lower long term health care costs.

A TRIBUTE TO MORRIS W. OFFIT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mrs. LOWEY. Mr. Speaker, I rise today to express my great admiration for Morris Offit, a remarkable individual and leader in the world of business and finance who this year will be honored by the Educational Alliance for his exceptional community service.

A man of high principle, piercing intelligence, and boundless energy, Mr. Offit has acquired a well-deserved reputation for financial expertise and creativity. He formed Offitbank in 1983 and has since built it into a highly respected wealth management firm offering comprehensive investment management services to private clients and not-for-profit institutions.

Mr. Offit's professional success is matched by his devotion to philanthropy and community service. He has served as Chairman of the Boards of Johns Hopkins University and the Jewish Museum, as well as in leadership positions with organizations such as UJA-Federation of New York.

We are a better community and nation thanks to Morris Offit's vision and leadership. I am confident that his exceptional example will remain a source of guidance and inspiration for many years to come and that he will continue to set a standard of excellence in all his professional and civic endeavors.

CELEBRATION OF THE FREE SONS OF ISRAEL 150TH ANNIVERSARY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mrs. McCARTHY of New York. Mr. Speaker, it is with great pleasure that I rise to celebrate a momentous occasion, the 150th Anniversary of the Free Sons of Israel, the oldest Jewish Fraternal Benefit Society in the United States. The society was established in 1849 and officially marked 150 years on January 7, 1999. This is an impressive achievement and I am proud to call many of the members of the Free Sons of Israel my good friends.

The Free Sons of Israel are a national order, formed to promote the ideals of their motto: Friendship, Love and Truth. They protect the rights of Jews and fight all forms of persecution on behalf of their members. During the years, their scope has broadened to include all people worldwide, regardless of race, religion or color.

This special organization is the first of its kind to donate a substantial amount of money to the Holocaust Museum in Washington, D.C. Furthermore, their charitable arm has raised millions of dollars for worthwhile causes on a non-sectarian basis, including thousands of toys that they donate during the holidays to needy children in hospitals and care centers. The Free Sons of Israel has a scholarship Fund that grants awards to its members and children. it also has a bloodbank, credit union and insurance fund.

The Free Sons of Israel make this a better place for people throughout Long Island, New York and the entire world. They are a model of community service and action. I thank my friends for all their work and I commend them on this important anniversary.

IN HONOR OF THE ASSOCIATION OF PHILIPPINE PHYSICIANS IN OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 25th anniversary of the Association of Philippine Physicians in Ohio (APPO).

The APPO is a non-profit, professional organization of Filipino American physicians in Northeast Ohio. The group strives to provide continuing medical educational programs for physicians and allied professionals and conducts medical and surgical missions to the Philippines for the indigent. APPO also sponsors scholarships and grants to deserving medical students in the U.S. and in the Philippines. The selfless members of APPO are committed to helping the needy and less fortunate, and they often volunteer in free clinics, hunger centers and nursing homes.

APPO will be celebrating its 25th anniversary in conjunction with its annual Sampaguita Ball on May 1, 1999. The Sampaguita Ball is a fund raising event to support the various charitable projects of the organization.

My fellow colleagues, please join me in honoring the Association of Philippine Physicians in Ohio for the service they have provided to the Cleveland area and to those in the Philippines for 25 years.

THE WORLD CELEBRATES THE DUKE'S CENTENNIAL BIRTHDAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. CONYERS. Mr. Speaker, today is a historic day for jazz lovers all over the world, because today marks Duke Ellington's 100th birthday. Edward Kennedy Ellington was born right here in the Nation's capital on April 29, 1899. The nickname Duke was given to him by his friends because of his regal air and his love of fancy clothes with elegant style. He retained those traits throughout his life, but he wore his sophistication without a hint of pretentiousness. The Duke was a genius at instrumental combinations, improvisions, and jazz arranging which brought the world the unique "Ellington" sound that found consummate expression in works like "Mood Indigo," and "Sophisticated Lady."

He said he decided to become a musician when, in his youth, he realized that "when you were playing piano there was always a pretty girl standing down at the bass clef end of the piano." It became obvious that he was truly talented when he played his first musical composition, "What You Gonna Do When the Bed Breaks Down?" When he finished the crowd went wild and demanded more, however, since he had not written any other music he changed the arrangement and style right there on the spot. Thus, began the Duke's magnificent career as one of the world's greatest composers.

A pioneer, an innovator and an inspiration to generations, Duke Ellington personified elegance and sophistication. Also, he was a creative genius who never stopped exploring new dimensions of his musical world. By the end of his life, he would declare, "Music is my mistress." And so it was. No other lover was ever better kept, or in grander style. Duke Ellington knew how to treat his Muse. And she returned the favor.

The power of his presence was as strong off the stage as on. Ellington's nephew, Stephen James, says, "When you were in his presence, you felt it. If no one knew him and

he were in . . . [a] room, everybody would be drawn to him. It was just the nature of his aura, his magnetism.''

Ellington's career as a bandleader lasted more than fifty years; during at least forty-five of which he was a public figure of some prominence. It is often said that there were three high-water marks in that span. The first occurred in the late 1920s, when he attained the security and prestige of a residency at the Cotton Club, where the best black entertainers of the day worked for gangsters and performed at night for all-white audiences. Duke survived those years with his dignity intact—no small achievement—and he learned from his musicians, some of whom were then more skilled than he. By the end of the twenties, he had begun to experiment as a composer and arranger, and had several hits under his belt.

In the early thirties, he sharpened his skills, and made his first attempts at composing longer works. By the late thirties, he had assembled the best collection of players he ever had under his command at one time. Duke showed off his musicians in miniature masterpieces, three-minute concertos that displayed a single soloist against the backdrop of a tightly-knit ensemble. Many of these pieces are among his most enduring. Others from this time, equally memorable, explore a dizzyingly shifting labyrinth of textures, as different instruments take the lead and the accompaniment moves from one section of the band to another.

Billy Strayhorn, a brilliant young arranger who had joined the band in 1939, became increasingly important as Duke's principle collaborator in composition. By most accounts, Strayhorn was a musical genius of Mozartean proportions for whom composing music was as natural as breathing. Capable of doing almost anything musically, he chose to spend most of his adult life as an adjunct to Ellington, matching his compositional style to the maestro's, but also introducing some new musical concepts that would become part of Duke's palette. Ellington always learned from his musicians, but Strayhorn was his postdoctoral fellowship.

Duke Ellington created a body of music that endures and always rewards. His place in the sweep of American music is unique, and his stature is the equal of that of any of the acknowledged European masters.

In 1988, Congress appropriated funds for the acquisition and care of Duke Ellington's vast archives. Today I went before the Subcommittee on Labor, Health and Human Services and Education and requested that $1 million be added to the FY 2000 appropriation for the Department of Education Program and that it be earmarked for the Smithsonian Institution's Jazz Program.

We must continue to keep Duke's music alive for all generations.

A TRIBUTE TO DR. RAYMUNDO D. TALABAN

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mrs. EMERSON. Mr. Speaker, I rise today to pay tribute to Dr. Raymundo D. Talaban who is retiring from Madison Medical Center after 28 years of dedicated service to the medically under served people of southern Missouri. Dr. Talaban is a doctor of medicine, (an accomplishment that earns accolades by itself), but more importantly he is a doctor in a part of my District which typifies rural America. Some may have a hard time understanding the problems with health care access in rural America. Mr. Speaker, in southern Missouri there are only three health care professionals for every 100 people, and the average hospital is located anywhere from 35 minutes to two hours away from the next hospital. Many times people must take time from work and drive hours to the nearest hospital to receive what other people would consider a routine procedure or checkup. So you see, in this part of America, Dr. Talaban is not just another doctor, he is one of a few who brings care and attention to many.

Dr. Talaban's wife, Nenita, has proudly shared with me some of the her husband's wonderful accomplishments. I would have to say that Dr. Talaban's most outstanding achievement must be his family, including his three daughters: Caroline, Catherine, Andrea and his three grandchildren. I'm sure they realize what a wonderful father and grandfather they have, a role model and a man who spent the entirety of his life helping others.

Dr. Talaban received his medical degree from Far Eastern University Medical School in Manilla, Phillippines. Before he came to Madison Medical Center, Dr. Talaban worked at Missouri Baptist Hospital and St. Louis State Hospital. The folks of southern Missouri were lucky enough to have him come on board at Madison Medical Center in 1971. There Dr. Talaban held two prestigious positions as Vice Chief of Staff and Chief of Surgery. He not only established a record of outstanding care, but also a history on unfailing compassion.

Dr. Talaban also found time to volunteer his services to the American Red Cross and advisor to the American Cancer Society. His membership in many prestigious groups including the Philippine Medical Society of Greater St. Louis, the American Medical Society, The American Society of Abdominal Surgeons, the Missouri State Medical Society, and the St. Louis Metropolitan Medical Society enhanced his ability to give quality health care to the people of Madison County.

Dr. Talaban, I want to thank you for dedicating your life to helping others. Although we all will be sorry to see you leave Madison Medical Center, we hope that you will heartily enjoy the years of your retirement. My thoughts are with you, Dr. Talaban, as you, your family and friends come together to celebrate all the important years that you dedicated to our community. You had a very positive impact on peoples' lives in rural southern Missouri, and we will never forget your dedication and service to our community.

IN MEMORY OF ART PICK

HON. KEN CALVERT

OF CALIFORNIA

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. CALVERT. Mr. Speaker, today my colleague, Mr. BROWN of California, and I would like to honor and pay tribute to an individual whose dedication to the community and to the overall well-being of the city of Riverside, CA, is unparalleled. Riverside was indeed fortunate to have such a dynamic and dedicated community leader who willingly and unselfishly gave of his time and talents to make his community a better place in which to live and work. The individual we are speaking of is Mr. Art Pick, who we were fortunate to have been able to call our friend. He died yesterday at the age of 68.

Born Joseph Arthur Pickleheimer, Jr., Art moved to Riverside from Kentucky in 1955. A fixture in the community, Art was a man who never shied away from community involvement. Art led the Greater Riverside Chambers of Commerce for 26 years, first as executive vice president, then as executive director and chief executive officer. He truly believed that Riverside was the best place in the world, and worked tirelessly to get that message across to others. In his position, he reached out to the Hispanic and African-American Chambers of Commerce to ensure that the area's diverse business community worked together.

Art knew education was key to job creation in his community. A graduate of the University of California at Riverside, he was an enthusiastic member and officer of the Alumni Association. Besides being an unabashed booster for his alma mater, Art also recognized the role that the private and community colleges in Riverside played in preparing the workforce for a recovering local economy.

He was also active in many community organizations, including serving as a Riverside City Councilman; serving as a La Sierra University trustee; founding member of the Inland Area Urban League; and, serving as a trustee for the Riverside Community College District. He was also a lifelong supporter of the Sherman Indian School. His good deeds and work in the community would fill pages and pages were we to try and list them all.

Art's forthright honesty and outspokenness rubbed more than a few politicians and journalists the wrong way. But we always remembered that his goal, first and foremost, was what was good for his city. And those of us on the receiving end of Art's comments were always better for the experience because Art was so often right; and, if he wasn't right, well at least he had made us think long and hard about the subject at hand.

Our deepest condolences go to his wife, Galina Mokshina; his daughter, Maria; and his brother, David. Art was a true patriot and an outstanding American who will be deeply missed by everyone in the community. We can best honor him by trying to meet the same high standard he set as a patriot, citizen, and friend.

TRIBUTE TO DEAN BENNETTE LIVINGSTON

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. SPENCE. Mr. Speaker, I rise today to bring to the attention of the House an outstanding South Carolinian, Dean Bennette Livingston, who is retiring on April 30th, as the Publisher of The Times and Democrat, the daily newspaper of Orangeburg, South Carolina. He is a man of many accomplishments.

Dean Livingston first became associated with the newspaper business at the age of 12, when he was a production employee and a columnist for the Orangeburg Observer, a weekly newspaper for which he wrote the ''Teen Talk'' column. He attended The University of South Carolina on a football scholarship, and he also managed to find the time to contribute articles to the school newspaper, The Gamecock. After graduation from Carolina, Dean Livingston joined the staff of The Times and Democrat for a brief period before leaving for three years to serve his Country in the United States Air Force, as a navigator. Upon completion of his military service, he returned to Orangeburg, where he became the Managing Editor of The Times and Democrat. At the age of 29, Dean Livingston became the youngest newspaper publisher in South Carolina, a post he has held for thirty-seven years. He is now the longest-serving newspaper publisher in the history of the Palmetto State.

Under the leadership of Dean Livingston, The Times and Democrat has received hundreds of awards for news and advertising, as well as been a pioneer for innovations in newspaper printing in South Carolina. In 1965, The Times and Democrat became the first newspaper in our State to convert to offset printing, and, in 1990, it became the first South Carolina newspaper to paginate by computer to a full-page typeset format.

