The House met at 10 a.m.
The Resident Clerk John P. Putka, S.M., Ph.D., Department of Political Science, University of Dayton, Dayton, Ohio, offered the following prayer:

Eternal God and Father of us all, in scripture we read that:

Unless the Lord build the house, They labor in vain who build it; Unless the Lord guard the city.

In vain do the watchmen keep vigil.

Engraved on the wall above our Speaker are the words, “In God We Trust.” We ask You to bless our Nation in abundance with Your grace and wisdom as we thank You for Your gifts and entrust ourselves to You.

Bless Your people, and grant that our representatives in this Congress may become increasingly aware of Your law, present in Your hearts, and of Your will, discerned in the crucible of conscience, so that they may succeed in securing the blessings of liberty to ourselves and our posterity.

We ask this through Jesus Christ, Your Son and our Lord. 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.

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker’s approval of the Journal.

The SPEAKER. The question is on the Chair’s approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 309, nays 76, not voting 49, as follows:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
<th>Not Voting</th>
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<tr>
<td>309</td>
<td>76</td>
<td>49</td>
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[Roll No 166]

So the Journal was approved. The result of the vote was announced as above recorded.

Stated for:

Mr. CALLAHAN. Mr. Speaker, during rollcall vote No. 166, on approving the Journal, I was unavoidably detained. Had I been present, I would have voted “yea.”

Ms. MILLER-MCDONALD. Mr. Speaker, on Thursday, May 27, 1999, I was unavoidably detained while conducting official business and missed rollcall vote 166, a motion to approve the Journal. Had I been present, I would have voted “yea.”

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LAHOOD). Will the gentleman from New...
YORK (Mr. REYNOLDS) come forward and lead the House in the Pledge of Allegiance.

Mr. REYNOLDS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1034. An act to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be non-navigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

H.R. 1121. An act to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the “Lewis R. Morgan Federal Building and United States Courthouse”.

The message also announced that pursuant to Public Law 94–201, as amended by Public Law 105–275, the Chair, on behalf of the President pro tempore, appoints the following individuals as members of the Board of Trustees of the American Folklife Center of the Library of Congress—Janet L. Brown, of South Dakota; and Mickey Hart, of California.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore, the Chair, will recognize the gentleman from Ohio (Mr. BOEHNER). Other 1-minute interventions will be taken up at the end of the day.

WELCOME TO FATHER JOHN PUTKA

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

Mr. BOEHNER. Mr. Speaker, we are very glad this morning to have Father John Putka as our guest chaplain. President Andrew Jackson is famous for saying, and I will quote, “One man with courage makes a majority.” That description I think is particularly suited to Father Putka.

As a priest of the Society of Mary, and as a professor at the University of Dayton, Father Putka has had a dramatic and positive impact on the lives of tens of thousands of students over the years. I know of few professors who take such a personal interest in the academic and spiritual growth of their students.

Before going to the University of Dayton in 1989, though, Father Putka taught at my alma mater and the alma mater of our colleague, the gentleman from Colorado (Mr. SCHAFER), Moeller High School in Cincinnati.

Although I was gone, Father Putka did teach most of my eight younger brothers, and the gentleman from Colorado (Mr. SCHAFER) as well. He is truly one of a kind, and not just because there are not many Marianist priests out there sporting a flat top haircut. He is a dear friend to many, and through his service to his church, his community, and his country, I think he is a unique leader for all of us.

I might also add that as a professor at the University of Dayton, he has done a marvelous, job in attracting many of us to come speak to his class, Members from both sides of the political aisle.

We are glad that Father Putka is with us, and hope that he will return soon.

PROVIDING FOR CONSIDERATION OF H.R. 1401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 195 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 195

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(a) of rule XX, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. 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 Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) 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 Armed Services now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read (except as modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the ranking minority member of the Committee on Armed Services or his designee, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part C of the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the ranking minority member of the Committee on Armed Services or his designee, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

SEC. 4. 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.

SEC. 5. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules or amendments printed, but not sooner than one hour after the chairman of the Committee on Armed Services or
Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the 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.

Yesterday, the Committee on Rules met and granted a structured rule for H.R. 1401, the Fiscal Year 2000 Department of Defense Appropriations Act. The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Armed Services.

The rule waives all points of order against consideration of the bill. It makes in order the Committee on Armed Services’ amendment in the nature of a substitute now printed in the bill, modified by the amendment printed in part A of the Committee on Rules report, which shall be considered as read.

The rule also waives all points of order against the amendment in the nature of a substitute, as modified. The rule makes in order only those amendments printed in the Committee on Rules report that are germane to the amendments offered by the chairman and ranking minority member of the Committee on Armed Services for the purpose of debate.

Amendments printed in part C of the Committee on Rules report may be offered en bloc. Except as specified in section 5 of the resolution, amendments will be considered only in the order specified in the report, may be offered only by a Member designated in the report, and shall be considered as read, and shall not be subject to a demand for division of the question.

Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes equally divided between the proponent and the opponent, unless the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

The rule waives all points of order against amendments printed in the Committee on Rules report and those amendments en bloc described in section 3 of the resolution.

The rule provides for an additional 1 hour of general debate at the beginning of the second legislative day of consideration of H.R. 1401, which also shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The rule authorizes the Chairman of the Committee on Armed Services or his designee to offer amendments on en bloc consisting of the amendments in part C of the Committee on Rules report or germane modifications thereto, which shall be considered as read, except that modifications shall be reported, shall be debatable for 20 minutes equally divided between the chairman and ranking member of the Committee on Armed Services or their designees, and shall not be subject to amendment or demand for a division of the question.

For the purpose of inclusion in such amendments on en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken.

The original proponent of an amendment, included in such amendments en bloc, may insert a statement in the CONGRESSIONAL RECORD immediately before the dispositions of the en bloc amendments.

The rule allows 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.

The rule allows the Chairman of the Committee of the Whole to recognize for consideration of any amendment printed in the report out of order in which printed, but not sooner than 1 hour after the Chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

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

Mr. Speaker, H.R. 1401 is a good bill. It is a bill that will allow all of us to rest a little easier at night knowing that our national defense is stronger and that we have taken good care of our troops.

We now know that China has stolen our nuclear technology, something the Soviet Union could not do during the Cold War.

We live in a dangerous world, but Congress is doing something about it. We are working to protect our friends and family back home from our enemies abroad. We are helping to take some of our enlisted men off of food stamps. It has been absolutely ridiculous that our enlisted men are on food stamps to survive. We are giving them a 4.6 percent pay raise. Not providing for a national missile defense system so that we can stop a warhead from China if that day ever comes. We are boosting the military’s budget for weapons and ammunition, and we are tightening security at our nuclear weapons labs, doing our best to stop the wholesale loss of our military secrets.

Mr. Speaker, the Committee on Rules received 89 amendments to this bill. We did our best to date to make as many amendments in order as we could. The rule allows for a full and open debate on all the major sources of controversy, including publicly funded abortions and nuclear lab security. It allows for debate on a lot of smaller issues, too.

I urge my colleagues to strongly support this rule and to support the underlying bill so that we can have this good discussion on the floor. Today, more than ever before, we must provide for our national security.

Mr. Speaker, I include the following letter for the RECORD:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET


Hon. J. Dennis Hastert,
Speaker, U.S. House of Representatives,
Washington, DC.

Mr. Speaker: In his recent letter, the President indicated that the Administration considers unacceptable Section 1006 of the House Armed Services Committee’s FY 2000 National Defense Authorization bill, which restricts FY 2000 funds available to the Defense Department to be used for supporting Kosovo military operations. Thus, the President indicated that if Congress were to enact a Defense Authorization bill that included Section 1006, he would veto it. In an effort to resolve this issue, you asked for my thoughts regarding legislation’s possible actions to ensure that our military forces in Kosovo receive adequate resources.

Throughout the debate on the recently passed emergency supplemental for Kosovo and other activities, the Administration was clear about its objectives for funding Department of Defense needs—that our forces involved in the Kosovo military operation are fully funded to conduct their mission and that the military readiness of all other U.S. forces is protected. We believe the President’s supplemental request achieved these objectives. Consistent with current practice, the President must retain the flexibility to access various DoD funding sources to respond to immediate needs, much as he has done in the past. We, of course, will work with the Congress to ensure that any continuity requirements are fully funded, as well as to ensure that other priorities—such as military readiness and modernization—are protected. With regard to Kosovo funding requirements, we are committed to fully funding those expenses. Thus, the President did not support the veto threats that may have appeared to exceed an amount that could be managed within the normal reprogramming process without harming military readiness, we will submit either a budget amendment or a supplemental appropriations request.

Sincerely,

JACOB J. LAW,
Director.
Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DIXON).

Mr. DIXON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to announce that on Thursday, June 10, the House Permanent Select Committee on Intelligence will hold a public meeting to examine the Chinese embassy bombing. Witnesses from the Permanent Select Committee on Intelligence community, including the Director of Central Intelligence and from the Department of Defense are expected to attend.

It is the committee's intention that this hearing will provide the American people with a clear understanding of why this tragic event occurred.

Mr. Speaker, on May 7, 1999, the Embassy of the People's Republic of China in Belgrade was bombed by U.S. aircraft acting as part of the NATO operation in Yugoslavia. The embassy building was mis-identified as the Yugoslavian Federal Directorate of Supply and Procurement, the intended target. That mistakes were made, is clear. We need to know why, and what can be done to lessen the chance that similar mistakes will be made in the future.

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Mr. Speaker, I am pleased to yield to the gentleman from Florida (Mr. Goss), chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from California for yielding to me. I want to confirm that the bipartisan House Permanent Select Committee on Intelligence is obviously well aware of our colleagues’ concerns on what went wrong in the bombing, and we are going to do our best to provide information to our colleagues and to all Americans who are interested in the subject.

It was a bad mistake. It had serious consequences and we believe the public right to know in this matter needs to be brought forth in a timely way, and we believe this schedule will work.

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

Mr. Speaker, I rise in support of H.R. 1401, the Fiscal Year 2000 National Defense Authorization Act, and I will reductantly support this rule.

The Republican majority on the Committee on Rules has recommended a rule to the House which denies Democratic Members the right to offer important policy amendments, and it is for that reason that some Members of the Democratic Caucus will not support this rule.

Mr. Speaker, the Committee on Rules reported this rule at 11 o'clock last night on a straight party line vote. I opposed this rule in committee because the Republican majority specifically excluded four major amendments that Democrats had considered top priority amendments. Two of those amendments were truly bipartisan amendments relating to matters of great importance to our national security.

It only seems logical that for matters of such a serious nature that the House be afforded the opportunity to consider a bipartisan response. This rule closes off that opportunity, and the debate in the House will suffer as a result.

Specifically, Mr. Speaker, this rule does not allow an amendment proposed by the gentleman from Washington (Mr. DICKS), which relates to counter-intelligence activities at the Department of Energy.

The gentleman from Washington (Mr. DICKS) was the Ranking Democrat on the Cox committee, and his amendment reflects the important recommendations made by that committee.

This amendment was cosponsored not only by the gentleman from South Carolina (Mr. SPRATT), but by the gentlewoman from New Mexico (Mrs. WILCOX) and the gentleman from California (Ms. WATERS). These amendments seek to extend a program which has established contract goals for minority and other disadvantaged businesses for the Department of Defense, yet the Republican majority on the Committee on Rules failed to make this important matter part of our discussion during the consideration of the bill.

Mr. Speaker, there will be a number of speakers who will follow me in this debate who oppose the rule, and I would certainly hope that the Republican leadership will listen very carefully to what they have to say. These are Members who have substantive expertise in the issues before us, and it is, quite frankly, demeaning to this body that they should have been excluded from the debate.

I would like to say, however, that the bill made in order by the rule is a good bill. Mr. Speaker, when we ask our men and women in uniform to do the heavy lifting for us, when we ask them to shoulder such an important burden, it is vital that we make sure that they have the best training and the best equipment and that they be fully compensated for the work they do. It is our responsibility to make sure that all of those things happen. Mr. Speaker, I believe this bill goes a long way toward meeting that responsibility.

The bill provides a 4.8 percent pay raise effective next January and, more importantly, ensures that future pay raises for the military will keep pace with private sector pay increases. I cannot stress too much how important this provision is to the retention problem we currently face with our active duty military.

The bill also reforms retirement pay which will help with retention. The housing allowance budget is significantly increased in the bill, which will result in lower out-of-pocket costs for housing for military personnel.

The gentleman from Virginia (Mr. BILIEY), the chairman of the Committee on Commerce.

In addition, the chairman and Ranking Democrat of the Committee on Science, which also has jurisdiction over the Department of Energy, were speakers of the Dingell amendment.

The chairman of the Committee on Rules last night said it was not necessary to make the Dingell amendment in order since the matters in his amendment were included in an amendment which will be offered by the chairman of the Committee on Armed Services.

Mr. Speaker, there is a difference of opinion about how closely the Speence amendment tracks the intent of the Dingell amendment. In the interests of comity, I think it would have been preferable for the Committee on Rules to allow the Dicks amendment to be considered by the full House.

Finally, the Republican majority of the Committee on Rules excluded amendments proposed by the gentlewoman from New York (Ms. VELAZQUEZ) and the gentleman from California (Ms. WATERS). These amendments seek to extend a program which has established contract goals for minority and other disadvantaged businesses for the Department of Defense, yet the Republican majority on the Committee on Rules failed to make this important matter part of our discussion during the consideration of the bill.

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Mr. PAUL. Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentlewoman for yielding me this time. I would like to point out that this is a rule of which I do not believe the author should be proud. This rule, I believe, is a serious debate with regards to our national defense and our involvement in war at this particular time.

Today, the International War Crimes Tribunal decided to indict Milosevic. Milosevic is obviously a character that deserves severe criticism, but at this particular juncture in the debate over this erroneous and ill-gotten war in Yugoslavia, this indicates to most of the world that there is no attempt whatsoever on the part of NATO to attempt any peace negotiations. This is a guarantee of the perpetuation of war.

Milosevic is going to be further strengthened by this. He will not be weakened. It was said the bombing would weaken Milosevic, and yet he was strengthened. This same move, this pretense that this kangaroo court can indict Milosevic and carry this to fruition indicates only that there are some who will enjoy perpetuating this war, because there is no way this can enhance peace. This is a sign of total hypocrisy. I believe, on the part of NATO. NATO, eventually, by history, will be indicted.

But today we are dealing with this process, and this is related to the bill that is about to be brought to the floor because, apparently, this bill came out of committee, it said that monies in this bill should be used for defense, not for aggressive warfare in Kosovo, and yet that was struck in the Committee on Rules. That is a serious change. This is a change that our colleagues must remember this when it comes time to vote for the final passage.

We could have had a bill that made a statement against spending this money to perpetuate this illegal NATO war, and yet it was explicitly removed from the bill. I think this is reason to question the efforts on this rule. Certainly it should challenge all of us on the final passage of this bill, because much of this bill is not spent on the national defense, but to perpetuate war, which is a direct distraction from our national defense because it involves increasing threats to our national security. It does not protect our national security.

It might be well to also note that this bill does not do much more for fiscal conservatives. The President asked for a certain amount for the defense of this country, but we have seen fit to raise him more than $9 billion, spend more money, more money that is so often not spent in our national defense. At the same time, we must also remember that when we vote on this bill, and this rule allows it, more than $10 billion will be in excess of the budget agreement of 1997.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, we must defeat this rule today. We must defeat it because it will become law. Mr. Speaker, I also understand that an amendment offered by two Republican full committee chairmen and the gentleman from Michigan (Mr. DINGELL), the longest serving and one of the most respected Members of this House, who warned everyone about problems at DOE when everything we have lost today could have still been saved, was denied a vote in the House.

Today is a low day for the House, Mr. Speaker, unless we turn back this rule and start over.

The gentleman from California (Mr. COX) and I worked very hard together on a bipartisan basis to bring to this House our best recommendations on how we could be done to improve national security at these labs, and I am very disappointed that the Republican leadership has chosen to take a partisan approach to implementing our report. We spent 9 months working on this. We did our very best to give the House our best work product and to have the first effort here to implement these recommendations turned down by the Committee on Rules is an insult to the people who served on this committee, a bipartisan effort. Everyone on the committee was asked to join as cosponsors. I do not understand this. I am very offended by it and I hope that the people and the press will take note of people with access to our most sensitive nuclear secrets, even if the Secretary believes that doing so is vital to protecting our Nation's secrets.

The House will not be allowed to vote to protect individuals who risked their own careers by bringing to light security lapses at DOE before more secrets are lost. The House will not be allowed to vote to require a comprehensive outside analysis of computer vulnerabilities at the national labs. And the House will not be allowed to vote to require a red team from the FBI and the NSA to find open ways into DOE's classified system and close them.

Mr. Speaker, it is simply an outrage that the House has been denied a vote on these measures. But what is most disappointing is the reason why this has been done to prevent the House from voting for any of these measures is that they were part of a bipartisan bill which was agreed to by both Republicans and Democrats; thoughtful national security experts, like the gentleman from Texas (Mr. THORNBERY), the gentleman from South Carolina (Mr. GRAHAM), and the gentlewoman from New Mexico (Mrs. WILSON) joined with me and the gentleman from South Carolina (Mr. STRATT), the gentleman from Arkansas (Mr. SNYDER), and the gentlewoman from California (Mrs. TAUSCHER).

Combined, these Members have over 50 years of service on National Security Committees of the House, but we were denied because we chose to work together.

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of the fact that within hours of our report being presented to the House, already partisan considerations in terms of interests these recommendations are being pushed forward. It is an insult.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. HANSSEN).

Mr. HANSSEN. Mr. Speaker, I rise on this particular bill as a Member of the Committee on Armed Services. I am distraught and somewhat upset that there is so little money going into the military at a time when it is being cut back so dramatically.

Mr. Speaker, what I wanted to talk about today is a provision put in the bill in the subcommittee chaired by the gentleman from Colorado (Mr. HEFLEY). In Utah, we have what is called the Utah Test and Training Range. It is a huge range, and probably one of the best, as far as training ranges go. It has a place for the cruise missile, the tactical missile. The F–16 out of Hill is used there; the F–15 out of Nellis; the Navy uses out of Fallon, Nevada, it is used out of Mountain Home. It is 0 to 58,000 feet of clear airspace. There is no other place like that in the world that the United States has.

We tried to protect that and have done our very best to do it. At the present time, the Governor of the State of Utah, Mike Leavitt, and the Secretary of the Interior, Mr. Babbitt, are working on trying to come up with some kind of wilderness issue along the west side of Utah. I have to compliment both the Secretary and the Governor for the good work they have done.

As it has been a while, bringing this to pass, we found ourselves in a situation that we had to protect the Utah Test and Training Range, and so in this bill that we have coming up there is an issue about protecting that range. I have now talked to both the Secretary and the Governor and this language is no longer necessary with the bill that will come about eventually; and therefore, at the proper time, and working with leadership and working with the Parliamentary and others, we will strike this language.

I am not quite sure where that is, but I wanted to make people aware of that. There are a lot of folks, though, who have a total misunderstanding of how this system worked, who thought this was not the jewels as they do. It was done correctly and in the open light of day, and this will be done at the proper time. I wanted to let the House know that that will be done, which will take some time. I wanted to let the House know and this will be done at the proper time, and working with leadership and working with the Parliamentary and others, we will strike this language.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, you need to have served here in the 1980s when the Democrats had a majority, and by a wide margin, to understand how unfair, outrageous and insulting this rule is. We had restricted rules then. We had closed rules then. But when the defense authorization bill came to the floor in those days, we were spending big money and it was felt that this was a free marketplace of ideas.

I have seen years in the past when we had hundreds of amendments, 200 or more amendments, filed in the Committee on Rules, and half of them were made in order. We came to the floor on some occasions and it took us 2 to 3 weeks to get off the floor, but we had free marks and a full and robust debate. We will not have that full and robust debate today on a matter of utmost importance.

The gentleman from Washington (Mr. DICKS) has told us that together with the Governor and this language is going to be a lot of discussion on the nuclear labs problem on this House floor.

Mr. SPRATT. But, if the gentleman will yield, there is no discussion about the amendment which we offered which we have worked on for 2 weeks and in which there has been broad bipartisan participation. This is an outrage. We should at least be able to make it in order on the House floor. Mrs. MYRICK. Reclaiming my time, we had 89 amendments to consider in that time.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. First of all, I thank the gentleman for yielding time.

Mr. Speaker, just to respond to my good friend and someone for whom I have the highest respect, I do not know of any Republican on the Cox committee that was consulted on the amendment. I was not. As the gentleman knows, I spend a lot of time on these issues in the Cox committee.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from South Carolina.

Mr. SPRATT. It is my understanding that the gentleman from Washington (Mr. DICKS) talked to the gentleman from California (Mr. COX) about it and that my staff talked to your staff about it.

Mr. WELDON of Pennsylvania. No, I am not a cosponsor of the amendment, did not know it was coming up, would have helped the gentleman in the Committee on Rules if I would have known. But I just found out from the gentleman from Texas (Mr. THORNBERY). He is on it.

I am just saying, I think we would have had a better chance for a truly bipartisan effort if the Republicans on the Cox committee had been involved and engaged to help make this process before it.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Washington.

Mr. DICKS. We gave this to the chairman, and I talked to him about it.
two or three times as we were doing these various joint appearances. Admittedly, with all the attention there has been to this report out, we may not have done our finest job in getting this to everybody as quickly as possible, and I regret that, but the chairman was given the amendment and I asked him to cosponsor it.

Mr. SPRATTL. I am told that our staff met with your staff last week and gave you a copy. We would have been happy to have you as a cosponsor.

Mr. DICKS. The chairman was busy, too, though.

Mr. WELDON of Pennsylvania. Reclaiming my time, I would be happy to work with my colleagues and friends because they do have good ideas. As our friends know, there were 38 recommendations in the Cox committee. In fact, stabilizing issues in working with the White House span a public response to those 38 confidential recommendations on February 1, before the Director of the CIA had even read the report, which he said 2 days later on February 3.

I think a constructive as opposed to a political approach to solving the problems identified in the Cox committee is in order. I will pledge to work with both of my friends in that regard.

Mr. DICKS. We appreciate that.

Mr. WELDON of Pennsylvania. I just wanted to clarify that, that I would liked to have been a part of that effort and will pledge to work with you in the future.

This rule, I ask that our Members support. It is a good rule. There are some things I perhaps would have done differently, but it is a good rule in a very large bill.

I want to point to some specific things that are in here. We took the recommendations of Deputy Secretary John Hamre and his Chief Information Dominance Officer Art Money and we increased what they asked us for.

We see cyberterrorism and the use of information technology as a major weapon in the future of rogue nations. We increase the requests in those areas, so this Congress has been moving ahead of the request by the Pentagon in that area. We, I think, reversed what would have been one of the most destabilizing issues in working with the Russians that we have. The administration originally proposed defunding the only cooperative program we have with Russia on missile defense technology. That was the RAMOS program. That alarmed the Russians. We have heard a lot of the rhetoric about missile defense itself and steps that we are taking to back Russia into a corner.

It was in this bill that we restore that funding with the cooperation of our colleague on the other side, Senator Levin, who felt it was critically important that we reverse this decision by the administration.

This rule is worthy of our support. I ask our colleagues to vote “yes.”

Mr. FRANK of Massachusetts. Mr. Speaker, this rule degrades democracy. It is a conscious decision for the democratic process. Representatives to avoid open discussion and debate on the most important national security issues. Let us put aside the suggestion that time dictated that.

The gentlewoman from North Carolina said, well, there were 80 amendments submitted. The leadership that decided not to go forward with the debate on these significant issues gave us all a present a week ago of 3 days off next week that were scheduled for work. The original work schedule put together an amendment to say, let days were canceled. So it was not time. It was a political decision.

We have on the other side Members who say, and some on this side, that one of the problems that is driving the problem is that we use all our budgetary means in the budget like we just saw agony on this floor over the agriculture bill. Why? Because there is a general perception that the amount of money we have to work with does not equal the amount that people think is necessary to meet various programmatic needs. Clearly, as you increase military spending, you cause a problem there.

One argument has been, we have to increase military spending because the Clinton administration has exceeded its capacity by overcommitment. Now, that is a valid argument to be debated, but we will not be debating it here, because that is too hard. That is one that might make people mad politically. That one has to be separately debated.

But should America continue to have 100,000 ground troops in Western Europe on a permanent basis subsidizing the Europeans 50-some odd years after the end of World War II? Nine of us, five Republicans and four Democrats, put together an amendment to say, let us cut that to 25,000, subject to the President’s right to send more if there is an emergency, an absolutely untrammeled right to say in an emergency, they go over, but as an ongoing, permanent situation, let us not continue to have 100,000 American troops there.

Many of my Republican colleagues say, “Well, we don’t want ground troops going into Kosovo. We didn’t want ground troops in Bosnia.” I have agreed with that, but I am willing to vote that way. What we have are people who want the easy rhetorical out of denouncing something, but do not want to get caught voting for it because voting for it might someday have political consequences.

In this leadership refuses to allow the House to debate an amendment put forward by five Republican, three Democratic and one Independent Member to say, “Let’s reduce troops from Europe.”

In 1989, a group of us began working on burdensharing, on saying to our wealthy allies in Japan and Europe and in a few other places, the American taxpayer cannot keep paying that defense burden. We have had some successes. It has been bipartisan. My friend from Connecticut and I have been working on it.

The gentleman from California (Mr. ROHRABACHER) is here. The gentleman from Michigan (Mr. BONIOR), Ms. Schakowsky, and I have a good bipartisan group. This is the first time in my memory, the first time since 1989, when we have been refused an opportunity to debate burdensharing.

So let me say to the people of Europe. I hope you are grateful to the Republican leadership, because having ended one welfare program, they decided to keep another. They are keeping the most expensive welfare program in human history, the one by which American taxpayers, year after year after year—I cannot give all the years because it has been since 1945—in which we subsidize the budgets of Western Europe.

Now, you may think America ought to keep 100,000 troops in Western Europe so the Europeans can cut their budget, even though we do not ever want to use those troops, but how do you justify in the House of Representatives of this great democracy not allowing it to be debated and voted on?

There is nothing in this bill, nothing. I take it back, there is one thing, there is an amendment that would say, we will remove our troops from Haiti on a permanent basis, one of the smaller interventions. But I heard the gentleman from California (Mr. CUNNINGHAM) talk about Bosnia, Kosovo, Somalia, Rwanda, et cetera.

People decry the level of commitment and say that is driving up the cost of defense. But this bill quite deliberately guarantees that whether or not we should maintain those commitments will not be debated. It is very cowardly. It is a stance of people who comments will not be debated. It is very cowardly. It is a stance of people who want to talk tough and take no action whatsoever.

It is easy to wave your arms and denounce all these commitments, but then, however, to guarantee that they cannot be debated on this floor so Members never have to take responsibility for what they proclaim politically is unworthy of a democratic process.

This bill ought to be, as it was in the past, as the gentleman from South
Carolina said, the form in which this great democratic body debates, should we have a two-war strategy? What kind of nuclear strategy should we have? What should the role of the American armed forces be?

You demean democracy with this refusal to allow fundamental issues even to be debated.

Mr. MYRICK. Mr. Speaker, I yield myself such time as I may consume. I would just like to clarify that for the last 15 years this bill has always been structured. There are over 16 hours of debate. There are 39 amendments, the same as always, on this defense bill.

As to the question of the gentleman from Washington (Mr. DICKS) regarding that subject, there are 10 amendments that have been made in order on that subject, one of which is the gentleman from Washington.

I would also like to say that yesterday in the Committee on Rules that the ranking minority member, the gentleman from Missouri (Mr. SKELTON), said it was the best defense authorization bill he had ever seen except for one provision regarding Kosovo, which we have dealt with.

According to the ratio, there are more Republican amendments filed than Democrat amendments that were filed, which is the norm.

Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentlewoman for yielding me time. I just want to say from the outset that I have serious reservations about this rule, and I have serious reservations about our military. I believe our military is in trouble and needs significant help and assistance from this Congress.

Our military is not as strong as it should be because, in my judgment, we have too many bases at home and abroad. Our military is not as strong as it should be because we are oversubscribed in weapons systems. Our military is not as strong as it should be because we have not asked our allies to pay their fair share of the nonsalary costs of stationing our troops overseas.

We have asked the Japanese to pay their fair share. They pay over 75 percent of the nonsalary costs. The Japanese give us more than $3 billion in actual cash payment for the 40,000 U.S. troops stationed in Japan.

The Europeans have more than 100,000 of our troops on their soil and they give us a grand total of $200 million. We offered an amendment, five Republicans and four Democrats, to initiate a U.S. troop reduction in Europe from 100,000 to 25,000 over 3 years. We thought this was a sensible proposal. We thought it should have been debated.

I just want to express again my reservation that this amendment was not made in order. Europeans have the ability to do more for the defense of their part of this world. They have the ability to pay more, but if we do not ask them to, they will not do so. They will be more than grateful to get this welfare from these United States.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I am disgusted today. We are going to debate defense, and we are not addressing our subsidies to Japan and Germany, who attacked us and took us to war in World War II. We are not going to talk about financing the Chinese military arsenal that has 21 rockets pointed at us and not one of those rockets has a trigger lock. And we are going to have a debate on national security and we are not going to debate our borders and our opportunities. We could sit and watch a Chinese missile across it, and launch it from within America at any one of our cities.

I am disgusted today. Literally, I do not see a major defense debate. I see a national insecurity Congress, afraid of their shadow, afraid of some of the politics on our border. Literally. While, we are talking about politics, we are placing the American people at risk. I am disappointed.

I have been a very objective Member. That debate on the border should have been allowed in this bill and, shame, shame on this Congress for making the American people vulnerable. Vulnerable to terrorism, vulnerable to narcotics.

And I even struck out immigration. That is too damn political around here. Let narcotics come into the country and destroy our cities, let terrorists come into the country and blow up our trade centers, but let us not debate it, Congress. It is just too damn hot.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Members should avoid using profanity during their speeches on the floor.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I rise with grave concern today, both for the stature and status of our United States armed forces which desperately need a buildup and revisions with our national capacity to defend ourselves because of the trickling and actual flood of secrets from this country to China. But how can we debate today a bill without dealing with the issue of Kosovo, do I not understand.

In the supplemental appropriations bill, we were supposedly rebuilding our armed forces. But we allowed reprogramming to occur from the buildup towards Kosovo. We had rapid deployment force monies without a reprogramming for Kosovo. And in this bill, as of last night, the bill that went to the membership had a ban on funds from this bill being used for the war in the Balkans.

But mysteriously it disappeared. Apparently, the other party was notified this morning that it was out. But in Committee to our members, we did not realize until we come to the floor and get ready for debate that no longer is there a protection in this bill and the bill that was distributed to the membership; not only were they not going to allow the debate, but the bill that was given to us had the impression that it had a ban in. I had an amendment that would have restricted the funds even more broadly than that, but that is not in order.

How can we debate about our Armed Forces and whether we need to rebuild and restructure our armed forces and not debate the one thing that is depleting, that is unifying Jimmy Carter and his great editorial today in the New York Times saying Billions are victims of our flawed approach, and Henry Kissinger and an increasing majority of Americans realizing that we are burning up in a futile effort, in an effort over there that is actually worsening world conditions without accomplishing its goals; how can we have a defense authorization debate and, for that matter, an appropriations debate without allowing amendments that would restrict these funds in the name of a military buildup while armed forces are being destroyed is beyond me.

I have not voted against a rule this year or a procedure, but I cannot in good conscience vote for this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise to register my concern and my disappointment that this rule eliminates a number of the funds that would have blocked funding for the further prosecution of the war in Kosovo and Serbia beyond October 1, 1999. As such, it has canceled debate over U.S. and NATO policy at a critical moment. The war is proceeding without the requisite permission of Congress prescribed by Article I, Section 8, of the Constitution. We are correctly concerned about the plight of the Kosovar Albanians, but we should be no less concerned about our own constitutional process. An air war has continued despite Congress’ disapproval.

This war has imposed death and destruction on innocent civilians. A ground war is being planned. As we speak, 50,000 NATO troops are massing at the Kosovo border. British Defense Secretary George Robertson yesterday told NBC news that said troops would go into the southern Serbian province at the earliest opportunity and may well in a little over the weekend.

The United States is about to send its sons and daughters into a death trap in Kosovo, and this Congress will not have, with this rule, a moment to
debate this awful prospect. This, even as we proceed with an authorization of the budget of the Department of Defense.

Today’s reports of the war crime indictment of Slobodan Milosevic are fueling the fiery coals of war glowing in the eyes of NATO hawks. This means a ground war they call down. Congress must speak out clearly and convincingly against a ground war. Congress should pass Mr. WELDON’s House Resolution 99 which calls for a peaceful resolution of this war through negotiations to stop the bombing, remove Serb troops from Kosovo, cease the military activities of the KLA, repatriate the Kosovar Albanians under the watchful eyes of armed international peacekeepers.

Even at this moment peace is still possible. If this Administration would remove Serb troops from Kosovo, cease the military activities of the KLA, repatriate the Kosovar Albanians under the watchful eyes of armed international peacekeepers.

As long as this Administration would stop raiding this account, let us modernize the launch range and make it operating efficiently and at low costs.

Mr. Speaker, I am extremely disappointed in this amendment. This is truly a national security issue, the proliferation of missile technology to the Communist Chinese primarily through them launching our satellites from China, and I was very pleased that the Cox report included language that said expansion of U.S. launch capacity is in the national security interests of the United States.

Further, it went on to say it is the national security interest of the United States to increase this launch capacity in the summary, and it is one of the recommendations. But this bill does absolutely nothing to address this issue.

Mr. Speaker, I had an amendment that was not made in order that was attempting to address this issue simply by implementing something that the Air Force itself recommended in one of its own studies, and that is to add additional personnel at a launch range that would allow them to increase the capacity at the range, and I was extremely disappointed that this was not made in order, and I am extremely concerned that we, as a Congress, are not doing anything about this problem. We are complaining and getting very concerned about the proliferation of U.S. technology through the Communist Chinese going to all of these rogue nations like Iran and Iraq and North Korea, but here we are. We have a bill before us that attempts to do absolutely nothing to address this very, very critical issue. We have U.S. satellite manufacturers building U.S. satellites and then going to Communist China to launch those satellites, and one of the reasons they do that is they cannot actually get it scheduled at Cape Canaveral, and my amendment simply would have called for the expense of a very modest amount of money, $7 million, that would have dramatically increased the capacity at the launch range, and I am extremely disappointed that that amendment was not made in order.

Another feature of my amendment, which is something that is another extremely critical issue, is the Air Force has for years been raiding the accounts that are used to modernize the launch range. We still have equipment at these ranges that operate on vacuum tubes, and my amendment simply would say: Stop raiding this account, let us modernize the launch range and make it operating efficiently and at low costs.

Mr. Speaker, I am extremely disappointed in this rule. This is truly a national security issue, the proliferation and the transmission of U.S. technology to the Communist Chinese. We are not doing anything about it.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise in opposition to this rule. I would like to remind my colleagues that they have but one chance a year to define defense policy for the United States, and that is the defense authorization bill.

But I also like to remind my colleagues that Article I, Section 8 of the United States Constitution provides that Congress shall have the power to provide for the common defense, to declare war, to raise and support armies, to provide for the common defense, to declare war, to raise and support armies, to provide for the common defense. And what is operating efficiently and at low costs.

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For over 60 days American airmen have been at war in the Federal Republic of Yugoslavia, and for 60 days neither the President of the United States, nor the Congress of the United States, has said what we hope to accomplish.

I had offered an amendment that would state America’s goals in this conflict. I realize many of my colleagues wish it had not happened. I think for the sake of the people who are fighting this war we need to do one or the other. Either let those who are opposed to it prevail and get the troops out or establish a clearly definable set of goals so that we know what we are aiming for as a Nation in Yugoslavia.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition; that is, opposition, to this rule.

When the Committee on Armed Services reported this bill, it very wisely included a provision saying that the funds in this bill for fiscal year 2000 could not be used for continuing the war in Kosovo for another year. But this time to me, and I rise to express my disappointment in this rule.

Today’s reports of the war crime indictment of Slobodan Milosevic are fueling the fiery coals of war glowing in the eyes of NATO hawks. This means a ground war they call down. Congress must speak out clearly and convincingly against a ground war. Congress should pass Mr. WELDON’s House Resolution 99 which calls for a peaceful resolution of this war through negotiations to stop the bombing, remove Serb troops from Kosovo, cease the military activities of the KLA, repatriate the Kosovar Albanians under the watchful eyes of armed international peacekeepers.

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Mr. ROHRABACHER. Mr. Speaker, I rise in opposition; that is, opposition, to this rule.

When the Committee on Armed Services reported this bill, it very wisely included a provision saying that the funds in this bill for fiscal year 2000 could not be used for continuing the war in Kosovo for another year. But the Committee on Rules has decided and have taken it upon themselves to use this rule to strike out that provision. That means, if we are to adopt this rule, this bill would become an authorization to continue the war for another year.