Dean Livingston has been a leader in professional associations and in civic affairs, serving as the President of the South Carolina Press Association, the South Carolina Press Association Foundation, the AP News Council, and the Orangeburg Chamber of Commerce. He has also supported journalism internship programs for college students. His lovely wife, Grace, has been a true partner in his many activities, and she has served as the President of the Women's Division of the South Carolina Press Association.

The numerous contributions of Dean Livingston to the newspaper industry in South Carolina and across the Southeast are widely known by his colleagues. He has influenced many lives and he has always advocated high standards in journalism.

I consider it a privilege to have known Dean Livingston since our days together as students at The University of South Carolina. He has always provided wise counsel and I have appreciated his insight into current events. Although he is entering retirement, I am certain that he will continue to make significant contributions to the newspaper business, to which he is devoted, and to the Midlands of our State. He is truly a great South Carolinian.

CONGRATULATIONS TO TERRY BOTTINELLI

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. ROTHMAN. Mr. Speaker, on Friday, May 7, 1999, Terry Paul Bottinelli, Esq. will be sworn in as the 101st President of the Bergen County Bar Association in Woodcliff Lake, New Jersey.

I have known Terry for many years; he is a trusted friend and a gifted attorney practicing in Hackensack, New Jersey in the 9th Congressional District. He is a partner in the law firm of Herten, Burstein, Sheridan, Cevasco, Bottinelli & Litt, where he specializes in personal injury litigation.

Terry is a resident of Wyckoff, New Jersey, and is a Member of the New Jersey and Florida Bars. He has been admitted to the United States Tax Court and the New Jersey Federal District Court. He received his Juris Doctor from Western New England School of Law; he also studied at Rutgers School of Law. His undergraduate work was done at Fairfield University and the Universidad de Madrid.

Terry Paul Bottinelli serves as Planning Board Attorney for the Borough of Bogota in Bergen County. He also serves the Borough of Cresskill as the Municipal Court Judge.

Terry is affiliated with the American Bar Association, the American Trial Lawyers Association, the New Jersey Trial Lawyers Association, the New Jersey State Bar Association, the Bergen County Bar Association, The Florida Bar, and the American Arbitration Association. As an affiliate with the Bergen County Bar Association, Terry is a Trustee of the Young Lawyers Division, the Chair of the Civil Practice Committee, the Chair of the Law Day Committee; he is a Delegate to the State Bar General Council and represents the People's Law School in conjunction the ATLA.

Terry Paul Bottinelli had dedicated many hours to civic activities in Bergen County. He is a Trustee of the Wyckoff Community School, a Member of the Boy Scouts of America, Explorer Advisory Committee, serves the Bergen County Office on Aging, Senor Citizen Pro Bono Legal Services Program, and is a football coach in the Wyckoff Recreation League.

Terry Paul Bottinelli, Esp. is indeed an outstanding attorney and American citizen who has well-earned the confidence of his colleagues in the Bergen County Bar Association who have elected him their new President. I am proud to call him my dear friend. The residents of my Congressional District owe Terry a debt of gratitude for his outstanding legal and civic work. He is truly a remarkable individual, and I take great pleasure in extending my sincere congratulations to him on this wonderful occasion.

HONORING FERNANDA BENNETT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Fernanda Bennett, whose dedication and perseverance has made the fifth district Annual Congressional High School Art Competition a resounding success year after year. 1999 marks the seventh year that the Nassau County Museum of Art generously hosts this noteworthy event, displaying the pieces entered into competition from high schools in Nassau, Queens and Suffolk counties. As the Assistant Director and Registrar, Ms. Bennett directs the smooth installation and public display of these works.

Her enormous contribution to the art competition is indicative of her successful career at the museum. Fernanda Bennett started as an intern in 1983, and has since worked her way up through the staff. Over the years, she has helped plan, organize, and install over fifty exhibitions, ranging from Tiffany lamps to Picasso canvases. As the Registrar, Ms. Bennett handles the details on insurance, transport, and display of numerous, invaluable pieces of art. She also helps maintain records of all borrowed items by collecting photos and documenting their exhibition histories.

As Assistant Director, Ms. Bennett oversees the day to day operation at the museum. She ensures that the building is kept clean and that the gallery environment is properly maintained. In addition, she inspects the artwork to ensure that it is cared for in a manner benefiting its valuable status. Because of its location on a 145 acre preserve, The Nassau County Museum of Art exhibits a collection of monumental outdoor sculptures. Ms. Bennett oversees the preparation of the sites for sculpture installation, handles the removal and placement of these magnificent pieces, and administers the care needed to display the works at their finest.

Her commitment to the museum and years of service to the community have enabled the fifth district art competition to be one of the biggest and best in the country. Seven years ago, only fifty students participated in this event. Due largely to Ms. Bennett's extraordinary dedication, that number has jumped by fifth percent; in the last two years, an average of seventy-five students per year have taken part in the competition. Therefore, I ask all of my colleagues to join me in honoring this remarkable individual, Fernanda Bennett.

84TH COMMEMORATION OF ARMENIAN GENOCIDE

SPEECH OF

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. LIPINSKI. Mr. Speaker, I want to first thank Mr. PALLONE and Mr. PORTER for organizing a special order on April 21 to commemorate the Armenian genocide and their

leadership as co-chairmen of the Congressional Armenian Issues Caucus. I would also like to salute Mr. BONIOR and Mr. RADANOVICH for their vision and initiative in introducing a resolution calling for a collection of all U.S. records relating to the Armenian genocide.

On the 84th anniversary of the Armenian genocide. I rise today to join my colleagues and the Armenian-American community in honoring the memories of those who perished at the hands of the Ottoman Empire. April 24, 1915 is recognized the world over as the day hundreds of Armenian leaders in Constantinople were rounded up and killed. Thousands more were murdered in public. This began an eight year long killing spree that claimed the lives of over 1.5 million Armenian men, women and children—half of the world's Armenian population at the time. Moreover, 500,000 Armenians were forcibly driven out of their homeland to seek refuge in other nations. By 1923 the Turks successfully eradicated nearly all traces of a 3000 year-old civilization. There were 2.1 million Armenians in Turkey before 1915, now there are only 100,000, and Armenia itself is nearly empty of Armenians. An entire civilization was forced to watch as their world disintegrated around them.

We cannot, should not and will not forget this tragic chapter in world history. It is a sad and shameful period. This moment allows us to reflect the dark side of human nature, a side we sometimes are unwilling to acknowledge, but acknowledge we must. If we do not remember, we are condemned to repeat our past mistakes.

Mr. Speaker, I stand today with the Armenian-American community to commemorate the memories of the victims of the Armenian genocide in the hopes of such a crime against humanity will never be repeated. The Turks ravaged an entire civilization. We must heed the lessons contained in this sad and shameful period, we must remember, and we must learn never to forget.

TRIBUTE TO SEVEN DEDICATED TEACHERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend seven dedicated teachers from Northwest Indiana who have been voted outstanding educators by their peers for the 1998–1999 school year. These individuals, Bea Cak, Debra Clements, Jayne Gardner, Kevin Garling, Brenda Kovich, Toni Sulewski, and Denise Thrasher will be presented the Crystal Apple Award at a reception sponsored by the Indiana State Teachers Association and Horace Mann Insurance Company. This glorious event will take place at the Broadmoor County Club in Merrillville, Indiana, on Tuesday, May 4, 1999. Toni Sulewski will also receive the Torch of Knowledge Award for being selected the outstanding member of this distinguished group of educators.

Bea Cak from Hanover Community School Corporation has taught for 27 years. Currently she teaches second grade half of the day, and serves as the district elementary resource teacher at Jane Ball Elementary the other half of her workday. As a resource teacher, Bea has the responsibility of providing information and techniques to keep staff personnel updated. During monthly staff in-service sessions she shares creative K–6 activities that all teachers can utilize in their classrooms. Her colleagues know her as a dedicated teacher since she puts so much time into developing special projects for the school and her surrounding community.

Debra Clements is described by her peers as an outstanding professional and dedicated teacher. She is an English/language arts teacher at Highland High School where she has taught for 19 years. To grow professionally, Debra has been actively involved in textbook selections and handbook revisions. She strives to be approachable and communicates well with administrators, fellow teachers, students and parents. Her special inner core of education-related beliefs and opinions are well received and respected.

Within her 25 years of teaching, Jayne Gardner had the opportunity to teach in many diverse settings. Currently, she serves as an English/language arts teacher at Kahler Middle School. She utilizes her ability as a mediator to discuss and address the concerns of teachers. Through her caring attitude she exhibits a great deal of thoughtfulness towards both students and teachers. Jayne's dedication to the profession of teaching is exemplary to any new educator.

For the past 13 years, Kevin Garling has been the agriculture teacher at Lowell High School. His teaching approach is built upon the theme ''Kids come first.'' As a sponsor of the Future Farmers of America, he has taken the club members to state and national competitions. He has created a parental group to work with the club members. Kevin's unselfishness and commitment to his students are an inspiration to all who know him.

Brenda Kovich, a national board certified teacher, has worked with academically talented students at Elliott Elementary School in Munster, Indiana, for the past 15 years. She has written and received numerous grants, including a grant from the Lilly Foundation. Brenda is a continuous source of enthusiasm for both her students and others.

Toni Sulewski from the Crown Point Community School Corporation has taught for 30 years. Dedicated to those students who have difficulty with school, she persevered to ensure an alternative school program was developed in the community. As a professional educator, she works closely with the special education staff to adapt teaching methods to the various students' learning styles. Her performance as a professional is twofold: one is her dedication to the students and their development; while the second is her dedication to fellow teachers and the safety of their environment.

Denise Thrasher teaches foreign language and literature at North Newton High School. Her commitment to students is obvious. She tutors students during lunchtime and also after school. Despite having cancer surgery and undergoing chemotherapy treatments, she has remained very active both teaching and serving on local and state school committees. Denise's energy is an incentive to all.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding educators on their receipt of the 1999 Crystal Apple Award. The years of hard work they have put forth in shaping the minds and futures of Northwest Indiana's young people is a true inspiration to us all.

TRIBUTE TO MS. DOROTHY ELLSWORTH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the labor career of Ms. Dorothy ''Dottie'' Ellisworth-Gannon. Since 1977 Ms. Ellsworth-Gannon, Assistant Director of the Legislative Department, has served the International Association of Machinists and Aerospace Workers with distinction (IAM).

Dottie has announced her retirement efffective June 1, 1999. This announcement culminates a career dedicated to advancing the interests of working men and women. She is currently a senior member of the AFL–CIO Administrative Committee, where she worked with affiliated union lobbyists to advance and protect common interests in the legislative arena.

Dottie, considered one of Washington's premier lobbyists, has demonstrated great effectiveness and sensitivity in dealing with the needs and issues that particularly affect IAM members. She has also commanded the respect of Members of Congress from both parties who had the opportunity to work with her.

On April 28, 1999, a retirement dinner will be held by the International Association of Machinists and Aerospace Workers for her dedication and outstanding performance for the past twenty-two years. Mr. Speaker, I ask you to join me in honoring Ms. Ellsworth-Gannon for her distinguished labor career and offer her my best wishes for the future.

INTRODUCTION OF THE STATE INFRASTRUCTURE BANKS FOR SCHOOLS ACT OF 1999

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mrs. TAUSCHER. Mr. Speaker, today I am introducing the State Infrastructure Banks for Schools Act of 1999. I urge my colleagues to support this important piece of legislation.

It is a distressing fact that across our Nation we have nineteenth century schools and libraries for twenty-first century students. In our inner-cities, rural communities, and suburban neighborhoods, children are attending schools where toilets clog, computers cannot link to the Internet, and roofs leak. Public libraries do not fare much better, often lacking adequate space to house their materials or to run after-school reading programs. And it is our kids who suffer as a result.

By now we all know that our Nation's schools require an overwhelming $112 billion

to repair America's education infrastructure. Behind this glaring statistic is the additional need for library construction. The one source of Federal aid to libraries, the Library Services and Technology Act, no longer covers major construction of libraries. If we do not start investing in our schools and libraries immediately, we will end up paying a much higher price down the road for graduating students who will not be adequately prepared to compete in the New Economy.

In fact, studies now reveal the obvious: a direct correlation exists between the condition of school facilities and the academic achievement of our students. That's right, our kids grades are affected by the state of their school. This should come as no surprise. It is difficult to learn when the roof is leaking or blackouts occur because too many computers are on.

We also know that 50 percent of a child's intellectual development takes place before the age of four. Our nation's public and school libraries play a critical role in a child's early development because they provide a wealth of books and other resources that can give every child a head start on life and learning.