This is unconscionable. If our leadership or the Committee on Rules wants to authorize the continuation of this war in the Balkans, they should allow an up-or-down vote on that issue. Instead, they have made this rule a vote on whether or not to continue the war in the Balkans.

I say vote no on keeping this war going into the next millennium, vote no on this rule, and send a message to the President and Congress that we expect this body to be handled in a democratic fashion and not autocratically.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER), the gentlewoman from New Mexico (Mrs. WILSON) and me.

Mrs. TAUSCHER. Mr. Speaker, I rise in opposition to this rule.

For the past 3 weeks, Mr. Speaker, a bipartisan group of Members has worked to develop a comprehensive, responsible approach to addressing our concerns over insufficient security at the national laboratories. This group included the gentleman from Washington (Mr. DICKS), the gentleman from Texas (Mr. THORNBERRY), the gentleman from South Carolina (Mr. SPRAT), the gentlewoman from New Mexico (Mrs. WILSON) and me.

Incredibly, the Committee on Rules has refused to allow this amendment to be considered by the House. Instead, Mr. Speaker, the Committee on Rules has decided to turn our Nation’s security into a partisan issue. It has rejected a sincere bipartisan effort to improve our counterintelligence programs and protect the secrets at our labs.

The Dicks amendment, Mr. Speaker, would put into law many of the measures Energy Secretary Richardson has pledged to undertake. We would provide the Secretary the authority to implement polygraph examinations of scientists with access to the most sensitive information. We would increase financial penalties for employees who mishandle classified material, provide whistleblower protection for employees who report misdeeds and clarify that the Energy Secretary has the authority to order the examination of computers in offices owned by the Federal Government.

Most importantly, our legislation would establish direct lines of counterintelligence authority at the Department of Energy with the ultimate responsibility resting with the Secretary. The greatest error in our counterintelligence efforts has been a lack of any clear individual responsible for protecting our Nation’s security.
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Very critical in the negotiation process. The fate of the 1.5 million ethnic Albanians hangs in the balance and any movement toward peaceful negotiations is undeniable. The NATO alliance which was formed out of the ashes of World War II has protected the peace and security of Europe for 50 years. It stood against the Communist threat until Western ideals of freedom and democracy prevailed. President Milosevic is the last remaining vestige of the old order in Eastern Europe.

The International War Crimes Tribunal has correctly indicted him for war crimes. His totalitarian rule, his repression of basic human rights, his manipulation of the media, and his incomprehensible genocidal campaign of rape and murder has no place in civilized society.

The strength of our resolve against him will define our American national character for the 21st century, and will have great bearing upon the safety and security of the world that we pass on to our children and grandchildren.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I oppose this rule. A vote in favor of this rule is a green light to send U.S. ground troops into Kosovo and Yugoslavia. If my colleagues believe, as I believe, that Congress must approve first the sending of any American soldiers, then my colleagues should vote "no" on the rule.

The rule removes language which the Committee on Armed Services had put in to restrict the use of ground troops in Yugoslavia. A vote for the rule is a vote permitting those ground troops to be sent.

Mr. Speaker, we have a 10-day break before we go. We do not want to send a message such as this on the eve of that break, especially since newspapers in Great Britain are reporting that the President is planning to send 90,000 troops in. Our American media are reporting that airmen are being denied their normal discharges because they must stay to continue being a part of this unauthorized war being prosecuted by the President.

The Constitution says it is our obligation before any war should be under- way. Follow the Constitution, do not give a green light unless Congress says so. Vote "no" on the rule.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, I rise today with deep disappointment in the rule we have before us. I offered an amendment yesterday in the Committee on Rules that gave us a chance to follow up on the recommendations of the General Accounting Office regarding the presence of squalene antibodies in the blood of Gulf War veterans. To not allow this debate is irresponsible.

Mr. Speaker, we have over 100,000 sick Gulf War veterans in the United States today, and this House must stand in the breech to protect and ensure that every avenue is pursued to find for our veterans the truth about Gulf War illnesses.

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent to extend the debate for 30 minutes.

Mr. FROST. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. LAHood). Objection is heard.

Mr. LAHood. Mr. Speaker, no unanimous consent to extend the debate.

Mr. REYNOLDS. Mr. Speaker, as a member of the Committee on Rules, I think it is important to remind my colleagues that the Committee on Rules received 89 amendments to this bill. We did our best to be fair and to make as many amendments in order as we could.

The rule clearly allows for full and open debate on all major sources of controversy, including publicly funded abortions and nuclear lab security. It also allows a lot of debate on a lot of smaller issues as well.

We live in a dangerous world, but Congress is doing something about it. Congress is working to protect our friends and family back home from our enemies abroad. There are some very important things that need to be understood that are contained in this legislation as it comes to the floor.

Mr. Speaker, H.R. 1401 helps take some of our enlisted men off of food stamps by giving them a 4.8 percent pay raise. It provides for a national missile defense system so we can stop a warhead from China if that day ever comes. H.R. 1401 boosts the military budget for weapons and ammunition, providing $55.6 billion, $2.6 billion more than the President requested. And H.R. 1401 tightens security at our nuclear labs, doing something to stop the wholesale loss of our military secrets.

Mr. Speaker, I urge passage of this rule so that debate can begin on the appropriations for our armed services.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS. Mr. Speaker, I rise today by a broad number of Members, both Democrat and Republican, to defeat this rule. Let us go back and do this right on the recommendations of the General Accounting Office regarding the presence of squalene antibodies in the blood of Gulf War veterans. To not allow this debate is irresponsible.

The point has been made by the gentleman from California (Mr. DICKs), the gentleman from South Carolina (Mr. SPRATT) and others. Let us look at the
very important lessons from the report that has just come out with respect to national security. In fairness to the committee, the report was just issued. But let us do it right the first time.

Let me offer one specific example. The Weldon amendment that was not allowed to be made in order by the Committee on Rules provides a perfect opportunity to respond to the recommendation that we begin to invest in the United States domestic launch capacity instead of relying, unduly so, on other countries to launch communications satellites. The Weldon amendment, which was the product of a study done by the Air Force, recommended a very specific investment by the Kennedy Space Center. There are other space centers around the country that are well suited for this investment.

Let us go back and do this right the first time. Let us begin to respond to the solutions identified by the Chris Cox report, and the Weldon amendment would be a good place to start.

Mrs. MYRICK. Mr. Speaker, I withdraw the resolution.

The SPEAKER pro tempore. The gentleman from North Carolina withdraws the resolution.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o’clock and 38 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1223

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LaHOOD) at 12 o’clock and 23 minutes p.m.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 45, NUCLEAR WASTE POLICY ACT OF 1999

Mrs. MYRICK. Mr. Speaker, the Committee on Rules is expected to meet the second week of June, when we return, to grant a rule which may restrict amendments for consideration of H.R. 45, the Nuclear Waste Policy Act of 1999.

Any Member contemplating an amendment to H.R. 45 should submit 55 copies of the amendment and a brief explanation of the amendment to the Committee on Rules no later than noon on Tuesday, June 8. The Committee on Rules office is in H-312 of the Capitol.

Amendments should be drafted to the text of the bill as reported by the Committee on Commerce on May 20.

Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the Rules of the House.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRA-STRUCTURE TO HAVE UNTIL 6 P.M., FRIDAY, MAY 28, 1999, TO FILE A REPORT ON H.R. 1000, AVIATION INVESTMENT AND RE- FORM ACT FOR THE 21ST CENTURY

Mr. SWEENEY, Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until 6 p.m. on Friday, May 28, 1999, to file a report on the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPOROR OF H.R. 853

Mr. REGULA. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 853.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DESIGNATION OF THE HONORABLE THOMAS M. DAVIS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 7, 1999

The SPEAKER pro tempore. The House has received the designation of the Honorable Thomas M. Davis to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 7, 1999.

The SPEAKER pro tempore laid before the House the following communication from the Speaker pro tempore:

WASHINGTON, DC, May 27, 1999.

I hereby appoint the Honorable Thomas M. Davis to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 7, 1999.

J. DENNIS HASTERT, Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

COMMUNICATION FROM THE HONORABLE ALCEE L. HASTINGS, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable Alcee L. Hastings, Member of Congress:

WASHINGTON, DC, May 27, 1999.

J. DENNIS HASTERT, Speaker of the House of Representatives.

DEAR MR. SPEAKER: I believe that I have been remiss in informing you that I have taken a leave of absence from the Committee on Science.

At the beginning of the 106th Congress I was appointed to the Select Committee on Intelligence. I am of the understanding that to serve on this select committee I am required to take a leave from one of my two permanent committee assignments. Therefore I have chosen to take a leave from the Committee on Science.

If you have any questions please feel free to contact either me or Ann Jacobs in my office at 5–1313. Thank you very much.

Sincerely,

ALCEE L. HASTINGS.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

CONTINUATION OF EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 106–75)

The SPEAKER pro tempore laid before the House the following message from the President of the United States: which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) is to continue in effect beyond May 30, 1999, and the emergency declared with respect to the situation in Kosovo is to continue in effect beyond June 9, 1999.

On December 27, 1995, I issued Presidential Determination 96–7, directing the Secretary of the Treasury, inter alia, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the Resolution”), was an essential factor motivating Serbia and Montenegro’s acceptance of the General Framework Agreement for Peace in Bosnia and
Herzegovina initiated by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris, France, on December 14, 1995 (hereinafter the "Peace Agreement"). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities, and on the territory that they control within Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution.

Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked those funds and assets that are subject to sanctions and encumbrances remain blocked, until unblocked in accordance with applicable law. Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond May 30, 1999.

On June 9, 1998, I issued Executive Order 13088, "Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro; and Blocking Property of Syria" (Blocking Property of the Government of the Republic of Serbia in Response to the Situation in Kosovo." Since then, the government of President Milosevic has rejected the international community’s efforts to find a peaceful settlement for the crisis in Kosovo and has launched a massive campaign of ethnic cleansing that has displaced a large percentage of the population and been accompanied by an increasing number of atrocities. President Milosevic’s brutal assault against the people of Kosovo and his complete disregard for the requirements of the international community pose a threat to regional peace and stability.

President Milosevic’s actions continue to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond June 9, 1999.

WILLIAM J. CLINTON.


CONGRESSIONAL RECORD—HOUSE

WEDNESDAY, JUNE 9, 1999

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, June 9, 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, June 7, 1999, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, as the designee of the majority leader, I move that the House do now adjourn. The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 35, 106th Congress, the House stands adjourned until 12:30 p.m. on Monday, June 7, 1999, for morning hour debates.

Thereupon (at 12 o’clock and 27 minutes) until adjournment of the House on Monday, June 7, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

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

2383. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Aminoethoxyvinylglycine; Temporary Pesticide Tolerance (OPP–300860; FRL–6081–2) (RIN: 2070–AB78) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2384. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Aspergillus flavus AF36; Pesticide Tolerance Exemption (OPP–300860; FRL–6081–2) (RIN: 2070–AB78) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2385. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Environmental Protection Agency, transmitting the Agency’s final rule—Air Quality Implementation Plans (RIN: 2000–AD01) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.


2391. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment (FRL–6348–8) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2392. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and promulgation of Air Quality Implementation Plans; Rhode Island; Amendments to Air Pollution Control Regulation Number 9 (RI–39–698a; A–1–FRL–6346–5) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2393. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and promulgation of Air Quality Implementation Plans; Massachusetts and Rhode Island; Nitrates Oxides Budget and Allowance Trading Program (MA–67–702a; A–1–FRL–6346–5) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2394. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and promulgation of Air Quality Implementation Plans; Texas; Dallas/Fort Worth Ozone Nonattainment Area (TX 107–1–7807; FRL–6349–3) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.
2395. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Implementation Plans; Kentucky; Revised Format for Mailing and Implementation by Reference [KY–9916; FRL–6338–3] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.


2399. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Implementation Plans; State of New Mexico and County of Bernalillo, New Mexico; State Boards [NM–9–1–234997] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.


2401. A letter from the Director, Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting the Commission’s final rule—NRC Generic Letter No. 98–61 Supplement 1; Year 2000 Readiness of Computer Systems At Nuclear Power Plants—received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2402. A letter from the Secretary of Health and Human Services, transmitting the fourth biennial report submitted summarizing activities and evaluations carried out by the office, this report covers activities during fiscal year 1997 and fiscal year 1998; to the Committee on Commerce.


2404. A letter from the Director, Policy Directorate, Office of the Director, Branch, Immigration and Naturalization, transmitting the Service’s final rule—Application for Refugee Status; Acceptable Sponsorship Agreement and Approval of Application for Alien Fiancé(e) [INS No. 99–99] (RIN: 1115–AP49) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.


2408. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines [Docket No. 98–AA64; Amendment 39–11164; AD 99–10–11] (RIN: 2120–AA64) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2409. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Industrie Aeronautique e Meccaniche Model Piaggio P–180 Airplanes [Docket No. 98–CE–96–AD; Amendment 39–11176; AD 99–11–06] (RIN: 2120–AA64) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2410. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department’s final rule—Amendment of Class E Airspace; Colstrip, MT [Airspace Docket No. 99–ANM–02] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


Interest Rate Update [Notice 99–28] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. DOYLE (for himself, Mr. MURTHA, Mr. ENGLISH, Mr. COVINE, Mr. KLECKA, Mr. BRADY of Pennsylvania, Mr. FATTARO, Mr. SHERWOOD, Mr. BORSKI, Mr. H. ROESEN, Mr. FRESBIE of Pennsylvania, Mr. KANJORSKI, Mr. HOFFEHL, Mr. GEKAS, Mr. GOODLING, and Mr. PTITZ):

H.R. 1975. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pittsburgh, Pennsylvania, metropolitan area; to the Committee on Veterans’ Affairs, and in addition, to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. LEACH, Mr. GELDENSHMITH, Mr. BERNAM, Mr. ABENCHEMBEE, Mr. HASTINGS of Florida, Mr. NEAL, Mr. McCINNEY, and Mr. SERRANO):

H.R. 1974. A bill directing the President to develop a strategy to bring the United States back into full and active participation in the United Nations Educational, Scientific and Cultural Organization; to the Committee on International Relations.

By Mr. McGINNIS (for himself, Mr. SAM JOHNSON of Texas, Mr. BACHUS, Mr. STUMP, and Mr. McHugh):

H.R. 1973. A bill to amend the Internal Revenue Code of 1986 to eliminate the temporary increase in unemployment tax; to the Committee on Ways and Means.

By Mr. BILBRAY (for himself, Mr. DOOLKY of California, Mr. LAZIO, Mr. LEWIS of California, and Mr. CUNNINGHAM):

H.R. 1972. A bill to amend the Motor Vehicle Information and Cost Savings Act to require that the fuel economy labels for new automobiles also contain air pollution information that consumers of communities achieve Federal air quality standards; to the Committee on Commerce.

By Mr. RAMSTAD (for himself, Mr. GILMAN, Mr. ENGLISH, Mr. SIBBSON, Mr. LUTHER, Mr. NEAL of Massachusetts, Mr. PORTMAN, Mrs. BONG, Mr. STARK, Mr. PAYNE, Mr. KLECKA, Mr. FROST, and Mr. UPTON):

H.R. 1971. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to provide parity with respect to substance abuse treatment benefits under group health plans and health insurance coverage; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and 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 Mrs. CHENOWETH:

H.R. 1976. A bill to amend the Certified Cultural Organization; to the Committee on the Judiciary.

By Mr. BARCIA (for himself, Mr. CAMP, Mr. CUNNINGHAM, Mr. HUNTER, Mr. 11228

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By Mr. GREEN of Wisconsin (for himself, Mr. ROWEY, Mr. DODD, and Mr. LIEBERMAN):

H.R. 1995. A bill to amend the Elementary and Secondary Education Act of 1965 to provide transportation to eligible low-income children who qualify for the Reading Excellence Act, and for other purposes; to the Committee on Education and the Workforce.

H.R. 1996. A bill to ensure that children enrolled in Medicaid and other Federal means-tested programs at highest risk for lead poisoning are identified and treated, and for other purposes; to the Committee on Armed Services, 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.

H.R. 1997. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received as claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims; to the Committee on Ways and Means.

H.R. 1998. A bill to amend title XVIII of the Social Security Act to promote the coverage of frail elderly Medicare beneficiaries permanently residing in nursing facilities in specialized health insurance programs for the frail elderly; 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. RAMSTAD for himself and Mr. CARLSON:

H.R. 1999. A bill to extend certain Medicare provisions 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. SCARBOROUGH (for himself, Mr. SHERMAN, and Mr. BERRY):


By Mr. CALDERON (for himself, Mr. BECERRA, Ms. CASTOR, Mr. CASTRO, Mr. CUMMINGS, and Mr. HASTERT):

H.R. 2001. A bill to amend title XVIII of the Social Security Act to promote the coverage of frail elderly Medicare beneficiaries permanently residing in nursing facilities in specialized health insurance programs for the frail elderly; 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. RAMSTAD for himself and Mr. CARLSON:

H.R. 2002. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received as claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims; to the Committee on Ways and Means.
H. R. 2001. A bill to promote freedom, fairness, and economic opportunity for families by repealing the income tax, abolishing the Internal Revenue Service, and enacting a national retail sales tax to be administered primarily by the States; to the Committee on Armed Services.

By Mr. TAUSCHER (for himself, Mr. MARKS of Georgia, Mrs. THURMAN, and Mr. BECHRA):

H. R. 2002. A bill to require the Secretary of Health and Human Services to conduct a study and report on adverse outcomes rates of Medicare patients of providers of anesthesia services, and for other purposes; to the Committee on Ways and Means, 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. STARK (for himself, Mr. MAT-SiEK of Georgia, Mrs. TAUSCHER, and Mr. BECHRA):

H. R. 2003. A bill to apply the same quality and safety standards to domestically manufactured handguns that are currently imported handguns; to the Committee on the Judiciary.

By Mrs. TAUSCHER (for herself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BLADAEVICH, Mr. BROWN of California, Mr. CHRISTENSEN, Mr. COYNE, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. LOWEY, Mr. MAGGIO, Mr. MCGOVERN, Mr. MERRICK, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. SHEAR, Mr. STARK, Mr. TIERNEY, and Ms. WOOLSEY):

H. Res. 123. A concurrent resolution commending the bravery and honor of the citizens of Remy, France, for their actions with respect to Lieutenant Houston Bray and to recognize the efforts of the 364th Fighter Group to raise funds to restore the stained glass windows of a church in Remy; to the Committee on International Relations.

By Mr. WU (for himself, Mr. CAMPBELL, Mr. ANDREWS, Mr. BONIOR, Mr. BROWN of California, Mr. ENGEL, Mr. BONIOR, Mr. BROWN of Pennsylvania, Mr. LEVIN, and Mr. PICKETT):

H. Res. 124. A concurrent resolution expressing the sense of the House of Representatives relating to recent allegations of espionage and illegal campaign financing that have brought into question the loyalty and probity of American citizens of Asian ancestry; to the Committee on the Judiciary.

By Mr. FARR of California:

H. Res. 196. A resolution urging the President to call for the United Nations to resolve the crisis in Yugoslavia; to the Committee on International Relations.

By Mr. DINGELL:

H. Res. 197. A resolution providing for the consideration of the bill (H. R. 358) to amend the Health Insurance Portability and Accountability Act of 1996; to the Committee on Education and the Workforce.

H. Res. 198. A resolution expressing the sense of the House of Representatives that James Francis Thorpe should be designated America's Athlete of the Century; to the Committee on Government Reform.

ADDITIONAL SPONSORS

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

H.R. 5: Mr. BLIRIKAS
H.R. 14: Mr. HILLARY
H.R. 4: Mr. MCCOLLUM
H.R. 65: Mr. WISE
H.R. 85: Mr. LEWIS of Georgia, Mr. WYNN, Mr. PASTOR, Mr. MCGOWEN, Mr. BARRETT of Wisconsin, and Mr. BROWN of California.
H.R. 110: Mr. LEVIN.
H.R. 111: Mr. BISHOP.
H.R. 116: Mr. GOODE.
H.R. 219: Mr. BLIRIKAS.
H.R. 303: Mr. SENSNBRENNER, Mr. WISE, and Mr. MCCOLLUM.
H.R. 531: Mrs. TAUSCHER, Mr. CALVERT, and Mr. DUNCAN.
H.R. 600: Mr. GOODLING.
H.R. 629: Mr. CASTLE and Mr. FATTAR.
H.R. 637: Mr. BUSCH of North Carolina and Ms. LOPKGREN.

H.R. 664: Mr. SABO.
H.R. 692: Mr. LATHAM.
H.R. 721: Ms. DANNER.
H.R. 742: Ms. RIVERS and Ms. STABENOW.
H.R. 756: Mr. GALLEGELY.
H.R. 783: Mr. MURTHA.
H.R. 784: Mr. QUINN, Mr. RODRIGUEZ, Mr. BOEHLELT, Mr. PETERSON of Minnesota, Mr. HUTCHINSON, and Mr. Pickett.
H.R. 796: Mrs. THURMAN and Mr. MCNULTY.
H.R. 845: Mr. NAHDLER.
H.R. 864: Mr. BARTON of Texas, Mr. WC, Mr. CUMMINGS, Mr. BARRETT of Wisconsin, Mr. MENENDEZ, Mr. PALLONE, Mr. INSLEER, and Mr. MALONEY of New York.
H.R. 902: Mr. LEWIS of Georgia, Ms. WOOLSEY, and Mr. SABO.
H.R. 1039: Mr. Neal of Massachusetts.
H.R. 1080: Mr. DOYLE.
H.R. 1300: Mr. GORDON.
H.R. 1334: Mr. GUTENKECHT and Mrs. MYRICK.
H.R. 1354: Mr. METCALF.
H.R. 1363: Mr. PICKETT.
H.R. 1440: Mr. MATSU and Mr. STARK.
H.R. 1501: Mr. GALLEGELY.
H.R. 1511: Mr. WELDON of Pennsylvania.
H.R. 1532: Mr. LEVIN and Mr. HANSEN.
H.R. 1594: Mr. MCNULTY, Mr. CARSON, Mr. ENGEL, Mr. BECKRRA, Ms. PELOSI, Mr. GUTIERREZ, Mr. LIPTINS, and Mr. PICKETT.
H.R. 1600: Mr. CALIFORNIA, Mrs. CAPPS, Mr. PHELPS, and Ms. KAPTUR.
H.R. 1640: Mr. FROST, Mr. WAXMAN, and Mrs. THURMAN.
H.R. 1644: Mr. FORBES, Mr. BERNMAN, Mr. HINOJOSA, Ms. JACKSON-LIE of Texas, Mr. KANJORSKI, Mr. MATSU, Mr. OWENS, Mr. RODRIGUEZ, Mr. SAWYER, Mr. WAXMAN, Mr. WYNN, Mr. DIXON, Mr. COYNE, Mr. STUPKA, Mr. BOEHLELT, Mr. GONZALEZ, Mr. MARTINEZ, Mrs. JONES of Ohio, Ms. SHAFT, Mr. NEIL, Mr. BASS, Mr. CAPP, Mr. WATKIN.
H.R. 1657: Mr. WU.
H.R. 1658: Mr. BLINT, Mr. PACKARD, and Mr. TERRY.
H.R. 1717: Mr. LEWIS of Georgia, Mr. WYNN, Mr. CONGRESSOF CALIFORNIA, and Mr. MCGOVEN.
H.R. 1824: Mr. BLINT and Mr. SAXTON.
H.R. 1842: Mr. HILL of Montana, Mr. ORTIZ, and Mr. PETERSON of Minnesota.
H.R. 1871: Mr. MCNULTY and Mr. FROST.
H.R. 1917: Mr. MERRICK, Mrs. CHRISTENSEN, Mr. WISE, Mr. BARCIA, Mr. TURNER, Mr. ABERCROMBIE, Mr. CAPUANO, Mr. DANNER, Mr. JENSEN, Mr. MCGRATY, Mr. FROST, Mr. RUSH, Mr. ISTOOK, Mr. RILEY, and Mr. JENKINS.
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H.R. 1968: Mr. Cardin.
H.J. Res. 55: Mr. Sam Johnson of Texas.
H. Con. Res. 114: Mr. Lazio, Mr. Ramstad, Mr. Greenwood, Mr. Castle, Mr. Regula, Mr. Bass, Mr. Gilman, and Mr. Thomas.
H. Res. 94: Mr. LaHood, Mr. Stark, Mr. Foley, and Mr. Rangel.
H. Res. 169: Mr. Talent, Mr. Forbes, and Mr. Radanovich.

CONGRESSIONAL RECORD—HOUSE

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS
Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:
H.R. 853: Mr. Regula.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS
The following Members added their names to the following discharge petition:
Petition 1 by Mr. Turner on House Resolution 122: Michael P. Forbes, Michael N. Castle, Christopher Shays, Greg Ganske, Constance A. Morella, and Nancy L. Johnson.
Petition 2 by Mr. Campbell on House Resolution 126: Christopher Shays and Michael P. Forbes.

The following Member's name was withdrawn from the following discharge petition:
Petition 2 by Mr. Campbell on House Resolution 126: David D. Phelps.
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 Tewell, of the Fifth Avenue Presbyterian Church, New York City.

We are very pleased to have you with us.

PRAYER

The guest Chaplain, the Reverend Dr. Thomas K. Tewell, the Fifth Avenue Presbyterian Church, New York, NY, offered the following prayer:

Will you pray with me.

Our Lord and our God, in this era of violence and confusion, we ask Your richest blessings to be poured out on the United States of America. We thank You for the destiny that You have given to us to be a living illustration of the righteousness and justice that You desire for all nations. Today we pray for the women and men in the United States Senate who work for long hours fulfilling their enormous responsibilities. They sometimes expend an incredible amount of energy on an issue, only to see it voted down. So often the good things they try to do meet with stubborn resistance. Their physical stress is aggravated as emotions are stretched and strained in this pressure cooker of responsibility.

Gracious God of love, protect the Senators from going beyond their human limitations where burnout brings discouragement. Make them wise in their responsibilities to their families, themselves, and most of all to You. Grant them the humility to remember their need for Sabbath rest, daily relaxation, and spiritual renewal. Most of all, O God, teach the Members of the Senate and all leaders in our Nation to wait upon You and thus renew their strength. May we put You first in our lives by remembering the words of the prophet Isaiah who said, “They that wait upon the Lord shall renew their strength, they shall mount up with wings like eagles; they shall run and not be weary, they shall walk and not faint.” We pray in the strong name of the One who was never in a hurry, yet finished the work He came to do. Amen.

APPRECIATION TO THE GUEST CHAPLAIN

Mr. LOTT. Mr. President, I extend my appreciation to Dr. Tom Tewell. I understand he is from the Fifth Avenue Presbyterian Church in New York City, and he is a friend of the Chaplain. A friend of the Chaplain is a friend of us all.

We appreciate having you here with us today.

APPRECIATION TO THE GUEST CHAPLAIN

Mr. LOTT. Mr. President, today the Senate will resume consideration of the defense authorization bill and immediately begin debate on the Allard amendment regarding the Civil Air Patrol. A vote in relation to the Allard amendment has been ordered for 10 a.m. I understand discussions are still continuing with regard to that amendment. Other amendments will be offered, I am sure. They are pending. I am sure Senators will want to have them offered and considered one way or another today. There will be votes throughout the day.

It is the intention of the managers—and certainly my intention—to complete action on this bill. I urge the managers to complete action during today, not tonight.

There are a number of Senators who are planning on proceeding to their States tonight, late tonight, or early in the morning, so we really need to get this legislation completed.

I commend the managers on both sides of the aisle for their hard work. The Senate will resume consideration of S. 1059, which is reserved.

A bill (S. 1138) to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce.

Mr. LOTT. I object, Mr. President, to further proceeding on this matter at this time.

The PRESIDENT pro tempore. The bill will go to the calendar.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1059, which is reserved.

A bill (S. 1059) to authorize appropriations for fiscal year 2000 military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Lott amendment No. 394, to improve the monitoring of the export of advanced satellite technology, to require annual reports with respect to Taiwan, and to improve the provisions relating to safeguards, security, and counterintelligence at Department of Energy facilities.

Allard/Harkin amendment No. 396, to express the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

AMENDMENTS Nos. 41 through 45, en bloc

Mr. WARNER. Mr. President, it is the intention of the manager to try to do the cleared amendments. I want to make certain that the distinguished ranking member is in concurrence. That is indicated, so I think I will proceed.

On behalf of myself and the ranking member, the Senator from Michigan, I send 31 amendments to the desk. I would say before the clerk reports that this package of amendments is for Senators on both sides of the aisle and has been cleared by the minority.

I send the amendments to the desk at this time and ask that they be considered en bloc.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The legislative assistant read as follows:

- This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be printed in the RECORD.

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

The amendments (Nos. 411 through 441) agreed to en bloc are as follows:

AMENDMENT NO. 411
(Purpose: To authorize the Secretary of Defense to incorporate into the Pentagon Renovation Program the construction of certain security enhancements)

On page 428, after line 19, insert the following new section:

SEC. 3. ENHANCEMENT OF PENTAGON RENOVATION ACTIVITIES.
The Secretary of Defense in conjunction with himself and Mr. Lazich, and on behalf of the Department of Defense, the Senate and the House of Representatives, to design and construct secure secretarial office and support facilities and security-related changes to the Metro entrance at the Pentagon Reservation. The Secretary shall, not later than January 15, 2000, submit to the congressional defense committees the estimated cost for the planning, design, construction, and installation of equipment for these enhancements, together with the revised estimate for the cost of the renovation of the Pentagon.

AMENDMENT NO. 412
(Purpose: To authorize the appropriation for the increased pay and pay reform for members of the uniformed services contained in the 1999 Emergency Supplemental Appropriations Act)

On page 96, line 15, strike "$71,693,093,000," and insert in lieu thereof the following: "$71,693,093,000, and in addition funds in the total amount of $1,838,426,000 are authorized to be appropriated for emergency appropriations to the Department of Defense for fiscal year 2000 for military personnel, as appropriate in section 302 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31)."

AMENDMENT NO. 413
(Purpose: To authorize dental benefits for retirees that are comparable to those provided for dependents of members of the uniformed services)

In title VII, at the end of subtitle B, add the following:

SEC. 717. ENHANCEMENT OF DENTAL BENEFITS FOR RETIREES.
Subsection (d) of section 1076c of title 10, United States Code, is amended to read as follows:

"(d) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan established under subsection (a) shall provide benefits for dental care and treatment which may be obtained in the community and under health benefits authorized under section 1076a of this title for plans established under that section and shall include diagnostic services, preventative services, emergency services, other basic preventive services, surgical services, and emergency services."

AMENDMENT NO. 414
(Purpose: To authorize the Air Force to evaluate the cost of a data system as having high military value as it will enable the effective evaluation of the performance of advanced weapon systems to be utilized in future conflicts. The Air Force has informed the committee that precision engagement is one of the emerging operational concepts in Joint Vision 2010. The system would provide a capability to effectively track multiple targets simultaneously.

Mr. President, I thank the Committee for their willingness to support this amendment. The 3-Data System will play a key role in enabling the Air Force to evaluate the capabilities and limitations of multiple weapons and their delivery systems during their development.

AMENDMENT NO. 415
(Purpose: To amend a per purchase dollar limitation of funding assistance for procurement of equipment for the National Guard for drug interdiction and counter-drug activities so as to apply the limitation to each item of equipment procured in title III. In title III, at the end of subtitle D, add the following:

SEC. 349. MODIFICATION OF LIMITATION ON FUNDING ASSISTANCE FOR PROCUREMENT OF EQUIPMENT FOR THE NATIONAL GUARD FOR DRUG INTERDICATION AND COUNTER-DRUG ACTIVITIES.
Section 112(a)(3) of title 32, United States Code, is amended by striking "per purchase order" in the second sentence and inserting "per item".

AMENDMENT NO. 416
(Purpose: To require the Secretary of the Army to review the incidence of violations of State and local motor vehicle laws and to submit a report on the review to Congress.)

On page 357, between lines 11 and 12, insert the following:
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SEC. 1032. REVIEW OF INCIDENCE OF CURRENT VEHICLE VIOLATIONS BY ARMY PERSONNEL.

(a) REVIEW AND REPORT REQUIRED.—The Secretary of the Army shall review the incidence of violations of state and local motor vehicle laws applicable to the operation and parking of Army motor vehicles by Army personnel during fiscal year 1999, and, not later than March 31, 2000, submit a report on the results of the review to Congress.

(b) CONTENT OF REPORT.—The report under subsection (a) shall include the following:

(1) A quantitative description of the extent of the violations described in subsection (a).

(2) An estimate of the total amount of the fines that are assessed with citations issued for the violations.

(3) Any recommendations that the Inspector General considers appropriate to curtail the incidence of the violations.

AMENDMENT NO. 417

(Purpose: To substitute for section 654 a repeal of the reduction in military retired pay for civilian employees of the Federal Government)

Strike section 654, and insert the following:

SEC. 654. REPEAL OF REDUCTION IN RETIRED PAY FOR CIVILIAN EMPLOYEES.

(a) REPEAL.—(1) Section 5532 of title 5, United States Code, is repealed.

(b) The chapter analysis at the beginning of chapter 55 of such title is amended by striking the item relating to section 5532.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

AMENDMENT NO. 418

(Purpose: To establish as a policy of the United States that the United States will seek to establish an economic embargo against any foreign country with which the United States is engaged in armed conflict, and for other purposes)

In title X, at the end of subtitle D, add the following:

SEC. 1061. MULTINATIONAL ECONOMIC EMBARGO AGAINST GOVERNMENTS IN ARMED CONFLICT WITH THE UNITED STATES.

(a) POLICY ON THE ESTABLISHMENT OF EMBARGOES.—

(1) IN GENERAL.—It is the policy of the United States that, upon the use of the Armed Forces of the United States to engage in hostilities against any foreign country, the President shall—

(A) seek the establishment of a multinational economic embargo against such country; and

(B) seek the seizure of its foreign financial assets.

(2) The actions that have been taken or are planned by the United States are consistent with—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the implementation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

AMENDMENT NO. 420

(Purpose: To add test and evaluation laboratories to the pilot program for revitalizing Department of Defense laboratories; and to add an authority for directors of laboratories under the pilot program)

On page 48, line 5, after “laboratory”, insert the following: ‘‘, and the director of one test and evaluation laboratory.’’.

On page 48, between lines 11 and 12, insert the following:

(B) To develop or expand innovative methodologies of operation that provide more defense research for each dollar of cost, including to carry out such initiatives as focusing on the performance of core functions and adopting more business-like practices.

On page 48, line 12, strike ‘‘(B)’’ and insert ‘‘(C)’’.

On page 48, beginning on line 14, strike subparagraph (A) and insert subparagraphs (A) and (B).

AMENDMENT NO. 421

(Purpose: To authorize land conveyances with respect to the Twin Cities Army Ammunition Plant, Minnesota)

On page 453, between lines 10 and 11, insert the following:

SEC. 2832. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the ‘‘City’’), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the ‘‘County’’), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) CONSIDERATION.—As a consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City,

hear and our law to discourage retired members of the uniformed services from seeking full time employment with the Federal Government.

Our laws should not reduce a benefit military retirees have earned because they chose to work for the federal government.

My amendment would fix this inequity. It would give retired officers equal pay for equal work from the federal government and it would give the federal government access to a workforce that currently avoids employment with the Federal Government.

I am pleased the managers of the bill have agreed to accept my amendment and I thank them for their support for this important amendment.

AMENDMENT NO. 419

(Purpose: To require a report on the Air Force distributed mission training)

On page 54, after line 24, insert the following:

Subtitle E—Other Matters

SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

(a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2000, a report on the Air Force Distributed Mission Training program.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept.

(2) Any recommendations that the Inspector General makes to demonstrate and prove the Air Force Distributed Mission Training program.

(3) Any recommendations that the Inspector General makes to demonstrate and prove the Air Force Distributed Mission Training program.

(4) The actions that have been taken or are planned by the United States are consistent with—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the implementation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

I have been unable to find one good reason to explain why we should want
County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

**AMENDMENT NO. 422**

(Purpose: To require a land conveyance, Naval Training Center, Orlando, Florida.)

On page 459, between lines 17 and 18, insert the following:

**SEC. 2844. LAND CONVEYANCE, NAVAL TRAINING CENTER, ORLANDO, FLORIDA.**

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey all right, title, and interest of the United States in and to the land comprising the main base portion of the Naval Training Center and the McCoy Annex Areas, Orlando, Florida, to the City of Orlando, Florida, in accordance with the terms and conditions set forth in the Memorandum of Agreement by and between the United States of America and the City of Orlando for the Economic Development Conveyance of Property on the Main Base and McCoy Annex Area of the Naval Training Center, Orlando, executed by the Parties on December 9, 1997, as amended.

**AMENDMENT NO. 423**

(Purpose: To modify the conditions for issuing obsolete or condemned rifles of the Army and blank ammunition without charge)

In title X, at the end of subtitle D, add the following:

**SEC. 1061. CONDITIONS FOR LENDING OBSOLETE OR CONDEMNED RIFLES FOR FUNERAL CEREMONIES.**

Section 4683(a)(2) of title 10, United States Code, is amended to read as follows:

"(2) issue and deliver those rifles, together with blank ammunition, to those units without charge if the rifles and ammunition are to be used for ceremonies and funerals in honor of veterans at national or other cemeteries."