In my state of California, 61 percent of our schools are over 40 years old, and public school enrollment is expected to exceed 6 million students by the turn of the century, yet large numbers of students are already being housed in temporary buildings. As states around the nation, like California, adopt mandated class size reductions, more and more classroom space will be needed. The state already has 1.3 million students in grades one through three who require an astonishing 6,500 additional classrooms to meet class size reduction mandates.

The latest statewide library facility needs assessment for California called for $2 billion for approximately 425 projects. In addition, the deplorable state of America's public school libraries' collections has increased the demands on public libraries. In many instances, public libraries substitute for school libraries, thereby creating a higher demand for material and physical space to house literature and educational computer equipment. We know that summer reading programs at public libraries are the most important factor in helping children avoid what educators call "summer learning loss."

With this in mind, we need, first and foremost, to find creative ways, in the age of shrinking budgets, to find the necessary dollars to start rebuilding our educational infrastructure. That is why I am re-introducing my State Infrastructure Banks for Schools Act. This common-sense measure would create infrastructure banks at the state level to provide a range of loan and credit options, to help finance locally supported projects. The use of State Infrastructure Banks (SIBS) will provide much-needed and cost-effective financial assistance to our local districts to rebuild, repair or replace their current facilities—without placing a constant strain on the Federal treasury or the American taxpayer.

Just as importantly, with SIBs, school districts and counties could avoid bond market pressures to borrow more than they actually need which can often make a project unacceptable to local voters. We have seen this happen several times in my District alone. Our local leaders know how much is needed to fix up their schools and libraries, and they rightly refuse to borrow more than necessary. By supporting this proposal, we are not only wisely utilizing limited federal funds, but we would be saving local taxpayers' money otherwise spent on inflated bond requests, fees, and other administrative costs associated with the for-profit market.

Specifically, SIBs will be created with federal seed money and offer a flexible menu of loan and credit enhancement assistance, terms, and maturities—all of which will allow communities to save local taxpayer dollars. As loans are repaid, the SIBs funds would be replenished and the banks could make new loans or loan guarantees to other school and library infrastructure projects.

Our children need to feel pride in their schools and libraries. It is my hope that my legislation is one of several first steps that can be made towards addressing this overwhelming issue of school and library construction. It is no secret that we need to educate our kids in a safe and supportive environment if we expect them to achieve in the 21st century.

TRIBUTE TO COMMANDER MARK M. LEARY

HON. BILL C.W. YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize an outstanding Naval Officer, Commander Mark Leary who has served with distinction for the past 3 years for the Assistant Secretary of the Navy, Financial Management and Comptroller as a Principle Assistant and Deputy in the Appropriations Matters Office. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Navy, the Congress, and our great Nation as a whole.

During his tenure in the Appropriations Matters Office, which began in January of 1996, Commander Leary has provided members of the House Appropriations Committee, Subcommittee on Defense as well as our professional and personal staffs with timely and accurate support regarding Navy plans, programs and budget decisions. His valuable contributions have enabled the Subcommittee and the Department of the Navy to strengthen its close working relationship and to ensure the most modern, well trained and well equipped naval forces attainable for the defense of our great nation.

Mr. Speaker, Mark Leary and his wife Paula have made many sacrifices during his naval career and as they embark once again on that greatest adventure of a Naval Aviator's career, commander of a helicopter squadron, I call upon my colleagues to wish him every success as well as fair winds and following seas.

IN RECOGNITION OF THE AMERICAN LEGION POST 694, NORTHPORT ON THE OCCASION OF 75 YEARS OF SPONSORSHIP BOY SCOUTS OF AMERICA TROOP 41

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. ACKERMAN. Mr. Speaker, I rise today to pray tribute to the American Legion Post #694 of Northport, NY, for its continuous support for Boy Scout Troop #41. For the past 75 years the American Legion Post has sponsored this troop, making it the oldest sponsorship in New York State. Post 694's commitment to this troop and its membership over these many years symbolizes all that is truest in America; patriotism, loyalty and love of country.

All of the good deeds that men do, does in fact live after them. So that today, we salute the many members of the American Legion Post 694 who began and continued the sponsorship up until this present date. In a society that seeks great heroes and leaders, it is most commendable that the American Legion Post 694 has striven mightily to maintain this troop with honor and dignity, and to provide a positive role model.

On Sunday, May 2, 1999, when family, friends and members of the American Legion Post 694 and the Boy Scout Troop 41 gather to celebrate this outstanding accomplishment, let us all applaud this Herculean effort and achievement.

Mr. Speaker, I ask my colleagues in the House of Representatives to salute the members of the American Legion Post 694, past and present, in an acknowledgment of a deed well done.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

TRUTH SOUGHT IN 1910 MOB KILLING OF BLACK MAN

(By Todd Bensman)

The Dallas Morning News (KRT) Dallas—The only memorial to Allen Brooks is a novelty picture postcard—made from a photograph and, for many years in an earlier time popularly mailed from Dallas.

In the photograph, snapped 89 years ago, a vast Dallas mob of 10,000, many of them children, stand shoulder to shoulder around Brooks, a black man.

He was lynched from a telephone pole in downtown Dallas. The execution is "one of the great tragedies ever to occur in Dallas," said local journalist and historian Darwin Payne. All that remains in the city's memory is an original postcard at the Dallas Public Library and a few old newspaper clippings.

Until now, the event in March 1910 has not been publicly viewed as worthy of investigation or academic reflection.

But that would change if some scholars and city officials have their way.

They say the city of Dallas should commission a study to investigate the incident if only because Brooks' guilt is doubtful and no mob leaders were ever held responsible. The 68-year-old Dallas man was to have stood trial on never-proved charges of molesting a white 3-year-old girl.

''It's not in the nature of Dallas historians to do research on that sort of topic,'' said Bill Farmer, a historian and professor emeritus of theology at Southern Methodist University. ''That's true of Southern regions in general and the tendency to bemoan bad things that happened but then to forget them. And Dallas has a particularly bad case of this.

''But I think there is a readiness now. I think the time is right.''

Kenneth Hamilton, a professor of history at SMU, points to recent efforts to unearth the truth about long-buried cases of killings of blacks, such as massacres in Rosewood, Fla., and Forsyth, Ga., and the Tulsa, Okla., race riots. In Tulsa, a city commission is reconstructing the 1921 melee set off by a rape charge against a black man. Local blacks want reparations.

''We don't have an urban historian on campus who does Dallas history. There's no conspiracy; we just have people whose interests lay elsewhere, and that's not unusual,'' said Dr. Hamilton of SMU, who is black. ''Blacks were not important to Dallas until recently. So if it's important to Dallas, then Dallas can commission someone to do it.''

As the State and Nation cope with the modern-day trial in Jasper, TX, of a white supremacist convicted of dragging a black man to death, historians recall an earlier time of such acts.

Small-town Texas contributed to the annals of Southern mob lynchings from post-slavery Reconstruction through the 1920's and 1930's.

But few such incidents anywhere were as urban, well-attended or festive as the mob killing of Brooks in downtown Dallas, historians say.

The only thing that anyone knows for certain is that Brooks never got his day in a big-city court.

According to newspaper accounts, Brooks was found in a barn with Mary Ethel Huvens, a 3-year-old who had been missing. He was accused of molesting her and arrested in late February 1910.

Authorities, correctly reading public sentiment, anticipated a lynch-minded mob. They hid Brooks for a week before his scheduled trial. A mob that did form outside the city jail disbanded only after a delegation toured the facility and left satisfied that Brooks was not inside.

But according to eyewitness accounts, the vigilantes knew they would find Brooks a week later at his trial in the Dallas County Courthouse.

Overwhelming more than 70 peace officers, they broke into Judge Robert Sealey's second-floor courtroom, nabbed Brooks and tied a rope around his neck. The other end was thrown to the crowd below. A struggling Brooks was pushed and pulled through the window.

It is thought that he died from the fall. But their fury unassuaged, the crowd dragged his body and hung him up on a telephone pole near an arch erected for an Elks convention. Moments later, witnesses say, people tore his clothing and the rope to shreds for souvenirs.

Judge Sealey ordered a grand jury investigation that proved inconclusive after police officers swore they recognized no one in the crowd.

The incident, one of the hundreds that occurred all over the South during the period, made headlines and was quickly forgotten.

''There wasn't any public outcry,'' Payne said. ''Man, you're talking about the bloody teens and the bloody '20s. This was home to Klan Chapter Number 66, the largest in the country. Lawyers, judges, fire chiefs, police chiefs, they were all members.''

Historians familiar with the period suggest there are reasons to doubt Brooks' guilt, primarily because many mob hangings of blacks were set off by flimsy, deliberately inflammatory rape allegations. In 1921 in Tulsa, the rape charges that set off the riots were later dropped, the black suspect acquitted.

Brooks' case, based on the testimony of a 3-year-old, would hardly have withstood a routine defense in a truly impartial court, experts say.

Some odd tidbits have surfaced that cast doubt on the case against Brooks.

Payne, the author of ''Big D,'' said he learned during his research for the book a quarter-century ago that Brooks had been among several black men working for a wealthy white family. After an argument, another black man employed as a cook smeared chicken blood on the child's legs and said Brooks raped her.

But even a determined effort to get at the truth may prove difficult. County grand jury records dating back to the time were mostly destroyed in a 1950's flood of the basement where they were stored. Neither Dallas police nor the county district attorney's office have records dated to those days.

Census, birth and marriage records searches yielded nothing on Huvens, the alleged victim who would be 92 now. It is unknown whether she lived out her life in the area or whether descendants still do. What became of the Brooks family also is uncertain.

No student dissertations or theses about the Brooks case have been done.

City Council member Al Lipscomb, a student of black history, said he supports a commission that would investigate the Brooks case.

''I think it would be healthy for Dallas. Dallas is big enough to weather that, to face that, to clear the conscience of this city and move on,'' Lipscomb said. ''At least we would say we didn't know about and forgot about it. We can't have anything like that in our past without any hint of an investigation.''

MINORITIES ARE PAWNS IN VOUCHER GAME

(By Starita Smith)

The battle over school vouchers is heating up again all over the country.

In New York City, Schools Chancellor Rudy Crew threatened to resign over Mayor Rudolph Giuliani's voucher proposal. Giuliani is trying to persuade the school board to establish an experimental program giving vouchers to students in one of the 32 community school districts that make up the New York system.

In Florida and Texas, legislators ponder bills that would give scholarships—read vouchers—to children to attend private schools.

In Florida, these children would normally attend what the state would deem to be failing public schools. In Texas, they would be from large urban areas, with a limit of 5,000 pupils per district eligible for the vouchers. The districts affected would be Houston, Dallas and San Antonio.

While all these proposals sound altruistic, there is a hidden agenda.

Many vouchers proponents are motivated not by the plight of minority children but by the opportunity to score political points. These vouchers are intended to build support among desperate minority parents, who would then ally with conservatives who want to defund public schools and promote private schools.

The strategy seems to be working. Already in Wisconsin and Texas, a few minority Democratic leaders have joined with Republicans to support voucher programs because they think minority children would benefit.

In the past, the momentum has been against vouchers, as Democrats and others have defeated voucher initiatives usually proposed by Republicans without any mention of improving things for poor kids. Now that vouchers are being proposed for the children who attend the worst schools, struggling families and others who opposed vouchers are rethinking their positions.

A primary argument for vouchers is that public education needs competition just like corporations. The worst schools won't get better until they face a challenge for their clientele, who for the first time will have a choice, vouchers proponents argue.

If the logic sounds as if it sprang from corporate culture, that's because it did. Here in Texas, some of the main proponents of the competition idea are wealthy white businessmen. Some have even given tiny chunks of their multimillion dollar fortunes to start scholarship funds for poor kids to further the idea.

When you sit in a well-furnished office at the top of a tall office building, as some of these men do, I can see how the reasoning might sound good.

However, at ground zero, in the shabby classrooms of our public schools, it doesn't ring true.

Public schools are not corporations. When a corporation faces an aggressive competitor, it can raise more capital; merge with other corporations to become stronger; diversify, or if worst comes to worst, shut down. Public schools, by law, can hardly do any of these things.

Any state funding plan that provides for vouchers will hurt public schools. The voucher proposals would lure thousands of kids away from public schools, and with them, tens of millions of dollars, since public-school funding formulas are based on attendance.

Then there is the long-term consequence of distancing more voters from public schools. If children don't attend public schools, then there is no truly compelling reason for their parents and relatives to vote for local school-tax measures.

Already, public schools face strong competition from private ones in several communities in the South and the North. This competition dates back to the days of fierce resistance to school desegregation, when private schools cropped up as an alternative for white parents who didn't want their children to attend public schools.

Montgomery, Ala, is one of these places. As I toured the city, I rode past imposing campus after imposing campus, expecting to see that at least one or two of them was a public school. None were. A public magnet school I visited looked as if it could use a few

hundred thousand dollars worth of work. Friends who volunteer in Montgomery's public schools said the schools are so strapped for cash that teachers have to provide the toilet paper.