**AMENDMENT NO. 424**

(Purpose: To authorize use of Navy procurement funds for advance procurement for the Arleigh Burke class destroyer program)

On page 25, between lines 17 and 18, insert the following:

(c) OTHER FUNDS FOR ADVANCE PROCUREMENT.—Notwithstanding any other provision of this Act, the funds authorized to be appropriated under section 102(a) for procurement programs, projects, and activities of the Navy, up to $190,000,000 may be made available, as the Secretary of the Navy may direct, for advance procurement for the Arleigh Burke class destroyer program. Authorization transfers under the subsection is in addition to the transfer authority provided in section 1001.

**AMENDMENT NO. 425**

(Purpose: To set aside funds for the procurement of the MLRS rocket inventory and reuse model)

In title I, at the end of subtitle B, add the following:

**SEC. 114. MULTIPLE LAUNCH ROCKET SYSTEM.**

Of the funds authorized to be appropriated under section 101(2), $450,000 may be made available to complete the development of reuse and demilitarization tools and technologies for use in the disposal of Army MLRS inventory.

**AMENDMENT NO. 426**

(Purpose: To expand the entities eligible to participate in an alternative authority for acquisition and improvement of military housing)

On page 460, between lines 6 and 7, insert the following:

**SEC. 2807. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.**

(a) DEFINITION OF ELIGIBLE ENTITY.—Section 2871 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The term 'eligible entity' means any individual, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government."

(b) GENERAL AUTHORITY.—Section 2872 of title 10, United States Code, is amended—

(1) by striking paragraphs (2) and (3) and inserting the following:

"(2) Paragraph (1) applies to a member described in paragraph (1) or (2) of subsection (a) who, while performing active duty for a period of more than 30 days, is in line of duty for a period of more than 30 days."

(c) DIRECT LOANS AND LOAN GUARANTEES.—Section 2875 of such title is amended to read as follows:

"2875. Investments."

(d) INVESTMENTS.—Section 2875 of such title is amended—

(1) in subsection (a)—

(A) by inserting "an eligible entity" in place of "the person"; and

(B) by inserting the following:

"(c) RENTAL GUARANTEES.—Section 2876 of such title is amended—

(1) in subsection (a), by striking "non-governmental entities" and inserting "an eligible entity"; and

(2) in subsection (b), by striking "the person" and inserting "the eligible entity"."

**AMENDMENT NO. 427**

(Purpose: To authorize medical and dental care for certain members of the Armed Forces incurring injuries on inactive-duty training)

On page 272, between lines 8 and 9, insert the following:

**SEC. 717. MEDICAL AND DENTAL CARE FOR CERTAIN MEMBERS INCURRING INJURIES ON INACTIVE-DUTY TRAINING.**

(a) ORDER TO ACTIVE DUTY AUTHORIZED.—

(1) Chapter 1231 of title 10, United States Code, is amended by adding at the end the following:

"12322. Active duty for health care."

(b) MEDICAL AND DENTAL CARE FOR MEMBERS.—Subsection (e) of section 1074a of such title is amended—

(1) by striking "private" and inserting "eligible entity"; and

(3) in subsection (d), by striking "non- governmental entities" and inserting "an eligible entity".

(d) RENTAL GUARANTEES.—Section 2875 of such title is amended—

(2) in subsection (a)—

(A) by striking "persons in private sector" and inserting "an eligible entity"; and

(B) by striking "the person" and inserting "the eligible entity".

**AMENDMENT NO. 428**

(Purpose: To authorize medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title while the member remains on active duty.)

On page 272, between lines 8 and 9, insert the following:

"(1) A member on active duty who is entitled to benefits under subsection (e) of section 1074(a) of such title is entitled to medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title while the member remains on active duty."

**AMENDMENT NO. 429**

(Purpose: To modify the conditions for issuing obsolete or condemned rifles of the Army and blank ammunition without charge)

In title X, at the end of subtitle D, add the following:

**SEC. 1061. CONDITIONS FOR LENDING OBSOLETE OR CONDEMNED RIFLES FOR FUNERAL CEREMONIES.**

Section 4683(a)(2) of title 10, United States Code, is amended to read as follows:

"(2) issue and deliver those rifles, together with blank ammunition, to those units without charge if the rifles and ammunition are to be used for ceremonies and funerals in honor of veterans at national or other cemeteries."

Mr. CLELAND. Mr. President, I am pleased to offer this amendment to S. 1059. The National Defense Authorization Act for Fiscal Year 2000, which seeks to protect the men and women of our reserve military components. The 1998 National Defense Authorization Act provided health care coverage for Reservists and Guardsmen incurring injury, illness or disease while performing duty in an active-duty status. However, it overlooked those servicemen and women performing duty in "inactive duty" status, which is the status they are in while performing their monthly "drill weekends."
This problem was dramatically illustrated recently when an Air Force Reserve C-130 crashed in Honduras, killing three crewmembers. One of the survivors was unable to work for over a year due to the serious nature of his injuries. While he was reimbursed for lost earnings, this serviceman was only eligible for military medical care related to injuries sustained in the crash. His family lost their civilian health insurance and was ineligible to receive medical care from the military. Had he been on military orders of more than 30 days, both he and his family would have been eligible for full military medical benefits for the duration of his recovery.

My dear colleagues, this is unacceptable. We must plug this loophole so that these tragic circumstances are not repeated.

Why is it so important that we look out for our Guardsmen and Reservists? It is because our military services have been reduced by one-third, while worldwide commitments have increased fourfold, leading to a dramatic increase in the dependence on our reserve components to meet our worldwide commitments. Like their active duty counterparts, they are dealing with the demands of a high operations tempo; yet they must meet the additional challenge of balancing their military duty with their civilian employment.

Members of the Guard and Reserve have been participating at record levels. Nearly 270,000 Reservists and Guardsmen were mobilized during Operations Desert Shield and Desert Storm. Over 17,000 Reservists and Guardsmen have answered the Nation’s call to bring peace to Bosnia. And, recently, over 4,000 Reservists and Guardsmen have been called up to support current operations in Kosovo. The days of the “weekend warrior” are long gone.

In addition to significant contributions to military operations, members of the reserve components have delivered millions of pounds of humanitarian cargo to all corners of the globe. Closer to home, they have responded to numerous state emergencies, such as the devastating floods that struck in America’s heartland last year. The men and women of the Reserve Components are on duty all over the world, every day of the year.

Considering everything our citizen soldiers, sailors, airmen and marines have done for us, we must not turn our backs on them and their families in their times of need. Please join me in supporting this amendment providing for those who provide for us.

AMENDMENT NO. 528
(Purpose: To refine and extend Federal acquisition streamlining)

At the end of title VIII, add the following:

SEC. 807. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.

(a) APPLICABILITY.—Paragraph (2) of section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by striking subparagraph (B) and inserting the following in lieu thereof:

"(B) The cost accounting standards shall not apply to a contractor or subcontractor for a fiscal year (or other one-year period used for cost accounting by the contractor or subcontractor) if the total value of all of the contracts and subcontracts covered by the cost accounting standards that were entered into by the contractor or subcontractor, respectively, in the previous or current fiscal year (or other one-year cost accounting period) was less than $50,000,000.";

(3) by striking paragraph (3) and inserting the following in lieu thereof:

"(3) SUBCONTRACTORS.—(A) The contractor or subcontractor shall include a statement of the circumstances justifying the waiver.

(B) The contractor or subcontractor shall include a statement of the circumstances justifying the waiver.

(C) the requirement in section 5122 of the Clinger-Cohen Act (40 U.S.C. 1422) for capital planning and investment control in purchase of information technology products and services;

(B) the requirement in section 2304(b)(1) of title 10, United States Code, and section 333(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) to ensure that all contractors are afforded a fair opportunity to be considered for the award of task orders and delivery orders; and

(C) the requirement in section 2304(c) of title 10, United States Code, and section 333(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) for a statement of work in each task order or delivery contract issued.

(D) The Federal Acquisition Regulation shall include the following:

(1) Criteria for selecting an official to be designated to award task order contracts in accordance with section 6 and 25 of the Office of Federal Procurement Policy Act shall be revised to provide guidance to agencies on the appropriate use of task order and delivery order contracts to ensure compliance with—

(A) the requirement in section 5122 of the Clinger-Cohen Act (40 U.S.C. 1422) for capital planning and investment control in purchase of information technology products and services;

(B) the requirement in section 2304(b)(1) of title 10, United States Code, and section 333(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) to ensure that all contractors are afforded a fair opportunity to be considered for the award of task orders and delivery orders; and

(C) the requirement in section 2304(c) of title 10, United States Code, and section 333(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) for a statement of work in each task order or delivery contract issued.

(2) any contract with a nonprofit entity that involves research and development and related products or services to the Department of Defense;

SEC. 808. GUIDANCE ON USE OF TASK ORDER AND DELIVERY CONTRACTS.

(a) GUIDANCE IN THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with section 2304(c) of title 10, United States Code, and sections 333(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) shall be revised to provide guidance to agencies on the appropriate use of task order and delivery order contracts in accordance with the provisions of law referred to in that subsection.

(b) CONTENT OF GUIDANCE.—The regulations issued pursuant to subsection (a) shall, at a minimum, provide the following:

(1) Specific guidance on the appropriate use of government-wide and other multi-award task order and delivery order contracts to ensure compliance with—

(A) the requirement in section 5122 of the Clinger-Cohen Act (40 U.S.C. 1422) for capital planning and investment control in purchase of information technology products and services;

(B) the requirement in section 2304(b)(1) of title 10, United States Code, and section 333(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) to ensure that all contractors are afforded a fair opportunity to be considered for the award of task orders and delivery orders; and

(C) the requirement in section 2304(c) of title 10, United States Code, and section 333(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) for a statement of work in each task order or delivery contract issued.

(2) any contract with a nonprofit entity that involves research and development and related products or services to the Department of Defense;

SEC. 809. CLARIFICATION OF DEFINITION OF COMMERCIAL ITEMS WITH RESPECT TO ASSOCIATED R&D FUNDING.

Section 4(12) (E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(E)) is amended to read as follows:
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CONGRESSIONAL RECORD—SENATE

May 27, 1999

JOINT STATEMENT OF SPONSORS

1. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS

In recent years, Congress has enacted two major acquisition reform statutes—the Federal Acquisition Streamlining Act of 1994 (FASA) and the Clinger-Cohen Act of 1996. These statutes were aimed at improving the government’s acquisition process and eliminating many government-unique requirements. The goal of these changes in the government’s purchasing processes has been to modify or eliminate unnecessary and burdensome legislative mandates, increase the use of commercial contacts to government contracts, and give more discretion to contracting agencies in making their procurement decisions.

Since the early 1900’s, the government has required certain unique accounting standards or criteria designed to protect it from the risk of overpaying for goods and services, including standards concerning the manner or degree to which Federal contractors apportion costs to their contracts with the government. The Cost Accounting Standards (CAS standards) are developed and maintained by the Cost Accounting Standards Board (CAS Board), a body created by Congress to develop uniform and consistent standards. The CAS standards require government contractors to account for their costs on a consistent basis and prohibit any shifting of overhead or other costs from commercial contacts to government contracts, or from fixed-priced contracts to cost-type contracts.

FASA and the Clinger-Cohen Act took significant steps to exempt commercial items from the applicability of the CAS standards. Nonetheless, the Department of Defense and other agencies in the national security sector continue to identify the CAS standards as a continuing barrier to the integration of commercial items into the government marketplace. Advocates of the CAS standards argue that they require companies to create unique accounting systems to do business with the government in cost-type contracts. They believe that the added costs of developing the required accounting systems has discouraged some commercial companies from doing business with the government and led others to set up separate assembly lines for government products, substantially increasing costs to the government.

This provision carefully balances the government’s need for greater access to commercial items, particularly those of non-traditional suppliers, with the need for a strong set of CAS standards to protect the taxpayer from overpaying contractors.

The provision would modify the CAS standards to streamline their applicability, while maintaining the applicability of the standards to the majority of contract dollars that are currently covered. In particular, the provision would raise the threshold for coverage under the CAS standards from $2,500 to $3,000. This would exempt contractors from coverage if they do not have a contract in excess of $5 million; and exclude coverage based on firm, fixed price contracts procured at a price in excess of $2,500 provided at the same time or from the same vendor as the commercial item the service is intended to support.

The provision also would provide for waivers to the CAS standards for agencies in limited circumstances. This would allow contracting agencies to handle this contract administration function, in limited circumstances, as part of their traditional role in overseeing contracts by knowledgeable contracting officers. The sponsors note that waivers would be available for contracts in excess of $10 million only in “exceptional circumstances” waiver may be used only when a waiver is necessary to meet the needs of an agency, and the agency determines that it would not be able to provide products or services in the absence of a waiver.

2. TASK ORDER AND DELIVERY ORDER CONTRACTS

FASA authorized Federal agencies to enter into multiple award task and delivery order contracts for the procurement of goods and services. Multiple award contracts occur when two or more contracts are awarded from one solicitation. Multiple award contracting allows the government to procure products and services more quickly using streamlined acquisition procedures while taking advantage of competition to obtain the best price and performance for individual task orders or delivery orders. FASA requires orders under multiple-award contracts to contain a clear description of the services or supplies ordered and—except under specified circumstances—requires that each of the multiple vendors be provided a fair opportunity to be considered for specific orders.

Concerns have been raised that the simplicity of these multiple-award contracts has brought with it the potential for abuse. The General Accounting Office and the Department of Defense Inspector General have reported that agencies have routinely failed to comply with the basic requirements of FASA, including the requirement to provide vendors a fair opportunity to be considered for specific orders. While performance guidance was established by the Office of Federal Procurement Policy (OFPP) in 1996, the regulations implementing FASA do not establish any specific procedures for awarding orders or any specific safeguards to ensure compliance with the basic requirements.

This provision would require that the Federal Acquisition Regulation provide the necessary guidance on the appropriate use of task and delivery order contracts as authorized by FASA. It also would require that the Administrator of OFPP work with the Administrator of the General Services Administration (GSA) to review the ordering procedures and practices of the Federal Supply Schedule program administered by GSA. This review should include an assessment as to whether the GSA program should be modified to provide consistency with the regulations for task order and delivery order contracts required by this provision.

3. CLARIFICATION TO THE DEFINITION OF COMMERCIAL ITEMS

FASA included a broad new definition of “commercial items,” designed to give the Federal government greater access to previously unavailable advanced commercial products and technologies. The FASA definition of commercial items included only a limited definition of commercial services. Under FASA, commercial items included services that support a commercial product as a commercial service. This language has been interpreted by some to mean that these ancillary services must be procured at a price in excess of $2,500 from the same vendor as the commercial item the service is intended to support.
This provision would clarify that services ancillary to commercial items, such as installation, maintenance, repair, training, and other support services, would be considered a commercial service regardless of whether the service is provided by the same vendor or at the same time as the item being furnished. The service is provided contemporaneously to the general public under similar terms and conditions.

4. TWO-YEAR EXTENSION OF COMMERCIAL ITEMS TEST PROGRAM

Section 4202 of the Clinger-Cohen Act of 1996 provided the authority for Federal agencies to use special simplified procedures to purchase commercial items, such as electronic data interchange systems results in posting of payments to appropriate accounts as required by paragraph (1). (vi) use of progress payment allocation systems; (v) organizational and functional duties and responsibilities relating to disbursement or accounting, including any statements or statements to the designated disbursing officer in a timely manner.

(b) MANAGEMENT OF CREDIT CARDS.—(1) The Comptroller General shall prescribe requirements to ensure the followings:

AMENDMENT NO. 430

(Purpose: To authorize an additional $21,700,000 for research, development, test, and evaluation of the Force XXI Battle Command, Brigade and Below (FCB2) (PE02203759A), and to offset the additional amount by decreasing by $21,700,000 the authorization for other procurement for the Army for the Maneuver Control System (MCS)

On page 17, line 1, strike “$3,669,070,000” and insert “$3,647,370,000”.

On page 29, line 14, strike “$4,671,194,000” and insert “$4,692,894,000”.

AMENDMENT NO. 439

(Purpose: To improve financial management and accountability in the Department of Defense)

On page 321, after line 24, insert the following:

(iv) obligations and expenditures are recorded contemporaneously with each transaction; and
(v) use of payment and accounting systems results in posting of payments to appropriate accounts as required by paragraph (1).

On page 322, between lines 17 and 18, insert the following:

(A) There is a record of all credit card transactions and internal controls to ensure the followings:
(B) the estimated costs of implementing these processes and controls described in subparagraphs (A), (B), (C); and
(C) whether the period that would be required to implement the processes and controls.

In this subsection, the term “electronic payment” means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a debit or credit to a financial account.

On page 329, after line 25, insert the following:

SEC. 1009. RESPONSIBILITIES AND ACCOUNTABILITY FOR FINANCIAL MANAGEMENT.

(a) UNDER SECRETARY OF DEFENSE (COMPTROLLER).—(1) Section 135 of title 10, United States Code, is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

“(d)(1) The Under Secretary is responsible for ensuring that the financial statements of the Department of Defense are in a condition that would be required by paragraph (1).

2) If the Under Secretary delegates the authority to perform a duty, including any duty relating to disbursement or accounting, to another officer, employee, or entity of the United States, the United States Comptroller General shall continue after the delegation to be responsible and accountable for the activity, operation, or performance of a system covered by the delegated authority.”.

(2) Subsection (c)(1) of such section is amended by inserting “and to ensure accountability to the citizens of the United States, Congress, the President, and managers within the Department of Defense” before the semicolon at the end.

MANAGEMENT OF CREDIT CARDS.—(1) The Under Secretary of Defense (Comptroller) shall prescribe regulations governing the use and control of all credit cards and computerized systems that are issued to Department of Defense personnel for official use. The regulations shall be consistent with regulations that apply government-wide regarding use of credit cards by Federal Government personnel for official purposes.

(2) The regulations shall include safeguards and internal controls to ensure the followings:

(A) There is a record of all credit card transactions and internal controls to ensure the followings:

(B) Credit card payments are made promptly within prescribed deadlines to avoid interest penalties.

(C) Deposits and refunds based on prompt payment on credit card accounts are properly recorded in the books of account.
May 27, 1999

Mr. GRASSLEY. Mr. President, I would like to speak briefly on the Grasso-Dodds amendment on financial management reforms at the Department of Defense.

The bill before us today provides the first major increase in defense spending since 1985. The increase in defense spending authorized in this bill was initially approved by the Budget Committee back in March. As a Member of the Budget Committee, I voted for the extra $8 billion dollars for national defense. That may come as a surprise to some of my colleagues.

In the past, I have opposed increases in the defense budget. Now, I don't. My colleagues must be wondering why. I would like to explain my position. I support this year's increase in defense spending for one reason and one reason only—

The Budget Committee—and now the Armed Services Committee—are calling for financial management reforms at DOD.

The Committees are telling DOD to bring its accounting practices up to accepted standards, so it can produce "auditable" financial statements—as required by the Chief Financial Officers Act.

This is music to my ears. We should not pump up the DOD budget without a solid commitment to financial management reform. The Committees are telling DOD to do what DOD is already required to do—under the law.

The Budget Committee's report on the Concurrent Resolution for FY 2000 contained strong language on the need for financial management reform at the Pentagon. While the Budget Committee's language is not binding, it sends a clear, unambiguous message to the Pentagon: clean up your books—now! The Armed Services Committee reached the same conclusion independently.

The Armed Services Committee has cracked up the pressure a notch. The Committee has taken the next logical step. The bill before us today contains much more than a strong message. It mandates financial management reform.

If adopted in conference, the language in this bill would become the law of the land. And with it, I hope we are able to generate more pressure for financial reform at the Pentagon. The legislative language on financial management reform is reflected in several provisions in Title X [ten] of the bill.

Mr. President, if financial reforms were not in the bill, I would be standing here with a different kind of amendment in my hand. I would be asking my colleagues to support an amendment to cut the DOD budget. Fortunately, that's not necessary. It's not necessary because the Armed Services Committee has seen the light and seized the initiative.

The Armed Services Committee is demanding financial management reforms at the Pentagon.

First, I would like to thank my friend from Virginia, Senator Warner—the Committee Chairman—for recognizing and accepting the need for financial management reform at the Pentagon. I would also like to thank my friend from Oklahoma, Senator Inhofe—Chairman of the Readiness Subcommittee—for putting some horsepower behind DOD financial management reform.

His hearing on DOD Financial Management on April 14th helped to highlight the need for reform and set the stage for the corrective measures in the bill. But above all, I would like to thank the entire Armed Services Committee for taking time to listen to my concerns and for addressing them in the bill in a meaningful way. I hope the Committee's efforts to strengthen internal controls—when combined with mine—will improve DOD's ability to detect and prevent fraud and better protect the peoples' money.

Mr. President, this bill does not contain all the new financial management controls that I wanted. There had to be give-and-take along the way. I remain especially concerned about the need for restrictions on the use of credit cards for making large payments on R&D and procurement contracts.

The Committee has assured me that there will be a good faith effort to examine this issue before the conference on this bill is concluded. Based on information to be provided by the Department and the General Accounting Office and Inspector General, the final version of the bill may include: (1) a dollar ceiling on credit card transactions; and (2) strict limits on using credit cards to make large contract payments.

I hope that is possible. There will be no improvement in the dismal DOD financial management picture without reform—and some pressure from this Committee and the other committees of Congress.

We need to lean on the Pentagon bureaucrats to make it happen. Without reform, the vast effort dedicated to auditing the annual financial statements will be a wasted effort.

The bill before us will hopefully establish a solid foundation—and create a new environment—where financial management reform can begin to happen. In doing what we are doing, I hope we are providing the Pentagon with the wherewithal to get its financial house in order.

The language in this bill—I hope—will get DOD moving toward a "clean" audit opinion. I hope that's where we are headed.

And there is another important reason why DOD financial reform is needed today.

As I stated right up front, we are looking at the first big increase in defense spending since 1985. I think this Committee needs to be on the record, telling the Pentagon to get its financial house in order.

If the Pentagon wants all this extra money, then the Pentagon needs to fulfill its Constitutional responsibility to the taxpayers of this country.

First, it needs to regain control of the taxpayers' money it's spending right now.

And second, it needs to be able to provide a full and accurate accounting of how all the money gets spent. DOD must be able to present an accurate and complete accounting of all financial transactions—including all receipts and expenditures. It needs to be able to do this once a year—accurately and completely.

The GAO and IG auditors should be able to examine the department's books and its financial statements and render a "clean" audit opinion. That's the goal.

I want to see us reach that goal reached in my lifetime. Mr. President, I would like to extend a special word of thanks to the entire Armed Service Committee for helping
me with my DOD financial management reform initiative. I would like to thank the committee for helping to push the Pentagon in the right direction—toward sound financial management practices.

I would like to thank the Committee Chairman, Senator WARNER, and his Subcommittee Chairman, Senator INHOFE, for throwing their weight behind the effort. I would like to thank them for working with me and helping me craft an acceptable piece of legislation.

Mr. President, in my mind, DOD financial management reform is mandatory as we move to larger DOD budgets.

Higher defense budgets need to be hooked up to financial reforms—just like a river hooked up to financial management reform. If we do not see a financial management reform is mandated, the kind the Senate needs to move together.

Amendment No. 411

(Purpose: To authorize $4,500,000 for research, development, test, and evaluation, Defense-wide, relating to a hot gas decontamination facility, and to reduce by $4,500,000 the amount authorized for chemical demilitarization activities to take into account inflation savings in the account for such activities.)

On page 18, line 13, strike "$1,169,000,000" and insert "$1,164,500,000".
On page 29, line 14, strike "$9,404,581,000." and insert "$9,404,581,000.".

Amendment No. 432

(Purpose: To provide $3,500,000 (in PE 62633N) for Navy research in computational engineering design, and to provide an offset.)

On page 29, line 11, increase the amount by $3,500,000.
On page 29, line 14, decrease the amount by $3,500,000.

Amendment No. 431

(Purpose: To extend certain temporary authorities to provide benefits for Department of Defense employees in connection with defense workforce reductions and restructuring.)

At the end of title XI, add the following:

SEC. 1107. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES TO PROVIDE BENEFITS FOR EMPLOYEES IN CONNECTION WITH DEFENSE WORKFORCE REDUCTIONS AND RESTRUCTURING.

(a) Lump-Sum Payment of Severance Pay.—Section 5596(c)(4) of title 5, United States Code, is amended by striking the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999 and inserting "February 10, 1996, and before October 1, 2003".
(b) Voluntary Separation Incentive.—Section 5596(e) of such title is amended by striking "September 30, 2001" and inserting "September 30, 2003".
(c) Continuation of FEHB Eligibility.—Section 8806a(d)(4)(A) of such title is amended by striking clauses (i) and (ii) and inserting the following: "(i) October 1, 2003; or "(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.

EXIT SURVEY

Ms. LANDRIEU. Mr. President, I thank our chairman, Senator WARNER, and the ranking member, Senator LEVIN, for agreeing to this very important amendment. As a new member of the Senate Armed Services Committee, I was a little taken aback by the way the Committee launched into major legislation at the very start of this session. I am glad that we did. From the very start of the year, it was clear that we had not only a real problem in retention, but the crisis in retention threatened to reach crisis proportions. Furthermore, this crisis was looming just when our country most needed every talented soldier, sailor, and airman that we could keep in the service.

The structural reasons behind the retention shortfall have already been well documented on the floor; a booming economy, long deployment, and a lack of predictability for family life have all been cited. However, what I have found very frustrating is that we have no sense of priority behind these problems. Are soldiers leaving because the pay is too low, or because the retirement package is insufficient? Do we need to address these separations tempo first, or health care? The evidence is all anecdotal. We have a strong sense of the universe of problems, but no quantifiable data on their relative importance.

As it stands, each service is responsible for exit surveys which are conducted on a voluntary basis when a person separates from the military. These surveys are not standardized, do not seek the same information, nor are they scientifically tested. In short, they are not much better than the anecdotal evidence that we collect by word of mouth. The dimensions of our difficulties in retention demand that we have much better information. For that reason, I have introduced this amendment. I believe it to be a very good bill, which will give us the data that we need to assess the steps Congress needs take in coming years to stem this tide.

The amendment instructs the Secretary of Defense to develop and implement a survey of all military personnel leaving the service starting in January 2000 and ending six months later. The survey will provide uniformity of data, and be scientifically tested so as to give us some real feedback as to why our men and women are leaving the service. Additionally, there are specific issues of content that the survey must address, namely: the reasons for leaving military service, plans for activities after separation, affiliation with a Reserve component, attitude toward pay and benefits, and the extent of job satisfaction during their tenure.

I believe that the answers to these questions are vital to the Senate’s role in addressing retention and other readiness issues. The priority of our all-volunteer force depends on our ability to continue to recruit and retain the manpower necessary to support our national security priorities. To do so, we need forward thinking policy which makes the most of our scarce resources and protects the quality of life of our armed services. This amendment will give us the data and intellectual framework to begin such policy. Again, I thank Senators WARNER and LEVIN for accepting it.

Amendment No. 435

(Purpose: To require the Secretary of Defense to carry out an exit survey on military service for members of the Armed Forces separating from the Armed Forces in title V, at the end of subtitle F, add the following:

SEC. 582. EXIT SURVEY FOR SEPARATING MEMBERS.

(a) REQUIREMENT.—The Secretary of Defense shall develop and carry out a survey on attitudes toward military service to be completed by members of the Armed Forces who voluntarily separate from the Armed Forces transfer from a reserve component to a reserve component during the period beginning on January 1, 2000, and ending on June 30, 2002.

(b) SURVEY CONTENT.—The survey shall, at a minimum, cover the following subjects:
(1) Reasons for leaving military service.
(2) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).
(3) Affiliation with a Reserve component, together with the reasons for affiliating or not affiliating, as the case may be.
(4) Attitude toward pay and benefits for service in the Armed Forces.
(5) Extent of job satisfaction during service as a member of the Armed Forces.
(6) Other matters as the Secretary determines appropriate.

(c) REPORT.—Not later than February 1, 2001, the Secretary shall submit to Congress a report containing the results of the surveys. The report shall include an analysis of the reasons why military personnel voluntarily separate from the Armed Forces and the post-separation plans of those personnel. The Secretary shall utilize the report’s findings in crafting future responses to declining retention and recruitment.

Amendment No. 436

(Purpose: To authorize the use of amounts for award fees for Department of Energy closure projects for purposes of funding additional cleanup projects at closure project sites.

On page 574, strike lines 1 through 24 and insert the following:

SEC. 2173. USE OF AMOUNTS FOR AWARD FEES FOR DEPARTMENT OF ENERGY CLOSURE PROJECTS AT ADDITIONAL CLOSURE PROJECT SITES.

(a) AUTHORITY TO USE AMOUNTS.—The Secretary of Energy may use an amount authorized to be appropriated for the payment of award fees for a Department of Energy closure project for purposes of conducting additional cleanup activities at the closure project site if the Secretary—
CONGRESSIONAL RECORD SENATE

May 27, 1999

11241

AMENDMENT NO. 436

(Purpose: To authorize the awarding of the Medal of Honor to Alfred Rascon for valor during the Vietnam conflict)

At the appropriate place in the bill, insert the following new section:

SEC. __ AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.

(a) WAIVER OF TIME LIMITATION.—Notwithstanding the time limitations specified in section 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under this section.

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving as a member of the Special Forces 4th Platoon, Company, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

Mr. ABRAHAM. Mr. President, I rise today to offer this amendment to authorize the awarding of the Medal of Honor to Alfred Rascon, a Mexican-born immigrant, who served in the military and体现了 the American tradition of service to this country. This award, after these many years, will correct an oversight and provide Mr. Rascon with the recognition he has earned. I would like to acknowledge the hard work of Representative Lacammade, who worked on this issue and has devoted time and resources to help correct the oversight that prevented the awarding of the Medal of Honor to Mr. Rascon.

To best understand the courage exhibited by Mr. Rascon, I would like to quote an excerpt from the study "The Military Contributions of Immigrants" published by Empower America, the American Immigration Law Foundation, the Congressional Medal of Honor Society, Heroes and Heritage, the Japanese American Veterans Association, and Veterans of Foreign Wars of the U.S. The study describes in detail Mr. Rascon's actions on March 16, 1966:

On March 16, 1966, bullets flew and grenades exploded as Rascon's platoon found itself in a maelstrom of North Vietnamese firepower. When an American machine gunner went down and someone called for a medic, Rascon, 20 at the time, ignored his orders to stay put and rushed down the trail amid a hail of enemy gunfire and grenades. To better protect the wounded soldier, Rascon dove on top of the body between the enemy machine gun fire and the soldier. Rascon turned. He was shot in the hip. Although wounded, he managed to drag the soldier off the track and discovered the man he was dragging was dead.

Specialist 4th Class Larry Gibson crawled forward looking for ammunition. The other machine gunner was already dead and Gibson had no ammunition with which to defend the platoon. Rascon grabbed the dead soldier's ammo and gave it to Gibson. Then, amid relentless enemy fire and grenades, Rascon hobbled back up the trail, snared the dead soldier's machine gun and, most importantly, 400 rounds of additional ammunition. The platoon ran for the grenades dropped. One ripped open Rascon's face. It didn't stop him. He saw another grenade drop five feet from a wounded Neil Haffy. He tackled Haffy to the ground to save his life. He stopped the grenade blast himself, saving Haffy's life.

Though severely wounded, Rascon crawled back among the other wounded and gave them aid. A few minutes later, Rascon saw Sergeant Ray Compton being hit by gunfire. As Rascon moved toward him, another hand grenade dropped. Instead of seeking cover, Rascon dove on top of the wounded sergeant and again absorbed the blow. That time the explosion smashed through Rascon's helmet and ripped into his scalp. He saved Compton's life.

When the firefight ended, Rascon refused aid for himself until the other wounded were evacuated. So bloodied by the conflict was Rascon that when soldiers placed him on the evacuation helicopter, a chaplain saw his condition and gave him last rites. But Alfred Rascon survived.

Today, Rascon, now 50, lives in Howard County, Maryland. The soldiers who witnessed Rascon's deeds that day recommended him in time for the Honor. Years later, these soldiers were shocked to discover that he had not received one. The men continue to this day to seek full recognition and the awarding of the Medal of Honor for Alfred Rascon.

Perhaps the best description of Alfred Rascon's actions 30 years later from fellow platoon member Larry Gibson: I was a 19-year-old gunner with a recon section. We were under intense and accurate enemy fire that had pinned down the point squad, making it almost impossible to move without being killed. Unhesitatingly, Doc [as he was called] went forward to aid the wounded and dying. It was only one of the wounds Doc took. The brunt of several enemy grenades, shattering the wounded with his body. In these few words I cannot fully describe the events of that day. The acts of unselﬁsh heroism Doc performed while saving the many wounded, though severely wounded himself, speak for themselves. This country needs genuine heroes and one of those heroes was Alfred Rascon.

Mr. President, the approach of Memorial Day is a proper occasion for us to reflect on what it means to live in a nation that can attract young men and women who were not even born here to volunteer and, if necessary, die for their adopted country. Today, we need to serve is consistent with our history. More than 20 percent of the recipients of our highest military award, the Congressional Medal of Honor, have been immigrants. Indeed America remains free because in no small part she has been blessed with many American heroes willing to give their lives in her defense.

During his last year in office, Ronald Reagan traveled out to a high school in Suitland, MD. Surrounded by students he addressed a large audience and what it means to be an American. President Reagan looked out at the young people and responded:

I got a letter from a man the other day, and I'll share it with you. The man said you can go to live in Japan, but you cannot be Japanese—or Germany, or France—and you named all the others. But he said anyone from any corner of the world can come to America and become an American.

We owe a debt to all those people, wherever they or their parents were born, who have kept our Nation free and safe in a dangerous world. And we owe a continuing debt of gratitude to those today who serve, guarding our country, our homes, and our freedom. Like all good things, freedom must be won again and again. I hope all of us will remember those, immigrants and native born, who have won freedom for us in the past, and stand ready to win freedom for us again, if they must. May we not forget the brave who have fallen and the brave who stand ready to ﬁght.

I believe the awarding of the Medal of Honor to Alfred Rascon is richly deserved. This award will demonstrate America's appreciation of Alfred Rascon's valor in combat and recognize his extraordinary service to this country. Mr. President, I yield the floor.

AMENDMENT NO. 437

(Purpose: To prohibit the return of veterans memorial objects to foreign nations without specific authorization in law)

At the appropriate place in the bill, insert the following new section and renumber the remaining sections accordingly:

SEC. __ PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity, or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign government, or otherwise transfer or convey such object to any person or entity controlled by a foreign government, unless specifically authorized by law.
armed with clubs, picks and machete-like hoes served as chariots. As women mourners and carrying coffins filled with bolos. A sergeant was beheaded in the massacre and dumped into a vat of steaming wash water. A young bugler was cut down in a nearby street. The company commander was hacked to death after jumping on top of the chapel. The remaining infantrymen defensed themselves with kitchen forks, mess kits and baseball bats. Others threw rocks and cans of beans.

Though he was also slashed across the back, PFC . . . Gamlin came to and found a rifle. By the time he and the other survivors fought their way to the beach, 38 US soldiers were dead and all but six of the remaining men had been wounded.

The remaining soldiers escaped in five dug-out canoes. Only three boats made it to safety on Leyte. Seven men died of exposure at sea, and other 8 men died of exposure to the elements of the company’s 74 members survived.

A detachment of 54 volunteers from 9th infantry units stationed at Leyte returned to Balangiga and recaptured the village. They were reinforced a few days later: 1st and 2nd L of the 11th Infantry Regiment. When the 11th Infantry was relieved on October 18 by Marines, the 9th Infantry took two of the church bells and an old cannon with them back to Wyoming as memorials to the fallen soldiers.

The bells and cannon have been displayed in front of the base flagpole on the central parade grounds since that time. The canon was restored by local volunteers and placed under a glass display case in 1985 to protect it from the elements. The bells were placed in openings in a large specially constructed masonry wall with a plaque dedicating the memorial to the memory of the fallen soldiers.

Off and on since 1981, there have been some discussions in various circles in Cheyenne, Washington, and Manila about the future of the bells, including the possibility of returning them to the Philippines. Most recently, the Philippine government—having run into broad opposition to their request to have both bells returned to them—has proposed making a copy of both bells, and having both sides keep one copy and one original. Opposition to the proposal from local and national civic and veterans groups was strong.

Last year, developments indicated to me that the White House was seriously contemplating returning one or both of the bells to the Philippines. 1998 marked the 100th anniversary of the Treaty of Paris, and a state visit by then-President Fidel Ramos—his last year. In addition, despite article IV, section 3, clause 2 of the Constitution, which states that the ‘Congress shall have the power to dispose of . . . Property belonging to the United States’ the Justice Department has issued an informal memorandum stating that the bells could possibly be disposed of by the President pursuant to the provisions of 10 U.S.C. § 2572.

I continue to be amazed, even in these days of political correctness and revisionist history, that a U.S. President—our Commander in Chief—would appear to be ready to ignore the wishes of our veterans and tear down a memorial to U.S. soldiers who died in the
line of duty in order to send part of it back to the country in which they were killed. Amazon, that is, until I recall this President’s willingness for sweeping apologies and what some might view as flashy P.R. gestures. Consequently, Senator Enzi and I decided to pursue the issue again in the 106th Congress.

Mr. President, to the veterans of Wyoming, and the United States as a whole, the bill represent a lasting memorial to those 54 American soldiers killed as a result of an unprovoked insurgent attack in Balangiga on September 28, 1901. In their view, which I share, any attempt to remove either or both of the bells—and in doing so actually physically dismantling a war memorial—is a desecration of that memory.

This amendment will protect the bells and similar veterans memorials from such an ignoble fate. The bill is quite simple; it prohibits the transfer of a memorial or any artifact thereof to a foreign country or government unless specifically authorized by law. I would like to thank the distinguished Chairman of the Committee [Senator Warner] for his assistance, and that of his staff, in moving this amendment forward.

AMENDMENT NO. 439
(Purpose: To authorize emergency supplemental appropriations for fiscal year 1999)

On page 371, at the end of line 13, add the following:

SEC. 1099. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

Amends authorized to be appropriated to the Department of Defense for fiscal year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) are hereby adjusted pursuant to any such enactment and to authorize assistance pursuant to subsection (a) in a fiscal year as necessary and critical to respond to the act or threat; and (2) the provision of such assistance will not adversely affect the military preparedness of the armed forces.

AMENDMENT NO. 440
(Purpose: To clarify the scope of the requirements of section 1098, relating to the prevention of interference with Department of Defense use of the frequency spectrum)

On page 371, at the end of line 13, add the following: “The preceding sentence does not apply to the operation, by a non-Department of Defense entity, of a communication system, developed or acquired on any frequency of the frequency spectrum that is reserved for exclusively non-government use.”

On page 372, line 3, insert “fielded” after “apparatus”.

(d) This section does not apply to any upgrades, modifications, or system redesign resulting in interference with or receiving interference from a non-Department of Defense system.

AMENDMENT NO. 441
(Purpose: To authorize the Secretary of Defense to provide emergency supplemental appropriations for fiscal year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) are hereby adjusted pursuant to any such enactment and to authorize assistance pursuant to subsection (a).

AMENDMENT NO. 442
(Purpose: To procure and use samples of non-nuclear ordnance, detection systems, and explosive damage assessment data)

On page 284, at the end of line 12, insert “(d) LIMITATION ON FUNDING.—Not more than $100,000,000 may be obligated to provide assistance pursuant to subsection (a) in a fiscal year.”

AMENDMENT NO. 443
(Purpose: To ensure continued participation by small businesses in providing services of a commercial nature)

On page 383, line 13, after “Government,” insert the following: “These items shall not be considered commercial items for purposes of section 4332(c) of the Clinger-Cohen Act (10 U.S.C. 2304 note).”

On page 383, line 19, after “concerns,” insert the following: “HUBZone small business concerns.”

On page 383, line 19, strike “(A)” and insert “(1)”.

On page 383, line 23, strike “(B)” and insert “(g)”.

On page 384, line 3, strike “(C)” and insert “(b)”.

On page 384, between lines 6 and 7, insert the following:

The term “HUBZone small business concern” has the meaning given the term in section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)).

AMENDMENT NO. 444
(Purpose: To authorize the Secretary of Defense to provide emergency supplemental appropriations for fiscal year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) are hereby adjusted pursuant to any such enactment and to authorize assistance pursuant to subsection (a).

(b) AUTHORITY.—During fiscal year 2000, the Secretary of Defense, upon the request of the Attorney General, may provide assistance to civil authorities in responding to an act or threat of an act of terrorism, including an act of terrorism or threat of an act of terrorism that involves a weapon of mass destruction, within the United States if the Secretary of Defense determines that—

(1) special capabilities and expertise of the Department of Defense are necessary and critical to respond to the act or threat; and

(2) the provision of such assistance will not adversely affect the military preparedness of the armed forces.

(c) REIMBURSEMENT.—(1) Assistance provided under this section shall normally be provided on a reimbursable basis. Notwithstanding any other provision of law, the amounts of reimbursement shall be limited to the amounts of the incremental costs of providing the assistance. In extraordinary circumstances, the Secretary of Defense may waive reimbursement upon determining that a waiver of the reimbursement is in the national security interests of the United States and submitting to Congress a notification of the determination.

(2) If funds are appropriated for the Department of Justice to cover the costs of responding to an act or threat where assistance is provided under subsection (a), the Department of Defense shall be reimbursed out of such funds for the costs incurred by the department in providing the assistance without regard to whether the assistance was provided on a nonreimbursable basis.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes remaining for debate on the Allard amendment numbered 396, with 20 minutes under the control of the Senator from Iowa, Mr. Harkin, and 10 minutes equally divided between the Senator from Colorado, Mr. Allard, and the Senator from Virginia, Mr. Warner.

Mr. Allard addressed the Chair. The PRESIDING OFFICER. If I might just briefly before I yield the floor for Senator Harkin, I ask unanimous consent to add Senator Enzi as a cosponsor of the amendment.

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

Mr. Allard. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. Harkin. Mr. President, I understand I have 20 minutes. Is that right?

The PRESIDING OFFICER. Correct.

Mr. Harkin. Will the Chair please advise the Senator when he has used 15 minutes?

The PRESIDING OFFICER. We will.

Mr. Harkin. I appreciate that.

Mr. President, I would like to take a few minutes to speak about the Civil
Air Patrol, a unique group of volunteer civilian airmen and others, who support the nation in a variety of ways. CAP members and cadets fly in every state, the District of Columbia, and the Virgin Islands in the United States, and in Puerto Rico, the U.S. Virgin Islands, Guam, and American Samoa. CAP cadets also fly in more than 60 countries and territories around the world in support of humanitarian and public service missions. The Cadet Program helps to prepare young people for possible careers in the military, but it also provides many other benefits. CAP cadets receive instruction in many areas, including flight, ground, and emergency services. They also participate in community service projects and get to fly in a variety of aircraft, including military surplus aircraft.

Today, CAP again flies support missions off the coast of America in support of another kind of war, the war against drugs. Since 1983, CAP has flown hundreds of thousands of hours in support of the U.S. Customs, U.S. Drug Enforcement Agency, and other federal and local law enforcement agencies. CAP aircrews fly reconnaissance, communications relay, and transport missions which take place over water along the 12-mile territorial limit, along the nation’s borders, and in most of the 50 states.

The cost to the taxpayer is very little as CAP is a volunteer agency. CAP aircrews were reportedly paid $15 per hour. In 1998 alone, Civil Air Patrol flew 41,721 hours in support of counter-drug efforts.

CAP also flies and conducts more traditional missions. While it is the official auxiliary of the Air Force, it also performs numerous emergency services missions, youth programs and aerospace education programs in support of states and local communities across this nation. It’s pilots routinely fly more than 85 percent of all the search and rescue hours flown in the United States. Whether searching for a lost child in a state park or looking for downed military aircraft, Civil Air Patrol flies there.

In 1998, Civil Air Patrol conducted 3,155 search and rescue missions and saved 116 lives. CAP also supports local communities and states during times of disaster. In 1998, during a period lasting weeks, hundreds of CAP members in drought-stricken Florida and Texas flew emergency fire watch while others maintained airborne communications relay stations, around the clock, supporting fire fighters on the ground. As recently as three weeks ago, when the Oklahoma tornadoes killed 45, CAP aerial and ground units quickly joined with community and state disaster relief efforts. Other emergency and humanitarian missions include flood surveillance, tornado and hurricane reconnaissance, blood collection and distribution flights, and the emergency airlift of medical material.

The Air Force has proposed a take-over of control by the Air Force. This is not warranted, as CAP is a unique organization that touches Americans at all levels. While it is the official auxiliary of the Air Force, it is also a benevolent, civilian non-profit corporation chartered by Congress to support emergency service and educational organizations such as the American Red Cross, all fifty states, the District of Columbia and the Commonwealth of Puerto Rico as well as thousands of local communities across the nation. Its more than 50,000 members, 1,700 squadrons, 535 light aircraft and thousands of communications stations stand ready to support not only the Air Force and other Federal agencies but all the citizens of the United States, no matter where they live.

Civil Air Patrol does this valuable humanitarian and public service mission with no Federal funds, at little or no fan fare. Is its volunteers deserve our thanks and appreciation.

AIR FORCE PROPOSAL

I rise in support of the Allard amendment to ensure civilian leadership of the Civil Air Patrol and to require studies of proposals to improve its operations. The Air Force has proposed a take-over of the governance of CAP. The Defense Authorization bill includes this proposal. It is not warranted, nor will it necessarily address alleged problems with CAP.

I am joining with Senator ALLARD and a long, bipartisan list of co-sponsors to offer an alternative that has the support of Congress for a more considered decision. The Air Force has proposed some huge and abrupt changes to the operations and governance of the Civil Air Patrol. The Air Force wants to place the internal administration of the Civil Air Patrol in the hands of the Air Force Reserve Board and operations. The proposal would put an Air Force Reserve Major General in charge of Headquarters, place an oversight Board—appointed by the Air
The Air Force had no criticism of the
staff attendance, but said that staff members received unauthorized reim-
bursement. But this is the key point: the reim-
bursement was approved by the Air Force before the event. The Air Force has about thirty Air Force staff over-
seeing operations and financial matters at headquarters, at the CAP head-
quarters in Alabama. Before the event, these Air Force staff, at the head-
quarters, approved the event for reim-
bursement.

In other words, the Air Force already had authority to oversee CAP financial
matters, exercised the authority and approved the reimbursement. Where is
the lack of Air Force control?

The Air Force has also pointed to
safety concerns. Although we only have
allegations, I talked to the CAP Com-
mssioner. He said, "I asked if there is a need for a safety of-
ficer. His response was fairly open. He doesn't know about the incident cited—again, they are from letters from unknown sources—but would welcome an OMB safety officer. The
Air Force can place one at the head-
quartes without this legislation and
always could, but perhaps the Air Force did not think it was a serious
concern."

Let me also turn to an important down-side to the Air Force proposal: cost. The Air Force proposes to use
many more uniformed military per-
sonnel to run CAP headquarters, re-
placing the civilian employees. I don’t
have to point out the financial implica-
tion to my colleagues. Uniformed Air
Force personnel simply cost more. In
fact, the Air Force is even talking
about changing some CAP’s uniform-
ations—again, they are from letters
obtained from the GAO. The Air Force did
not—yet—do an OMB circular—but CAP is waiting for the OMB to review the plan.

The Civil Air Patrol leadership has
rejected the allegations. We don’t need
to rush to a hasty decision. In fact, I have
talked to both Acting Secretary Peters of the Air Force and CAP lead-
nership. Both want to get together upon
my behest to discuss any differences and
think through any proposals. I would
like to invite other Senators to
attend if they so desire.

The Senator from Oklahoma de-
scribed many allegations of CAP mis-
steps. All I heard were allegations. In fact, many were made by unnamed
former members. Where is the evi-
dence? Where is the formal review? Where are the hearings? Are we going
to base legislation on unchecked alle-
gations?

Let me address just one allegation
made by the Air Force and repeated by
the Senator from Oklahoma—the infa-
bmous CAP cruise, which has been pur-
pored as the worst of CAP’s missteps. I
have looked into the matter and
here is what I have found. It is true that,
in 1998 the southeast region had a
mous CAP cruise, which has been pur-
pored as the worst of CAP’s missteps.

For instance, the Air Force has cit-
ed all of the allegations. It represents a
major change in the CAP. It recogn-
ses a higher financial cost to the taxpayer.

Strangely, the Armed Services Com-
mittee has adopted the Air Force pro-
posal. I say strangely, because the
Committee adopted the language with
very little review or discussion. There has
been no hearings on the Air Force proposal.

The Air Force is citing allegations of
financial mismanagement and safety lapses as the reasons for the change. While the Air Force has told the press
there are series problems with CAP, they have yet to make clear the evi-
dence. At present, the allegations
have been no report by the Air Force In-
spector General, no report by the DOD IG, nor by the GAO. The Air Force did
dwrite a report a year ago arguing for
an adoption of a new financial manage-
ment process—the adoption of an OMB circular—but CAP is waiting for
the OMB to review the plan.

The Civil Air Patrol leadership has
rejected the allegations. We don’t need
to rush to a hasty decision. In fact, I have
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For instance, the Air Force has cit-
ed all of the allegations. It represents a
major change in the CAP. It recogn-
ses a higher financial cost to the taxpayer.
We also support communities and States in times of disaster. In 1998, during a period lasting weeks, when we saw all the fires in Florida and Texas, hundreds of CAP members flew emergency fire watch, while others maintained airborne communication relay stations.

Three weeks ago during the terrible Oklahoma tornadoes that killed 45 people, CAP was there with aerial and ground units and quickly joined with community and State disaster relief efforts. I can tell you that in 1993, during the terrible floods we had in the Midwest, in Iowa, the Civil Air Patrol was there day after day after day helping with logistics, helping with communication, helping fly aircraft over rivers to warn of propane tanks floating downstream.

All of these things are done by volunteers. The people flying these planes don't get paid a dime.

One other thing that most people don't know about is the drug interdiction efforts by the Civil Air Patrol. This was something that I had proud involvement with back in the 1980s. We changed the law to give the Civil Air Patrol the authority to join with the DEA and others to fly drug interdiction, both off our coasts and looking for drugs within the continental United States.

At that time, if I am not mistaken, much of what was being done in that regard was done by the National Guard. They were charging over $1,100 an hour for that. The Civil Air Patrol did it for about $80 an hour. Why? Because it was all volunteers. In fact, many of the flying volunteers took their own cameras with them, paid for their own film, paid for developing, which pictures they then turned over to the DEA.

Again, I point that out because I am very proud of the Civil Air Patrol, very proud of their history, proud of what they have been doing recently, proud of what they are doing yet today to help our States, our local communities, and the great cadet programs they have to instill good values and discipline among so many young people in America.

Now what do we have? In front of us we have this provision that was put into the bill. I understand it was voice voted in committee. We have had no hearings on it, not one hearing. Yet, this provision would basically allow the Air Force to completely take over the Civil Air Patrol.

The Air Force has always had a relationship with the Civil Air Patrol—quite frankly, a pretty decent relationship. But because of some unfounded allegations, all of a sudden we have this provision in the bill that basically would allow the Air Force to take it over.

Well, what the Allard and Harkin amendment—joined by so many others—says is, what we have are allegations. When you have allegations, the best thing to do is have the GAO investigate and do a study, have the inspector general's office investigate these allegations. Let's find out where the truth lies. That is what our amendment says.

The worst is not going to end in the next year if we do not make this massive change to let the Air Force take over the Civil Air Patrol. What we need to do is to approach it in a logical manner. That is what the Allard-Harkin amendment does.

It simply says, GAO, IG, do an investigation, report back by February 15 of the year 2000, next year, in time for the next cycle. I am also going to ask the chairman and the ranking member of the Armed Services Committee if they would witness to this formal hearing in the Air Force, bring in the Civil Air Patrol. Let's find out if there are any bases to these allegations.

I called the present commanding officer of the Civil Air Patrol, Jay Bobick, last night. I talked to him about some of the allegations that were made on the record by my friend from Oklahoma. Quite frankly, I got a completely different story.

There have been allegations of financial mismanagement and safety lapses, but there is no evidence to support it. There has been no report by the Air Force inspector general, no report by DOD, nor by GAO. The Civil Air Patrol leadership rejects these allegations.

We don't need to rush to a hasty decision. I talked personally to both the Acting Secretary of the Air Force and to the CAP leadership. I asked them if we could get them both together in the same room, across the table from each other. They said yes. Then I asked them to have a meeting. They paid for it out of their own pockets. They are not volunteer members. When they go to meetings like this, they get reimbursed.

Now, we were told they were reimbursed. They got the meals free on the ship, but they then got reimbursed for that.

This, I was told, I say to my friend from Oklahoma, is not so. What they got reimbursed for was breakfast and lunch on the way to the ship, and they got reimbursed for breakfast and lunch and dinner on the way back, which is normal accepted Federal practice. They were not reimbursed for any of the meals while they were on the ship. Anyway, that is what I have been told.

I point this out, also, to my friend from Oklahoma: The Air Force had no criticism of this. In fact, another key point: The Air Force has about 30 staff overseeing operations and financial matters at headquarters at Maxwell Air Force Base in Alabama.

Before this cruise took place, the southeast region sent it up to the Air Force for approval. Guess what. The Air Force approved the cruise before it ever took place. That is true. The reimbursement and the cruise were approved by the Air Force before it ever took place. In other words, the Air Force already had the authority to oversee Civil Air Patrol financial matters. They exercised that authority and they approved it.

So I ask, where is the lack of Air Force control? They had it. And now we have allegations that they took this cruise, but the Air Force approved it in the first place.

Well, now I hear there are some safety concerns. Again, we only have allegations. I talked to Mr. Bobick about them. I asked if there is a need for a safety officer, an Air Force safety officer. I say to my friend from Oklahoma ever it was, the Bahamas or Nassau, some place like that, purported as one of the worse CAP missteps, I looked into the matter, and here is what I found.

It is true that in 1998 the southeast region—that is basically Florida, Alabama, Mississippi, Georgia, Tennessee; I may have missed a couple States—had a meeting. They had it aboard a ship instead of at a hotel.

I point out the Civil Air Patrol regions have meetings regularly within the region and all the wings come together and they decide on the location. They decided on having it on a ship.

Let's look at the facts. First, no Civil Air Patrol member used Federal dollars to pay for that cruise, not one. They paid for it out of their own pockets, volunteer members. It is true that some former members of the Civil Air Patrol are charging over $1,100 for a one-night cruise, but the Air Force approved the cruise before it ever took place.

I asked if some of the Civil Air Patrol leadership had made some missteps. Some were made, as I understand it. I asked them to stand in the record by unnamed former members. Again I ask, where is the formal record by my friend from Oklahoma: The Air Force had no criticism of this. In fact, another key point: The Air Force has about 30 staff overseeing operations and financial matters at headquarters at Maxwell Air Force Base in Alabama.

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Well, now I hear there are some safety concerns. Again, we only have allegations. I talked to Mr. Bobick about them. I asked if there is a need for a safety officer, an Air Force safety officer. I say to my friend from Oklahoma
Mr. INHOFE. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado and the Senator from Virginia are the only ones who have time left.

Mr. INHOFE. I am controlling time for the Senator from Virginia.

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. INHOFE. I will yield myself a couple of minutes and I will reserve the remainder of my time.

First of all, I disagree with many of the things the Senator from Iowa is saying. The only thing I disagree with have much better proof than he is implying in terms of mismanagement.

I find something very interesting, and that is a letter that went out last night over the web site from one of the Civil Air Patrol members, named Cameron Warner, to all his fellow members. In this letter he makes it very specific that we at CAP have problems—problems at the top—and they are going to have to be addressed. He goes on to say that if we don't do anything about it, those things that we said yesterday on the floor of the Senate as to “60 Minutes” coming in and looking at all these abuses could actually be a reality. So here is a request from members of the CAP saying they want to clean up this act.

I ask unanimous consent that this be printed in the RECORD.

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

A SAD COMMENTARY
(By Cameron F. Warner)

DEAR CAP MEMBERSHIP: Folks, today as I watched the debate about CAP v. USAF take place on the Senate floor, I couldn’t help but think how sad this is. Just listen to the subject matter. All this dirty laundry about CAP being aired out on the Senate floor in front of the American public. Today, the image got one step in the wrong direction relative to public perception. How embarrassing to say the least!

Years of good work and wonderful acts by members being tarnished by the actions of a few. Indeed, this is a dark day in the history of CAP.

It is a personal heartbreak to see just where the leadership of Bobick and Albano have taken CAP. Here is CAP, center stage on the United States Senate floor for all to see, but not for all it’s good deeds or accomplishments. Quite the contrary! Rather, we have United States Senators on the Senate floor talking about all the wrong doings of leadership and the bad management of CAP.

Sen. Inhofe talks about FBI investigations of CAP. Ask yourself, how bad does that sound to the American public? How does that really sound to you?

The Allard amendment was not resolved as earlier thought, so the debate will continue early tomorrow morning with a vote to follow. For those of you who are interested, live Senate coverage on CSPAN2 first thing in the morning. No matter what the outcome, it will only get worse for CAP and USAF at the end of this century! Today is tomorrow’s history. Good work, guys!

Mr. INHOFE. Mr. President, the other thing I want to mention is that we all love the CAP. There isn’t a person in the 100 Members here who has worked closer with them than I have. I was a flight instructor, and I have been involved with these people. We love them. We don’t want something to happen where all of a sudden we find out bad things are going on and the Air Force says we can’t be responsible for it, dump the program. We all want to save the CAP.

Third, I don’t buy the argument when they say we are using our own money. It is 95 percent paid for by public funds. But it is always easy to say these funds were the ones that were the 5 percent. I am not criticizing anybody for saying that, because I hear that all the time on the floor of the Senate.

I have no problem with accepting this amendment. I think we can probably do it by voice vote. I would like to address these things together. The Senator from Iowa and I have talked, and certainly the Senator from Colorado also shares the concern that there could be mismanagement that has to be stopped, and this is actually the request of the members of the CAP.

I reserve the remainder of my time.

Mr. ALLARD. Mr. President, first of all, I want to reiterate how important the Civil Air Patrol is to States such as Colorado, particularly in the mountainous regions. They have played such a vital role when we have had downed aircraft in the Mountains. They have been a nonprofit civilian organization ever since 1946, and they have been designated since 2 years after that as an auxiliary. After all, it is the Civil Air Patrol, not the Defense Air Patrol or the Air Force Air Patrol. This is the Civil Air Patrol, and it is volunteers. That has been its focus. That is the strength of the organization. I think any effort at this point to put it under the control of the Air Force is premature.

I am glad to hear that my colleague from Oklahoma has recognized the fact that we can do a GAO study to look at the budget aspects of some of the discrepancies that supposedly come out, and then if we can get the inspector general to go in and look at how the management side of it is handled and get concrete recommendations back to the Senate, then we can go ahead and have some hearings next year. That makes good sense to me. I hope we can accept that plan and move forward.

So if they want to go with a voice vote, that is acceptable to me, with the idea that we have a GAO study and we
have an inspector general study, and then we have some hearings and get the facts. I have an inspector general study, and then we have some hearings and get the facts. I recall from Iowa, has made a good suggestion, that we need to get both of them in the same room to talk about these differences. I think there is all sorts of room to correct some misunderstandings between the Air Force and Civil Air Patrol. I think we can do it in an honest manner.

So I think the Allard amendment is reasonable. I think it has a reasonable approach, and I urge my colleagues on the Armed Services Committee to work with us on the Allard amendment.

I ask unanimous consent to add another cosponsor to the amendment, Senator Rod Grams of Minnesota. The amendment (No. 396) was agreed to. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, do I have 4 or 5 minutes?

The PRESIDING OFFICER. Four minutes remains.

Mr. HARKIN. I think maybe we are going to reach a good resolution on this and accept the amendment. I have no problems with a voice vote. That is fine. I know the Senator from Oklahoma is sincere. We have talked about this. He has been involved in the Civil Air Patrol for a long time. I believe we can work this out. Again, I hope we can do it in a logical approach.

I have to chide my friend from Oklahoma a little bit here on reading a letter on the web. I say to my friend that I know there are probably disgruntled people in the CAP, like in the Air Force or anywhere else. We are going to try to get those kinds of letters.

Again, I just repeat for the sake of emphasis that the best way to do that is to get the IG to look into the darned thing and see what type of basis there is on that. I just want to add in my little time remaining that I really want to examine, perhaps, this oversight board.

The Air Force wanted to have a military oversight board. I personally don’t think that is the way to go. For the Civil Air Patrol, I agree, the present structure of the board is not right. I want to say that publicly to my friend from Oklahoma. That is not right. But I hope to work with him in thinking about an oversight board that would be more akin to the civilian oversight board of the academies or something like that, or maybe Congress would appoint some and the President would appoint some where we would have a blend of civilians with the background that would give them the kind of knowledge they need to have an oversight of the Civil Air Patrol.

I hope that might be a better way of proceeding on an oversight board to keep it in civilian hands, but to do it in the way that is not the present structure of the board is set up, which I, quite frankly, think invites a lot of problems, the way the board is set up with the commander. I am willing to work on this in a way that makes sense, but to have some kind of a civilian oversight board.

Again, I appreciate the debate we have had. I think we all are very justly proud of the Civil Air Patrol and what they have done in the past. I really believe that in the future, with drug interdiction, with national disasters, the Civil Air Patrol will continue to play a vital role in our society. Plus, I also want to work with my friend from Oklahoma and my friend from Colorado.

I have been trying for a long time to beef up the cadet program in the Civil Air Patrol. We need to strengthen the cadet program. These inner-city kids especially are looking for things to do. They need some order. They need some structure and discipline in their lives. This is what the Civil Air Patrol can do for them. It will help build up our summer camps where these kids get to go for a couple of weeks. They can learn some technology and get some discipline and order in their lives. They can wear a uniform of which they can be proud. Believe me, I think we ought to do more to strengthen and to build up the cadet program in the Civil Air Patrol. I think it would be one of the best things we could do for the future of our country.

Again, I appreciate all the work that Senator Allard has done on this. I have talked to so many Democrats on my side who are supporting the Allard amendment. I believe there is overwhelming support on both sides for this approach.

Again, if we want to have a voice vote on it, that is fine with me. I thank my friend from Colorado. I thank my friend from Oklahoma. I think he has done a service here by at least highlighting the problem and pointing out that we have to do something. We may have disagreed a little bit on how to do it, but that is normal. I think now we are set on a course that is really going to improve and make the Civil Air Patrol even better.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma has 3 minutes remaining.

Mr. INHOFE. The other side?

The PRESIDING OFFICER. The time of the Senator from Iowa last expired.

Mr. INHOFE. Mr. President, I agree with a lot of the things the Senator from Iowa is saying. I felt that we were in a position where we couldn’t do nothing. We had the accusations out there. I think, quite frankly, “60 Minutes” has done more on this than the CAP has. However, that is the reality. Any time there are accusations like this and 95 percent of the taxpayers’ money is being spent, we have a responsibility for oversight. I think we will be able to do that. I certainly have no objection to working on this and making it happen.

I also say, since I have a minute remaining, that I am particularly concerned, because 2 weeks ago I was thinking about this ACP while flying aboard an airplane which had an engine blow, and I wasn’t sure I was going to be able to land safely gliding into the airport. I could very well have been their product a couple of weeks ago.

I yield the remaining time.

Mr. ALLARD. Mr. President, I would like to summarize briefly before we go to a vote. I think the Allard amendment is a reasonable plan. It sets out the process in which we can gather our facts through a GAO report, and I am sure the report from the Inspector General, then hold some hearings and make some reasonable decisions. We all, I think, agree that we need to understand the problem before we can arrive at some satisfactory conclusion. I think the plan does that.

I urge the Members to vote yes. I yield any remaining time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 396) was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I wanted to ask my colleagues whether or not they are ready to go to an amendment right this second, or whether I could have 3 minutes as if in morning business.

Mr. WARNER. Mr. President, can I get a Senator from Colorado. I say to my colleagues that I think I can do everything in 5 minutes.

Mr. WARNER. Is it related to the bill?

Mr. WELLSTONE. No.

Mr. WARNER. We have a Senator that is anxious to address a matter on the bill.

Mr. WELLSTONE. Mr. President, I have the floor, but I know we want to move forward.

Mr. President, while I have the floor, we are going to go forward with the Kennedy amendment. Is that correct? Can I ask unanimous consent that after we dispense with the Kennedy amendment I have business?

Mr. WARNER. Mr. President, allow the managers to represent to the Senator that we will find a window in which the Senator from Minnesota can address the matter not related to the bill. But we have good momentum on this bill. I would like to ask the Senator from Massachusetts as to what his desire is.
May 27, 1999

Mr. KENNEDY. Mr. President, I would like to submit the amendment.

Mr. WELLSTONE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will send the amendment to the desk and speak probably for 4 or 5 minutes on it. I think my colleague, Senator LAUTENBERG, may want to talk for a similar period of time. We are prepared. There is virtual support for it, and no opposition. Then we would obviously like to get a vote on it and have it at a time that is suitable with the managers any time during the course of the day.

Mr. WARNER. If I might inquire, Mr. President, of the Senator from Massachusetts, he said get the vote. Would a voice vote be suitable?

Mr. KENNEDY. This issue is sufficiently important, Mr. President, dealing with Libya that I think it is advantageous to the Senate and on the whole issue of Qadhafi that we have a strong vote in the Senate. We would be glad to accommodate leaders to vote at any time during the course of the day.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, here is a schedule that is the ranking member and I am considering; that is, to have the debate by the Senator from Massachusetts and the Senator from New Jersey. That would take, say, 10 minutes.

Mr. KENNEDY. Mr. President, I will only take about 4 or 5. I believe that is what the Senator from New Jersey desires. But I have not heard from him this morning. I think we could at least present the amendment, and I will speak briefly. I am trying to get the Senator from New Jersey here at the present time.

Mr. WARNER. Then I would suggest the following: The Senator from Minnesota is very anxious and very patient to try to get 5 minutes to address the Senate on a matter other than the bill. I am perfectly willing, as this manager, to grant him 5 minutes within which time the Senator can contact Senator LAUTENBERG. That will be followed, as soon as the Senator from Minnesota has concluded his remarks, with 20 minutes of debate on the Kennedy amendment. We will reserve 15 minutes on my side; the other is the amendment having to do with contract specifications, and we only need 15 minutes on my side.

Mr. WARNER. Could the Senator possibly reduce 30 minutes to 20 minutes?

Mr. FEINGOLD. That would be difficult. We started off with 45 minutes and we are going down. It is a very complicated issue.

Mr. WARNER. I appreciate that, but it is a subject that I think is pretty well known. The Senator has raised it very conscientiously through the years. We have the necessity to get this bill completed by early afternoon. If the Senator could grant us 20 minutes on the first amendment, say 10 minutes on the second amendment, then I ask for only 5 minutes on each amendment on this side.

Excuse me, I am told on the first amendment the Senator from Wisconsin would have 20 minutes; on this side, we would have 15 minutes; is that agreeable?

Mr. FEINGOLD. That is pretty tough, but I will agree to it and proceed accordingly.

Mr. WARNER. That is the first amendment.

As to the second amendment, the amount of time?

Mr. FEINGOLD. I would like 15 minutes.

Mr. WARNER. Fifteen minutes; we would take 10 minutes on this side. So that concludes those two amendments.

With that, I think the Senator from Massachusetts is agreeable now. The Senator has 10 minutes equally divided and the Senator from New Jersey—

Mr. KENNEDY. Ten minutes on our side. There is no opposition to this.

Mr. WARNER. Mr. President, the event someone is in opposition. We have three amendments: two from Wisconsin, 15 under the control of the Senator from Virginia; then to the second Feingold amendment, 15 minutes under the control of the Senator from Wisconsin and 10 minutes under the control of the Senator from Virginia. That will be two record votes.

So we will have three record votes in approximately an hour's time. We will add no amendments in order to any of the three amendments that we just rejected.

Mr. LEVIN. Mr. President, reserving the right to object, I understand the three votes will not only be stacked at the end of the debate on the third amendment but that we would vote on them in the order in which they are presented; is that correct?

Mr. WARNER. That is correct.

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

The Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. Mr. President, let me thank the Senator from Wisconsin for his graciousness, together with both of my colleagues, Senator KENNEDY and Senator FEINGOLD.

KOSOVO

Mr. WELLSTONE. Mr. President, I ask unanimous consent, to have printed in the Record a very eloquent, powerful and important piece written by President Jimmy Carter, entitled, "Have We Forgotten the Path to Peace?" from the New York Times.

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

[From the New York Times, May 27, 1999] HAVE WE FORGOTTEN THE PATH TO PEACE?

(By Jimmy Carter)

After the cold war, many expected that the world would enter an era of unprecedented peace and prosperity. Those who live in developed nations might think this is the case today, with the possible exception of the war in Kosovo. But at the Carter Center we monitor all serious conflicts in the world, and the reality is that the number of such wars has increased dramatically.

One reason is that the United Nations was designed to deal with international conflicts, and almost all the current ones are civil wars in developing countries. This creates a peacemaking vacuum that is most often filled by powerful nations that concentrate their attention on conflicts that affect them, like those in Iraq, Bosnia and Serbia. While
the war in Kosovo rages and dominates the world’s attention, many conflicts in developing nations are systematically ignored by the United States and other powerful nations.

One can traverse Africa, from the Red Sea in the northeast to the southwestern Atlantic coast, and never step on peaceful territory. Fifty thousand people have recently perished in the war between Eritrea and Ethiopia, and almost two million have died during the 16-year conflict in neighboring Sudan. That war has now spilled into northern Uganda where international troops have joined those from Rwanda to fight in the Democratic Republic of Congo (formerly Zaire). The other Congo (Brazzaville) is also ravaged by civil war, and all attempts to bring peace to Angola have failed. Although formidable commitments are being made in the Balkans, where white Europeans are involved, no such concerted efforts are being made by leaders outside of Africa to resolve the disputes.

This gives the strong impression of racism.

Because of its dominant role in the United Nations, the United States tends to orchestrate global peacemaking. Unfortunately, many of these efforts are seriously flawed. We have become increasingly more dependent on previously tested premises of negotiation, which in most cases prevent deterioration of a bad situation and at least offer the prospect of a bloodless solution. Abusive leaders can be induced by the simultaneous threat of consequences and the promise of reward—at least legitimacy within the international community.

The approach the United States has taken recently has been to devise a solution that best suits its own interests, recruit at least tacit support for the formula, and then exert pressure to force acceptance. This flawed approach is now causing unwarranted suffering and strengthening unsavory regimes in several countries, including Sudan, Cuba, Iraq and—the most troubling example—Serbia.

There, the international community has admirable goals of protecting the rights of Kosovars and ending the brutal policies of Slobodan Milosevic. But the decision to attack the entire nation has been counter-productive, and our destruction of civilian life has now become senseless and excessively brutal. There is little indication of success after more than 4,000 sorties and 14,000 missiles and bombs, 4,000 of which were not precision guided.

The expected few days of aerial attacks have now lengthened into months, while more than a million Kosovars have been forced from their homes, many never to return even under the best of circumstances. As the American-led force has expanded targets to include towns and residences, the use of anti-personnel cluster bombs, the result has been damage to hospitals, offices and residences of a half-dozen ambassadors, and the killing of hundreds of innocent civilians and an untold number of conscripted troops.

Instead of focusing on Serbian military forces, missiles and bombs are now concentrating on the destruction of bridges, railways, roads, electric power, and fuel and fresh water supplies. Serbian citizens report that they are living like cavernevs, and their torment increases daily. Realizing that we must save face but cannot change what has already been done, NATO leaders now have three basic choices: to continue bombing on the Kosovo border confirms that the use of ground troops will be necessary to assure the return of expelled Albanians to their homes.

How did we get in this quagmire? We have ignored some basic principles that should be applied to the prevention or resolution of all conflicts; short-circuiting the long-established principles of patient negotiation leads to war, not peace.

Bypassing the Security Council weakens the United Nations and often alienates permanent members who may be helpful in influencing warring parties.

The exclusion of governmental organizations from peacemaking precludes vital “second track” opportunities for resolving disputes.

Ignoring serious conflicts in Africa and other underdeveloped regions deprives these people of justice and equal rights.

Even the most severe military or economic punishment of oppressive citizens is unlikely to force their oppressors to yield to American demands.

The United States’ insistence on the use of cluster bombs, designed to kill or maim humans, is condemned almost universally and brings discredit on our nation (as does our refusal to support a ban on land mines).

Even for the superpower, the ends don’t always justify the means.

Mr. WELLSSTONE. Mr. President, I will read the relevant section:

Our general purposes are admirable: to enhance peace, freedom, democracy, human rights and economic progress. But this flawed approach is now causing unwarranted suffering and strengthening unsavory regimes in several countries, including Sudan, Cuba, Iraq and—the most troubling example—Serbia.

There, the international community has admirable goals of protecting the rights of Kosovars and ending the brutal policies of Slobodan Milosevic. But the decision to attack the entire nation has been counter-productive, and our destruction of civilian life has now become senseless and excessively brutal. There is little indication of success after more than 25,000 sorties and 14,000 missiles and bombs, 4,000 of which were not precision guided.