The private schools are nearly all white. The public ones are mostly black.

Vouchers would not yield universally integrated private schools. Too few minority children would be able to get vouchers and many of the best private schools would still be too expensive.

The latest proposals simply make minority children pawns in a political game aimed at improving the lot of those who already have all the advantages.

RIGHTS LEADERS SAY LAWS NATIONWIDE TARGETING HATE CRIMES HAVE BEEN EFFECTIVE

(By Sabrina L. Miller)

Knight Ridder Newspapers (KRT) Miami—Prosecuting hate isn't easy. Although Florida's hate crimes law is one of the toughest in the nation, the number of defendants actually prosecuted under the 10-year-old statute remains relatively low, prosecutors say, because the standard is often difficult to prove.

''What you have to prove is that but for the fact that the victim was not a member of a certain group, the crime would not have happened,'' said prosecutor Charles Morton, a homicide supervisor in Broward, where a murder last week may have been a case of racial hatred run amok.

Still, civil rights leaders said, laws nationwide targeting hate crimes have been effective.

''We can't prove the negative, meaning we can't prove what hate crimes did not occur because of the law,'' said Arthur Teitelbaum, Southern Area director for the Anti-Defamation League of B'nai B'rith. ''But we know that the Florida law is well known to the haters and the bigots, and they fear its consequences.''

For Robert Boltuch, the man accused this week of the Feb. 24 killing of Jody-Gaye Bailey, being charged with a hate crime won't help or hinder his case because he already faces the most severe penalty for his alleged actions: If he is formally charged with first-degree murder and convicted, Boltuch faces either life in prison without parole or the death penalty. Boltuch has yet to be charged by the Broward state attorney's office.

''When you're dealing with Murder One, hate doesn't elevate it any further,'' Morton said. ''The defendant is facing either life or death.''

Florida's hate crimes law is used to elevate the seriousness and penalty associated with a crime. That is, a defendant cannot be charged independently with a hate crime; rather, the charge is added to an existing crime, such as aggravated assault or battery.

Being charged with a hate crime can bump a misdemeanor up to a felony and, if a defendant is convicted, can mean the difference between probation and prison.

The law cannot be used to enhance a non-capital crime to one where the defendant would face the death penalty. The hate element also cannot be used as an ''aggravator,'' or a factor that jurors could consider in a death penalty case.

Although statistics show hate crimes nationwide have declined, glaring incidents like Bailey's death have made headlines. The names and the incidents are chilling and have gripped the public's worst fears about violence against minorities: James Byrd, a black man tied to a truck and dragged to his death by a white supremacist in Jasper, Texas; Matthew Shepard, a University of Wyoming student beaten to death because he was gay; and the Feb. 19 beating death of Billy Jack Gaither, a gay man in Alabama.

Teitelbaum's group drafted the hate crimes law and was instrumental in getting it passed by the Legislature in 1989. The law was challenged as unconstitutional, with critics saying it targeted attitudes and speech rather than behavior. But a Broward case became the model in a state Supreme Court ruling that the hate crimes law is constitutional.

Fort Lauderdale defense attorney Herb Cohen was physically and verbally attacked by Richard Stalder in 1991 after going to Stalder's home to retrieve earrings for a female friend. Stalder answered the door, stating: ''Hey Jew boy, what do you want?'' and repeatedly made derogatory comments about Cohen's ancestry.

Stalder was charged with battery against Cohen, and when the two appeared in court, Stalder continued to assault Cohen with antisemitic slurs. Circuit Judge J. Leonard Fleet dismissed the charges against Stalder, saying the hate crimes law was unconstitutional. But the state Supreme Court reversed Fleet in 1994.

Former Chief Justice Gerald Kogan in the opinion wrote: ''I do not dispute that people have a right to hold intolerant and bigoted opinions. But that is a far different matter than saying they have a right to act upon those opinions. . . . Criminal motive is not and never has been a protected form of expression.''

Stalder later accepted a plea deal and received probation. Cohen said Friday that the standard of proof is fair and appropriate.

''These cases can be difficult to prosecute, and, in a sense, I guess they should be,'' Cohen said. ''It shouldn't be easy to prosecute someone for what they say. But if the criminal act was motivated by race or religion, then it should be prosecuted as a hate crime.''

Defendants charged with hate crimes in South Florida can be hit with a double-whammy in state and federal court. Local state law-enforcement agencies have worked closely with the United States Attorney's Office and the FBI to impose the harshest penalties on both levels. Defendants face criminal charges in state court and prosecution for civil rights violations in federal court.

Eighteen-year-old Raymond Leone, for example, faces up to 30 years in prison on state and federal charges after pleading guilty to two separate incidents in which he targeted the victims because of their race and religious backgrounds.

He and several others affiliated with the white-separatist group World Church of the Creator beat a Hispanic father and son for refusing to accept racist literature outside a rock concert in Sunrise in 1997. Leone also robbed and beat the owner of an adult video store in Hollywood because the man is Jewish.

Teitelbaum said the laws continue to punish ugly incidents of hatred.

''We saw the need to have an effective legislative response, a tool for law enforcement to prosecute these crimes because of their specific nature and impact,'' he said. ''The victim is impacted, and every person in the victim's group is threatened and traumatized.

''American history, unfortunately, has been stained by these hate crimes,'' he said.

AUTHORIZING PRESIDENTS TO CONDUCT MILITARY AIR OPERATIONS AND MISSILE STRIKES AGAINST FEDERAL REPUBLIC OF YUGOSLAVIA

SPEECH OF

HON. DONNA MC CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mrs. CHRISTENSEN. Mr. Speaker, I am compelled to rise to make this brief statement on the issue of funding and supporting the NATO operations in Kosovo.

While I, like many would like to see a clearer definition of the scope of the conflict, and a specific endpoint in sight, I will not abandon our men and women who join those of our partnering countries, or undermine them or our country. Further, while I am pained that the same concern and appropriate intervention has not taken place for the countries of my ancestry, Africa, as my colleague Mr. MEEKS said that is no reason to deny protection or relief from their persecution to the Albanian people of Kosovo.

I support Senate Concurrent Resolution 21, because it is the right thing to do.

TRIBUTE TO JIM AND ELLYNE WARSAW

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Jim and Ellyne Warsaw who have spent over 20 years building and nurturing their marriage, and family, as well as their strong sense of Jewish community in the Orange County area.

The Talmud states that "He who does charity and justice is as if he had filled the whole world with kindness." In the spirit of such words, innovative volunteers actively participate in delivering tremendous support, selflessly dedicating their time and energy to enriching our community.

Jim Warsaw, has shown his dedication as the Honorary Chair of Project TBY 2000 Building Fund Campaign, as Past President of the American Friends of the Hebrew University of Jerusalem, and as a board member of numerous organizations including the Regional Board of the Anti-Defamation League, the National New Leadership board of Israel Bonds, and an active member of the Board of Directors of the National Parkinson's Foundation Alliance and the Lobby for Parkinson's Action Network.

Ellyne Warsaw has shown her dedication to Temple Bat Yahm as Past President of the Early Education PFO, Chairperson for the Annual PFO Fashion Show and Holiday Boutique, Trustee as the Vice-President of the Temple Bat Yahm Early Education Program, and as a supporter and contribute for the Annual Canvas of Hope fundraiser for a local chapter supporting Parkinson's Disease.

In addition to their caring for the needs of the Jewish community, Jim and Ellyne Warsaw are symbols of commitment, integrity, and

devotion to their children—Bryan, Zakary, and Kyle.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Jim and Ellyne Warsaw. They are both deserving of our utmost respect and praise.

IN HONOR OF THE INSTALLATION OF HONORARY CONSUL OF THE SLOVAK REPUBLIC FOR THE STATE OF OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Dr. Edward Keshock, Honorary Consul Designate of the Slovak Republic for the State of Ohio.

Dr. Keshock is currently Professor of Mechanical Engineering at Cleveland State University. He received his Ph.D. in Mechanical Engineering from Oklahoma State University and has conducted research on a variety of topics, including energy conservation. Dr. Keshock was also a summer faculty fellow at the NASA Lewis Research Center in Cleveland. He has received numerous awards for his teaching and research. In addition, he holds the rights to two patents.

In addition to his academic achievements, he is also President of the Cleveland-Bratislava Sister Cities. In 1995 he helped coordinate the group of trade and government officials from the Slovak Republic who attended the White House Conference on Trade and Investment in Central and Eastern Europe.

Dr. Keshock has strong ties to the Slovak Republic and was a co-founder of the Public Against Violence movement in 1989 that was the leading Slovak force in the Velvet Revolution against communism.

On May 2, 1999, Dr. Keshock will be installed as the Honorary Consul during the Slovak Spring Weekend celebration. The weekend events include the ceremonial opening of Slovak Consulate Offices in Cleveland, Ohio, which will be attended by the Slovak Republic Ambassador, Ambassador Butora. This opening is a historic event in Slovak-American relations and interactions. Other activities being held include traditional Slovak entertainment and history presentations.

Mr. Speaker, I congratulate Dr. Keshock for being installed Honorary Consul Designate, a position for which he is well qualified.

TRIBUTE TO LIEUTENANT COLONEL CHESTER A. RILEY

HON. BILL C.W. YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize an outstanding Marine Corps Officer, Lieutenant Colonel Chester A. Riley who has served with distinction for the past three years for the Commandant of the Marine Corps and the Assistant Secretary of the Navy, Financial Management and Comptroller as a Principal Assistant and Deputy in the Appropriations Matters Office. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Marine Corps, the Department of the Navy, the Congress, and our great Nation as a whole.

During his tenure in the Appropriations Matters Office, which began in October of 1996, Lieutenant Colonel Riley has provided members of the House Appropriations Committee, Subcommittee on Defense as well as our professional and personal staffs with timely and accurate support regarding Marine Corps plans, programs and budget decisions. His valuable contributions have enabled the Subcommittee and the Department of the Navy to strengthen its close working relationship and to ensure the most modern, well trained and well equipped naval forces attainable for the defense of our great nation.

Mr. Speaker, Chet Riley and his wife Licia have made many sacrifices during his career in the Marine Corps and as they embark the next great adventure beyond their beloved Corps I call upon my colleagues to wish him every success and to thank him for his long, distinguished and ever faithful service to God, country and Corps. Semper Fidelis.

A TRIBUTE TO LIEUTENANT COLONEL MARK L. HAALAND

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. LEWIS of California. Mr. Speaker, I rise today to inform the Congress of the imminent retirement of Lieutenant Colonel Mark L. Haaland, a truly outstanding soldier in the United States Army. His service to the nation has been perfectly honorable and faithful for 20 years. The story of Mark's service reflects the devotion to duty, family and nation that keeps America strong and free.

The son of a military family, Mark graduated from the United States Military Academy at West Point on June 6, 1979 and was commissioned a Second Lieutenant of Armor. Upon completion of the Ranger and Armor Officer Basic courses, Mark flew to Germany to serve with the glorious 11th Armored Cavalry Regiment. His bride, Toni, joined him a few months later. Mark served as a platoon leader, executive officer, and troop commander with this famous regiment, frequently deploying to the East-West German border areas to guard against communist aggression during the height of the Cold War.

Mark and Toni returned from Germany in late 1984, to attend the Infantry Officer Advanced Course at Fort Benning, Georgia followed by graduate school toward an MBA at Syracuse University. Upon completion of graduate school, Mark served as a comptroller at the Army's Training and Doctrine Command headquarters at Fort Monroe, Virginia. While serving at Training and Doctrine Command, Mark provided important analytical assistance with the Army's long-range strategic and program planning, and the command budget. During these quiet years between graduate school and serving as a junior comptroller, Mark and Toni started their family with the birth of Robyn in 1985 and Patrick in 1987.

In 1988, Mark was selected for promotion to the rank of Major and attendance at the prestigious Army Command and General Staff College at Fort Leavenworth, Kansas. Upon graduation in 1990, Mark's next assignment took the Haaland's to the Army's Armor Center at Fort Knox, Kentucky, for duties with the 194th Separate Armored Brigade. Two months after their arrival in Kentucky, Saddam Hussein invaded Kuwait. For the next year, Mark trained and assisted in the preparation of Army active and reserves units and soldiers for deployment to the Kuwait Theater of Operations. At the same time, Toni helped families and the communities of Fort Knox and Radcliff, Kentucky cope with the challenges of an Army at war far from home. During the war and for the following two years, Mark served as the Brigade operations officer for planning, then as a battalion/task force operations officer, and finally as the Brigade operations officer.