The expected few days of aerial attacks have now lengthened into months, while more than a million Kosovars have been forced from their homes, many never to return even under the best of circumstances.
CONGRESSIONAL RECORD—SENATE

Iowa City—12 pm, Sunday, 5/30/99
Knoxville—12 pm, Sunday, 5/30/99

Kentucky
DAV National Service Office: 316–688–6722
Wichita—1 pm, Sunday, 5/30/99

Louisiana
DAV National Service Office: 504–619–4570
Alexandria—2 pm, Sunday, 5/30/99
New Orleans—2 pm, Sunday, 5/30/99
Shreveport—2 pm, Sunday, 5/30/99

Maryland
DAV National Service Office: 410–962–3045
Baltimore—2:30 pm, Sunday, 5/30/99
Perry Point—2:30 pm, Sunday, 5/30/99

Massachusetts
DAV National Service Office: 617–565–2575
West Roxbury—10 am, Tuesday, 6/1/99

Michigan
DAV National Service Office: 313–964–6995
Allen Park—11 am, Sunday, 5/30/99
Ann Arbor—11 am, Sunday, 5/30/99
Battle Creek—11 am, Sunday, 5/30/99
Iron Mountain—11 am, Sunday, 5/30/99
Saginaw—11 am, Sunday, 5/30/99

Minnesota
DAV National Service Office: 622–970–5665
Minneapolis—1 pm, Sunday, 5/30/99

Mississippi
DAV National Service Office: 601–364–7178
Biloxi—2 pm, Sunday, 5/30/99
Jackson—1 pm, Sunday, 5/30/99

Missouri
DAV National Service Office: 314–589–9883
Kansas City—1 pm, Monday, 5/31/99 (DAV Chapter #2 Home)
Poplar Bluff—2:30 pm, Monday, 5/31/99
St. Louis—1–3 pm, Sunday, 5/30/99

Montana
DAV National Service Office: 406–443–8754
For Harrison—2 pm, Monday, 5/31/99

Nebraska
DAV National Service Office: 402–420–4025
Grand Island—Lincoln—2 pm, Sunday, 5/30/99
Omaha—2 pm, Sunday, 5/30/99

New Hampshire
DAV National Service Office: 603–666–7664
Manchester—1 pm, Sunday, 5/30/99

New Jersey
DAV National Service Office: 973–645–3797
East Orange—9 am, Sunday, 5/30/99
Lyons—9 am, Sunday, 5/30/99

New Mexico
DAV National Service Office: 505–248–6732
Albuquerque—11 am, Sunday, 5/30/99

New York
DAV National Service Office: 609–666–7664
New York City—1 pm, Sunday, 5/30/99

New York City DAV National Service Office: 212–857–3157
New York City—1 pm, Sunday, 5/30/99

Syracuse DAV National Service Office: 315–423–5541
Syracuse—2 pm, Sunday, 5/30/99
Canandaigua—1 pm, Sunday, 5/30/99

North Carolina
DAV National Service Office: 336–691–5481
Asheville—10 am, Saturday, 5/29/99
Fayetteville—10 am, Friday, 5/28/99

North Dakota
DAV National Service Office: 701–237–2631
Fargo—1 pm, Sunday, 5/30/99

Ohio
Cleveland DAV National Service Office: 216–522–3507
Chillicothe—3 pm, Sunday, 5/30/99
Cleveland—3 pm, Sunday, 5/30/99
Dayton—3 pm, Sunday, 5/30/99

Cincinnati DAV National Service Office: 513–684–2878
Cincinnati—2 pm, Sunday, 5/30/99

Pennsylvania
Philadelphia—1 pm, Sunday, 5/30/99
Altoona—1 pm, Sunday, 5/30/99
Coatesville—1 pm, Sunday, 5/30/99
Lebanon—1 pm, Sunday, 5/30/99

Pittsburgh—1 pm, Sunday, 5/30/99
Erie—3 pm, Sunday, 5/30/99
Butler—1 pm, Sunday, 5/30/99

Puerto Rico
DAV National Service Office: 787–766–5112
San Juan—10 am, Friday, 5/28/99

Rhode Island
DAV National Service Office: 401–523–4415
Providence—1 pm, Sunday, 5/30/99

South Carolina
DAV National Service Office: 803–255–4238
Charleston—1 pm, Sunday, 5/30/99
Columbia—1 pm, Sunday, 5/30/99

South Dakota
DAV National Service Office: 605–333–6896
Fort Meade—2 pm, Sunday, 5/30/99
Sioux Falls—2 pm, Sunday, 5/30/99

Tennessee
DAV National Service Office: 615–736–5735
(VIBN director has said no to any rallies on hospital grounds)
Memphis—2 pm, Sunday, 5/30/99
Mountain Home—10 am, Sunday, 5/30/99
Nashville—1 pm, Sunday, 5/30/99

Texas
San Antonio DAV National Service Office: 210–449–2629
Kerrville—11 am, Saturday, 5/29/99

Waco DAV National Service Office: 254–857–6941
New York City DAV National Service Office: 212–857–3157
New York City—1 pm, Sunday, 5/30/99

North Carolina
The PRESIDING OFFICER. The clerk will report.
The legislative clerk read as follows:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am 103 Flight over Lockerbie, Scotland. (2) Britain and the United States indicted two Libyan nationals, Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah, in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act. (3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader Colonel Muammar Qadhafi refused to transfer the suspects to a third and neutral country to stand trial. (4) The United Nations Security Council Resolutions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investigation and trial, and address the issue of appropriate compensation. (5) The sanctions in United Nations Security Council Resolutions 731, 748 and 883 include—

(A) a worldwide ban on Libya's national airline;
(B) a ban on flights into and out of Libya by other nations' airlines; and
(C) a prohibition on Libyan arms, airline parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

Colonel Muammar Qadhafi has not transferred the two Libyan suspects to The Netherlands on April 5, 1999, and the United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

Mr. KENNEDY. Mr. President, I ask unanimously consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1. SENSE OF THE CONGRESS REGARDING THE CONTINUATION OF SANCTIONS AGAINST LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am 103 Flight over Lockerbie, Scotland.
(2) Britain and the United States indicted two Libyan suspects, Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah, in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.
(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader Colonel Muammar Qadhafi refused to transfer the suspects to a third and neutral country to stand trial.
(4) The United Nations Security Council Resolutions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investigation and trial, and address the issue of appropriate compensation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) the sanctions in United Nations Security Council Resolutions 731, 748 and 883 should not be lifted until Libya meets all conditions specified in UN Security Council Resolutions 731, 748 and 883.
(2) Libya has only fulfilled one of four conditions (the transfer of the two suspects to The Netherlands) set forth in United Nations Security Council Resolutions 731, 748, and 883 that would justify the lifting of United Nations Security Council sanctions against Libya.

Mr. CHILES. Mr. President, I yield myself 4 minutes.

This is an amendment on behalf of myself and Senators Lautenberg, Brownback, Gordon Smith, Moynihan, Schumer, Torricelli, Mikulski, and Kyl. This amendment states the sense of the Congress that UN Security Council sanctions against Libya should not be lifted until Libya meets all conditions specified in UN Security Council Resolutions 731, 748, and 883, and urges the Secretary of State to use all diplomatic means necessary to prevent sanctions from being lifted before these conditions are met.

On December 21, 1988, 270 people, including 189 U.S. citizens, were killed in the terrorist bombing of Pan Am 103 Flight over Lockerbie, Scotland. In 1991, Britain and the United States indicted two Libyan intelligence agents and sought their extradition from Libya to the United States.

Mr. KENNEDY. Mr. President, I stand for this despicable act. Libyan leader Qadhafi against Libya that same day.

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Houston DAV National Service Office: 713–857–2370
Houston—10 am, Sunday, 5/30/99
Marlin—11 am, Sunday, 5/30/99
San Antonio—3 pm, Sunday, 5/30/99
Utah DAV National Service Office: 801–524–5941
Salt Lake City—5 pm, Friday, 5/28/99
Vermont DAV National Service Office: 802–296–5167
White River Junction—12:30 pm, Sunday, 5/30/99
Virginia Roanoke DAV National Service Office: 540–857–2373
Hampton—2 pm, Sunday, 5/30/99
Richmond—4 pm, Sunday, 5/30/99
Salem—2 pm, Sunday, 5/30/99
Norfolk DAV National Service Office: 757–423–7100
Newport News—12 pm, Sunday, 5/30/99
Seattle—10 am, Sunday, 5/30/99
Spokane—10 am, Sunday, 5/30/99
Walla Walla—10 am, Sunday, 5/30/99
West Virginia Beckley—3 pm, Sunday, 5/30/99
Clarksburg—2 pm, Sunday, 5/30/99
Huntington—2 pm, Sunday, 5/30/99
Martinsburg—2 pm, Sunday, 5/30/99
Wisconsin DAV National Service Office: 414–382–5225
Madison—10 am, Sunday, 5/30/99
Milwaukee—10 am, Sunday, 5/30/99
Tomah—10 am, Sunday, 5/30/99
Wyoming DAV National Service Office (Denver): 303–914–5570
Cheyenne—12 pm, Sunday, 5/30/99
Sheridan—1 pm, Monday, 5/31/99
Mr. WELLSTONE. Let me urge colleagues during this recess to attend these sessions with the veterans community. This is an important voice.

They have many important concerns to raise with us. I hope the Democrat and Republican Senators will make sure they meet with veterans as we move forward in this whole budget debate and appropriations. Right now the message is that the veterans should not expect timely care, the veterans can do with less health care, the veterans are not a top priority. We have to change that.

The veterans are organizing and the veterans are going to put the pressure on us and I hope we will respond.

I thank my colleagues for their graciousness and yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Massachusetts is recognized.

AMENDMENT NO. 412

(Purpose: To express the sense of Congress regarding the continuation of sanctions against Libya.)

Mr. KENNEDY. Mr. President, I send an amendment for myself and the Senator from New Jersey and others to the desk and ask for its immediate consideration.

May 27, 1999

CONGRESSIONAL RECORD—SENATE

Page 11252
refused to transfer the suspects, and the United Nations Security Council imposed sanctions on Libya.

The sanctions in United Nations Security Council Resolutions 748 and 883 include a worldwide ban on Libya’s national airline; a ban on flights into and out of Libya by other nations’ airlines; a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

The Security Council demanded that Libya cease all support for terrorism and terrorist groups, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation for the victims’ families before sanctions could be lifted.

Last month, after years of intensive diplomacy, a compromise was finally reached, and Colonel Gadhafi transferred the two suspects to The Netherlands, where they will be tried under a Scottish transport, under Scottish law, before a panel of Scottish judges. The United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

On or before July 5, the United Nations Secretary General will issue a report to the Security Council on the issue of Libya’s compliance with the remaining conditions. I hope he will recommend that the sanctions against Libya should not be permanently lifted.

It is clear that Libya has only fulfilled one of the four conditions—the transfer of the suspects accused in the Lockerbie bombing—in the UN Security Council resolutions. Libya has not ceased its support for terrorist groups.

The State Department’s “Patterns of Global Terrorism: 1998” clearly states that Colonel Gadhafi “continued publicly and privately to support Palestinian terrorist groups . . . .” In addition, because the trial has not begun and is expected to last at least several months, it would be premature to conclude that Libya has fulfilled the other remaining conditions.

The amendment I am offering expresses our view that the United Nations Security Council should not permanently lift the sanctions against Libya, until Libya has fulfilled all of the remaining conditions in the Security Council resolutions. It also calls upon the Secretary of State to use all diplomatic means necessary, including the use of our veto at the U.N. Security Council, to prevent the Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions.

The Secretary of State has steadfastly and commendably maintained a vigilant stand against Libya, and this amendment will provide the strong support of Congress for using all diplomatic means necessary, including the use of the veto, to block the lifting of the sanctions.

Mr. President, it would be a gross injustice to the Pan Am 103 families, who have suffered so much in this ordeal, to reward Libya in violation of the act. We must all remain vigilant and make sure that justice is served in all of its aspects in the Lockerbie bombing trial. We must remain vigilant and make sure that Libya ceases—not just in words, but in deeds—its support for terrorist groups.

I know of no opposition to this amendment, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent my colleague, Senator Lautenberg, be able to retain his 5 minutes on this.

It is the intention, if I could ask the floor managers, to ask for the yeas and nays at the appropriate time for all the amendments, including mine. Mr. LEVIN. Can we get the yeas and nays on the Kennedy amendment now? Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

Mr. KENNEDY. I thank the Chair. The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. The Senator from Massachusetts has requested, and I surely have no objection, that the remainder of his time be saved and reserved until some point either during or after the conclusion of the Feingold amendment if that is agreeable with the Senator from Wisconsin, I think that would accommodate Senator Lautenberg.

Mr. FEINGOLD. I have no objection, Mr. President.

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

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 443.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, after line 25, insert the following:

(AMENDMENT NO. 443)

(Purpose: To limit the total cost of the F/A-18E/F aircraft program.)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 443.

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

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

The amendment is as follows:

On page 26, after line 25, insert the following:

(c) LIMITATION ON TOTAL COST.—(1) For the fiscal years 2000 through 2004, the total amount obligated or expended for production of airframes, contractor furnished equipment, and engines under the F/A-18E/F aircraft program may not exceed $8,480,795,000.

(2) The Secretary of the Navy shall adjust the amount of the limitation under paragraph (1) by the following amounts:

(A) The amounts of increases or decreases in costs attributable to economic inflation occurring since September 30, 1999.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1999.

(C) The amounts of increases or decreases in costs resulting from aircraft quantity changes within the scope of the multiyear contract.

(3) The Secretary of the Navy shall annually submit to Congress, at the same time the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in the amount set forth in paragraph (1) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in paragraph (2).

Mr. FEINGOLD. Mr. President, this amendment is a straightforward, commonsense means to ensure a balanced fiscal program that establishes greater accountability in the Navy’s F/A-18E/F Super Hornet program.

The Navy and Boeing say they need $8.8 billion over the next five years to procure the Super Hornet. Specifically, they say the $8.8 billion would procure the airframe, contractor furnished equipment, and engines. My amendment simply sets a cost cap that holds them to that amount. My amendment
doesn’t terminate the funding; it doesn’t hold that money up; it doesn’t even restrict any of the money. My amendment just holds them to the amount that they say they need.

I would like to discuss the spectacular mediocrity of the Navy’s F/A-18/EF, or Super Hornet, aircraft program, and to raise concerns about the poor decisions that have been made with regard to this breathtakingly expensive program.

President Eisenhower warned us four decades ago about the inexorable momentum of the military-industrial complex. Today we face the military-industrial-congressional complex that plods forward with a relentlessness that Ike, for all his foresight, could not have imagined. I have long feared that the Super Hornet is not the future of naval aviation but rather a step backward. The Super Hornet just isn’t worth the cost. It’s as simple as that.

The Pentagon wants to spend 45 billion of our tax dollars to buy the Super Hornet for the Navy. But the plane isn’t as good as one would think, because the one they currently use, and may have design problems that could cost billions more to fix. “Super” is not the way to describe this plane—“superfluous” really is.

For very limited gain, the American taxpayers are getting hit with a 100 percent premium on the sticker price.

At this point in the program’s development and testing, my colleagues may be asking why I continue to tilt at this windmill. I continue this effort in part because pilots’ lives may be placed at risk in the E/F for the next 25 to 30 years. I come to the floor today to point out not just the failings of the Super Hornet but the failed decision-making process that has brought us to this point.

The Navy’s Super Hornet is just the taxpayers are getting hit with a 100 percent premium on the sticker price. At this point in the program’s development and testing, my colleagues may be asking why I continue to tilt at this windmill. I continue this effort in part because pilots’ lives may be placed at risk in the E/F for the next 25 to 30 years. I come to the floor today to point out not just the failings of the Super Hornet but the failed decision-making process that has brought us to this point.

The Navy’s Super Hornet is just the

The Navy’s Super Hornet is just the
It is not unreasonable to ask that all
deficiency corrections be incorporated
into the aircraft design and be success-
fully tested before the super hornet's
$9 billion procurement commitment. Not
in itself it is not unreasonable, it is consistent
with existing navy criteria.

What concerns me most here is the
conduct of the navy and the Pentagon
as they have tried to ensure that the
Super Hornet has a place in its avi-
ation program. At every turn, they have
pushed this plane, despite all logic to
the contrary. They have even resisted
answering simple, straightforward
questions about the plane's perform-
ance.

My own experiences trying to extract
information from the Pentagon about the
Super Hornet's performance have
been fraught with difficulties. Last
November, I sent a stark, did not delve
letter to the Secretary of Defense that asked
some simple questions about the status
of the E/F. At the time, Congress had just
appropriated more than $2 billion for the
third lot of production. After that letter,
the usual pattern times urging DOD to answer very
specific, clear questions regarding the per-
formance of the aircraft in its latest
flight test.

Three months later, I received a
memorandum stating that it "addresses
some of my "concerns." The memo was
unfortunate because I was assured by
Pentagon officials familiar with the rep-
port that my questions could be easily
answered in full. I can assure everyone
who is listening that I will not stop
asking until I get answers.

I would like to conclude my initial
remarks by telling my favorite story about this profoundly flawed program.

This past January, the Assistant Sec-
retary of Defense for Research, Devel-
opment, and Acquisition commissioned
an independent study to address my
questions. I had been asking for a
study for some time, so I was heart-
ened and relieved and looking forward
to the results.

Unfortunately, the person chosen to
lead the inquiry is a well known Wash-
ington defense lobbyist who had a long-
standing business relationship with
Boeing, the Super Hornet's primary
contractor. During the meeting with
my staff, the lobbyist did not disclose
his firm's association with Boeing.
Later my staff telephoned him, and he
described his firm's association with
Boeing in response to direct questions
from my staff. Then he went on to say
that he had terminated his relationship
with Boeing "a few days" after Mr. Bu-
chanan asked him to perform the inde-
pendent review—"a few days."

No one will be shocked to hear that
the report was very favorable to the
Super Hornet. Those lines may be pro-
duced where the Senator from Wisconsin
is and the American taxpayers that the Super Hornet will be ter-
minated. I do hold out hope that this
body will use some common sense in
procuring the aircraft.

My amendment does nothing more than set a cost cap using the exact dol-
lar amount put forward by the Navy—
nothing more, nothing less.

We owe it to our naval aviators to
give them a product worthy of their
courage and dedication. And we owe it
to the American taxpayers to ensure
that we are using their money to mod-
ernize our Armed Forces wisely.

Mr. President, I ask for the yeas
and nays and reserve the remainder of my
time.

The PRESIDING OFFICER. Is there a
sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. I yield the floor.

Mr. FEINGOLD (Mr. BRANDENBURG). The Senator from Missouri is
recognized.

Mr. BOND, Mr. President, I thank the
Chair and I thank the manager of this
bill for giving me the opportunity to
bring this amendment to the floor. The
amendment offered by my colleague from
Wisconsin.

This is becoming an annual ritual
where the Senator from Wisconsin
would be stressed in the
aircraft as it would be stressed in the
then reassess the prudence of a
signing off on this leap of faith, I sug-
entially effective?

might not cut the mustard. How can we
 commentator against the Super Hor-
et. The Navy's response to that moun-
tain of evidence has been simply to tell
you: It's a molehill; don't worry about it.

To close the cost gap between the
Super Hornet and Hornet aircraft, Boe-
ing is shifting down production lines
for the Hornet. Those lines may be pro-
hibitively expensive to reopen if we
never face the facts and decide that the
Super Hornet is not worth the cost and
risk.

The Navy's response to the Super
Hornet's troubles has been to play
games, to divert attention from the
plane's failings, to keep the Navy from
facing the facts and decide that the
Super Hornet is not worth the cost and
risk.

The Navy's response to the Super
Hornet's troubles has been to play
games with Federal tax dollars. These
planes are no place for games with Fed-
tal tax dollars. These

I am very puzzled by that. Instead of
relying on the more reliable Hornet,
the Navy's response to the Super
Hornet's troubles has been to play
games, to divert attention from the
plane's failings, to keep the Navy from
facing the facts and decide that the
Super Hornet is not worth the cost and
risk.

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. I yield the floor.

The PRESIDING OFFICER. Mr. BEN-
enting. Mr. PRESIDENT, I thank the
Chair and I thank the manager of this
bill for giving me the opportunity to
bring this amendment to the floor. The
amendment offered by my colleague from
Wisconsin.

This is becoming an annual ritual
where the Senator from Wisconsin
seeks to undermine the Navy’s No. 1 procurement priority against the will of the administration, the Department of Defense, and at the expense of our Navy warfighters.

There are quite a few problems with this amendment and the one that he will offer to follow it. But on this first one, it is absolutely not necessary. A fixed-price contract is already in place. So submitting an amendment that purports to do what is already being done is redundant.

Cost caps are normally reserved for program problems to control cost overruns in the development phase. The F-18 E/F program of today is a model program which has consistently come in under budget. It is a well controlled program with cost incentives in place.

The attacks on this program can best be summed up by the words: Don’t confuse me with the facts, I have my prejudices, and I have my viewpoints that I am going to argue, regardless of what the facts are. Because the facts are that the F-18 E/F procurement program is under budget and it is ahead of schedule.

It absolutely amazes me that the Senator from Wisconsin would seek one more time to hamper the program by adding further administrative cost controls for a program that has already been reviewed by the Senate Armed Services Committee, the House Armed Services Committee, and the Senate Appropriations Committee. All three of these bodies reviewed the F-18 program and found no need to add further administrative constraints to this successful program.

There is a report out, that was put out a year ago by Rear Admiral Nathman, the “N88 Position on OT-IIB,” that answers all the contentions raised by the Senator from Wisconsin. I ask unanimous consent that this summary be printed in the RECORD.

We will have it available for anybody who wants to read it, the specific responses to all the points raised. They have been available to the Senator from Wisconsin, and all of us, for over a year.

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

N88 POSITION ON OT-IIB

The OT-IIB Report has done an excellent job of further quantifying and qualifying known issues with the F/A-18E/F. The Navy Developmental and Operational Test process is structured to identify issues prior to production to avoid costly production modifications.

The OT-IIB Report has revalidated that process, confirming that no such issues exist. The F/A-18E/F Hornet Program remains a model program, on cost, on schedule, under budget and meeting or exceeding all performance parameters.

I think we can take the word of the person who has the responsibility for operational program review. We have people who do this for a living and who look at these programs full-time. This is what they are saying about the program.

The F/A-18 multiyear contract will be a fixed price incentive contract. It is a capped program in application. But the agency retains contract administration controls for the contractor. The contractor maintains inherent cost control incentives. The statutory cap being proposed would undoubtedly increase contract administration costs.

In an era where we are experiencing vexing retention problems, I see no need to add additional burdens to a major acquisition program intended to give our warfighters the best equipment available.

The viability of the Navy’s tactical aviation program is directly tied to the success of this program, and any effort to tie up this program with needless administrative controls is counterproductive. The amendment also contains no cost exemptions that would exclude costs beyond the control of the contractor, such as allowance for new technology built into later models or changes in aircraft quantity.

To date, the F-18E/F has flown 4,665 hours during more than 3,100 flights with no mishaps. The aircraft just finished its first major test phase and is scheduled to enter the Operational Test and Evaluation Phase, or OPEVAL, this week. It is anticipated that OPEVAL will be complete, looking to have a decision on full rate production by March 2000.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. BOND. Mr. President, I ask if I might be accorded 2 more minutes.

Mr. WARNER. Mr. President, if the Senator would yield for a moment, we are very anxious to start voting.

Mr. BOND. Mr. President, if the Senator would yield for a moment, we are very anxious to start voting.

Mr. SANTORUM. I yield the Senator 2 of my 5 minutes.

Mr. WARNER. I think this would be an appropriate time for the managers to address the Senate as to the schedule of voting.

We are now hoping to start the first vote at about 11:50. That vote would be in the normal sequencing of time, and according to the agreement we have two following votes at 10 minutes each. I will not propose that at this moment. I wish to alert the Senate and those debating so when I object to any extension of time for this debate to accommodate a number of Senators on the vote schedule, they will understand. I do not propose a floor at this time.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 minutes from the time of the Senator from Pennsylvania.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

Mr. BOND. Surely.

Mr. LEVIN. We can sequence Senator Lautenberg’s 5 minutes for an earlier amendment in this process, after the Senator from Missouri is finished his time and the Senator from Pennsylvania is recognized, the Senator from Missouri is recognized.

Mr. WARNER. You have a few Missouri’s mixed up. We will have Senator Lautenberg complete the Kennedy amendment.

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

Mr. WARNER. So in between the two amendments we could get 5 minutes?

Mr. SANTORUM. That would be fine with me. The two Senators from Missouri, myself, and then I would be happy to—

Mr. WARNER. Why don’t you finish up the first amendment, inform the Chair, and then we will have Senator Lautenberg complete the Kennedy amendment.

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

Mr. WARNER. Mr. President, could you advise the managers at what juncture we could complete Senator Lautenberg’s 5 minutes on the Kennedy amendment? What would be convenient?

Mr. BOND. Mr. President, I only need about 2 minutes to finish up all of my efforts on both of these, if I could finish.

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Mr. WARNER. Mr. President, could you advise the managers at what juncture we could complete Senator Lautenberg’s 5 minutes on the Kennedy amendment? What would be convenient?
OPEVAL, who is appointed by the President with advice and consent of the Senate, to make these decisions. I believe in legislative oversight. I believe in the GAO having a responsibility to raise questions. The people who have the responsibility in the executive branch have answered these questions.

I think it is time to quit hampering the program, trying to kill or cripple a program that is providing us the best tactical aircraft for the Navy's carriers.

I urge my colleagues to join in what I trust will be a tabling motion to table both of the amendments or to vote against them if they are not tabled.

I thank the Chair and the chairman of the subcommittee for giving me this opportunity.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am pleased to rise in response to the amendment proposed by the Senator from Wisconsin.

The senior Senator from Missouri has stated eloquently the need to respond to the military demands of America in ways that the military believes are effective. We have in the E/F a program that is under budget, under cost. It is on schedule. It is certified ready for operational test and evaluation.

Those who have had the ability and opportunity to fly it have certified to its character and its characteristics as those that are needed. Every aircraft that we have in our arsenal has some characteristics which preclude others. There are tradeoffs. So there will be those who attack this aircraft and say it doesn't do this as well as something else does, or it doesn't do that as well as another plane does. The fact of the matter is, a plane must do what it is designed to do. When it does what it is designed to do, it meets the needs of the defense of this United States of America.

Aircraft fighters and attack aircraft are designed to do specific things. There is a need—and we have seen it; we are seeing it plainly in the arena of conflict today in the Balkans—for additional mission radius. There is a need for the ability to fly further. There is a need for increasing the payload. If you look at the strike-sortie to just general sortie ratio in the war in the Balkans, it is far different than it was in the war in Desert Storm. That is because we are basing our planes in a different place.

This particular aircraft has a 37-percent increase in mission radius. That is important. It is a design feature. It is needed. It is something the Defense Department and those who fly these aircraft understand we have to have in order to defend our interests and to protect the most important resource we have in our defense operations, and that is the human resource of our pilots.

There is a 60-percent increase in recovery payload. Depending on the mission, the E/F has two to five times the strike capability of the earlier model, two to five times the strike capability, being able to put destruction on a target. That is an important thing to understand.

There is a 25-percent increase in frame size to accommodate 20 years of upgrades in cooling, power, and other internal systems. That is important.

It may be said this aircraft is only marginally better. Well, the margin is what wins races. The winner in the 100 yard dash does it in 10.4 seconds. The loser does it in 10.5 seconds. It is only marginally better, but marginal superiority is what wins conflicts. It is what saves lives. It is what makes a difference.

In testimony before the Armed Services Committee, Phil Coyle, Director, Operational Test and Evaluation, Department of Defense, said it this way:

The Department of Defense embarked upon the F/A-18E/F program primarily to increase the Navy's attack ground targets at longer ranges.

Does that sound familiar? That is where we are right now in the Balkans. We are having to fly lots of sorties, because we have to have lots of refueling and other things, because the current things that we have do not have the ability to attack and increase our ability to attack ground targets at longer ranges.

In order to obtain this objective, the principal improved characteristics were increased range and payload; increased capability to bring back unused weapons to a carrier; improved survivability; and growth capacity to incorporate future advanced subsystems.

Three to five times the strike capability. We need to be able to add improved technology. It is my understanding the Senator from Wisconsin wants to flatten the plane out, simply to say it can be this plane and no further. If there is a generation of technology available to upgrade this, we need to be able to add the upgrades.

I think we need to be in a position where we can do for those who fight for America and freedom that which will serve in their best interests. The idea, somehow, that the GAO should make a determination about whether an airplane is ready—I served as an auditor. For 2 years I was the auditor for the State of Missouri. It is a great job. It is a wonderful responsibility. But those flying green eyeshades and walnut desks in Washington should not be compared to those who fly fighters to defend freedom. We shouldn't have the green eyeshade accountant flying a desk in Washington telling us whether or not the fighter is fit to fight. We need to rely on the responsible testimony and information provided to us by those whose job it is to defend America and whose lives depend on the fighter being fit to fight.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

The Senator from Pennsylvania.

Mr. LAUTENBERG. What was the order?

The PRESIDING OFFICER. Under the order, the Senator from Pennsylvania has 3 minutes, the Senator from Wisconsin has 3 minutes, and then the Senator from New Jersey will be recognized for 5 minutes.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I think the fine representatives from the State of Missouri, Senators Bond and Ashcroft, addressed the issue of the F/A-18E/F adequately on the merits. Frankly, I will not address that because that is not what this amendment does.

This amendment has nothing to do with the merits of the F/A-18E/F. This has to do with a cost cap on a fixed price contract. Frankly, I was willing to accept this amendment because a fixed price contract is a fixed price contract. Putting a cost cap on the fixed price times the number doesn't really have any impact.

What we are going to pay for this is already in law. What his amendment did, which I objected to, was that it did not allow any increase in money for what is called technology insertion. What does that mean? Well, if we come up with a better radar system in the next few years while we are procuring these F/A-18E/Fs, and if we want to put a new radar system in, which would cost more money, under the Feingold amendment we can't do that.

The Senator from Wisconsin talked about how we have an obligation to our aviators, to make sure they have the most competent equipment to be out there flying. I agree. That is why I can't support this amendment. If we put this in, we would be denying those very aviators a technology insertion that would be important in improving the survivability of the aircraft, or their ability to locate targets, or whatever the case may be.

This is a dangerous amendment. It threatens our naval aviators who are going to be flying these aircraft because we are not going to allow the insertion of technology for an additional cost that may increase the efficacy of that aircraft.

One other comment. This was in response to the comment of the Senator from Wisconsin that we should not be approving this multiyear contract, which we do under this bill, without having the operational evaluation of testing go on, which could fail.

I say to the Senator from Wisconsin, if it fails, under our bill, there is no multiyear contract. We spell out specifically in this legislation that it has to pass OPEVAL. If it doesn’t, there is no multiyear.
We have taken care of the Senator from Wisconsin in that if there are problems—and the Senator lists a variety that he believes exist—and if that is what is determined by the Department of Defense and the Bureau of Testing, we will not have a multiyear contract. So the Senator will get his wish.

So I think, in the end, the Senator’s amendment is superfluous at best—if he would agree to the amendment I suggested—but it is dangerous now because it doesn’t allow for technology insertion. So I will move, at the appropriate time, to table the Feingold amendment.

Mr. FEINGOLD. How much time do I have remaining?

The PRESIDING OFFICER. Three minutes.

Mr. FEINGOLD. Mr. President, it is pretty obvious at this point that any effort to question any weapons system is considered an effort to somehow undermine the credibility and strength of our country. The fact is that we have a responsibility to do some oversight on our own. We should not just take the word of Government bureaucrats, whether they are in one Department or the other—the Defense Department or Department of Agriculture. We should not just take their word for it. We have some responsibility to look at the questions that have been raised by independent bodies such as the General Accounting Office that say there are real problems.

There has been a great effort here to distort my amendment. It takes the Navy’s $8.8 billion and uses that for the cost cap. That is what it does. We have done this before on this particular airplane. My amendment to do this in another phase of the program a couple of years ago was accepted, and it worked just fine.

On the engineering and manufacturing development portion of it, it was not a radical attack. This simply takes the Navy’s own numbers and holds them to it. We all know what happens with the incredible cost increases that occur with these planes.

Where is the role of oversight of the Senate? There is a attitude of “don’t confuse me with the facts” when it comes to such a complicated, expensive program. It is a $45 billion program, and we are whitewashing the whole thing, even though the General Accounting Office—not me, but the GAO—has identified problems on each of the five pillars of the program. There is no substantial response to any of the points the GAO made that I laid out. They just repeated the facts of the original claims without saying one thing about what has been determined about problems with survivability, and with the additional capability is not as good as originally claimed.

So what we are left with is a blank check. This is the only challenge to any weapons system on the floor of the Senate on this entire bill. Where have we come to, that we scrutinize and cut so many other programs in Government? I have worked hard on that and have a good record on it. But why doesn’t the Defense Department, and why don’t these weapons systems have to share in the scrutiny of everything else?

There are problems with this plane. My amendment doesn’t terminate the plane; it says we ought to hold them to a dollar amount that the Navy itself has identified.

Regarding the Senator’s point, that technology improvement language he thinks would help is a giant loophole that will allow anything to get through to add to the cost. In fact, you could fly a Super Hornet through that loophole.

How much time do I have remaining?

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator’s time has expired.

Mr. LEVIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. SANTORUM. Mr. President, I move to table the Feingold amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

AMENDMENT NO. 442

Mr. LAUTENBERG. Mr. President, it was on December 21, 1988, over 10 years ago, that Pan Am flight 103 was blown out of the sky over Lockerbie, Scotland killing 270 people, including 189 American citizens. Two Libyan intelligence agents have been indicted for planting the bomb in this deliberate terrorist attack.

Over the past decade, I have watched with respect and admiration as the victims’ families have courageously pieced together their shattered lives. While these families have tried to move on, the agony of losing their loved ones will never disappear. Neither they nor we as a nation will find closure until those responsible for the bombing are prosecuted and Libya rejects terrorism in word and in deed.

I therefore rise today to join with my friend and colleague from Massachusetts in offering an amendment expressing the sense of Congress that sanctions against Libya should not be lifted.

Last month, Senator KENNEDY and other colleagues joined me in writing to Secretary of State Madeleine Albright to support her decision to keep U.S. sanctions in place at the U.N. until Libya demonstrates it has rejected terrorism.

We also called for the United States to pursue an investigation to identify all those responsible for the Pan Am 103 bombing, including those who ordered, organized, and financed this terrible crime. Libya and other terrorist nations must know that the U.S. will not allow criminal acts against its citizens to go unpunished. We will use all available means to ensure justice prevails.

Mr. President, I ask unanimous consent to have the text of the letter that we sent to the Secretary of State printed in the Record.

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


Hon. MADELEINE K. ALBRIGHT,
Secretary of State, Department of State,
Washington, DC.

DEAR SECRETARY ALBRIGHT: We commend you and Ambassador Burleigh for the diplomacy which has brought Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah to the Netherlands to stand trial before a Scottish court for the bombing of Pan Am flight 103.

The families of the victims of this heinous terrorist act have waited too long—more than a decade—for the first suspects to be brought to justice. We must ensure that they are prosecuted effectively. We hope the families and their representatives will also have access to the trial, if possible through a video link to the United States.

United Nations sanctions on Libya have already been suspended. The United States should not consent to permanently lifting the sanctions before the trial is concluded to ensure continued Libyan cooperation. We agree with your decision to keep U.S. sanctions in place until it can be demonstrated that Libya has renounced terrorism in word and in deed.

Our shared commitment to justice for the victims’ families cannot end with this trial. We would appreciate your assurances that no links Libya has with Libyan intelligence agents have been excluded. The United States must pursue the investigation to identify all those responsible for ordering, financing, and organizing as well as carrying out this terrible crime which may be. Our national interest demands that we demonstrate to terrorists that attack our citizens will be tracked down and will find no quarter.

We stand ready to support your efforts to punish terrorists as well as those who support and encourage such unlawful and uncivilized conduct.

Sincerely,

Edward M. Kennedy; Barbara A. Mikulski; Daniel Patrick Moynihan; Robert G. Torricelli; Charles Schumer; Dianne Feinstein; Frank R. Lautenberg; Gordon Smith; Arlen Specter; Sam Brownback; Paul D. Wellstone; Paul S. Sarbanes.

Mr. LAUTENBERG. Mr. President, the amendment Senator KENNEDY and I offer sends a message to Tripoli that the United States will do everything in its power to ensure continuing sanctions against Libya until it complies with international demands and renounces terrorism as state policy.

Since the 1988 bombing, three United Nations Security Council resolutions—
Numbers 731, 748 and 883—have demanded that Libya cease all support for terrorism, turn over the bombing suspects with the United Nations and trial, and address the issue of appropriate compensation.

To date, Tripoli has only fulfilled one of the four conditions—turning the two bombing suspects over to Scottish authorities to stand trial at a specially-constituted court in the Netherlands. We have seen no indication that the Libyans intend to fulfill the other requirements.

In early July, the U.N. Secretary General will report to the Security Council on Libya's compliance with the conditions set by the international community. Once he submits that report, members of the Security Council may well introduce a resolution to lift sanctions against Libya. I would urge my colleagues to join us in support of this resolution, to speak with one voice to say that sanctions against Libya should not be lifted until and unless Libya forever renounces terrorism and fulfills the other conditions set out in U.N. resolutions.

As Americans, we must take action to ensure such horrors never happen again. We must punish the guilty and continue to exert pressure until Libya resolves to become an accepted member of the world community. This amendment is one step in the right direction to that end.