Following his very rewarding three-year experience with the soldiers and families of the 194th Separate Armor Brigade, Mark was ordered to the Pentagon in Washington, D.C. where he was assigned to the Army's Budget Office. Although somewhat hesitant about moving to the major metropolitan area of Washington, D.C., Mark, Toni, Robyn, and Patrick were glad to return to their home state, the Commonwealth of Virginia. Soon after the Haalands' arrival in the summer of 1993, the Army selected Mark for promotion to lieutenant colonel and he pinned on his new rank in 1994. During his almost six years in Washington with the Department of the Army, Mark has served as the Army's budget analyst for counter-drug operations and has managed the nearly $9 billion budget and financial operations for the Army's operating forces. Most noteworthy, Mr. Speaker, during the past three years, Mark Haaland has supported the House and Senate Appropriations Committees as Deputy Chief of the Army's Congressional Budget Liaison Office. I am pleased to have had Lieutenant Colonel Mark Haaland serving in this position. His experience with our Army's operational units together with his comptroller experience has been of immeasurable importance toward ensuring that America's Army has been well represented on Capitol Hill. Mark's dedication to the Army and the Congress, technical competence, intellectual capacity, boundless energy, and irrepressible good humor have earned Mark the respect and admiration of the Members and staffs of both Chambers' appropriations committees. His contributions to our success over the years have been great and will be missed.

Mr. Speaker, I wish to thank this officer and his family for their service to our nation—truly a standard of duty, honor and country. And I wish for them all God's blessings and success in the future.

PROVIDING FOR CONSIDERATION OF H.R. 1569, H. CON. RES. 82, H. J. RES. 44, AND S. CON. RES. 21, MEASURES REGARDING U.S. MILITARY ACTION AGAINST YUGOSLAVIA

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. WOLF. Mr. Speaker, I want to comment on the votes we are casting in the House today concerning U.S. military involvement in Kosovo. That the U.S. is mired in a Balkan conflict, not of our choosing, is not in doubt. I have been and remain critical of the course of action pursued by the White House that led to today. The White House simply did not think things through.

What has happened, however, is that while attempting to bomb Milosevic into oblivion and crushing the infrastructure of his country, a horror show of catastrophic proportions involving as many as 1.5 million ethnic Albanian refugees from Kosovo has been created. These refugees, about half remaining in Kosovo and half fleeing or being driven to Montenegro, Albania, Macedonia and elsewhere have been brutalized by Milosevic forces. They are fearful, homeless, without adequate food, water, sanitation, medical care and without much hope. Many have had family or friends killed and many more are injured or ill.

What has happened is exactly what NATO intervention had hoped to prevent. And exactly what many informed sources available to NATO and to the Administration predicted. But the Clinton Administration did not listen.

I have visited the Balkans a number of times to see things for myself. In February, just before the breakdown of the Rambouillet peace talks which led to NATO bombing of Serb targets, I traveled to Albania, to Macedonia and to Kosovo where I met with all parties—Serbs, KLA, representatives of the Rugova shadow government, men and women in the street, diplomats, NGO's and United Nations officials. Many predicted that ethnic cleansing would begin as Western officials left Kosovo in advance of NATO troops arriving had the peace accords been signed.

Even they must be shocked at the degree their prediction have been fulfilled by the brutality unleashed by Milosevic. Yesterday, I heard for the first time that refugees reported Serb forces have used flame throwers to kill and torture ethnic Albanians.

As reports of refugees streaming out of Kosovo filled the airways, I returned to Albania earlier this month to visit the Kosovo border crossing at Kukes and Morina to meet and talk with refugees. What has happened is so terrible I see no way the world can turn its back on them. Immediate care is a critical problem and so is the longer term need to provide for them. Nearly all wish to someday return home to Kosovo. But for too many, there is no home to return to. As they were driven away from their towns and villages, their burning and destroyed homes were visible behind them.

And now the world tries to work its way out of this mess. The White House and NATO have not found the answer. Last week on April 21 here on the House floor I called on the President to convene a group of experienced and proven wise men and women to develop a workable Balkan strategy. Thus far, the White House only continues to bomb and hope and bomb and hope. Today the President announced a 33,000 reservist call-up. His response to the question of what to do if bombing didn't work was to bomb some more.

Congress and the American people are wondering what should be done. I'm not sure Congress has found the solution among the four measures being voted on today.

I am convinced that it is important for the world, for the U.S. and for NATO that we prevail in today's Balkan conflict. If NATO were to walk away it would be inhumane to the million-plus refugees. It would dangerously destabilize eastern Europe, leaving a huge refugee problem.

It also would permanently stain and call into question the credibility and will of the U.S. and NATO emboldening rouge governments around the globe to rise up for their own gain and power. If we walk away, what would that say to China, which is eyeing Taiwan? What would that say to Iraq, with its arsenal of biological and chemical weapons? What would that say to Iran, which could think the time was ripe to strike Israel? What would that say to North Korea, looking to its south?

More than that, it would just be wrong. Terrible crimes against humanity are being committed that cannot be allowed to continue. The world, including the U.S., must bring them to an end.

Today, Congress considers H.R. 1569, which provides that no funds will be used for ground troops in Yugoslavia unless the funding is authorized by Congress. It is critical that Congress be involved in any decision to insert ground forces in any military campaign, and the administration has an obligation to come to Congress, similar to President Bush's involving Congress in the Persian Gulf war. President Clinton has stated to the congressional leadership that he will consult with Congress on the use of ground forces. That's the time for this vote. To vote now to ban the use of ground troops when there are currently no plans for this action sends the wrong message. How this question is handled will establish a precedent for future administrations, so we must be careful and thoughtful.

H. Con. Res. 82, calling for the removal of the U.S. military pursuant to the War Powers Resolution, is an equally bad proposal and I do not support it either. If the purpose is to question the constitutionality of the War Powers Resolution which has been ignored by all presidents and congresses since it was enacted in 1973, a better test must be found that will not jeopardize U.S. forces, U.S. interests and the lives of all those refugees. Men and women in U.S. uniform are in combat now risking their lives. Three of them are being held as prisoners.

I also do not support H.J. Res. 44, declaring war on Yugoslavia. Calling for this vote is both frivolous and mischievous and serves no useful purpose. The world is faced with a serious problem in the Balkans which merits thoughtful consideration and action.

S. Con. Res. 21, authorizing air and missile strikes, acknowledges what is now taking place in Yugoslavia. While support of this measure could send to the White House the message that Congress endorses the present "bomb to oblivion" strategy without regard to whether or not it works, not to vote for it would take away from the men and women now engaged in air combat in Serbia. America stands behind our soldiers, sailors, airmen and marines and a "yes" vote reaffirms this support.

Additionally, it would be wrong to send any message that could in any way provide aid and comfort to Milosevic. My "yes" vote is a vote in support of our men and women in uniform now risking their lives in the Balkans.

Again, I call on the President to assemble a group of wise men and women skilled in world affairs, diplomacy and the application of force to find resolution and keep an intractable Balkan problem from becoming an Achilles' heel to world peace.

The U.S. must find a winning strategy and unite behind it. Today's debate and votes are both healthy and necessary and a start to finding a solution. Had the President involved Congress and the American people in this matter at the outset, we might be closer to a resolution than we are. The President needs to come to Congress and the American people and tell us what is needed to achieve our goal and why.

CONGRATULATING THE BENJAMIN FRANKLIN SCHOOL ON ITS NATO PAINTING

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the students of Benjamin Franklin Middle School in Ridgewood, NJ, on the distinct honor of being one of only 19 schools across the Nation chosen to contribute a painting to the recent NATO Summit held in Washington, DC. This inspiring and impressive work of art—displayed at the summit to welcome world leaders—was a tribute to the nation of Canada created as part of the international celebration of NATO's 50th birthday.

The artwork project was an important part of the NATO summit, offering students an invaluable lesson in the history, geography and politics of NATO's member nations. It enabled young people from all over the country to participate in one of the most significant events of their lifetime—the gathering of world leaders celebrated the alliance that has safeguarded freedom and security since World War II and marked the beginning of a new era of partnership. And the artwork these students created will serve as a permanent symbol of the relevance of the transatlantic alliance to future generations in preserving peace and democracy.

Each participating school was assigned one of the 19 NATO countries and asked to interpret the three main themes of the summit—freedom, democracy, and partnership. Student artists worked with the colors of each country's flag, plus the NATO colors of blue and gold, to illustrate significant moments in history or culture. The 4-foot-by-6-foot acrylic paintings on canvas were then combined into a 10-

foot-by-28-foot commemorative mural that was displayed at the summit as a welcome to NATO leaders.

Students at Benjamin Franklin were assigned to create a painting honoring our northern neighbor Canada. Their inspiring design shows three individuals draped in the flags of the United States, France, and Britain—the three nations with which Canada has its closest ties—against the Canadian flag. It is a strong symbol of international unity that highlights the enduring relationship of the nations depicted. The students, their teachers, and Principal Tony Bencivenga did an outstanding job.

I ask my colleagues in the House of Representatives to join me in congratulating these young people not only for creating an outstanding piece of art but for seeing the importance of international harmony and becoming active participants in our global society. From culture to economy, no nation is "an island" today. Young people who understand that are better prepared to be the leaders of tomorrow and to be dedicated to expanding democracy, peace, and prosperity in our world.

A BILL TO REPEAL THE LIMITATION ON THE USE OF FOREIGN TAX CREDITS UNDER THE ALTERNATIVE MINIMUM TAX

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from New York, Mr. RANGEL, together with a number of other colleagues, in introducing our bill that would eliminate a fundamental unfairness in the application of the U.S. tax law to taxpayers that have income from foreign sources.

A U.S. citizen or domestic corporation that earns income from sources outside the United States generally is subject to tax by a foreign government on that income. The taxpayer also is subject to U.S. tax on that same income, even though it is earned outside the United States. Thus, the same income is subject to tax both in the country in which it is earned and in the United States. However, the United States allows taxpayers to treat the foreign taxes paid on their foreign-source income as an offset against the U.S. tax with respect to that same income. This offset is accomplished through the foreign tax credit; the foreign tax paid on foreign-source income is treated as a credit against the U.S. tax that otherwise would be payable on that same income. Although the details of the foreign tax credit rules are extraordinarily complex (as are the international provisions of the Internal Revenue Code generally), the basic principle is simple: to provide relief from double taxation.

When it comes to the alternative minimum tax (AMT), this basic principle of providing relief from double taxation falls by the wayside. The AMT was enacted to ensure that individuals and businesses that qualify for various "preferences" in the tax rules nevertheless are subject to a minimum level of taxation. However, the foreign tax credit provisions of the AMT operate to ensure double taxation. Under these AMT rules, the allowable foreign tax credit is limited to 90 percent of the taxpayer's alternative minimum tax liability. Because of this limitation, income that is subject to foreign tax is subject also to the U.S. AMT. The result is double (and even triple) taxation of income that is used to support U.S. jobs, R&D and other activities.

There is no rational basis for denying relief from double taxation to that class of taxpayers that are subject to the AMT. Accordingly, the bill we are introducing today will eliminate the 90 percent limitation on foreign tax credits for AMT purposes. With the elimination of this limitation, relief from double taxation will be provided to taxpayers that are subject to the AMT in the same manner as it is provided to those taxpayers that are subject to the regular tax.

Concern regarding the unfairness of the AMT limitation on the use of the foreign tax credits is not new. Indeed, the House in 1995 passed a provision repealing the 90 percent limitation as part of a complete package of AMT reforms. Overall reform of the AMT, for individuals and businesses, remains an important piece of unfinished business. This bill to eliminate the 90 percent limitation on foreign tax credits for AMT purposes represents an important step in that direction and we urge our colleagues to join us in cosponsoring this legislation.

INTRODUCTION OF THE BROWNFIELDS CLEAN-UP ACT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. COYNE. Mr. Speaker, today I am introducing legislation which would make the existing tax incentive for cleaning up brownfields permanent.

Brownfields are vacant industrial or commercial sites. There are more than 400,000 such sites across the country. Brownfields cause economic blight by crowding out new businesses, preventing the creation of new jobs, and reducing municipal property tax revenues. They reduce the value of surrounding property and they can be public health problems.

Brownfields sites often require environmental remediation before they can be redeveloped and returned to productive use. At the very least, the prospect of significant remediation costs often discourages the redevelopment of such sites.

The 1997 Taxpayer Relief Act established a provision for expensing brownfield clean-up costs in certain targeted areas—empowerment zones, enterprise communities, EPA brownfields pilot project sites, and census tracts with high poverty rates. This provision can be an important tool for encouraging the clean-up and redevelopment of unproductive brownfield sites.

Unfortunately, however, the existing provision only allows expensing for expenditures or costs incurred between August 6, 1997, and December 31, 2000. That is too short a period of time for many potential users to take advantage of it. Consequently, I believe that this provision should be made permanent. The Administration shares that view and proposed making the provision permanent in the budget request that it submitted to Congress in February.