I thank the Chair and yield the floor.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 3 minutes on the Kennedy amendment.

The PRESIDING OFFICER. The Senator from Kansas has 5 minutes.

Mr. BROWNBACK. I thank the Chair. Mr. President, 189 Americans were killed in the bombing of Pan Am 103. Their families have known no peace for more than a decade. While it is true that Libya has labored under mild United Nations sanctions for much of that time, it is also true that the perpetrators of this hideous act of terrorism have lived a life of freedom with their families.

For reasons best known to himself, Colonel Qadhafi has decided to turn over the two suspects in the Pan Am 103 bombing to a Scottish court constituted for that purpose. In return, the U.N. sanctions against Libya have been suspended.

This measure, a sense of the Congress, highlights some of the inadequacies of the current arrangement. For example, Libya has only fulfilled one of four requirements set forth in the resolution, including the trials of suspects. Qadhafi has yet to reassure us he will fully cooperate with the investigation and trial; he has yet to renounce his support for international terrorism; and he has failed to pay compensation to the victims' families.

I have little confidence that no matter what the outcome of this trial, Qadhafi will not change his stripes. He is a dictator and a criminal. Indeed, the London Sunday Times of May 23, 1999, reported that British intelligence has information clearly linking Qadhafi himself to the bombing.

This amendment states the sense of Congress that the President should use all means, including our veto in the Security Council, to preclude the lifting of sanctions on Libya until all conditions are fulfilled. I would go further. Until we know just who ordered this bombing, and until that person is duly punished, Libya must remain a pariah state, isolated not only by the United States but by all the decent nations of the world.

I urge colleagues to support this amendment, and commend Senator Kennedy for his many efforts of the Pan Am 103 victims and families.

I yield the floor.

The PRESIDING OFFICER. The President is recognized.

Mr. FEINGOLD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk reads the following:

The Senate from Wisconsin (Mr. FEINGOLD) proposes an amendment numbered 444.

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

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

The amendment is as follows:

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(a) determines that the results of operational test and evaluation demonstrate that the aircraft to be procured under the multiyear contract in the higher quantity than the other version satisfies all key performance parameters in the operational requirements document for the F/A-18E/F program, as submitted on April 1, 1997; and

(b) certifies those results of operational test and evaluation and transmits to the Secretary of the Navy and the Comptroller General concurrence with the Secretary's certification.
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The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we have now reached concurrence among leadership and the managers that the three votes that were to begin at 1:30 today will begin 20 minutes thereafter, at 1:50 a.m. in sequence back to back. At the conclusion of the first vote, it is the intention of the managers to seek a 10-minute limitation on the remaining two.

I thank the Chair.

Mr. FEINGOLD. Mr. President, the Navy would like to rely on flight test data from the single seat E version of the Super Hornet to claim that the aircraft procured under the Navy's F/A-18E/F program will perform up to specifications. Here is the problem. Fifty-six percent of the planes the Navy intends to buy will be the lower performing two-seat F models. My amendment to address this sleight of hand is simple and sensible. It would require that the majority of aircraft ordered under the Navy's F/A-18E/F Super Hornet program meet the key performance parameters in the Operational Requirements Document before going into full-rate production and before the Navy enters into a multi-year procurement contract.

Mr. President, my colleagues are well aware of my concerns about the Navy's F/A-18E/F Super Hornet aircraft program. Over the past three years, I've delved into the programs flaws in agonizing detail. Earlier, I was on the floor to offer an amendment that institutes a cost cap on the E/F program. At the time, I took this body through a wide-ranging review of facts and figures from the Pentagon's Director of Operational Test and Evaluation and the General Accounting Office, on the Super Hornet's shortcomings. So I won't subject my colleagues to more of the same facts showing how the Super Hornet program fails to improve on the existing Hornet program, more than marginally, or in a cost-effective manner.

Mr. President, I'm sure many of my colleagues wonder why I continue on this lonesome crusade. I continue this effort pilots' lives will be placed at risk in the F/A-18E/F for the next 25 to 30 years. On top of that, taxpayers are being asked to pay more than $45 billion for this program.

Mr. President, the amendment I offer simply requires the Super Hornet to
meet existing performance specifications before going into full-rate production. It is simply a common sense measure.

To briefly summarize the contracting process, in 1992, the Secretary of the Navy and the aircraft’s primary contractor, Boeing, entered into a contract for the development, testing, and production of the Super Hornet. Within a follow-up Operational Requirements Document, or ORD, which was signed off by the Navy in April, 1997, are a number of key performance parameters. Essentially, Mr. President, the contract states explicitly what the Navy wants the plane to be able to do.

Mr.President, the Navy wanted, and I assume still wants, a plane with increased range, increased payload, greater bringback capability, improved survivability, increased growth space over the existing F/A-18 C Hornet aircraft. The Navy calls these improvements the pillars of the Super Hornet program.

As I stated earlier, premier among the Navy’s justifications for the purchase of the Super Hornet is that it fly significantly farther than the Hornet. As recently as this past January, the Navy claimed the E/F would be able to fly up to 50 percent farther than the Hornet.

Mr. President, again, these improvements have yet to be proven in reality. And in the realm of reality, initial Super Hornet range predictions have declined as actual flight data has been gathered and incorporated into further prediction models. If the anticipated, but yet to be demonstrated range improvements are not included in the estimates, the Super Hornet range in the interdiction role amounts to a mere 8 percent improvement over the Hornet. According to GAO, this is not a significant improvement.

Mr. President, not only does the Super Hornet fall short in its range, but also in its payload capacity, and growth space improvements. On top of that, the Super Hornet is worse than the Hornet is turning, acceleration, and ability to climb. Again, this plane will cost far more, perhaps twice as much as the current model.

As I mentioned earlier, the General Accounting Office testified recently before Congress that the Super Hornet is not meeting all of its performance requirements, is behind schedule, and above cost, regardless of Navy boasts to the contrary. The agency offered evidence of shortcomings in each and every area of the Navy declared as justifications for the aircraft. GAO also states that some of the Navy’s assumed improvements to the aircraft have yet to be demonstrated.

Mr. President, the Navy’s statements on performance reflect the single-seat E model of the aircraft, not the less-capable two-seat F model. This is troubling because the model of the aircraft, not the less-capable two-seat F model. This is troubling because the F model comprises 56 percent of the Pentagon’s three-year, the aircraft continues to offer only marginal improvements over the Hornet, the same finding GAO made in 1996. After three years of development and testing, Mr. President, we still stand to gain only marginal improvements that don’t outweigh the cost.

Again, Mr. President, I have stood on the floor of the United States for three years now discussing the inadequacies of the Super Hornet program. And for three years, with three other colleagues, have turned a deaf ear to the facts. I hold out hope that this body will use some measure of common sense in procuring this aircraft.

Mr. President, this amendment merely enforces what should be blantly obvious. Before moving to full-rate production, or entering into a multi-year procurement contract, of the Super Hornet, the contract between the Navy and its contractor should be enforced. The Navy signed a contract to receive a plane that can do certain things. I agree with the Navy.

The plane ought to do certain things. We shouldn’t go forward until we know that it really does those things.

This amendment simply requires that the Navy receive the plane it expects.

Mr. President, I ask for the yeas and nays. I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I say this with great amusement. When I propounded the unanimous consent request for an 11:50 vote, it was interpreted as a little too folksy for the Parliamentarian, so I now in a very stern voice ask unanimous consent that the votes begin at 11:50.

Mr. ASHCROFT. I ask for a point of clarification—does that include the following two votes would be 10-minute votes?

Mr. WARNER. I intend to ask them to be 10 minutes, but traditionally we don’t do it until we determine the whereabouts of all Members.

Mr. ASHCROFT. In that event, I have no objection.

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

Mr. LEVIN. Does this include any time between the votes? Could there be 2 minutes between the votes on the first and second and third amendments—2 minutes equally divided?

Mr. WARNER. Is it desired?

Mr. LEVIN. It is desired.

Mr. WARNER, by unanimous consent. Without objection, it is so ordered.

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

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I yield myself 3 minutes.

In response to the amendment of the Senator from Wisconsin, it is an additional hurdle to begin production of the E and F. This says that we cannot move forward with full-scale production, of this aircraft without a successful operational test and evaluation. That will be done by operational test pilots, maintenance people, experts in evaluating aircraft. They do the testing. They will do the report. The commander of operational test force will issue the report, determine whether there was a successful test, and then that report will be given to the director of operational test and evaluation; who, under normal circumstances, will then make the decision that a successful test has been conducted.

So all of that will have to be done. After that, again, according to normal procurement, he would send that recommendation on to the Defense Acquisition Board, which would review all of the tests to determine whether it was successful and make the decision to go ahead and procure the aircraft.

Under our bill, we put in an additional step. We say that after the director of operational test and evaluation reviews the report, they have to then get a certification from the Secretary of Defense that this program has successfully completed operational test and evaluation. We have put an additional step in that is outside the course of the normal procurement, and it is before the decision for acquisition is made. So we have already put in one additional step.

What the Senator from Wisconsin wants to do is put an additional step in. This is somewhat dangerous in this respect: He includes no time limit. GAO can take 2 years if they want to. They can take whatever amount of time they want, hold up a $2.8 billion contract, hold up what is a needed requirement for the Navy to determine when a bunch of people with “green eye shades,” as the Senator from Missouri said—to make the determination as to whether the auditors believe that the test pilots and the maintenance people and the Secretary of Defense and the director of operational test and evaluation, the defense acquisition board, they were all wrong—all the experts were wrong—congressional auditors are really the best determinant as to whether this aircraft meets its requirements, is needed, and should be procured.

I don’t think we want to do that. I think that sets a very dangerous precedent. Frankly, it raises some constitutional questions as to whether Congress can, in fact, do that.
I can say to the Senator from Wisconsin, the junior Senator from Missouri, and others, that I believe the Federal Government is currently spending the better part of a day at the facility in St. Louis. This is a program of which I think everyone will be proud. They are using state-of-the-art manufacturing techniques. They are, as the Senators have said, ahead of schedule, meeting every single benchmark. They have 4,000 hours of flight time, more than any other aircraft that has been tested in history.

I think this is an additional hurdle that is unnecessary and potentially dangerous. That is why I will at the appropriate time move to table the amendment of the Senator from Wisconsin.

Mr. FEINGOLD. How much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin controls 9 minutes.

Mr. FEINGOLD. I yield myself the time required at this point.

Let us exactly what this amendment does rather than rely on the characterization that was given. This appears to be something of a sleight-of-hand with regard to proving that this plane actually meets the performance parameters it is supposed to meet.

There are two versions of the Super Hornet aircraft, a one-seat E model and another that has been proven to be less capable, a two-seat F model. The Navy now states that 56 percent of the Super Hornet will be F models, but they are trying to rely on the performance of the E model to determine compliance with performance parameters.

The amendment simply requires that the version of the Super Hornet aircraft be the majority—of the Navy’s purchasing plan has to satisfy all the key performance parameters in the program Operational Requirements Documents. That is what this amendment does.

For this to be characterized as an additional hurdle, as has been done by the Senator from Pennsylvania, is simply not accurate. It simply says that the flight test data used by the Navy, represent the version of the plane they intend to purchase. All we are trying to do is to be sure that the information we are getting and that the assumptions are based on the planes that are actually being purchased and that they actually do what they said they would do.

That is not an additional step. That is just somebody buying something, making sure they are actually getting what they contracted for. Shouldn’t we, as the guardians of the taxpayers’ dollars, be sure we are getting what we contracted for? How can that be an additional hurdle, unless we want to allow the contractor to give us something we didn’t want and, in fact, paid a fortune for?

The Senator from Pennsylvania reasonably asked whether or not there is a problem with the GAO having a limited time to do its evaluation. I am happy to enter into an agreement for a time limit for the GAO, with the Senator’s indication that he would regard that as a reasonable change. That is not a problem that was intended, and we can solve that quite simply.

This is an incredibly expensive program. Hopefully, this plane, if it goes through, will work as well as has been advertised. Hopefully, it will not cause problems for our pilots, although there are those who are concerned about that.

All this amendment does is say that when we make the decision to move to the next phase, it is actually based on the plane we are buying. Any householder buying something would take that much caution when buying something. We talked a lot as we brought down the deficit, on a bipartisan basis, about doing things like American families have to do. Don’t we have a responsibility to make sure we are getting the plane we are paying for? We are not paying for it, the taxpayers are paying for it, and they will pay $45 billion for it. It ought to be the plane that we are supposed to get.

I reserve the remainder of my time.

Mr. LEVIN. Mr. President, how much time do the opponents have?

The PRESIDING OFFICER. The Senator from Pennsylvania says 5 minutes. The Senator from Wisconsin says 5 minutes.

The PRESIDING OFFICER. Six minutes.

Mr. LEVIN. I ask that they yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. LEVIN. Mr. President, I will vote against both of these amendments, although they are well intended.

The first amendment has the problem that it would not accommodate changes in specifications in order to allow new technologies to be inserted which cost more than the specified technology in the cost cap.

That may be a lot of verbiage, but it is important. I have been very active in cost caps. I proposed a cost cap, for instance, for the new CVN-77. I supported the cost cap that we previously wrote in to the F-22, and supported it very strongly. But, in both of those instances, the cost caps allowed for the new technology possibility. If new technologies come along which are not in the specifications, we should want them to be considered. We should not make it difficult or impossible for new technologies to be considered. We should want them, if that would make the plane more effective, providing the Secretary certifies to us—or notifies us, more accurately—that there is a change. That is not a loophole. That is something which is desirable. It seems to me, I emphasize the cost cap—for instance in the CVN-77, which I wrote—contained the exception that if there is a new technology which the Secretary of the Navy certifies to us is desirable, that then would be an exception to the cost cap.

On the current amendment—

The PRESIDING OFFICER. The 2 minutes of the Senator has expired.

Mr. LEVIN. Will the Senator yield 1 more minute?

Mr. SANTORUM. I am happy to yield an additional minute.

Mr. LEVIN. On the pending amendment, again I think this is a well-intended amendment. I think up until the last paragraph it is on target. We do want the Secretary of the Navy to determine the results of operational test and evaluation and to certify that the version of the aircraft to be procured under the multiyear satisfies all key performance parameters. I think that is very good.

The problem is it then gives to the Comptroller General, who is in the legislative branch, the veto power because the Comptroller General must concur with the Secretary’s certification. I believe that is a clear violation of the separation of powers. In Bowsher v. Synar, the Supreme Court ruled:

To permit the execution of the laws to be vested in an officer answerable only to Congress would, in practical terms, reserve in Congress control over the execution of the laws.

So, except for that part requiring a legislative concurrence or legislative officer’s concurrence with the Secretary’s certification, I think that amendment would have been acceptable. With that additional provision, I think it unacceptable as it violates separation of powers and the Supreme Court ruling in the Bowsher case.

Mr. ASHCROFT addressed the Chair. The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from Missouri?

Mr. SANTORUM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Missouri.

Mr. SANTORUM. I yield the Senator from Missouri 2½ minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, the F-18 is under budget and early. The Department of Defense is making very, very careful evaluations, and will continue to do so. This contracting will not go forward without their professional critical evaluation that the plane succeeded.

The Senator from Wisconsin says these two different planes in the F-38 package, the single-seater and the two-seater, must meet the same flight characteristics. That does not make sense.
When you put an extra seat in an airplane it changes the characteristics, but it also changes the fighting capability of the airplane. You can put in two pilots—or one plus a person operating radar or other things in a hostile environment in terms of locating targets—what you can't do with one person both flying the airplane and doing that.

The Senator from Wisconsin asks about oversight. Frankly, we have had substantial oversight here. We have had oversight in the Senate Armed Services Committee, oversight in the House Armed Services Committee, oversight in the Senate Appropriations Committee. There will be, again, evaluation in the House Appropriations Committee.

This is a circumstance where, obviously, there has been substantial oversight. The members of the committee and committee chairman are saying we should approve this. I believe we should. For us to say the Department of Defense—those whose lives depend on this airplane, performing, are to have their judgment about the airplane set aside or deferred or delayed until accountants or auditors from the General Accounting Office make a decision, this plane is unwise. It is not only unwise, it has been clearly demonstrated, I think, in the arguments that it is unconstitutional as well.

The F–18 is an outstanding aircraft with characteristics that will serve well—extended range, extended load-carrying capacity, and ability in the two-seat configuration to do things not available in the one-seat configuration. It is a well-made airplane that will serve our interests well by serving well those who fly them. It will serve us well by allowing those conflicts to be survivable. The margin of improvement provides the margin of difference that means we win instead of lose.

It is time for us to move forward with this program; stop unnecessary attacks on it. This is an airplane that will serve us well.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The time of the Senator is 5 minutes and 22 seconds.

Mr. FEINGOLD. Mr. President, first with regard to the second amendment, the one before us now having to do with the question of performance parameters, there have been some concerns from the Senators from Wisconsin and Michigan about reference to the role of the GAO in this amendment. At this time I ask unanimous consent that portion of the amendment be deleted to address their concerns.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We have to determine from other Senators—Mr. FEINGOLD. I am sorry, I can't hear the Senator.

Mr. WARNER. I am simply trying to protect other Senators. At the moment, there is an objection.

The PRESIDING OFFICER. Objection is heard. The Senator from Wisconsin?

Mr. FEINGOLD. Mr. President, I will provide the Senate with a copy of the amendment as I would modify it and simply delete the section relating to the Comptroller General.

Mr. LEVIN. If the Senator will yield? The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. As I understand the objection, it is perhaps a temporary one. Is that the understanding of the Senator from Wisconsin? My understanding of what the Senator from Virginia said is that in order to protect the rights of other Senators, he would object to this time. But I suggest at least the possibility that the Senator renew his unanimous-consent request and perhaps there will be no objection, after there has been an opportunity for people to read the modification.

Mr. FEINGOLD. Mr. President from Michigan advise me of the appropriate time to raise that unanimous-consent request?

Mr. LEVIN. They are checking it out now.

Mr. FEINGOLD. Mr. President, I appreciate that. I reserve a few moments of my time because the response to this will affect my argument. The only real objection to this is primarily to the role of the GAO in this process. The only other objection raised by the Senator from Missouri who made much of the fact that of course there is a difference between the E and F plane.

The problem is that originally the Navy and the contractor sold this plane on the assumption that only 18 percent of the planes would be the ‘F’ version. The reality now is that 56 percent of the planes are going to be the lower-performing ‘F’ version. That is why it is essential that we have this certification, at least by the Navy, that in fact a majority of the planes will meet the performance parameters.

So I am very interested to see if the Senators here who have raised this concern will allow me to meet their concerns so we can pass this commonsense amendment which, as the Senator from Michigan indicated, without that flaw would be a worthwhile amendment.

With regard to the other amendment, the cost containment amendment, let me make a couple of points in response to the Senator from Michigan. I do want to say he has been a tremendous advocate for appropriate cost containment and careful evaluation of military programs throughout his career.

First of all, regarding our cap that we propose, which of course is a figure the Navy proposed in the first place, that $8.8 billion is only for over a 4-year period. It is not a permanent cap. Second, if there is a need for new technology, as has been posited by the Senator from Michigan, if something comes up that absolutely has to be done—we are here. We are not going anywhere. If something dramatic happens that requires additional technology, we are in a position to respond to that. In fact, the amendment I have proposed allows a number of flexibilities. It is not an absolute $8.8 billion cap.

It allows cost increases and decreases for inflation. It allows changes for compliance in Federal, State, and local law, and it also contemplates the possibility of quantity changes in the number of planes within the scope of the multiyear contract, which we all know dramatically affect the cost of a plane.

There is substantial flexibility built into this amendment, and if there is a need for the new technology, we are here and able to respond to that. Otherwise, all we are doing, as I indicated earlier, by including this language for new technology, we are essentially gutting our own amendment. We are removing the cost cap provision in our amendment.

How many people would do that? If you are buying a car, if a car manufacturer says: Well, we reserve the right, if we come up with a new thing to put on this car, to charge you a thousand dollars after we cut the contract, we will cut the deal. I do not think we should be doing business that way. We have built flexibility into this amendment.

Again, I indicate that all this is the Navy’s own figure of $8.8 billion. We did a similar cost cap on the same plane previously. I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ALARD). Who yields time? The Senator from Virginia.

Mr. WARNER. Mr. President, I am hopeful this matter can be resolved in a matter of minutes. In the interim, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that Eden Murrie in Senator LIEBERMAN’s office and Dana Krupa in Senator BENGAMAN’s office be granted the privilege of the floor for the remainder of this bill.
May 27, 1999

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

Mr. WARNER. Mr. President, I yield 1 1/2 minutes to myself for a statement unrelated to the amendment.

The PRESIDING OFFICER. Time remains 25 seconds.

Mr. WARNER. I yield to the chairman of the subcommittee, the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, on the second Feingold amendment, we are attempting to work some accommodation so we can accept the amendment. I ask unanimous consent that the yeas and nays which were ordered on the second Feingold amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object, I assume it is the intent of the Senator that if we do not work it out, there will be no problem getting a rolcall vote.

Mr. SANTORUM. Absolutely.

Mr. FEINGOLD. I thank the Senator. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Let’s give the number of that amendment so there is absolute clarity.

The PRESIDING OFFICER. No. 442 is the second Feingold amendment.

Mr. WARNER. Mr. President, we are still trying to sort out our series of two votes now at approximately 11:50. To keep Senators advised, the ranking member and I are rapidly clearing the amendment. I know of only a few remaining amendments that will require rolcall votes. I am anxious to complete the bill, as are all Senators. I see now that possibility taking place perhaps early to mid-afternoon. We will be addressing the Senate on that after the two votes.

The PRESIDING OFFICER. Under the previous order, the two votes have been ordered at 11:50 with 2 minutes evenly divided before each vote.

Mr. WARNER. I think we waived the 2 minutes before the first vote and we will proceed to the vote.

Are the yeas and nays ordered on the amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered on the first vote as well as the second vote.

The Senator from Michigan.

Mr. LEVIN. The 2-minute request was between the first and the second vote, not before the first vote.

Mr. WARNER. It is clear now. We are proceeding to the vote for the full period of time. At the conclusion of that, I will, in all probability, ask the next vote be 10 minutes, and then there will be a period of time, 2 minutes total, prior to the second vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 442. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCAGIN) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—98

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Akaka

Allard

Ashcroft

Bayh

Biden

Bingaman

Bond

Boxer

Breaux

Brownback

Bryan

Bunning

Burns

Byrd

Campbell

Chafee

Cleland

Cochran

Collins

Conrad

Coverdell

Craig

Crapo

Daschle

DeWine

Dodd

Domenici

Dorgan

Durbin

Edwards

YEAS—97

Enzi

Feingold

Feinstein

Fitzgerald

Gorton

Graham

Grams

Hagel

Harkin

Leahy

Levin

Lieberman

Lincoln

Loczi

Lott

Mack

McConnell

Meynihan

Markowski

Murray

Nickles

Reed

Robb

Robert

Rockefeller

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The Secretary of Defense and the Secretary of the Army shall submit each year, as part of the annual report for that year under section 154(a)(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:

(A) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(B) A description of any personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that year.

(C) An assessment of the record of United States satellite makers in cooperating with Agency monitors, and in complying with United States export control laws, during that year.

(D) Each report under paragraph (1) shall be submitted in classified form and unclassified form.

SEC. 1063. IMPROVEMENT OF LICENSING ACTIVITIES BY THE DEPARTMENT OF STATE.

Not later than 180 days after the date of enactment of this Act, the Secretary of State shall prescribe regulations to provide, consistent with the need to protect classified law enforcement, or other sensitive information, timely notice to the manufacturer of a commercial satellite of United States origin of the reasons for a denial or approval with conditions, as the case may be, of the application for license involving the overseas launch of such satellite.

SEC. 1064. ENHANCEMENT OF INTELLIGENCE COMMUNITY ACTIVITIES.

(A) Consultation with D.C.I.—The Secretary of State and Secretary of Defense shall consult with the Director of Central Intelligence throughout the review of an application for a license involving the overseas launch of a commercial satellite of United States origin in order to assure that the launch of the satellite, if the license is approved, will meet any requirements necessary to protect the national security interests of the United States.

(B) Advisory Group.—The Director of Central Intelligence shall cooperate with the intelligence community an advisory group to provide information and analysis to Congress upon request, and to appropriate departments and agencies of the Federal Government, on licenses involving the overseas launch of commercial satellites of United States origin.

(C) Annual Reports on Efforts to Acquire Sensitive United States Technology and Technical Information.—The Director of Central Intelligence shall submit each year to Congress and appropriate officials of the executive branch a report on the efforts of foreign governments and entities during the preceding year to acquire sensitive United States technology and technical information. The report shall include an analysis of the applications for licenses for export that were submitted to the United States during that year.

(d) Intelligence Community Defined.—In this section, the term ‘intelligence community’ has the meaning given that term in section 3014(c) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 1065. ADHERENCE OF PEOPLE'S REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME.

(a) Sense of Congress.—It is the sense of Congress that—
May 27, 1999

CONGRESSIONAL RECORD—SENATE

11265

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On page 547, line 1, strike ''(3)'' and insert 

Mr. LEVIN. Section 1061(a) of the amendment would require the President to promptly notify Congress whenever an “investigation” is undertaken. The term “investigation” is not defined in the amendment.

I am concerned that some could interpret this to require the President to report to Congress every time the executive branch receives an allegation, even before the Justice Department or others have an opportunity to determine whether the allegations are based in fact. Such an interpretation could lead to the disclosure of a flood of unsubstantiated allegations to Congress, with a resulting injustice to innocent individuals who may be the subject of such allegations.

Mr. LOTT. I thank the Senator for his comments and I appreciate his concerns. I am pleased to agree to work closely with the Senator from Michigan during the conference on this bill, and to solicit the views of the administration, on how this provision will be implemented and in an effort to address his concerns.

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

The amendment (No. 394), as modified, was agreed to.
Mr. LEVIN. Mr. President, on that amendment I ask Senator BAUCUS be added as a cosponsor.

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

Mr. WARNER. Mr. President, with regard to the remaining business, I am hopeful the leadership clears a unanimous consent request, agreed upon between Mr. LEVIN and myself. It is in the process now. It will give clarity to the balance of the day.

At the moment, there are two Senators who have been waiting for 3 days. I want to accommodate them. The Senator from Mississippi, Mr. COCHRAN, would like to lay down an amendment and speak to it for 10 minutes. The amendment is not cleared, so I reserve 10 minutes for the opposition to that amendment prior to any vote that is required.

AMENDMENT NO. 444

The PRESIDING OFFICER. There is a pending amendment. The Chair tells the distinguished Senator the pending amendment at the desk is No. 444 by the Senator from Wisconsin.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. My understanding is the various Senators have negotiated agreement on this, and it is acceptable on both sides. As modified, the Senate is prepared to accept it.

AMENDMENT NO. 444, AS MODIFIED

The PRESIDING OFFICER. Will the Senator send the modification to the desk.

Mr. FEINGOLD. I send the modification to the desk.

The amendment (No. 444), as modified, is as follows:

On page 26, strike lines 20 through 25, and insert the following:

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) to enter into a multiyear contract for the procurement of F/A–18E/F aircraft or authorize entry of the F/A–18E/F aircraft program into full-rate production until—

(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives the results of operational test and evaluation of the F/A–18E/F aircraft.

(2) The Secretary of Defense—

(A) determines that the results of operational test and evaluation demonstrate that the version of the aircraft to be procured under the multiyear contract in the higher quantity than the other version satisfies all key performance parameters appropriate to that version of aircraft in the experimental requirements document for the F/A–18E/F program, as submitted on April 1, 1997, except that with respect to the range performance parameter a deviation of 1 percent shall be permitted.

The PRESIDING OFFICER. Without objection, the amendment is modified and agreed to.

The amendment (No. 444), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Now, it is the request of the manager that Mr. COCHRAN be recognized for not to exceed 10 minutes to lay down an amendment. If that amendment cannot be agreed upon by a voice vote, we would just lay it aside with the understanding there is 10 minutes for opposition at some point in the afternoon.

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

Mr. WARNER. The Senator from Florida has waited very patiently for about 2 or 3 days. He has an amendment which is to be laid down following the Cochran amendment. I ask there be a period of 30 minutes, 15 minutes under the control of the Senator from Florida, 15 minutes under the joint control of Senators SHELBY and ROBERT KERREY.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. I guess that is the end of the ability to move things. We just have to put that request in abeyance.

The PRESIDING OFFICER. The distinguished Senator from Mississippi is recognized.

AMENDMENT NO. 445

(Purpose: To authorize the transfer of a naval vessel to Thailand)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 445.

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

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

The amendment is as follows:

In title X, at the end of subtitle B, insert the following:

SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.

(a) THAILAND.—The Secretary of the Navy is authorized to authorize the Secretary of the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. COCHRAN. Mr. President, for the information of the Senate, this amendment would authorize the transfer of a naval vessel to Thailand and would authorize the Secretary of the Navy to receive in exchange a ship that is now in the fleet of Thailand. The purpose of the amendment is to provide authority to the Secretary of the Navy to give a retiring U.S. Navy Cyclone class ship to the Government of Thailand in exchange for a former U.S. Navy ship which served in World War II in the Pacific. That ship is the LCS 102, LCS stands for landing craft support. It is presently in the service of the Royal Navy of Thailand.

For some history on this subject, 3 years ago in Public Law 104–201, the Congress went on record in favor of trying to bring back to the United States the LCS 102. It is the last surviving ship of its class. This ship saw heavy combat action in the western Pacific during World War II. It was transferred after the war to Japan and then later was transferred to Thailand where she has been in service for 30 years. This ship is of great historical significance. It is the last one of its kind in existence in the world. Just a few years ago, it was entered on the Register of the World Ship Trust.

Many sailors from World War II might not recognize this class of ship, because it was one of many different types of amphibious ships used in the Pacific during World War II. But it was highly appreciated by the navy admirals and the Marines because it was a heavily armed gunboat which gave close-in fire support to the Marines in amphibious landings. In fact, the LCS ships had more firepower per ton than an Iowa class battleship.

These ships were in the thick of it in Iwo Jima, Okinawa, the Philippines, and New Guinea. They also served in an anti-aircraft role against kamikaze aircraft at Okinawa and Iwo Jima, because of their tremendous firepower.

Mr. President, 26 of the 130 LCSs that were built were sunk, or badly damaged in the first 6 months of their duty in the Pacific. Historians have begun to write about these ships and the role they played in the successful war in the Pacific. There is one illustrative title, "Mighty Midgets At War: The Saga of the LCS(L) Ships from Iwo Jima to Vietnam," by Robert L. Reilly. Our distinguished former colleague, who is the chairman of the Services Committee, John Tower of Texas, served aboard the LCS 112. He was chief bosun's mate during World War II on that ship. Also, former Secretary of the
Mr. REID. Will the Senator yield?

Mr. COCHRAN. I am happy to yield if I have any time.

Mr. REID. The Senator has made very clear this is not a mandate; is that right?

Mr. COCHRAN. That is right. It is authorizing legislation.

Mr. REID. Also, on page 2 of the Senator’s amendment, it says “on a grant basis.” Is it clear that it could also be done on a sale basis, lease basis or a lease with an option to buy basis?

Mr. COCHRAN. We want to swap it. We want to swap the Cyclone for the LCS 102. It authorizes the trade.

Mr. REID. It says, “the transfer shall be made on a grant basis.”

Mr. COCHRAN. That is a legal word of art. I have explained the meaning of it. If we had been able to get the committee to adopt the amendment as we had hoped they would, there would be a vote in support of this amendment.

Mr. REID. This is just to give the Secretary more options—sale, lease, lease option. It will give more discretion to the Secretary in making the saying the transfer shall be made by grant. There are other ways it can be done. I think it would be in the best interest of all concerned if these other options are available. I repeat: sale, lease, lease with an option to buy.

Mr. COCHRAN. I will be happy to consider that, and I appreciate the Senator raising it as an alternative.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

The Senator from Virginia is recognized.

Mr. WARNER. Let me clarify, Mr. President, there still remains some time in opposition to the amendment of the Senator from Mississippi; am I correct in that?

The PRESIDING OFFICER. The Chair observes that Senators said there would be 10 minutes allotted to the opposition of the Senator’s amendment. It was not stated in the form of a request.

Mr. WARNER. Mr. President, I think some time should be reserved. I indicate for the RECORD, I support the Senator from Mississippi, but I am sure time should be reserved on this side, 10 minutes, and then we will determine whether or not a recorded vote is necessary in this matter, or it may be voice voted. I put that in the form of a unanimous consent request.

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

Mr. SMITH of New Hampshire. Mr. President, I rise to support the amendment of the Senator from Mississippi. This amendment deserves the support of every Senator because it is the right thing to do.

During World War II more than 10,000 Americans served their country on LCS ships, and these ships were heavily involved in combat in the Pacific. There is only one LCS left in the world, and a group of World War II sailors wants...
to bring that ship back to the United States and make it a floating museum.

Three years ago I sponsored an amendment to the Defense Authorization bill urging the Secretary of Defense to seek the expeditious return of the LCS 102 from Thailand. That amendment passed the Congress and became part of Public Law 104-201.

For three years not much has happened because the Thai Navy still needed the LCS 102, even though it is now more than 55 years old. Thai officials have indicated that they would be prepared to return the LCS 102 to the United States if we could provide a suitable ship to take its place. The U.S. Navy is planning to retire just such a ship this year, and that is what this amendment is about.

The ranks of those World War II sailors are thinning each year, and there is a need to move expeditiously. We need to bring this historic ship home before all of our World War II veterans are gone.

Let me list briefly some facts about LCS ships and their service to our country.

These ships were born out of desperation. In the early years of World War II, our Navy and Marine Corps discovered that they needed more close-in gunfire support to protect our troops as they went ashore in amphibious landings. With typical American ingenuity, a new small gunboat was designed and quickly moved into production. The result was the LCS(L) which stood for Landing Craft Support Ship (Large).

This newly designed ship had more firepower per ton than a battleship, and it was capable of going all the way in to the beach and providing close-in fire support for our troops going ashore.

One hundred and thirty of these ships were built and rushed into service in 1944 and 1945. These ships and their brave crews helped save the lives of countless soldiers and Marines by providing heavy close-in firepower to support amphibious landings at Okinawa, Iwo Jima, and many other Pacific Islands. Twenty-six of these ships were sunk or badly damaged in the Pacific campaign.

These ships were nicknamed the "Mighty Midgets" because of their firepower and their service in World War II. These ships, like so many others, received little notice when the history books were written because Carriers, Battleships, and Cruisers took most of the glory. However, the sailors aboard LCSs served bravely and well, and their part of World War II needs to be preserved as a part of our Navy's history.

LCS sailors received many decorations for their service during World War II. A young Lieutenant by the name of Richard McCool from Washington State received the Congressional Medal of Honor from President Truman for his service at Okinawa. A young Lieutenant by the name of John F. Lehman, Jr. served as a naval officer for his service at Okinawa, as well. His son, John, Jr. served as a naval officer many years later and became Secretary of the Navy under President Reagan.

Since the mid-1990s, several books have been published covering the history of the LCS ships. Former Secretary of the Navy John F. Lehman, Jr. wrote the foreword to one of those books. This foreword provides eloquent summary of the service to our Nation provided by LCSs and their brave sailors.

Finally, Mr. President, a distinguished former Senator whose service as Chairman of the Armed Services Committee in this body served ably as a Boatswain's Mate on an LCS during World War II. John Tower served his nation in World War II on an LCS. This body is proud of his service and that of all the LCS sailors by helping to save the LCS 102—the only one left in the world.

I urge my colleagues to support this amendment and to do what they can to bring this ship in the task of bringing this ship home to the United States to serve as a museum and a memorial to the valiant service of thousands of LCS sailors.

Mr. WARNER. Mr. President, I want to propose a unanimous consent request, which is agreed upon on the other side, with regard to a procedural matter. As soon as that is concluded, then I want to state a UC request on behalf of my two colleagues, Mr. DOMENICI and Mr. KYL, on this side. I think we can work it out.

Mr. MURKOWSKI. Mr. President, I also am a sponsor of this legislation and want to speak on behalf of my colleagues at this point.

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Mr. MURKOWSKI. Mr. President, I also am a sponsor of this legislation and want to speak on behalf of my colleagues at this point.
The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. Kyl), for himself and Mr. Munro, Mr. Shelby, Mr. Hutchinson, and Mr. Helms, proposes an amendment numbered 446.

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

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

The amendment is as follows:

Strike Section 313 and insert the following:

SEC. 313(8). ORGANIZATION OF DEPARTMENT OF ENERGY, COUNTERINTELLIGENCE, INTELLIGENCE, AND NUCLEAR SECURITY PROGRAMS AND ACTIVITIES.

“(1) OFFICE OF COUNTERINTELLIGENCE.—
Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) is amended by adding a new section 3158 as follows:

“OFFICE OF COUNTERINTELLIGENCE

‘‘SEC. 3158. ORGANIZATION OF DEPARTMENT OF ENERGY, COUNTERINTELLIGENCE, INTELLIGENCE, AND NUCLEAR SECURITY PROGRAMS AND ACTIVITIES.