Today Congressman RANGEL and I are introducing legislation that would make the brownfields expensing provision permanent. Enactment of this legislation would provide much-needed help to many of the economically distressed communities across the country that are currently burdened with one or more brownfields sites. I urge my colleagues to cosponsor this important legislation.

DECLARING STATE OF WAR BETWEEN UNITED STATES AND GOVERNMENT OF FEDERAL REPUBLIC OF YUGOSLAVIA

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. KUCINICH. Mr. Speaker, the truth is war is being waged and will continue to be waged without declaration. But such violence is neither redemptive nor justified in law or morality. Hope is redemptive, love is redemptive, peace is redemptive, but the violence of this conflict stirs our most primitive instincts. When we respond to such instincts, we enact the law of an eye for an eye, and we at last become blind and spend our remaining days groping to regain that light we had once enjoyed.

He only understands force, it is said of Mr. Milosevic, but we must understand more than force. Otherwise, war is inescapable. We must make peace as inexorable as the instinct to breathe, as inevitable as the sunrise, as predictable as the next day. With this vote, let us release ourselves from the logic of war and energize a consciousness of peace, peace through implied strength, peace through express diplomacy, peace through a belief that through nonviolent human interaction, we can still control our destiny.

A TRIBUTE TO DR. YVONNE SCARLETT-GOLDEN, DOCTORATE OF LAWS, BETHUNE-COOKMAN COLLEGE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today in tribute to the honorable Dr. Yvonne Scarlett-Golden, my dear friend, whose title of honorary Doctorate of Laws was conferred by Bethune-Cookman College on April 26, 1999. This honor is very highly deserved. I have had the honor and the immense pleasure of knowing and working with Yvonne for many years, and her name is synonymous with dedication and commitment towards the public good.

She is a master teacher, a superlative retired school principal, an effective city council

member, a committed community activist, and an exemplary mother. Her dedication is beyond praise, for it is impossible to calculate the number of young students who have been inspired by Yvonne in her career. Like ripples in a pond, Dr. Yvonne Scarlett-Golden's kind acts towards her students served as catalysts for them, to enrich their own spheres of influence with the strong guidance and example of character which they have received.

After a long career as a highly popular teacher, Dr. Yvonne Scarlett-Golden became an energetic city council member, and she continues her fight for the underdog in yet another venue. Vibrant, bright, and always committed, the devotion of Dr. Yvonne Scarlett-Golden to State of Florida has been an inspiration over the decades of our close friendship.

It is indeed one of my great pleasures to pay tribute to truly a great Floridian and, indeed, a such a great American, Dr. Yvonne Scarlett-Golden, on the occasion of her achievement in being awarded the title of Doctorate of Laws by Bethune-Cookman College.

McGRAW FAMILY TO CELEBRATE 50TH ANNUAL REUNION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. WALSH. Mr. Speaker, I rise today in special recognition of an occasion which will be celebrated in the County of Cortland in my district in Central New York State this summer. On July 18th, the McGraw family, along with the many guests who will join them, will hold their 50th Annual Reunion.

This wonderful tradition was begun in 1950 as a means of bringing together the large and distinguished McGraw family. Having settled in Cortland County in the 1850's in the wake of the Irish potato famine, the McGraws quickly became one of the most well-respected residents of the area. The most well-known member of this family, John Joseph McGraw, was the Manager of the New York baseball Giants from 1902 to 1932. Having won more games than any other manager in major league history, Mr. McGraw was inducted into the Baseball Hall of Fame in Cooperstown.

Today, as was the case fifty years ago at the time of the first McGraw reunion, the Central New York area is indebted to the McGraw family for its many contributions to our community. I would like to express the sense of the many visitors and ''honorary McGraws'' who will travel from near and far to share in their celebration this summer in thanking them for making Central New York a better place, and in wishing them well in this and many family reunions to come.

INTRODUCTION OF THE HOMELESSNESS ASSISTANCE FUNDING FAIRNESS ACT

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. BALDACCI. Mr. Speaker, I am pleased to introduce today the Homelessness Assistance Funding Fairness Act that will ensure that every state receives a minimum allocation of funding from the Department of Housing and Urban Development's ''Continuum of Care'' grant programs. I am introducing this legislation in conjunction with Senator SUSAN COLLINS of Maine. We have been working to address the challenges of meeting the needs of homeless people in a rural state for some time now, and I believe that this legislation represents an important step forward.

Homelessness is a problem that knows no boundaries. In every state, Americans find themselves without adequate shelter or access to affordable housing. Unfortunately, since the Continuum of Care grants are currently awarded on a competitive basis, some states may be denied funding in a given year.

Homelessness is also not limited to urban areas. In fact, rural homelessness is a significant problem and may pose even greater challenges due to geographical realities. Maine is a predominantly rural state. Homelessness is a growing problem, with more than 14,000 people currently believed to be homeless. While this number may seem relatively small, when we consider that the state's overall population is only 1.2 million, we recognize that there is in fact a significant problem.

In the past, Maine organizations have competed successfully for Continuum of Care funding. In fact, last year, HUD Secretary Andrew Cuomo visited several of Maine's homeless assistance projects and presented them with a ''Best Practices'' award in recognition of their excellent work. For that reason, it came as a shock when HUD announced in 1999 Continuum of Care grant recipients and we learned that no funds had been awarded to any Maine applicants.

In addition to Maine, three other states—Oklahoma, Kansas and North Dakota—were not awarded any Continuum of Care funding this year. The homeless of these four rural states are just as deserving and in need of assistance as the homeless of the other 46 states. Unfortunately, they are now facing drastic cuts in services and the outright elimination of many programs that have sought to provide housing and services to help break the cycle of poverty and dependency.

I respect the goals of the competitive funding process: to encourage excellence; to foster innovation; and to ensure that Federal taxpayers get the most ''bang for their buck'' when it comes to providing assistance to America's homeless. But I also recognize that in a competition such as this, excellent programs sometimes fall just short of the cut-offs that are determined by funding availability. And I am concerned especially because the cut-offs are absolute—Maine's funding, for example, went from about $3.7 million to $0.

For that reason, I am introducing this legislation which will provide a safety net to ensure that every state receives at least a minimum allocation to provide a Continuum of Care to that state's homeless. My legislation would continue the grant competition, but would provide that every state must receive at least half a percent of the total Continuum of Care funds. This would ensure that the homeless of every state would be able to count on some continuity of services from year to year.

It is not an exaggeration to say that lives depend on the services provided as a result of the Continuum of Care grants. People must have a place to escape the bitter cold of a January day in Maine or the brutal heat of an August day in Texas. People must have a chance to break out of poverty ad to become productive citizens. This is difficult to do when much of each day must be spent meeting such basic needs as finding food and shelter.

The Homelessness Assistance Funding Fairness Act would take a small step in ensuring that no state's homeless persons are left without assistance in finding permanent or transitional housing. Unless we take action, the tragedy that has befallen Maine's homeless population this year, could easily happen to those of other states next year when the funds are competed again.

I urge my colleagues to support this important legislation.

INTRODUCTION OF THE TEENAGE PREGNANCY REDUCTION ACT OF 1999

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. CASTLE. Mr. Speaker, I am pleased to be an original cosponsor of the Teenage Pregnancy Reduction Act of 1999. This legislation is an important commitment on the part of Congress to give local communities the resources they need to operate effective teenage pregnancy programs.

More specifically, the bill authorizes $10.5 million in total over three years for HHS to conduct a study of effective teen pregnancy prevention programs, with an emphasis on determining the factors contributing to the effectiveness of the programs, and methods for replicating the programs in other locations.

It also authorizes the creation of an information clearinghouse to collect, maintain, and disseminate information on prevention programs; to develop networks of prevention programs; to provide technical assistance and to encourage public media campaigns regarding pregnancy in teenagers.

Finally, it authorizes $10 million in total over three years for one-time incentive grants for programs which are found to be effective under HHS's study described earlier, to assist them with the expenses of operating the program.

Helping our communities prevent teenage pregnancy is an important mission. The United States has the highest teenage birth rate of industrialized countries, which has far reaching consequences for our Nation's teenage mothers and their children.

Unmarried teenagers who become pregnant face severe emotional, physical, and financial

difficulties. The children born to unmarried teenagers will struggle to fulfill the promise given to all human life, and many of them simply will not succeed. Many of them will remain trapped in a cycle of poverty, and unfortunately may become part of our criminal justice system.

How bad is the problem? In 1960, 15 percent of teen births were out-of-wedlock. In 1970, 30 percent of teen births were out-of-wedlock. In 1980, 48 percent of teen births were out-of-wedlock. In 1990, 68 percent of teen births were out-of-wedlock. In 1993, 72 percent of all teen births were out-of-wedlock.

Why do we care about this? For the simple reason that beyond the statistics, this trend has devastating consequences for the young women who become unwed teen parents, and for the children born to them.

The report, ''Kids Having Kids,'' by the Robin Hood Foundation quantified some of these consequences. Compared to those who delay childbearing until they are 20 or 21, adolescent mothers: spend 57 percent more time as single parents in their first 13 years; are 50 percent more likely to depend on welfare; are 50 percent less likely to complete high school; and are 24 percent more likely to have more children.

Children of adolescents (compared to children of 20- and 21-year-olds) are more likely to be born prematurely and 50 percent more likely to be low-birth weight babies of less than five and a half pounds—meaning an increased likelihood of infant death, mental retardation or illness, dyslexia, hyperactivity, among others.

How can we make a difference? By working in partnership with communities. At the national level, we need to take a clear stand against teenage pregnancy and foster a national discussion—involving national leaders, respected organizations, the media, and states about how religion, culture, and public values influence both teen pregnancy and responses to it. The Congressional Advisory Committee to the National Campaign to Prevent Teen Pregnancy, which I co-chair with Congresswoman LOWEY, will play an active role in this discussion.

At the local level, communities need to develop programs targeted to the characteristics, needs, and values of its families. Communities know what their needs are and what will be most effective with their teenagers, so it is critical that they design and implement the programs, not the federal government. This legislation will assist efforts of communities, and I hope that my colleagues will join me as a cosponsor.

Our goal to reduce teen pregnancy is challenging and difficult. But if we work together we CAN make a difference.

EARTHQUAKE HAZARDS REDUCTION AUTHORIZATION ACT OF 1999

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

The House in Committee of the Whole House on the State of the Union has under consideration the bill (H.R. 1184) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 2000 and 2001, and for other purposes:

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of H.R. 1184, the Earthquake Hazards Reduction Authorization Act of 1999.

H.R. 1184 will take earthquake research and earthquake engineering research to the next level enabling the replacement of antiquated earthquake warning systems and equipment while linking monitoring centers and laboratories together and stimulating scientific research that will help prevent losses of life and property due to earthquakes.

I am pleased that H.R. 1184 will establish two new projects that will greatly boost our earthquake research and monitoring efforts: the Network for Earthquake Engineering Simulation (NEES); and the Advanced National Seismic Research and Monitoring System. These programs will join earthquake engineering research facilities and monitoring systems from across the country while upgrading and expanding earthquake testing at the facilities. The programs will help to eliminate duplication of research and promote coordination, cooperation and sharing of information to better enable us to utilize science in the protection of life and property.

I am also pleased that the Committee accepted an amendment offered by Congresswoman WOOLSEY to direct FEMA to report on the components of the ''National Earthquake Hazard Reduction Programs that address the needs of at-risk populations: the elderly, the disabled, the non-English speaking, and single parent households.'' These populations face additional challenges following natural disasters and we must not neglect the most vulnerable of our populations during such disasters. I applaud Congresswoman WOOLSEY in her effort to address this problem.

I also appreciate the committee language expressing that the committee will soon begin examining why insurance companies refuse to reduce insurance premiums to builders, home owners, and commercial properties, that have complied with the new engineering standards and practices shown to reduce damages caused by earthquakes. Those who make conscious efforts to incorporate higher standards to prevent earthquake damages should not have to pay the same rates as those who do not incorporate these standards.

I support this legislation because we need to be prepared for earthquakes; we need to improve our abilities to predict earthquakes; and we need to implement policies and building practices that would minimize losses of life due to earthquakes. But, in addition to this, we must prepare for the rebuilding and relief efforts that would be necessary in response to disastrous earthquakes and other natural phenomena including, tsunamis, hurricanes, and volcanic eruptions. We must accelerate community efforts to prepare for such incidents by encouraging the development of response plans and promoting construction practices that minimize losses from disasters.

Accordingly, I have introduced legislation to provide our nation better protection from financial catastrophe caused by earthquakes, volcanic eruptions, and tsunamis. My bill, H.R. 481, the ''Earthquake, Volcanic Eruption and Hurricane Hazards Insurance Act of 1999,'' would establish a Federal residential insurance program, much like the national flood insurance program, to cover damage by earthquakes, volcanic eruptions, and hurricanes so that home-owners have access to affordable insurance that can help protect them against total financial ruin because of a natural disaster. It would require States that wish to participate in the program to implement mitigation measures to help guard against extensive damage which might be preventable.

Although I hope we may never need to utilize such a program, it is only a matter of time until we are faced with another disaster and it is irresponsible not to prepare for the worst.

I support H.R. 1184, the ''Earthquake Hazards Reduction Authorization Act of 1999,'' and I urge immediate consideration of H.R. 481, the ''Earthquake, Volcanic Eruption and Hurricane Hazards Insurance Act of 1999.''

PROVIDING FOR CONSIDERATION OF H.R. 1569, H. CON. RES. 82, H. J. RES. 44, AND S. CON. RES. 21, MEASURES REGARDING U.S. MILITARY ACTION AGAINST YUGOSLAVIA

SPEECH OF

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, we are here today in this impressive and ornate building, full of pride in our suits and dresses; safe in the knowledge that we are protected by metal detectors and police officers and sergeants at arms. No one but us can enter this room. We are pretty secure. But what are we doing here? What message are we sending to our men and women in the armed forces? They aren't as safe as we are. They are in harm's way in Europe working to make life safe for innocent people over there. I am apologetic and ashamed of the message we are sending to them. We should not be showing our troops, our enemies, or the world that we are divided during this crucial time. I believe that we are doing this for political reasons and at the expense of our brave men and women in uniform. I don't think they are very proud of us right now.

I am proud of them and I admire them. My prayers are with them. God bless them.

CHINESE-AMERICAN CONTRIBUTION TO TRANSCONTINENTAL RAILROAD

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. DOOLITTLE. Mr. Speaker, today I rise to honor the Chinese-American community and pay tribute to its ancestors' contribution to the building of the American transcontinental railroad.

On May 8th, the Colfax Area Historical Society in my Congressional District will place a monument along Highway 174 at Cape Horn, near Colfax, California to recognize the efforts of the Chinese in laying the tracks that linked the east and west coasts for the first time.

With the California Gold Rush and the opening of the West came an increased interest in building a transcontinental railroad. To this end, the Central Pacific Railroad Company was established, and construction of the route East from Sacramento began in 1863. Although the beginning of the effort took place on relatively flat land, labor and financial problems were persistent, resulting in only 50 miles of track being laid in the first two years. Although the company needed over 5,000 workers, it only had 600 on the payroll by 1864.

Chinese labor was suggested, as they had already helped build the California Central Railroad, the railroad from Sacramento to Marysville and the San Jose Railway. Originally thought to be too small to complete such a momentous task, Charles Crocker of Central Pacific pointed out, ''the Chinese made the Great Wall, didn't they?''

The first Chinese were hired in 1865 at approximately $28 per month to do the very dangerous work of blasting and laying ties over the treacherous terrain of the high Sierras. They lived in simply dwellings and cooked their own meals, often consisting of fish, dried oysters and fruit, mushrooms and seaweed.

Work in the beginning was slow and difficult. After the first 23 miles, Central Pacific faced the daunting task of laying tracks over terrain that rose 7,000 feet in 100 miles. To conquer the many sheer embankments, the Chinese workers used techniques they had learned in China to complete similar tasks. They were lowered by ropes from the top of cliffs in baskets, and while suspended, they chipped away at the granite and planted explosives that were used to blast tunnels. Many workers risked their lives and perished in the harsh winters and dangerous conditions.

By the summer of 1868, 4,000 workers, two thirds of which were Chinese, had built the transcontinental railroad over the Sierras and into the interior plains. On May 10, 1869, the two railroads were to meet at Promontory, Utah in front of a cheering crowd and a band. A Chinese crew was chosen to lay the final ten miles of track, and it was completed in only twelve hours.

Without the efforts of the Chinese workers in the building of America's railroads, our development and progress as a nation would have been delayed by years. Their toil in severe weather, cruel working conditions and for meager wages cannot be under appreciated. My sentiments and thanks go out to the entire Chinese-American community for its ancestors' contribution to the building of this great Nation.

NATIONAL GRANGE WEEK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. SCHAFFER. Mr. Speaker, last week Colorado Grangers joined more than 300,000 of their colleagues in celebration of National Granger Week. Today, I rise to pay tribute to the Grangers and their time-honored American values.

Organized in 1867, the Grange is a grassroots organization designed to promote the best interests of agriculture and preserve family values. Grangers are known for many community-centered projects including youth scholarships, activities for the deaf, emergency relief for farmers and ranchers and lobbying legislatures to provide opportunities and education for all family members. In my home state of Colorado, the Granger combined forces to fund relief for Colorado ranchers who lost cattle in the blizzards of 1997.

Mr. Speaker, our nation began as many small communities and families working together to support one another. Today, local Granges work hard to preserve our American traditions. Therefore, I proudly rise in recognition of National Grange Week. With confidence, I look forward to the continuing success of Grangers nationwide.

''KITTY HAWK REVISITED''

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Ms. BALDWIN. Mr. Speaker, today I would like to submit a poem entitled ''Kitty Hawk Revisited'' into the RECORD. This poem was written by Ms. Marion Brimm Rewey of Verona, Wisconsin, and I believe she captures the adventurous spirit of the Wright brothers first flight with her words.

KITTY HAWK REVISITED

(By Marion Brimm Rewey)

I wish I had seen them, the quiet men who built bicycles and odd machines, pushing and dragging their da Vinci dream over sea grass and sand.

It might have been a good day to change the world, full of cumulus clouds, strings of pelicans flying ragged formations, a sandpiper or two and curlew calls . . . and the wind of December purling off the Atlantic, plucked wires and struts, hummed such music as had not been heard since sirens lured Ulysses to forbidden shores.

So, while running seas rearranged the sand and every man stood with feet planted firmly on solid ground, here, under untried skies, on Kill Devil Hill, a handmade skeleton, like a prehistoric bird, teetered on the ledge of the last frontier.

In the broken silence of birds, wind, tide, Orville belly-flopped on the waiting wing.

Then came a universe splitting roar-propellers spun, sand exploded and ballooned, chains rattled and slapped through metal guides, the engine's pitch climbed to a scream.

The plane shuddered, rocked like a cradle, lumbered over the dunes, rose, hung between ocean and space, floundered, twisted sideways, steadied, caught the wind and flew!

To touch the moon.

''WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION''

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. POMEROY. Mr. Speaker, on May 1st through 3rd of this year, high school students from across the country will compete in the national finals of the ''We the People . . . The Citizen and the Constitution'' program. I would like to take this opportunity to congratulate the students of Flasher High School of Flasher, North Dakota, who will represent my home state in this event. These students have worked hard to reach this stage of the competition and have demonstrated a thorough understanding of the principals underlying our constitutional democracy.

We the People is the most extensive program in the country designed to teach students the history and philosophy of the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings held in the United States Congress. These mock hearings consist of oral presentations by the student participants before a panel of adult judges. The students testify as constitutional experts before a ''congressional committee'' of judges representing various regions of the country and appropriate professional fields. The students' testimony is followed by a question and answer period during which the judges test students on their depth of understanding and ability to apply their constitutional knowledge. The knowledge these students have acquired to reach the national level of this competition is truly impressive. Mr. Speaker, I ask that a copy of the questions posed to the students at these hearings be included in the record.

I would also like to especially recognize our talented representatives from Flasher High School, of Flasher, North Dakota. This is the first year that Flasher High School has competed in the We the People program, and after months of hard work and preparation, all 31 students in the senior class will be coming to Washington to represent North Dakota in the national competition. In just over a month, these students raised $17,000 to fund this trip. I would like to recognize by name the dedicated students from Flasher High School: Ashley Bahm, Lori Boeshans, Cheryl Breiner, Nikki Erhardt, Scott Fisher, Nadine Fleck, Nicolle Fleck, Joe Fleck, Sherry Gerhardt, Albert Heinert, Amber Heinz, Nathan Honrath, Sylvia Koch, Randy Kovar, Jody Kraft, Jessy Meyer, Adrian Miller, Justin Miller, Sunshine Schmidt, Travis Schmidt, Dan Schmidt, Brielle Schmidt, Joy Schmidt, Keesha Stroh, Brent Ternes, Kyle Ternes, Kevan Thornton, Mitch Tishmack, Thomas Tschida, Paul Wienberger, Steve Zeller.

I would also like to recognize and thank their teacher, Michael Severson, for his critical role in these students' success and their interest in American government.

Again, Mr. Speaker, I would like to welcome the student team from Flasher High School to Washington, and wish them the very best of luck. They have made all of us in North Dakota very proud.

WE THE PEOPLE—THE CITIZEN AND THE CONSTITUTION

NATIONAL HEARING QUESTIONS, ACADEMIC YEAR 1998–99

Unit one: What Are the Philosophical and Historical Foundations of the American Political System?

1. The U.S. Constitution guarantees Americans a ''republican form of government.'' Republicanism, however, has taken on different meanings in different times and places. What did the phrase mean to the Framers of the Constitution?

How was their understanding of the term different from that of the ancients?

What specific provisions of the U.S. Constitution help us to understand the Framers' definition of republicanism?

2. Two of the three monuments erected to the Magna Carta at Runnymede in England are American. A copy of the Great Charter now resides alongside the documents of our nation's founding in the National Archives. Why has this document, above all other legacies of British constitutionalism, been so cherished by Americans?

What impact did the Magna Carta have on the founding of the American colonies? In the events leading to the American Revolution? On the U.S. Bill of Rights?

What tenets or principles are embodied in the Magna Carta and why were they important to the development of constitutional government?

3. At the time of their independence from Great Britain the American people could call upon over a century of experience in self-government, especially in the management of local affairs. Many historians believe that this colonial legacy was crucial to the success of the new nation after 1776. What were the most important principles, practices, and institutions of this legacy?

What examples can you identify of written guarantees of basic rights in colonial America? Why were these written guarantees important to the colonists? How did they influence the U.S. Constitution and Bill of Rights?

Many of the new democracies of the post-Cold War era have no such experience of self-governance on which to draw. How might this affect their chances for success? What special burdens or needs does this lack of experience place upon them?

Unit two: How Did the Framers Create the Constitution?

1. George Washington, James Madison, and other Framers used the word ''miracle'' to describe the accomplishments of the Constitutional Convention. Historians since have suggested that much of the success of the Convention had to do with timing. They have pointed out that what the Framers were able to accomplish in the Philadelphia summer of 1787 would not have been possible a few years earlier or later. Do you agree or disagree? Explain your position.

What circumstances and developments helped to create a window of opportunity in 1787?

In what ways did the American experience with state governments and constitutions between 1776 and 1787 influence the drafting of the U.S. Constitution in 1787?

2. One of the arguments used by the Framers to reject the creation of a monarchical executive was the belief that kings, unlike their ministers, could never be impeached. Monarchy was rejected and provision for the impeachment of presidents included in the Constitution. But only two of our nation's 42 chief executives have been impeached and none have been convicted in the course of 210 years. Does this suggest that Americans have, in fact, elevated their presidents to a status not unlike that of a monarch? Why or why not?

Because U.S. presidents are heads of state as well as chief executives, should the bar of justification for their removal from office be higher than that for other public officials? Why or why not?

Should a national recall vote be substituted for Senate trial in the case of impeached presidents? Explain your position.

3. In the debates over the Constitution's ratification, the Federalists argued that the Constitution was a true and proper culmination of the American Revolution. The Constitution, they claimed, brought to life the basic principles set forth in the Declaration of Independence. What arguments did the Federalists use to support such claims? Do you agree or disagree with their position? Why?

Do you believe that the decision of the Framers to scrap the Articles of Confederation, establish an entirely new government, and lay down the rules for its implementation was consistent or inconsistent with the principles of the Declaration of Independence? Explain your position.

Why did the Framers insist that the Constitution be ratified by popularly elected state conventions?

Unit Three: How Did the Values and Principles Embodied in the Constitution Shape American Institutions and Practices?

1. A modern biographer of our country's first president has argued that if Washington ''had been taken by smallpox or dropped by an Indian bullet as a young man, the future United States might well have come into being in some form or other. But it would have been harder, and it might have been a lot harder.''[1] Do you agree with that statement? Why or why not?

Where do you believe Washington's contribution was the most crucial: in securing independence from Great Britain, in the drafting and ratification of the Constitution, or in the implementation of the executive branch?

Washington's contemporary admirers spoke of the man's ''majestic fabrick,'' ''commanding countenance,'' ''martial dignity,'' ''graceful bearing,'' and ''wonderful control.'' How important are style and charisma to political leadership? Would you put such qualities on a par with consistency or purity of principles? Why or why not?

2. The Federalists argued that a bill of rights was unnecessary in a constitution of enumerated powers, checks and balances, and popular sovereignty. Why did they believe these features of the Constitution would protect individual rights?