“(1) O FFICE OF COUNTERINTELLIGENCE.—

“(2) The Director of the Office of Counterintelligence shall be a senior executive service employee of the Department of Energy for the purposes of the Civil Service Act of 1978 (5 U.S.C. 2301 et seq.) and shall be in compliance.

“(3) The Secretary shall include, but not be limited to, authorizing the creation of an Office of Counterintelligence within the Department of Energy, and each officer or employee of any other Federal agency or department delay, deny, obstruct or otherwise interfere with the preparation of or delivery to Congress of any report required by this section.

“(d) Not later than March 1 each year, the Director of the Office of Counterintelligence shall submit to the Secretary, the Director of Central Intelligence, and the Director of the Office of Management and Budget a report on the implementation of the Office of Counterintelligence programs and activities at Department facilities during the preceding year.

“(e) The report shall include, but not be limited to, authorizing the creation of an Office of Counterintelligence within the Department of Energy, and each officer or employee of any other Federal agency or department delay, deny, obstruct or otherwise interfere with the preparation of or delivery to Congress of any report required by this section.

“(f) Not later than March 1 each year, the Director of the Office of Counterintelligence shall submit to the Secretary, the Director of Central Intelligence, and the Director of the Office of Management and Budget a report on the implementation of the Office of Counterintelligence programs and activities at Department facilities during the preceding year.

“(g) Within 180 days of the date of enactment of this Act, the Secretary of Energy shall report directly to, and shall be accountable directly to, the Select Committee on Intelligence of the Senate and the Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate, and the Committee on Commerce of the Senate, the Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate, and the Select Committee on Intelligence of the House of Representatives, a report on the status and effectiveness of the security and counterintelligence programs and activities at Department facilities during the preceding year.

“(h) The Department of Energy shall submit to the Secretary, the Director of the Office of Counterintelligence, and Congress, a report on the status and effectiveness of the security and counterintelligence programs and activities at Department facilities during the preceding year.

“(4) Policy development and guidance.

“(a) The Secretary shall assign to the Administrator administrative units of the Administration for maintaining and subject to the supervision and direction of, any officer, employee, or agent of any other part of the Department of Energy, and each officer or employee of any contractor of the Department, to be responsible for, the nuclear weapons production facilities and the national laboratories.

“(b) The Secretary shall assign to the Administrator administrative units of the Administration for maintaining and subject to the supervision and direction of, any officer, employee, or agent of any other part of the Department of Energy, and each officer or employee of any contractor of the Department, to be responsible for, the nuclear weapons production facilities and the national laboratories.

“(c) The Director of the Office of Counterintelligence shall be responsible for the administration of the personnel assurance programs of the Department.

“(d) The Director of the Office of Counterintelligence shall have the authority to develop and approve all personnel and administrative policies and procedures relating to the personnel assurance programs of the Department.

“(e) The Director of the Office of Counterintelligence shall be responsible for the personnel assurance programs of the Department.

“(f) The Director of the Office of Counterintelligence shall have the authority to develop and approve all personnel and administrative policies and procedures relating to the personnel assurance programs of the Department.

“(g) The Director of the Office of Counterintelligence shall report immediately to the President of the United States, the Senate and the House of Representatives any actual or potential significant threat to, or loss of, national security information.

“(h) The Director of the Office of Counterintelligence shall report immediately to the President of the United States, the Senate and the House of Representatives any actual or potential significant threat to, or loss of, national security information.

“(i) Thirty days prior to the report required by subsection (d), the Director of the Office of Counterintelligence shall certify in writing to the Director of the Office of Counterintelligence whether that laboratory is in full compliance with all Departmental national security information protection requirements. If the laboratory is not in full compliance, the Director of the laboratory shall report on why it is not in compliance and what measures are being taken to bring it into compliance, and when it will be in compliance.

“(j) Within 180 days of the date of enactment of this Act, the Director of the Office of Counterintelligence shall report to the Senate and the House of Representatives on the adequacy of the Department of Energy’s procedures and policies for protecting national security information, including national security information at the Department’s laboratories, making such recommendations to Congress as may be appropriate.

“(k) The President or the Secretary of Energy over, and responsibility for, the following:

“(1) Strategic management.

“(2) Policy development and guidance.

“(3) Program and budget formulation and execution, including national security information at the Department’s laboratories, making such recommendations to Congress as may be appropriate.

“(3) The President or the Secretary of Energy over, and responsibility for, the following:

“(1) Strategic management.

“(2) Policy development and guidance.

“(3) Program and budget formulation and execution, including national security information at the Department’s laboratories, making such recommendations to Congress as may be appropriate.
The term ‘specified operations office’ means any of the following operations offices of the Department of Energy:


(B) Oak Ridge Operations Office, Oak Ridge, Tennessee.

(C) Oakland Operations Office, Oakland, California.

(D) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(E) Nevada Test Site, Las Vegas, Nevada.

(F) Savannah River Site, Aiken, South Carolina.

(G) The Kansas City Plant, Kansas City, Missouri.

(H) The Pantex Plant, Amarillo, Texas.


(J) The Savannah River Site, Aiken, South Carolina.

(K) The Nevada Test Site, Nevada.

(1) The term ‘national laboratory’ means any of the following laboratories:

(A) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(B) The Lawrence Livermore National Laboratory, Livermore, California.

(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

The essence of this amendment is to establish, in the Department of Energy, a new Office of Counterintelligence, which would be headed by a senior executive from the FBI. I will acknowledge right up front that Senator DOMENICI, from New Mexico, has been a primary motivating factor in addressing this subject, based upon his expertise with our National Laboratories and his concerns about national security. A lot of folks sat down to try to determine what the best course of action would be to take steps to ensure the security of our National Laboratories. Certainly, Senator DOMENICI is the person one would first turn to for that kind of consideration.

Next, Senator MURkowski, the chair of the Energy Committee, has also had his input into this amendment, as have others. It will be important that each of these key chairmen has an opportunity to discuss this bill. But I especially thank Senator DOMENICI for his efforts in doing literally hundreds of hours of research on the best possible approach to secure our National Laboratories.

That is what this amendment is all about. This amendment is, actually, the second step we will have taken in this defense authorization bill to begin to rebuild the security of our National Laboratories.

Mr. KYL. Mr. President, I express my gratitude to Senator GRAHAM for permitting us to take this next half hour to at least lay this down to begin setting the framework for the discussion. Mr. BINGAMAN. Would the Senator yield for a procedural question? Mr. KYL. Yes, I hope this will not come out of the 30 minutes. Mr. BINGAMAN. Mr. KYL, did not intending to take long. I just ask, since we have no time allotted during this time, will the sponsors be available later in the afternoon to answer questions about the amendment, because we have not seen the amendment.

Mr. KYL. Mr. President, absolutely. We will be pleased to answer any and all questions and discuss this at whatever length the Senator would like to discuss it.

Mr. BINGAMAN. Thank you.

Mr. WARNER. If the Senator will yield for a moment, it was the decision of the manager of the bill that the importance of this amendment was such that the sooner it was shared on both sides of this aisle the better, because this is an important amendment. We are making progress towards completing this bill by the hour of 5 o'clock. This is simply the one unknown quantity that we have to assess. This procedure, in my judgment, enables the Senate to get an assessment of the probability of the resolution of this amendment.

Mr. BINGAMAN. Mr. President, I thank the manager for that statement.
come back to that. But that office has been identified in the defense authorization bill. We simply flush out the provisions of that office in that bill and ensure that that officer will have total authority here to deal with issues of counterintelligence at our National Laboratories.

Then the second part of this amendment idea is to address the longstanding management problems of the Department of Energy, especially relating to the nuclear weapons complex and reorganizing the Department of Energy in such a way that there is a very clear line of authority over the nuclear weapons programs, with a person at the top of that, an administrator, who has the responsibility over all of these nuclear programs, and nothing else, within the Department. And, by the same token, nobody else in the Department, except those who are senior to him, including the Secretary of the Department of Energy, would have any authority over his programs.

In effect, what we are replacing in the Department of Energy is a situation in which all of the rules and regulations and management policies, and everything else that applies to everybody within the Department—including the weapons complex—have created a situation in which, literally, they have not been able to focus on the management of the nuclear weapons complexes, especially with regard to security.

So what this amendment does—in the intelligence community terminology—is to create a "stovepipe" within the Department of Energy. At the top, of course, is the Secretary of Energy. Below him is a person with the rank of Assistant Secretary, called the "administrator," who would, within that stovepipe, have the total authority to operate the Department of Energy weapons programs, including the security functions of those programs.

He would be doing this, of course, in coordination with the office that would be created by the language put in the bill by the Armed Services Committee relating to counterintelligence, with the FBI presence here, and the two of them would coordinate the national security portions of this program.

In effect, what we are doing is to have people within the Department of Energy responsible for all kinds of other things. Somebody talked about refrigerator standards and powerplant issues and all of the rest of it. Those people would not have anything to do with this. This group would not have anything to do with them. This would be a discrete function within the Department that would have nothing to do except manage our nuclear weapons programs, including, first and foremost, the security of those programs.

We will have much more to say about the details of this after a bit. Certainly Senator Domenici can go into many of the reasons he has helped to craft this in the way that organizationally it will work.

Let me just make two concluding points.

First of all, I do not think we can emphasize enough the need to do something about security at the Laboratories now. The concerns that have been raised about the amendment we have offered here is that it is premature, that we should hold hearings, and we should take a long time so we can "do this right."

We have since 1995. And this administration has not done it right. It is time for the Senate to get involved in this issue and begin the debate by putting this amendment out there. We will have plenty of time to deal with this before this bill ever goes to the President. I am sure he will take the time we can "do this right."

This is our approach to the best management for this weapons program. We believe that to delay anymore is to engage in the same obfuscation and delay and, frankly, dereliction of duty that has characterized this administration's approach to national security at our Nation's Laboratories, our nuclear weapons programs. We can't delay any longer.

If I were to go home over this Memorial Day recess, the first thing my constituents would talk to me about is, what about this Chinese espionage? What about security at the Laboratories? If I say to them, well, we were in such a hurry to get this Department of Defense authorization bill done that we didn't really do anything about security at our Nation's Laboratories, we are going to take our time and do that later. I think I would be pilloried, and so would all the rest of my colleagues.

The second point I make in closing is, with regard to a previous draft of this legislation, the Secretary of Energy is indicating that he doesn't approve of everything in here and might even recommend a veto of the legislation. I should be hearing the debate and conferring with us and reading the actual language of the amendment, he will be willing to cooperate with us rather than threaten vetoes. We need to work together on this.

I commend Secretary Richardson because from the time he has come in, he has tried to do the job of making reforms at the Department of Energy. But it will not do to say that he is the only one who has any ideas that could work here and for the Congress to but out, thank you.

The Congress has held numerous hearings, both in the House and the Senate. We have a lot of good ideas. Frankly, this management proposal, which has gone through a great deal of thought, process about how to provide security at our National Laboratories, is going to be part of that reorganization. I know my colleagues and I look forward to working with the Secretary of Energy to make this work.

As I conclude, might I ask how much time we have remaining?

The PRESIDING OFFICER. Twenty-one minutes remaining.

Mr. KYL. Within 1 minute, I will close. I will come back with more discussion of the rationale for the specific changes we have made in here.

I close by saying this: The only way we are going to be able to guarantee security for the nuclear programs at our National Laboratories in the future is for the President to make the focus, full responsibility over those programs in the Department of Energy, responsible for nothing else, and nobody else in the Department responsible for these programs. This person should be able to report directly to the Secretary of Energy and to the President of the United States, which is what our amendment calls for. Finally, he should be able to work very closely with the Office of Counterintelligence established in the other part of this bill.

That is the essence of what this does. It detracts nothing from what Secretary Richardson is trying to do. As a matter of fact, it fits very nicely with what the Secretary is trying to do. I believe that, working together, we can provide security at our Nation's Laboratories and, therefore, security for the people of the United States.

I thank the Chair, and I yield to Senator Domenici from New Mexico.

Mr. DOMENICI. I wonder if the Chair will advise me when I have used 10 minutes so there will be 10 minutes remaining for Senator Murkowski.

The PRESIDING OFFICER. The Chair will be more than happy to do that.

Mr. DOMENICI. Mr. President, I note the presence on the floor of my distinguished colleague from New Mexico, Senator Bingaman. He can rest assured that we intend to answer any questions he might have, debate any amendments he might have, and do this in a way that all of us can feel is right.

Nobody was more saddened than this Senator when the Cox report was issued and when many of the facts broke in the New York Times and other newspapers about a Chinese espionage effort.

I have been working with those Labs for a long time. I believe we are very fortunate as a people to have these National Laboratories in our midst. Looking at the science they practice, the technology they develop, and the way
they have protected and preserved our nuclear options during a long cold war, with a formidable opponent in America and another one of making nuclear weapons but is nonetheless formidable both in capacity and number, we are very fortunate that up until this time in history, with a few times when it wasn’t true, almost without limit the best scientists in America—those who have cherished working at one of these great Labs and at the defense portion of the Lab in Tennessee at Oak Ridge. Great scientists, great Nobel laureates serving America well.

The problem now is, it has become obvious that for a long time, with the biggest emphasis here in the last 3 or 4 years, the Chinese, the People’s Republic of China, and their spies and cohorts have engaged in a solid effort on many fronts, but we are not going to do anything as they could from those Laboratories. We now know there is a high probability that they have succeeded and that our children in the future will have a much more formidable Communist Chinese leadership confronting the world with a much more formidable set of rockets, delivery systems, and nuclear weapons.

All of their sabotage did not occur, all of their efforts to spy did not occur, at just the Laboratories. They have had a concerted effort across our land. But there is an adage that says, if it ain’t broke, don’t fix it. The counter one to that is, if it is broke, fix it. Frankly, before the day is out, as I attempt to answer questions about this approach, I will read to the Senate reams of reports, many of which have occurred in the last 4 or 5 years, telling us that we must change the way we manage the nuclear defense part of the Department of Energy. Now we have a reason to do so, a reason to get on with that business.

Frankly, I have struggled mightily to try to figure out what is the best approach under these circumstances. I am firmly convinced that with the assault on the Laboratories and our scientists that is coming from the Congress and coming from across this land, we had better take a giant step right now to move in the right direction and to assure people and assure the Laboratories, and our children and our future, that we are not going to do anything to hurt their science base and their professionalism and their capacity to stay on the cutting edge for us and our children and our future.

The Laboratories, under this proposal, will retain their multiple-use approach. They can do work beyond and outside of what they do for the nuclear deterrent part of this bill.

I am very disturbed when I hear that the President of the United States is again going to call on me to make a few phone calls. I figured those are coming because his trusted friend, the Secretary, who is also my friend, Bill Richardson, wants to make all of the changes in the Department part of an administrative change.

Let me say very clearly, as good as he is, as hard as he is trying, as much autonomy as the President gives him, the Secretary of Energy cannot fix this problem without congressional help. That is what we are trying to do here today. We are trying to fix something so our nuclear deterrent will have a better chance of remaining the best in the world and as free as humanly possible from espionage and spying.

Frankly, before the afternoon is finished, I will read excerpts from three reports in the past 5 years just crying out to fix it.

We piled together various functions and put them in the Energy Department. We created a bunch of rules within the Department that do not distinguish between the management of nuclear deterrent affairs and the management of such things as refrigerator efficiency research. They are all in the same boat, to the same beat, to the same management team, hundreds of functions that have nothing to do with nuclear deterrence. Yet security was left in a position where the right hand didn’t know what the left hand was doing.

And if you look at it and it is structured, you can probably figure out that there is some justification for it being in such a state of chaos. There is not enough focus on the seriousness of the issue. Even when signs and signals came forth, there have been people within the Department of Energy who didn’t do their job right. There have been people at the Laboratories who didn’t do it right. There have been policy ill advised at the White House which has messed up, and there have been people in the White House who surely didn’t rise up strongly enough and say something must be done now.

Essentially what we are doing in this bill is to carve out within the Department of Energy—carve out kind of an agency, for lack of a better word. It is going to be called the Security Administration, or Security Administrator, and an Assistant Secretary will run it and be responsible to the Secretary in total charge. That one individual will be in total charge of the nuclear deterrent effort, as defined in this bill.

There will be an extra reporting system that Senator MURkowski asked us to put in with reference to security breaches being transmitted to the President of the United States and to the Congress. They are not, they are not known to this Assistant Secretary who is totally in charge of this new administration within the Department of Energy. They will have their rules and regulations, and they will conduct the affairs singularly and purposefully to make sure our nuclear deterrent is handled correctly and that the security apparatus is done efficiently and appropriately.

Once again, I say to the Senators on the other side of the aisle, including my friend Senator BINGAMAN, and the Secretary of Energy, who, obviously, is working hard to defeat this amendment, we ought not to defeat this amendment. If you have some constructive changes, let’s get them before us. We ought to send to that conference at least something that is much more formidable and apt to do the job than we have done in this bill, because we are apt to find some very serious suggestions coming from the House.

If this bill goes there with no serious changes in the Department of Energy, they are apt to be changed by the House. We ought to have our input, and I am very proud that every chairman of every committee on our side of the aisle will have anything to do with this in all do not do. If they adopt this amendment—the Intelligence Committee chairman, the Energy and Natural Resources chairman, Government Operations, and I am the Senator who appropriates the money. We are all on board asking that we take an important step in the direction of reform and that we can go home saying this defense bill, when it finally comes out, may indeed start us down a path that not only the Chinese, but nobody will be able to break the security the way they have in the past.

Now, from my standpoint, there is not going to be a perfect structure ever designed for the nuclear deterrent work, nuclear weapons work, of the Department of Energy. It is complicated, it is complex. That Department is complicated and complex, but there is nothing within that Department more important than this. I have been listening, as people have ideas about what ought to happen, and I am worried about some of those ideas. I am not worried about this idea.

I am not worried about this idea; this idea will work. What I am worried about are ideas that are talking about putting these Laboratories in the Department of Defense, which started from Harry Truman on down that it was something we thought we should not do as a Nation. I am worried when this bill goes to conference and, in the heat of all this, we will do something we will regret. If they adopted this amendment, I would feel very comfortable, as a Senator, with these Laboratories. I have probably worked longer and harder on these issues than any Senator around, and I would be very comfortable that we are starting down a path to make it work and yet keep alive that enormous prestige and scientific prowess that has served us so well.

Before the afternoon is finished, we will have more remarks. I yield the remainder of my time to the chairman of the Energy and Natural Resources Committee and thank him for his efforts in this regard.
The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank the Presiding Officer for the introduction of Senator Kay Hagan from New Mexico. I rise to join with Senators Kyl, Domenici, and Shelby to offer an amendment which I feel confident creates accountability in the Department of Energy for protecting our country’s national security information.

Mr. President, it is clear that the Cox committee report and the Senate’s investigation of Chinese espionage at the Labs highlighted, in a sense, a dysfunctional Department of Energy. Even though the Department of Energy’s chief of intelligence, Notra Truluck, was ringing alarm bells starting back in 1995, it simply seems that nobody was listening. Today, we find that nobody is accountable.

We have seen a situation where the system simply didn’t work. For Mr. Trulock to get approval to brief senior officials, he had to go through more junior officials. He could not brief the Congress without approval. He didn’t have access to the executive branch. What the amendment that is pending creates is real accountability—accountability at DOE, accountability for the President, and accountability for the Congress. It puts into law an Office of Counterintelligence, an Office of Intelligence, a National Security Administration. It positions the Secretary of Energy for protecting our country’s national security information.

We have seen a situation where the individual responsible simply didn’t have the capability to get the message through the process—to any of the four Secretaries of Energy whom we could identify for the record.

If one looks at where we are today, I commend him for his efforts. I welcome the Secretary’s initiative, energy, and enthusiasm, but without a legislative overhaul, I doubt his ability to change the mindset at the Department of Energy which has plagued every other reform initiative.

It is kind of interesting to go back and look at the attempted reforms. Victor Rezendes, a director of the GAO, who has closely followed security initiatives at the Labs, made the following observation:

A former head of security at Rocky Flats weapons plant, David Ridenour, was more blunt. He was quoted in USA Today on March 19: ‘‘It’s all the same people and I think they’ll continue to fall back into old ways. If there’s a problem, classify it, hide it and get rid of the people who brought it up.’’

Mr. President, the Cox report and the Senate’s investigation of Chinese espionage at the Labs highlighted, in a sense, a dysfunctional Department of Energy. Even though the Department of Energy’s chief of intelligence, Notra Trulock, was ringing alarm bells starting back in 1995, it simply seems that nobody was listening. Today, we find that nobody is accountable.

Mr. President, the amendment also would prohibit any officer or employee of the Department of Energy or any other Federal agency from interfering with the director’s reporting. No interference, Mr. President.

Secretary Richardson has introduced several initiatives aimed at correcting the security problems at the Labs. I commend him for his efforts. I welcome the Secretary’s initiative, energy, and enthusiasm, but without a legislative overhaul, I doubt his ability to change the mindset at the Department of Energy which has plagued every other reform initiative.

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Recall the so-called Curtis plan, which was put forth by Deputy Secretary Curtis. A good plan, but after Mr. Curtis left the Department, it was either disregarded or forgotten. It was so quickly forgotten, as a matter of fact, that Mr. Curtis’ successor as Deputy Secretary wasn’t even informed of its existence. There is no excuse for that.

The New York Times reported that a November 1998 counterintelligence report contained some shocking warnings, including, that foreign spies ‘‘rightly view the Department of Energy as an inviting, diverse and soft target that is easy to access and that employees are willing to share information.’’

So change is necessary. I think creating this new line of responsibility will help change the mindset at the Department of Energy. The amendment puts the DOE on the road to accountability by creating under the law an Office of Counterintelligence, an Office of Intelligence, and a Nuclear Security Administration. More legislation, obviously, is going to be needed. We simply don’t have all of the answers now. But the Cox report fills in some of the shocking details. After months of investigation, they have revealed frightening information about the true ineptness of the espionage investigation.

I understand that the Secretary of Energy opposes this amendment. I am sorry to hear that. I gather he sent a letter up here indicating that he will recommend that the President veto the bill because Congress is taking action to fix the problem. But what does he want Congress to do? Wait to take action until U.S.-designed nuclear weapons launched on U.S. cities?

The problem is precisely that serious. After what we have learned about security failures at the Department of Energy, I dare—I dare—the President to veto this legislation.

It is time for action, and that is what we are talking about with this amendment.

If one looks at where we are today, I am astounded by the revelations. First, we have in the Cox report stunning information about a compromise of our national security that was self-inflicted. We can blame the Chinese for spying. But this happened as a consequence of our own failure to maintain adequate security in the Laboratory. Security of the most important laboratories has been marginal at best.

We find that U.S. companies—Loral and Hughes—allowed their commercial interests to override our national security interests. We gave the Chinese a roadmap on how to shoot their missiles straight and how to arm those missiles with nuclear weapons. Aimed at whom? Well, that is another concern.

Second, how much of this happened on President Clinton’s watch?

Third, the balance of power in the Asia-Pacific region could be affected by the information they have obtained.

Based on these findings, I believe now is the time for Congress to demand accountability. It puts into law an Office of Counterintelligence, an Office of Intelligence, and a Nuclear Security Administration. More legislation, obviously, is going to be needed. We simply don’t have all of the answers now. But the Cox report fills in some of the shocking details. After months of investigation, they have revealed frightening information about the true ineptness of the espionage investigation.

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If one looks at where we are today, I am astounded by the revelations. First, we have in the Cox report stunning information about a compromise of our national security that was self-inflicted. We can blame the Chinese for
hearing. But let me summarize very briefly. Our Laboratories have not and still are not totally prepared to protect our Nation's nuclear secrets. The DOE put our national security at risk by not searching Wen Ho Lee's computer in 1996 in spite of information about Chinese targeting of lab computers.

The FBI investigation was bureaucratic bungling. The right hand never knew what the left hand was doing. Before issuing a waiver, we have learned that on March 22, 1995, the Los Alamos Lab issued a policy to all employees, including Wen Ho Lee, stating that "the laboratory or Federal Government may without notice audit or access any user's computer.''

On April 19, 1995, Wen Ho Lee signed a waiver at the DOE Lab to allow his computer to be accessed. This is the actual copy of the waiver that Wen Ho Lee signed on April 19, 1995. My committee heard testimony from the Los Alamos Lab director, the DOE attorney, the DOE director of counterintelligence. All agreed that Lee's computer could be searched because of these waivers.

Why wasn't his computer searched and the loss of our nuclear secrets prevented? Because the FBI claimed that the Doe told them there was no waiver. The FBI then assumed that they needed a waiver.

Here is how the Los Alamos Lab director summed it up.

The FBI and the Department of Justice decided they should seek court approval before accessing the subject's (Lee's) computer. The Laboratory's policy seems clear to be sufficient for FBI access, but the legal framework affecting the FBI's actions, as viewed by them, apparently prevented this.

What is the result? Lee's computer could have been searched but instead was not searched for 3 long years. Yet there was a waiver. This waiver was there the entire time, and the FBI didn’t know it.

And then there was DOJ's role: DOJ thwarted investigation by refusing to approve FISA warrants—not once, not twice, but three times! Still have not heard a reasonable explanation.

What's frightening, as well as frustrating, is that no one put our national security at a priority. FBI and DOJ more concerned about jumping through unnecessary legal hoops than about preventing one of the most catastrophic losses in history.

The events involved throughout the Lee case are not only irresponsible—they're unconscionable.

That is why we must have this security change. This is why this amendment must prevail.

Mr. President, I ask unanimous consent that the "Rules of Use" which Wen Ho Lee signed be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

## RULES OF USE

### X-DIVISION OPEN LOCAL AREA NETWORK

**WARNING:** To protect the LAN systems from unauthorized use and to ensure that the systems are functioning properly, activities on these systems are monitored and recorded and subject to audit. Use of these systems is expressly conditioned to such monitoring and recording. Any unauthorized access or use of this LAN is prohibited and could be subject to criminal and civil penalties.

**Passwords:** User passwords are assigned by the X-Division Computing Services (XCS) Team. Exceptions may only be granted by the CSSO. Users may not use their unclassified accounts. Passwords will not be given out or shared with any other person. Users may not change their passwords. Users will protect passwords according to Laboratory requirements.

**Classified Computing:** No classified information or computing is allowed on the X-Division Open LAN.

**User Responsibilities:** Users are responsible for:

- Ensuring that information, especially sensitive information, is properly protected.
- Restricting access to their workstation or terminal when not attended.
- Not using classified workstations.

The workstation or terminal should be set to a state where a user password is required to gain access (e.g., lockscreen software) or the office door is locked.

Using the X-Division Open LAN only for official business purposes.

Propriety restricted computers, protecting, accounting for, and disposing of their computer output containing sensitive unclassified information. See X-Division Guidance on Computers, available from the XCS Team, for more information.

Properly labeling and logging of all recording media, including local storage devices. See X-Division Guidance on Computers for more information.

Installing and using virus control programs, if applicable to their system.

Reporting security-related anomalies or concerns to the X-Division Computer Security Officers.

Promptly reporting changes in the location, ownership, or configuration of their workstation to the X-Division Computing Services Team.

Promptly registering all computer systems (open, classified, standalone, networked, and portable) with the X-Division Computing Services Team to comply with DOE and Laboratory orders.

Posting their Rules of Use and workstation information addendum next to their workstations.

**User Restrictions:** Users are not permitted to:

- Use a workstation or terminal to simultaneously access resources in different security partitions. Workstations which move between different security partitions must be sanitized according to the X-Division Computer Sanitization Policy which must be posted next to such workstations.
- Install or modify software which has an adverse effect on the security of the LAN.
- Add other users or systems without the prior approval of an X-Division Computer Security Officer.

I understand and agree to follow these rules in my use of X-Division OPEN LAN. I understand that I assume full responsibility for the security of my workstation. I understand that violations may be reported to my supervisor or FSS-11, that I may be denied access to the LAN, and that I may receive a security infraction for a violation of these rules.

Signed: Wen Ho Lee.

Date: April 19, 1995.

Mr. MURKOWSKI. I thank my friend, the floor manager, for the time.

I wish the President a good day.

Mr. WARNER. Mr. President, we have negotiated the amendment of the Senator from Florida. I ask unanimous consent to speak for 2 minutes on this amendment prior to going to the amendment of the Senator from Florida.

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

Mr. WARNER. Mr. President, I strongly support this amendment. I view it as an augmentation of what we have in the defense bill. I understand my colleague from New Mexico addressed the defense bill. I ask the question of my colleague from Alaska. The provision in the defense bill is a direct product of the working group assembled by the majority leader, Senator Lott. I am not entirely sure what Senator Domenici said about the provisions of the defense bill. But the Senator from Alaska incorporated a portion of that in his bill. So there is some redundancy. But I look upon the two as joining forces and, indeed, putting forth what is essential at this point in time.

Does the Senator share that view?

Mr. MURKOWSKI. I share that view with the senior Senator from Virginia. It is my understanding that the leader is still prepared to go ahead with his amendment known as the Lott amendment.

Mr. WARNER. Mr. President, I wish to advise my colleague that the amendment has been agreed to and is in the bill now.

Mr. MURKOWSKI. Good.

Mr. WARNER. There are really three components: One, the Armed Services' position; Leader Lott's position; and the position recited by the three Senators who are sponsors of this amendment. But it all comes together as a very strong package. I hope it will be accepted on the other side.

I yield the floor.

Mr. President, I hope that Senators SHELLY and ROBERT Kerrey are aware that this amendment is now up, and they have 15 minutes under their joint control reserved.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Thank you, Mr. President.

Amendment No. 447

(Purpose: To establish a commission on the counterintelligence capabilities of the United States)

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:
Mr. GRAHAM. Mr. President, as members of the Congress, we need to accept our responsibility and accept the important role of counterintelligence to our national security. The country cannot afford a partisan debate. We cannot afford a piecemeal solution to what is a complex set of issues. Yet with the amendments that are being offered in both Houses, that is exactly what we are getting.

My amendment represents an attempt to transform a potentially destructive partisan debate into a non-partisan, objective, dispassionate, and comprehensive review of current counterintelligence policies—not just at the Department of Energy, but across the government—a review that is long overdue.

Such a review would address a number of issues: What is the nature of the counterintelligence threat? The nature of the threat goes far beyond China and it goes far beyond our Department of Energy National Laboratories. For example, there are 24 countries on the Department of Energy's sensitive country list. Those countries include those that we would expect to be on such a list—China, Cuba, Iran, Iraq—but the list also includes India, Israel, and Taiwan—countries, I suspect, many Americans would be surprised to find on that list.

Another example of the threat relates to the missile programs in India, Pakistan, and North Korea. To what extent have their programs benefited from American technology and knowledge gleaned from our Labs or other high-tech institutions? What leads us to believe that our only vulnerability is from China?

The threat goes beyond the traditional security parameters of gates, and guards at the Department of Energy. We must include an in-depth look across the government and at the new areas of security vulnerability. I have a report from the General Accounting Office issued to the Congress on May 20, 1999. This was an analysis of the vulnerability of the NASA, the National Aeronautics and Space Administration, about the vulnerability of its system to security penetration. I will read a paragraph titled "Results in Brief."

We successfully penetrated several mission-critical systems, including one responsible for calculating detailed positioning data for our spacecraft, and another that processes and distributes the scientific data received from these spacecraft. Having obtained access to these systems, we could have disrupted NASA's ongoing command and control operations and stolen, modified, or destroyed systems software and data.

That is just another example of our national vulnerability.

Who should review this threat? I believe that the commission that should be established by this amendment would appropriately represent the interests of the American people through the administration and the legislative branches and would necessarily include persons with strategic vision and the specific counterintelligence experience. I have used as the model for the establishment of this commission, a commission which was established by the Congress in 1994 under the leadership of Senator Warner, a commission which became known as the Aspin-Brown Commission, to look at our intelligence community.

Like that commission, this would have 17 members. The President would appoint 9, the leadership of the Senate and the House—majority and minority—would appoint a total of 8 commissioners.

The commission would be charged with assessing the current counterintelligence threat and the adequacy of resources being applied to that threat. Commissioners would also examine current personnel levels and training outreach—both executive—coordination among government agencies, the laws now on the books and their adequacy, the adequacy of current investigative techniques and, last but not least, attempt to determine whether vigorous counterintelligence capability can coexist with important work carried out by our National Laboratories and other important technological institutions.

It is important that we keep counterintelligence problems and possible solutions in some perspective. There is no doubt that counterintelligence deficiencies of the Department of Energy are longstanding. They have been exhaustively well documented over a long period of time. We should have addressed these issues years ago. But as serious as our counterintelligence weaknesses are at the Department of Energy and at our National Laboratories, effective focus on counterintelligence issues may have to be re-directed to many other agencies of the government. It must do this if we are to construct a comprehensive and effective counterintelligence response.

Those agencies, of course, include those belonging to the intelligence community, but also must include agencies such as NASA, whose vulnerability I have just outlined, and the Department of Commerce, which has had the responsibility for reviewing highly technical decisions on whether it is appropriate to license for export particular dual-use machinery that might serve a military purpose. These reviews are conducted at NASA and the Department of Commerce have not been viewed in the past as warranting the degree of counterintelligence focus which I believe they deserve. For those who argue that we can't wait for the commission, that we must act today, I point out that the immediate counterintelligence issues facing our Department of Energy National Labs are being addressed.
According to Ed Curran, a highly respected 37-year FBI veteran who now heads the Department of Energy's Counterintelligence Office, 75 to 80 percent of the Tier One recommendations resulting from a 1998 FBI evaluation of Lab counterintelligence are now in place. The remainder will be in place within 7 months. These are important steps that will go a long way in the short term to protect the work going on at the Labs.

In the heat of the moment, numerous recommendations are being put forward to improve counterintelligence at the Department of Energy. Some of them may be useful. Others, such as placing counterintelligence at the Labs under the FBI's control, may not be. All recommendations deserve careful, objective, and dispassionate attention. I believe the time has come to reach a consensus as Americans on the best way to proceed. I am convinced if we force solutions and force them beyond our current analysis and rush our deliberations, that we are likely to end up asking the wrong questions and coming up with the wrong answer. America will be dazzled by this pattern of action and the Congress will be the culprit.

I suggest that we draw a collective breath, that we step back, that we take a serious indepth look at this very complicated issue, and that we reach a conclusion that the appropriate place to begin such a comprehensive reexamination.

I believe a commission of the type that placed counterintelligence at the Labs, or some other institution that has the authority to carry out a serious indepth look at this very serious potential problem, which is not perceptible at the moment, that is not things we were not able to check out. The following year, the Justice Department--

Mr. WARNER. Mr. President, I rise unfortunately to speak in opposition to the amendment offered by the Senator from Florida, Senator Graham. Let me say, first of all, I think the intent of this bipartisan commission is right on target; that is, that we take care not to rush to judgment, and in our rush to judgment.

Mr. WARNER. Mr. President, could I ask the Senator to yield for one administrative announcement? I ask all Senators and their staff to pay attention to a hotline call, which will come very shortly, to clarify the earlier unannounced agreement regarding filing of first-degree amendments. That includes the need for the offices to re-submit certain amendments that may have otherwise been informally sent over to the floor staff. So a complete statement is needed indicated on the hotline. I thank the Senator.

Mr. KERREY. Mr. President, the Senator from Florida has identified a very serious potential problem, which is not perceptible at the moment, that is not things that will make the country less safe, not more safe and secure.

Perhaps the most important thing to be saying about the Cox and the Dicks report is that there is a lot less there than meets the eye. By that, I don't mean to say I am critical of the report, although there are three or four conclusions they reach with which I do not agree, that I do not think are supported by the classified report they have filed. I see in the Cox-Dicks report—and in fact in their own evaluation they say: This was not a comprehensive study; there were a lot of things that we were not able to check out.

I believe that is essentially what the Senator from Florida is saying. There is still a lot that neither the Cox-Dicks committee, the Temporary Special Committee, nor the House and the Senate Select Committees on Intelligence,
Mr. GRAHAM. Will the Senator from Nebraska yield for a question?
Mr. KERREY. It depends on the question.
Mr. GRAHAM. One of the principal purposes of this commission starts with a recognition that our counterintelligence problems, our vulnerabilities, are not limited to Chinese penetration and are not limited to Department of Energy Laboratories. In fact, I have quoted from a study by the General Accounting Office that is less than 10 days old about a major potential penetration in NASA of its computer systems.

The question: "Would the Senator agree that whatever form Congress took to look at this issue, in addition to being rational, prudent, thoughtful, that it should also be comprehensive, in terms of the Federal Government and the potential sources of efforts to penetrate those agencies?"

Mr. KERREY. I answer emphatically yes. It needs to be Governmentwide. Indeed, I would say to the Senator, as he no doubt knows, there is also vulnerability with contractors, current and former employees. There is a significant amount of vulnerability.

Let me point out in the case of the transfer of these designs that have been reported to the public, we are not 100 percent certain that they were transferred out of Los Alamos. That is the problem. This design was held by many other people other than Los Alamos. So that is one of the problems here. When you take this particular situation, if you are 100 percent certain it is Los Alamos, tighten up security at the Lab. If you are not 100 percent certain and we tighten up security in the Lab, we may be tightening up security in a place that is not the problem.