How did the Anti-Federalists and other advocates of a national bill of rights respond to such arguments?

The Federalists and some constitutional scholars have argued that the original constitution as drafted in 1787 was itself a ''bill of rights.'' What basis did they have for making this claim?

3. In Federalist 81 Alexander Hamilton argued that the authority of judicial review can be deduced ''from the general theory of a limited constitution.'' Do you believe his deduction is correct? Why or why not?

What specific provisions of the Constitution provide the basis for judicial review?

Does Chief Justice John Marshall's statement, that ''it is emphatically the provenance and duty of the judicial department to say what the law is,'' mean that representatives of the other two branches of government do not have the authority to interpret the meaning of the Constitution? Why or why not?

UNIT FOUR: HOW HAVE THE PROTECTIONS OF THE BILL OF RIGHTS BEEN DEVELOPED AND EXPANDED?

1. Both George III in 1776 and Abraham Lincoln in 1861 rejected the right of rebellion. Lincoln argued that no government on earth could function if it recognized a right of rebellion. Compare the positions of the British monarch and the American president. How were they alike? How were they different?

Why would George III have rejected the arguments of the Declaration of Independence? What might have been his reply?

Why did Lincoln reject the attempt of the Southern states to apply the principles of 1776 to their secession in 1860–61?

2. Reconstruction's attempt to secure equality of citizenship for African Americans was in large measure a failure. The civil rights movement of the middle decades of this century (sometimes referred to as the ''Second Era of Reconstruction'') has achieved a large measure of success. How do you account for the failure of the one and the success of the other?

What does a comparison of these two series of events suggest about the abilities and limitations of constitutional solutions to the nation's problems?

What remedies other than constitutional amendments or laws might reduce or prevent discrimination? What are the advantages and disadvantages of each of these remedies?

3. In 1972 Congress approved and referred to the states the Equal Rights Amendment, specifying that ''equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.'' Approved by 35 states, three short of the necessary two-thirds majority (a few states subsequently rescinded their approval), the ERA failed ratification. Is there a need for such an amendment today? Why or why not?

Do you believe that the Fourteenth Amendment argues for or against the need for such an amendment? Explain your position.

How have developments in the quarter-century since the ERA was first introduced affected this issue? Do you believe that such an amendment is more or less necessary than it was in 1972? Explain your position.

UNIT FIVE: WHAT RIGHTS DOES THE BILL OF RIGHTS PROTECT?

1. Although the right of association is not mentioned in the Constitution, courts have ruled that it is a right implied by the enumerated rights of the First Amendment and by the due process clause of the Fourteenth Amendment. What is the basis for this implication?

What role has the right of association played in protecting other individual rights?

Under what circumstances do you think restrictions on freedom of association can be justified? Explain your position.

2. In 1956 Justice Hugo Black declared that ''there can be no equal justice where the kind of trial a man gets depends on the amount of money he has.''[2] Do you agree

[1] Richard Brookhiser, Founding Father: Rediscovering George Washington (New York: Simon & Schuster), 1996.

[2] Griffin v. Illinois

with Justice Black's statement? Why or why not?

How have the nation's courts attempted to reduce the disparities of justice between rich and poor?

Should the courts' objective be equality of legal resources or assurance of access to minimal legal resources? What's the difference?

3. The Fourth Amendment is said to be both one of the most important protections of individual liberty and one of the most troublesome provisions of the Bill of Rights. Why was the Fourth Amendment added to the Constitution and what rights does it protect? Why has determining what is an ''unreasonable'' search and seizure proved to be so difficult?

How is the Fourth Amendment related to what courts have said is an individual's ''legitimate expectation of privacy''?

Given the variety of activities for which Americans use their cars and the amount of time and money they invest in them, should vehicles be accorded the same degree of constitutional protection as residences, i.e., should the car as well as the home be regarded as a person's ''castle''?

UNIT SIX: WHAT ARE THE ROLES OF THE CITIZEN IN AMERICAN DEMOCRACY?

1. The Founders believed that republican self-government required a greater degree of civic virtue than did other forms of government. Why did they hold that belief? How did they reconcile it with their belief in the natural rights philosophy?

How was Tocqueville's view of good citizenship different from that of the Founders?

To promote good citizenship the Founders supported both religious instruction and civic education. What purposes did they believe each of these experiences would serve? Are those purposes still important to good citizenship today? Why or why not?

2. The Internet has been called the ''electronic frontier.'' The current absence of government regulation of this new world of cyberspace is similar in certain respects to Locke's state of nature. How might Locke and the other natural rights philosophers have resolved the issues of life, liberty, and property as these rights exist on the Internet?

Should government regulate freedom of expression in cyberspace? Why or why not?

Has the potential of the Internet fundamentally altered the nature of representative government? Why or why not?

3. American constitutionalism, especially its principles of federalism, and independent judiciary, and fundamental rights, has had a major impact on the development of constitutional democracy in other countries. The American form of government, however, has not been widely copied. Most of the world's democracies have opted instead for a parliamentary form of government rather than one of shared powers among three coequal branches of government. What are the relative advantages and disadvantages of these two different systems?

Do you believe that the American system of divided government has become impractical in the complex, fast-paced world of today? Explain your position.

What constitutional reforms might you suggest to improve the effectiveness of our form of government?

IN MEMORY OF O.G. ''SPEEDY'' NIEMAN

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. COMBEST. Mr. Speaker, I rise today to pay tribute to the life and achievements of the late O.G. "Speedy" Nieman from Hereford, Texas.

Speedy was born November 12, 1928 in Dawson County, Texas. He graduated from Lamesa High School and attended Texas Tech University where he played basketball. He served in the U.S. Coast Guard and was a Korean war veteran. He married Lavon Stewart on Oct. 27, 1951, in Hamlin, Texas.

Speedy and his wife were co-owners and publishers of the Slaton Slatonite for almost eight years before they moved to Hereford. He worked as the sports editor of several West Texas papers. Speedy then entered into a partnership with Roberts Publishing Co. of Andrews to purchase The Hereford Brand newspaper and reorganized the North Plains Printing Co. He moved to Hereford in January of 1971 where he served as publisher for The Hereford Brand and president of North Plains Printing Co. for 26 years.

He was a two-time recipient of Hereford's Bull Chip Award and received a wide variety of professional recognition. He served as president of three press associations.

Speedy was a member and deacon at First Baptist Church of Hereford. He also was a member of the Lion's Club and Deaf Smith Chamber of Commerce. He helped establish Hereford's Christmas Stocking Fund. Speedy Nieman always had a strong commitment and tireless dedication to enhance the well-being of the town and its residents he so loved. He will be sorely missed.

NEA FUNDING

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. PACKARD. Mr. Speaker, I read an article last week in the Washington Times, outlining a recent grant from the National Endowment for the Arts for a film which chronicles the sexual exploits of two seventeen year old adolescent women. This grant sickens me and reaffirms the fact that we have no business wasting taxpayer dollars on the NEA.

While many of the NEA funds go to tasteful projects, what greatly concerns me are the NEA grants given to projects that most taxpayers would fine inappropriate and repulsive. The recent grants described in the Washington Times article offers no educational purpose but succeeds in degrading women.

Americans have a right to create and enjoy works of art that often span a variety of tastes. However, taxpayers should not be forced to support an agency which continues to use federal taxpayer funds to subsidize tasteless and sometimes offensive projects.

Mr. Speaker, at a time when our country is experiencing a trillion dollar debt, can't the money we waste on the NEA be better spent saving Social Security, cutting taxes and strengthening our military? The fact is, as elected officials we owe a responsibility to the American taxpayer. Funding the NEA is reneging on that responsibility.

NEA GRANTS INCLUDE FUNDS FOR FILMS ON FEMALE SEXUALITY—PREVIOUS AWARD DREW FIRE ON HILL

(By Julia Duin)

The National Endowment for the Arts announced $58 million in new grants yesterday, including $12,000 to Women Make Movies, a New York distributor that a Michigan congressman once likened to a ''veritable taxpayer-funded peep show.''

This latest grant is for ''Girls Like Us,'' a documentary on the sexuality of girls growing up in the 1990s. It won the 1997 Sundance Film Festival Grand Jury award for best documentary.

It is part of a package of four films. The others are ''Jenny and Jenny,'' about two 17-year-olds in Israel; ''Girls Still Dream,'' about women coming of age in Egypt; and ''The Righteous Babes,'' about women in rock 'n roll.

The money will go to produce a study guide for the films and help market it to 100,000 U.S. secondary schools.

''It's a terrific organization. We're proud to be funding them, and it's a terrific project,'' NEA spokeswoman Cherie Simon said of Women Make Movies (WMM). ''[The documentary] went through an extremely competitive process and was found to be meritorious.''

The film, which follows four teen-agers from south Philadelphia ''deals superficially with sex and its consequences,'' says a review in the Arizona Republic. ''Sex, for the girls, is not about physical pleasure or desire, not about love, not about social pressures. It's just something teens do, they seem to say.''

Although the grant is minuscule compared to much larger NEA awards to orchestras, operas and ballets around the country, it is symbolic of the arts agency's new confidence.

Its fortunes were at a low ebb in 1997, when Rep. Peter Heokstra, Michigan Republican, blasted WMM for its themes on lesbians and children's sexuality. He was especially incensed about a $31,500 grant for ''Watermelon Woman,'' an explicit WMM film about black lesbians.

House Republicans voted to kill all funding for the NEA in the summer of 1997, but the agency's life was extended by the Senate. Since then, NEA has acquired a new chairman, William Ivey, and President Clinton recently proposed increasing its budget by 53 percent.

''Rather than raise the red flag, why don't they let it lay for a couple of years?'' Mr. Hoekstra said yesterday in response to ''Girls Like Us.''the NEA doesn't care about what Congress thinks.''

He was more concerned, he said, about ''inequities'' in NEA funding.

''They are posturing themselves as wanting to build a better relationship with Congress, but [in 1998], 167 congressional districts received no grants,'' he said. ''If you want to build some bridges and show you're at least listening to what's a sizeable group in Congress, at least start distributing the money more fairly.''

The 600,000 people in his western Michigan district ''didn't receive one dollar'' from the NEA, but in 1998, ''New York got 14 percent of the money distributed,'' he said, ''Now,

New York doesn't have 14 percent of the populations in America.''

New York groups got large chunks of funding in the most recent grant cycle, including $60,000 to the Dance Theater of Harlem, $100,000 to the Metropolitan Opera, $150,000 to the New York Philharmonic and $200,000 to the New York City Ballet.

In Washington, the Humanities Council got a $50,000 grant for a project involving writers, and the Woolly Mammoth Theatre Co. got $64,000 for a theater project with young people and adults in the Shaw neighborhood.

Other grants include $45,000 to the Fairfax County public schools system for its plan to use its Arts in Elementary Schools program at Mosby Woods Elementary as a model for 134 other county elementary schools.

The Institute of Musical Traditions in Silver Spring received $18,000 for an outreach program to low-income schools and for its programs for traditional folk artist.

Grants for $100,000 went to opera companies in Houston and Los Angeles. The National Foundation for Jewish Culture in New York got $100,000, as did the Nebraska Arts Council and the Atlantic Center for the Arts in New Smyrna Beach, Fla.

REMOVAL OF UNITED STATES ARMED FORCES FROM THE FEDERAL REPUBLIC OF YUGOSLAVIA

SPEECH OF

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. WELDON of Florida. Mr. Speaker, I am pleased to support H. Con. Res. 82 calling for the removal of U.S. troops from their positions in connection with the present operation against the Federal Republic of Yugoslavia.

This has been a very troubled region for centuries. In recent years, the U.S. Department of State has reported that the civil war in Kosovo between the Serbian government and the Kosovo Liberation Army (KLA) has heightened. In recent weeks, while the NATO attacks on the Serbian police and troops in Serbia's Kosovo province have increased, the Serb forces have heightened their efforts to remove ethnic Albanians from Kosovo. Ironically, the President argued that airstrikes were needed in order to keep this very action from taking place. Unfortunately, the airstrikes only heightened these atrocities.

Unfortunately, there are no easy answers. It now seems apparent that President Clinton's decision to begin a bombing campaign was not the right decision and that is why I opposed the resolution supporting U.S. military action before the NATO bombing attacks began. Indeed, the Washington Post has reported that many military leaders doubted Mr. Clinton's bombing strategy would end the civil war in Kosovo. Unfortunately, they have been proved right.

As a Member of Congress I have the responsibility to ask the following questions, ''Is the situation in Kosovo in our national interest?'' If it is in our national interest I must ask myself, ''Am I willing to say to my constituents and my neighbors that I believe the lives of their sons and daughters in the military should be placed in jeopardy by sending them into battle in Kosovo?'' I say NO to both. We do not have a national interest in Kosovo and we should not risk the lives of our men and women in uniform.