So I think there is reason to believe the changes that have been suggested thus far will not damage us. But I think what the Senator is saying is exactly right. It needs to be Governmentwide. It needs to look at the contractors.

Another thing I think needs to be considered, there was an op-ed piece written by Edward Teller, published in the New York Times. Mr. Teller can best be described as somebody whose judgment I respect, and his task of making certain the United States of America has a robust nuclear deterrent and that nuclear deterrent was adequate to protect the people of the United States of America and our interests.

Mr. Teller says, and I agree with him, by the way, by the time you put all other security measures in place, the most important deterrent against losing our technological superiority is not defensive measures but making certain we allocate enough for research and development and we keep the pointy edge of our technological spear sharp. So long as we continue in research and development, not just in design but construction and deployment, Mr. Teller is saying you decrease the possibility that somebody or some other transfers—'in some cases transfers you do not even think about—will do damage to the security of the United States of America.'

Mr. GRAHAM. Mr. President, will the Senator from Nebraska yield for another question?
Mr. KERREY. Yes.
Mr. GRAHAM. The Senator's last point about trade-offs highlights the fact that we risk making our nation less secure if we are not careful with our solutions. We could potentially be lured into doing what Hitler did in the 1930s and 1940s; that is, prevent intelligent and capable people from participating in our nation's government and question no. I do not think we are in any danger of following Adolf Hitler's example, but I do think we need to be careful that in an effort to restrict who gets to know things we do not create an additional security problem.

We have had many examples, as we try to figure out what goes wrong with a national security decision, especially intelligence, where we discover that the problem was Jim knew it; Mary didn't know it. Neither one of them had a right or need to know what each other was doing. As a consequence of them simply walking from one cubicle to the other talking, a mistake is made.
We have to be very careful in exercising our judgment in what ought to be done in tightening things that we do not and will not create additional security problems.

Mr. SHELBY. Mr. President, how much time do I have left?

Mr. WARNER. Senator Shelby has 7½ minutes.

Mr. SHELBY. Mr. President, I oppose the Graham amendment as the chairman of the Senate Intelligence Committee. We should, as an institution, oppose all efforts to devolve the authority and the responsibility of any congressional committee to an outside group, such as this commission, when there is no compelling reason to do so, and there is certainly no compelling reason to do so in this instance at this time.

As my colleagues probably know, the Intelligence Committee is already aware of the state of our counterintelligence capabilities. I have worked with the vice chairman, Senator Kerrey, and other Members on both sides of the aisle, in dealing with our counterintelligence capabilities because we are engaged in the committee now in an ongoing legislative oversight of the intelligence community’s approach to counterintelligence activities and espionage investigations. That is an ongoing, very much alive investigation.

We have a tremendous staff. I believe—and I believe the Senator from Nebraska, the vice chairman, joins me in saying this—a very able staff on the Senate Intelligence Committee that is deeply involved in a bipartisan way in this investigation.

The committee has recommended, and will continue to recommend as our investigation unfolds, substantive changes in this area. We are working with the majority leader, with the minority leader, and their staffs in this regard.

But I believe the Intelligence Committee is completely capable—and I believe the vice chairman has already indicated this—of addressing this relatively small but very, very critical problem. And it is critical that we act now.

Most important, though, this legislation presumes the failure of congressional oversight, and that did not happen. It did not happen in this instance, and the Senator from Nebraska, who has just come back on the floor, was very involved as the vice chairman of this committee in pushing for more money for counterintelligence. That goes without saying.

The failure of congressional oversight, as far as the Intel Committee is concerned, did not happen. For nearly 10 years, the Intelligence Committee has repeatedly directed the intelligence community to improve its counterintelligence capabilities communitywide and specifically at the Department of Energy where our most precious Labs are located.

I believe this is really a case of the executive branch failing to heed congressional warnings, and I think we will see more and more of this as the investigation unfolds.

Finally, counterintelligence has been a specific priority of the Intelligence Committee in the Senate and will continue to be a high priority, as it should, as long as I am chairman and as long as I am involved.

This amendment ignores the past and ongoing work of the Intelligence Committee in the Senate. I urge my colleagues to oppose it.

The PRESIDENT. Who yields time?

Mrs. HUTCHISON addressed the Chair.

The PRESIDENT. Time is under the control of the Senator from Alabama and the Senator from Florida.

Mr. WARNER. Mr. President, we are trying to work this out right now. The Senator from Florida has authorized the managers to make a request on his behalf that this amendment be laid aside.

The PRESIDENT. The PRESIDENT. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I see the distinguished minority whip.

Mr. REID. Mr. President, this is a question of fact the President said he will veto it. In short, I will not belabor the point or request that the Senator yield to the President.

Mr. WARNER. Mr. President, I hear very clearly what our colleagues have said. I believe that information was imparted to the three sponsors of the amendment earlier today. We will just have to await their response. At the moment, the Kyl-Domenici amendment is laid down. It is the pending business; am I not correct?

The PRESIDENT. It has been laid aside but it is still pending.

Mr. WARNER. Mr. President, I see other Senators anxious to speak to the Senate. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDENT. Under the previous order, the Senator from Michigan yield for a question by the Senator from Texas?

Mr. LEVIN. I would ask unanimous consent that the Senator from Texas be recognized, and then we return to the previous order. But before offering that suggestion, I ask the Senator what her amendment is.

Mrs. HUTCHISON. No. I say to the distinguished cosponsor of my amendment that information was told that it would be put in an addendum that would be classified if there were any such missions that needed to be disclosed.

Mr. LEVIN. In the course of the last hour we have had a chance to make a suggestion to the Senator from Texas. Has she incorporated that suggestion?

Mrs. HUTCHISON. No. I say to the distinguished cosponsor of my amendment, I discussed that particular issue and was told that it would be put in an addendum that would be classified if there were any such missions that needed to be disclosed.

Mr. LEVIN. Mr. President, reserving the right to object, it is my understanding now from my staff—staffs have been working on this and are still working on it. I ask that the Senator withhold that until we can see whether or not that can be worked out, because my staff indicates that they were actually in the process of discussion, and we are not sure what version it is that the Senator is offering.

So I would not be able to agree to a change in our order unless we take a
few minutes here to see if we can first work it out. Then I would assure the Senator that if it is not worked out—I know the good friend from Virginia would assure you as well—there would be an opportunity to offer the amendment.

Mrs. HUTCHISON. I would want to be assured from both the distinguished chairman and ranking member that if we go past the 2:30 unanimous consent deadline I would be allowed to offer my amendment if there is not an agreement.

Mr. WARNER. Mr. President, I assure my colleague that her amendment will be included in the 2:30 unanimous consent agreement. But I thought perhaps the Senator from Texas could address the general content of the amendment for a few minutes, and perhaps within that period we can work out a resolution.

I note the Senator from Alabama was anxious to speak to the Senate, I do not see him at the moment. He has an amendment which I think is going to be accepted. He wants to speak to it. I yield the floor at this time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I am in no need of speaking to my amendment until I am able to offer it.

Mr. WARNER. We ask that she withdraw it, but will consider it to be within the deadline.

Mrs. HUTCHISON. As long as I am assured I will be able to offer it.

Mr. WARNER. Mr. President, I believe the managers are prepared to submit to the Chair a package of amendments.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NOS. 376, 386, 387, 398, 399, AND 403

Mr. LEVIN. Pursuant to the prior unanimous consent agreement, I now call up the following amendments at the desk:

The Kerrey amendment, No. 376, the two Sarbanes amendments, Nos. 386 and 387; two Harkin amendments, Nos. 398 and 399; and one Boxer amendment, No. 403.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for other Senators, proposes amendments numbered 376, 386, 387, 398, 399 and 403.

The amendments are as follows:

AMENDMENT NO. 376

(Purpose: To provide for a one-year delay in the demolition of certain naval radio transmitting (NRTF) towers at Naval Station, Annapolis, Maryland, to facilitate the transfer of such towers)

At the end of subtitle E of title XXVIII, add the following:

SEC. 2854. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FORMER NAVAL TRAINING CENTER, BAINBRIDGE, CECIL COUNTY, MARYLAND.

Section 1 of Public Law 99-596 (100 Stat. 3549) is amended—

(1) in subsection (a), by striking "subsections (b) through (f)" and inserting "subsections (b) through (e)"; and

(2) by striking subsection (b) and inserting the following new subsection:

"(b) CONSIDERATION.—(1) In the event of the transfer of the property under subsection (a) to the State of Maryland, the transfer shall be with consideration or without consideration from the State of Maryland, at the election of the Secretary.

"(2) If the Secretary elects to receive consideration from the State of Maryland under paragraph (1), the Secretary may reduce the amount of consideration to be received from the State of Maryland under that paragraph by an amount equal to the cost, estimated as of the time of the transfer of the property under this section, of the restoration of the naval radio transmission buildings on the property. The total amount of the reduction of consideration under this paragraph may not exceed $500,000;"

(3) by striking subsection (d); and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

AMENDMENT NO. 386

(Purpose: To provide for a one-year delay in the demolition of certain naval radio transmitting facility (NRTF) towers at Naval Station, Annapolis, Maryland, to facilitate the transfer of such towers)

At the end of title VI of such Act, add the following:

"(a) ONE-YEAR DELAY.—Notwithstanding any other provision of law, the Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting facility (NRTF) towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

"(b) COVERED TOWERS.—The naval radio transmitting facility towers described in this subsection are the three southeastern most naval radio transmission facility towers located at Naval Station, Annapolis, Maryland, that are scheduled for demolition as of the date of the enactment of this Act.

"(c) TRANSFER OF TOWERS.—The Secretary shall transfer to the State of Maryland, or to Anne Arundel County, Maryland, all right, title, and interest of the United States in and to the towers described in subsection (b) if the State of Maryland or Anne Arundel County, Maryland, as the case may be, agrees to accept such right, title, and interest from the United States during the one-year period referred to in subsection (a)."

AMENDMENT NO. 387

(Purpose: To modify land conveyance authority relating to the former Naval Training Center, Bainbridge, Cecil County, Maryland)

On page 459, between lines 17 and 18, insert the following:

AMENDMENT NO. 398

(Purpose: To provide for a one-year delay in the demolition of certain naval radio transmitting facility (NRTF) towers at Naval Station, Annapolis, Maryland, to facilitate the transfer of such towers)

At the end of title VI of such Act, add the following:

"(d) FUNDING.—Subsection (b) of such section is amended by adding the following:

"(’’b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).’’"

AMENDMENT NO. 399

(Purpose: To direct the Secretary of Defense to eliminate the backlog in satisfying requests for replacement of military medals and decorations)

In title V, at the end of subtitle D, add the following:

"(4) The terms ‘costs for nutrition services and administration’, ‘nutrition education’ and ‘supplemental foods’ have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1706(b)).’’

On page 17, line 6, reduce the amount by $18,000,000.

AMENDMENT NO. 403

(Purpose: To provide for a one-year delay in the demolition of certain naval radio transmitting facility (NRTF) towers at Naval Station, Annapolis, Maryland, to facilitate the transfer of such towers)
(a) Of the amounts appropriated for the Department of Defense for fiscal year 2000 pursuant to authorizations of appropriations in this Act, the Secretary of Defense shall transfer $100,000 to the Department of Veterans Affairs. The Secretary shall select the source of the funds for transfer under this subsection, and make the transfers in a manner that causes the least significant harm to the readiness of the Armed Forces, does not affect the increases in pay and other benefits for Armed Forces personnel, and does not otherwise adversely affect the quality of life of such personnel and their families.

(b) Use of amounts transferred.—Funds transferred to the Department of Veterans Affairs under subsection (a) shall be made available to establish, in accordance with chapter 24 of title 38, United States Code, national cemeteries in areas in the United States that the Secretary of Veterans Affairs determines to be most in need of such cemeteries to serve the needs of veterans and their families.

(c) Relationship to other transfer authority.—The authority to make transfers under subsection (a) is in addition to the transfer authority provided in section 1001.

SEC. 1001. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS HOSPITAL BED REPLACEMENT BUILDING IN RENO, NEVADA.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the ‘‘Jack Streeter Building’’. Any reference to that building in any law, regulation, map, document, record, or other reference on the United States shall be considered to be a reference to the Jack Streeter Building.

AMENDMENT NO. 488

(Purpose: To designate the new hospital bed replacement building at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, in honor of Jack Streeter.)

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CHAPTER 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia’s tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction that is submitted to Congress under section 1206 of Public Law 104-106 (110 Stat. 471; 22 U.S.C. 5955 note) and to require annual reports on Russia’s non-strategic nuclear arsenal shall include—

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia’s stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director’s views on the matters described in paragraph (1) of subsection that subsection contains Russia’s tactical nuclear weapons.

AMENDMENT NO. 435

(Purpose: To require a study and report regarding the options for Air Force cruise missiles)

In title II, at the end of subtitle C, add the following:

SEC. 225. OPTIONS FOR AIR FORCE CRUISE MIS- SILES.

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being set as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit to Congress the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, so that the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)1 in a timely manner as described in that subsection.

AMENDMENT NO. 434

(Purpose: To require a report regarding National Missile Defense)

In title II, at the end of subtitle C, add the following:

SEC. 225. REPORT ON NATIONAL MISSILE DE- FENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary’s assessment of the advantages of a two-site deployment of a ground-based National Missile Defense system, with special regard to relative cost, coverage, redundancy and survivability, and economies of scale.

AMENDMENT NO. 433

(Purpose: To encourage reductions in Russian nonstrategic “tactical” nuclear arms, and to require annual reports on Russia’s non-strategic nuclear arsenal)

In title X, at the end of subtitle D, add the following:

SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia’s tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction that is submitted to Congress under section 1206 of Public Law 104-106 (110 Stat. 471; 22 U.S.C. 5955 note) and to require annual reports on Russia’s non-strategic nuclear arsenal shall include—

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia’s stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director’s views on the matters described in paragraph (1) of subsection that subsection contains Russia’s tactical nuclear weapons.

AMENDMENT NO. 456

(Purpose: To authorize a land conveyance, Nike Battery 80 family housing site, East Hanover Township, New Jersey)

On page 453, between lines 10 and 11, insert the following:

SEC. 2823. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township of East Hanover, New Jersey (in this section referred to as the “Towpship”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover Township, New Jersey, the former family housing site for Nike Battery 80. The purpose of the conveyance is to permit the Township to develop the parcel for affordable housing and for recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined in a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 457

(Purpose: To authorize a one-year delay in the demolition of the naval radio transmitting facility towers at Naval Station, Annapolis, Maryland and to facilitate transfer of towers)

At the end of subtitle E of title XXVIII, add the following: SEC. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMIT- TING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) ONE-YEAR DELAY.—The Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) COVERED TOWERS.—The naval radio transmitting towers covered by this section are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

(c) TRANSFER OF TOWERS.—The Secretary may transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in 1

and to the towers described in subsection (b) if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

The PRESIDING OFFICER. Under the order, the amendments will be set aside.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Amendment No. 458

(Purpose: To prohibit the United States from negotiating a peace agreement relating to the Federal Republic of Yugoslavia (Serbia and Montenegro) with any individual who is an indicted war criminal)

Mr. SPECTER. Mr. President, of course, within the unanimous consent agreement which requires submission of amendments before 2:30—and it is now 2:17—I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 458.

The amendment is as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. PROHIBITION ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.

(a) In general.—The United States, as a member of NATO, may not negotiate with Slobodan Milosevic, an indicted war criminal, with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia. (b) Yugoslavia defined.—In this section, the term “Federal Republic of Yugoslavia” means the Federal Republic of Yugoslavia (Serbia and Montenegro).

The PRESIDING OFFICER. The amendment will be set aside.

Mr. SPECTER. Mr. President, parliamentary inquiry. Is there any established procedure for the consideration of amendments like the one I just sent to the desk?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We are trying to repose as much discretion in the managers as possible. Your amendment will be treated equally with the others. But at the moment we are not going to try to sequence the deliberation.

Mr. SPECTER. I thank my colleague. Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Amendment No. 459

(Purpose: To amend title XXIX, relating to renewal of public land withdrawals for certain military ranges, to include a placename of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).)

Mr. LEVIN. On behalf of Senator BINGAMAN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 459.

The amendment is as follows:

On page 476, line 13, through page 502, line 3, strike title XXIX in its entirety and insert in lieu thereof the following:

“TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS.

SEC. 2901. FINDINGS.

“(1) In general.—The Congress finds that—

“(a) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

“(b) the public land withdrawals authorized in 1986 under Public Law 99–506 were for a period of 15 years, and expire in November, 2001; and

“(d) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99–506 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

“SEC. 2902. SENSE OF THE SENATE.

“(a) The Congress finds that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and other applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999.”

The PRESIDING OFFICER. The amendment will be set aside.

Amendment No. 460

Mr. WARNER. Mr. President, on behalf of the Senator from Virginia, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 460.

The amendment is as follows:

SEC. 349. AUTHORITY TO MAKE PAYMENTS.

(f) Treatment of Payments.—Any amount described in subsection (a) may not exceed $2,000,000.

(g) Construction.—The payment of an amount under this section—

(1) shall be credited to the appropriation fund or account from which the expenses are ordinarily paid.

or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

The PRESIDING OFFICER. The amendment will be set aside.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Amendment No. 461

(Purpose: To authorize payments in settlement of claims arising from the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence)

Mr. LEVIN. On behalf of Senator ROBS, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. ROBS, proposes an amendment numbered 461.

The amendment is as follows:

On page 93, between lines 2 and 3, insert the following:

Sec. 349. (a) Authority To Make Payments.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) Deadline for Exercise of Authority.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) Source of Payments.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Defense, any other public land user;

(f) Construction.—The payment of an amount under this section—

(1) shall be credited to the appropriation fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

The PRESIDING OFFICER. The amendment will be set aside.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Amendment No. 462

(Purpose: To authorize payments in settlement of claims arising from the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence)

Mr. LEVIN. On behalf of Senator ROBS, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. ROBS, proposes an amendment numbered 462.

The amendment is as follows:

On page 93, between lines 2 and 3, insert the following:

Sec. 349. (a) Authority To Make Payments.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) Deadline for Exercise of Authority.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) Source of Payments.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Defense, any other public land user;

(f) Construction.—The payment of an amount under this section—

(1) shall be credited to the appropriation fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

The PRESIDING OFFICER. The amendment will be set aside.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Amendment No. 463

(Purpose: To authorize payments in settlement of claims arising from the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence)

Mr. LEVIN. On behalf of Senator ROBS, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. ROBS, proposes an amendment numbered 463.

The amendment is as follows:

On page 93, between lines 2 and 3, insert the following:

Sec. 349. (a) Authority To Make Payments.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) Deadline for Exercise of Authority.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) Source of Payments.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Defense, any other public land user;

(f) Construction.—The payment of an amount under this section—

(1) shall be credited to the appropriation fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.
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(g) [Placeholder for Thurmond language].

The PRESIDING OFFICER. The amendment will be set aside.

Mr. WARNER. Mr. President, I just wish to thank all Senators. We are receiving cooperation with regard to the unanimous consent request and making progress.

I think the Senator from Alabama will seek recognition shortly to make a presentation to the Senate regarding an amendment that he has. I say to the Senator, with his indulgence, we may have to interrupt from time to time to send amendments to the desk.

If you will forbear for a moment.

Mr. LEVIN. If the Senator would yield to me for that purpose.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 462

Mr. LEVIN. I send an additional amendment to the desk on behalf of Senator LINCOLN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mrs. LINCOLN, proposes an amendment numbered 462.

The amendment is as follows:

Amend the tables in section 2301 to include $7.8 Million for C130 squadron operations/AMU facility at the Little Rock Air Force Base in Little Rock, Arkansas. Further amend Section 2304 to so include the adjustments.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 463

(Purpose: To authorize $3,650,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire)

Mr. WARNER. I send to the desk an amendment on behalf of Mr. Smith of New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. SMITH of New Hampshire, proposes an amendment numbered 463.

The amendment is as follows:

On page 429, line 5, strike out "$172,472,000" and insert in lieu thereof "$168,340,000."

On page 411, in the table below, insert after item related Mississippi Naval Construction Shipyard, Portsmouth, New Hampshire) "New Hampshire NSY Portsmouth $3,650,000."

On page 412, in the table below, in lieu of $4,813,065,000, insert $4,813,065,000."

On page 414, in the table below, insert after item related Pennsylvania Naval Construction Shipyard, Philadelphia, Pennsylvania) "New Hampshire NSY Portsmouth $3,650,000."

On page 414, line 8, strike out "$674,140,000" and insert in lieu thereof "$747,950,000."

On page 414, line 6, strike out "$2,078,015,000" and insert in lieu thereof "$2,081,865,000."

On page 414, line 9, strike out "$673,960,000" and insert in lieu thereof "$677,910,000."

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 464

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from North Carolina, Mr. HELMS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HELMS, proposes an amendment numbered 464.

The amendment is as follows:

Insert at the appropriate place in the bill:

SEC. 2. DISPOSITION OF WEAPONS-GRADE MATERIAL.

(a) REPORT ON REDUCTION OF THE STOCKPILE.—Not later than 120 days after signing an agreement between the United States and Russia for the disposition of excess weapons plutonium, the Secretary of Energy, with the concurrence of the Secretary of Defense, shall submit a report to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Speaker of the House of Representatitives—

(1) detailing plans for United States implementation of such agreement;

(2) identifying the number of United States warhead “pits” of each type deemed “excess” for the purpose of dismantlement or disposition; and

(3) describing any implications this may have for the Stockpile Stewardship and Management Program.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 465

(Purpose: To increase the grade established for the chiefs of reserve components and the additional general officers assigned to the National Guard Bureau and to exclude those officers from a limitation on number of general and flag officers)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SESSIONS, proposes an amendment numbered 465.

The amendment is as follows:

In title V, at the end of subtitle B, add the following:

SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.

(a) GRADE OF CHIEF OF ARMY RESERVE.—Section 303(b)(c) of title 10, United States Code, is amended by striking “major general” and inserting “lieutenant general”.

(b) GRADE OF CHIEF OF NAVAL RESERVE.—Section 514(c)(2) of such title is amended by striking “rear admiral (lower half)” and inserting “rear admiral (upper half)”.

(c) GRADE OF COMMANDER, MARINE FORCES RESERVE.—Section 514(c)(2) of such title is amended by striking “brigadier general” and inserting “commander”.

(d) GRADE OF CHIEF OF AIR FORCE RESERVE.—Section 303(b)(c) of such title is amended by striking “major general” and inserting “lieutenant general”.

(e) THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Subparagraphs (a) and (b) of section 10506(a)(1) of such title are each amended by striking “major general” and inserting “lieutenant general”.

(f) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICERS.—Section 526(d) of such title is amended to read as follows:

(4) EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.—The limitations of this section do not apply to the following reserve component general or flag officers:

(1) An officer on active duty for training.

(2) An officer on active duty under a call or order specifying a period of less than 180 days.

(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

The PRESIDING OFFICER. The Senate amendment will be set aside.

AMENDMENT NO. 466

(Purpose: To authorize, with an offset, an additional $90,200,000 for drug interdiction and counterdrug activities of the Department of Defense)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Ohio, Mr. DeWINE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DeWINE, for himself and Mr. COYNER, proposes an amendment numbered 466.

The amendment is as follows:

On page 62, between lines 19 and 20, insert the following:

SEC. 214. ADDITIONAL AMOUNTS FOR DRUG INTERDICATION AND COUNTER-DRUG ACTIVITIES.

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 303(a)(20) is hereby increased by $50,200,000.

(b) USE OF ADDITIONAL AMOUNTS.—Of the amounts authorized to be appropriated by section 303(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $5,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTH) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward looking infrared radars for F-3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mothership Operations.

(6) $20,000,000 shall be used for National Guard State plans.

(c) OFFSET.—Of the amounts authorized to be appropriated by this Act, the total amount available for

The PRESIDING OFFICER. The DeWine amendment will be set aside.

AMENDMENT NO. 467

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Virginia, Mr. VOINOVICH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. VOINOVICH, proposes an amendment numbered 467.
The amendment is as follows:
At the appropriate place, insert the following:

SEC. 29. ORDNANCE MITIGATION STUDY.

(a) The Secretary of Defense is directed to conduct a study, and to report to Congress, to determine whether or not the withdrawal of ordnance from the Toussaint River is feasible.

(b) The Secretary of Defense shall report to the Committee on Armed Services and the Committee on the Budget of the Congress and to any other committees of the Congress designated by the Congress that the withdrawal of ordnance from the Toussaint River is feasible.

The amendment is as follows:
On page 359, line 9, strike ''(c)'' and after ''(b)'' insert ''(c).''

SEC. 29. ORDNANCE MITIGATION STUDY.

(a) The Secretary of Defense is directed to conduct a study, and to report to Congress, to determine whether or not the withdrawal of ordnance from the Toussaint River is feasible.

(b) The Secretary of Defense shall report to the Committee on Armed Services and the Committee on the Budget of the Congress and to any other committees of the Congress designated by the Congress that the withdrawal of ordnance from the Toussaint River is feasible.

The amendment is as follows:
On page 359, line 9, strike ''(c)'' and after ''(b)'' insert ''(c).''
The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senate from Michigan [Mr. LEVIN, for Mr. Edwards], proposes an amendment numbered 473.

The amendment is as follows:

At the appropriate place, insert the following new section:

"AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.

(a) In General.—Notwithstanding any provision of the applicable base closure law or any provision of the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in subsection (b) the facilities described in subsection (c). Any such transfer shall be without consideration to the United States.

(b) A transfer under paragraph (1) may include real property associated with the facili-

ty concerned.

(c) An institution seeking a transfer under paragraph (1) shall submit to the Adminis-

trator an application for the transfer. The application shall include such information as the

Administrator shall specify.

(d) COVERED INSTITUTIONS.—An institution eligible for the transfer of a facility under subsection (a) is any tax-supported educational institution that agrees to use the facility for—

(1) student instruction;

(2) the provision of services to individuals with disabilities;

(3) the health and welfare of students;

(4) the storage of instructional materials or other materials directly related to the ad-

ministration of student instruction; or

(5) other educational purposes.

(e) AVAILABLE FACILITIES.—A facility available for transfer under subsection (a) is any facility that—

(1) is located at a military installation ap-

proved for closure or realignment under a

base closure law;

(2) has been determined to be surplus prop-

erty under a base closure law; and

(3) is available for disposal as of the date of

the enactment of this Act.

(f) AUTHORITY.—In this section:

(1) The term "base closure laws" means the fol-

lowing:

(A) Title II of the Defense Authorization

Amendments and Base Closure and Realignment Act (Public Law 100–256; 10 U.S.C. 2678

note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXII of


(C) The term "tax-supported educational institutions" means any tax-supported edu-

cation institution covered by section

203(k)(1)(A) of the Federal Property and Ad-

ministrative Services Act of 1949 (40 U.S.C. 484(k)(1)(A)).

The PRESIDING OFFICER. The Hatch amendment will be set aside.

AMENDMENT NO. 474

(Purpose: To commemorate the victory of Freedom in the Cold War)

Mr. WARNER, Mr. President, I send to the desk an amendment on behalf of Mr. GRAMM, for himself, Mr. ASHCROFT, Mr. COVENSEL, Mr. LOTT, and Mrs. HUTCHISON, proposes an amendment numbered 474.

The amendment is as follows:

On page 387, below line 24, add the fol-

lowing:

"SECTION 1001. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

(a) FINDINGS.—Congress makes the fol-

lowing findings:

(1) The Cold War between the United States and the former Union of Soviet So-

cialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and free-

dom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to pro-

tect such principles.

(5) Tens of thousands of United States sol-

diers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties en-

joyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Ger-

many, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniver-

sary of the fall of the Berlin Wall.

(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby—

(1) designates November 9, 1999, as "Vic-

tory in the Cold War Day";

and

(2) requests that the President issue a proclamation specifying the days of the United States to observe the week with ap-

propriate ceremonies and activities.

The PRESIDING OFFICER. The amendment will be set aside.

(c) COLD WAR VICTORY MEDAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

"1133. Cold War medal: award, issue

"(a) There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States Armed Forces during the Cold War in order to recog-

nize the contributions of such individuals to United States victory in the Cold War.

"(b) The Secretary of Defense, in consultation with the Joint Chiefs of Staff, shall, under regulations prescribed by the President, design for purposes of this section a decoration called the ‘Reagan–Truman Vic-

tory in the Cold War Medal.’ The decoration shall be of appropriate design, with ribbons and appurtenances.

"(c) Cold War medal: award; issue

"(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces described in paragraph (1).

"(2) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $15,000,000.

"(3) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

"(d) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contribu-

tions accepted by the Secretary under sub-

paragraph (A).

"(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a com-

mission to be known as the ‘Commission on Victory in the Cold War’ (in this subsection to be referred to as the ‘Commission’).

"(2) The Commission shall be composed of seven individuals, as follows:

(A) Three shall be appointed by the Presi-

dent, in consultation with the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(B) Two shall be appointed by the Majority

Leader of the Senate.

(C) Two shall be appointed by the Speaker of the House of Representatives.

"(3) The Commission shall have as its duty the review and approval of the expenditure of the Armed Forces.

"(4) Prior to the participation of the Armed Forces in the celebration referred to in para-

graph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States vic-

tory in the Cold War.

The PRESIDING OFFICER. The amendment will be set aside.
AMENDMENT NO. 476

(Purpose: To require a report on military-to-military contacts between the United States and the People’s Republic of China and the United States) Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Mr. SMITH of New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for United States Navy, proposes an amendment numbered 476.

The amendment is as follows:

SEC. 1032. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE’S REPUBLIC OF CHINA.

(a) Report—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People’s Republic of China.

(b) Report Elements.—The report shall include the following:

(1) A list of the general and flag grade officers of the People’s Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tianamen Square massacre of June 1989.

(4) A list of facilities in the People’s Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People’s Republic of China since January 1, 1993.

(5) A list of facilities in the United States that have been the subject of a request by the Department of Defense which has been denied by People’s Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People’s Liberation Army which has been denied by the United States.

(7) Any official documentation, such as memos, letters, memoranda, or action reports, and final itineraries, and any receipts for expenses over $1,000, concerning military-to-military contacts or exchanges between the United States and the People’s Republic of China in 1999.

(8) An assessment regarding whether or not any People’s Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People’s Republic of China.

(9) The report shall be submitted no later than March 31, 2000 and shall be unclassified but may contain a classified annex.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 477

(Purpose: To require the President to submit to Congress a proposal to prioritize and begin disengaging from non-critical overseas missions involving U.S. combat forces) Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator HUTCHISON.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 477.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 13(a). Congress makes the following findings:

(1) It is the National Security Strategy of the United States to “deter and defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames.”

(2) The deterrence of Iraq and Iran in Southwest Asia and the deterrence of North Korea in Northeast Asia represent two such potential large-scale, cross-border theater requirements.

(3) The United States has 120,000 troops permanently assigned to those theaters.

(4) The United States has an additional 70,000 forces assigned to non-NATO/non-Pacific threat foreign countries.

(5) The United States has more than 6,000 troops in Bosnia-Herzegovina on indefinite assignment.

(6) The United States has diverted permanent assigned resources from other theaters to support operations in the Balkans.

(7) The United States provides military forces to seven active United Nations peacekeeping operations, including some missions that have continued for decades.

(8) Between 1986 and 1998, the number of American military deployments per year has nearly tripled at the same time the Department of Defense budget has been reduced in real terms by 38 percent.

(9) The Army has 10 active-duty divisions today, down from 18 in 1991, while on an average day in FY98, 28,000 U.S. Army soldiers were deployed to more than 70 countries for over 360 separate missions.

(10) Active Air Force fighter wings have gone from 22 to 13 since 1991, while 70 percent of air sorties in Operation Allied Force over the Balkans are U.S.-flown and the Air Force continues to enforce northern and southern no-fly zones in Iraq. In response, the Air Force has initiated a “stop loss” program to block normal retirements and separations.

(11) The United States has ten destroyers reduced in size to 339 ships, its lowest level since 1938, necessitating the redeployment of the only overseas homeported aircraft carrier from the Western Pacific to the Mediterranean to support Operation Allied Force.

(12) In 1998 just 10 percent of eligible carrier naval aviators—27 out of 261—accepted continuation bonuses and remained in service.

(13) In 1998 48 percent of Air Force pilots eligible for continuation opted to leave the service.

(14) The Army could fall 6,000 below Congressionally authorized troop strength by the end of 1999.

(b) Sense of Congress: (1) It is the sense of Congress that—

(A) The readiness of U.S. military forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and expanded missions;

(B) There may be missions to which the United States is contributing Armed Forces from which the United States can begin disengaging.

(c) Report Requirement. (1) Not later than March 1, 2000, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report prioritizing the ongoing global missions to which the United States is contributing troops. The President shall include in the report a feasibility analysis of how the United States can:

(1) Shift resources from low priority missions in support of higher priority missions;

(2) Consolidate or reduce U.S. troop commitments worldwide;

(3) End low priority missions.

The PRESIDING OFFICER. The amendment is as follows:

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. WYDEN and Mr. SMITH of Oregon.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH of Oregon, proposes an amendment numbered 478.

The text of the amendment is printed in today’s Record under “Amendments Submitted.”

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 478

(Purpose: Relating to chemical demilitarization activities) Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. WYDEN.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 479

(Purpose: Expressing the sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997) Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THURMOND.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 479

(Purpose: Expressing the sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997) Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THURMOND.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 479

(Purpose: Expressing the sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997) Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THURMOND.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 479

(Purpose: Expressing the sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997) Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THURMOND.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 479

(Purpose: Expressing the sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997) Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THURMOND.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 479

(Purpose: Expressing the sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997) Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THURMOND.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 479

(Purpose: Expressing the sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997) Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THURMOND.
The amendment is as follows:

At the appropriate place insert the following:


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

(1) On September 13, 1997, a German Luftwaffe Tupolev TU–154M aircraft collided with a United States Air Force C–141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrns Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Captain Robert D. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Captain Scott H. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Direktorat of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupolev TU–154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupolev TU–154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

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

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupolev TU–154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens’ claims for deaths arising from an accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the German Government and the families described in paragraph (1) with respect to the collision described in that paragraph.

The PRESIDING OFFICER. The Thurmond amendment will be set aside.

AMENDMENT NO. 480

(Purpose: To authorize $3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire.)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senate from Virginia [Mr. WARNER], for Mr. DOMENICI, proposes an amendment numbered 480.

The amendment is as follows:

On page 429, line 5, strike out "$372,472,000," and insert in lieu thereof "$3,850,000." On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth
$3,850,000.

On page 412, in the table line Total strike out "$742,140,000," and insert in lieu thereof "$3,850,000." On page 414, line 6, strike out "$2,978,015,000," and insert in lieu thereof "$2,961,865,000." On page 414, line 9, strike out "$673,960,000," and insert in lieu thereof "$677,810,000." On page 414, line 18, strike out "$66,299,000," and insert in lieu thereof "$68,581,000." For the Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, proposes an amendment numbered 480.

The amendment is as follows:

On page 429, line 5, strike out "$372,472,000," and insert in lieu thereof "$3,850,000." On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

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requirements for equipment and resources, as well as installations from which they project combat power. In the Army Reserve there is a very simple way to measure power; you can count the senior officers—specifically the generals and admirals who make the decisions for their components. In the Army, there are a total of 337 general officers. In the Air Force the number is 282. When compared to the 118 United States Army Reserve General Officers and the 75 United States Air Force Reserve General Officers or the 195 Army National Guard General Officers of whom only 92 have Federal Recognition, there appears to be an inequity when it comes to the Reserve Components. In the case of the Army, Air Force, Marine and Navy Reserves, there are no four or three star positions in the case of the National Guard, the answer is one three-star—the Chief of the National Guard Bureau who represents both the Army and the Air National Guard. This means that in the case of the Army, Navy, Air Force, and Marine Corps Reserve and the Army and Air Force National Guard, each component’s home team advocate is merely a two-star.

I do not choose the phrase “merely a two-star” by accident. “Merely” is an apt word when you are talking about the fight for resources in the Pentagon. When programming and budgeting decisions are made within the services, the existing rank structure excludes the Reserve chiefs from what I consider to be full participation in deliberations, which are the realm of three-star participants. The Reserve chiefs are relegated to the periphery and must rely on a higher-ranking participant at the table to champion their cause. They cannot speak for themselves or their component unless asked to do so. This is wrong in my opinion and a classic example of how the Reserve chiefs are restricted from actively participating in the decision making process.

Furthermore, the two-star Reserve Component commanders exercise their preeminent authority over other senior commanders of their components who also wear two stars. While the Reserve and Guard chiefs, by necessity, have made this situation work, this arrangement, in my opinion, is unfair. It is simply not nearly alike in authority. To expect a two-star to speak by active counterparts, it means that the men and women in the Reserve Components, which are deployed in over 30 contingency, nation-wide, and involved in over 10 contingencies. However, since the Gulf War, it has been involved in over 30 contingency, nation-building and peacekeeping operations. The Air Force Reserve provides the Air Force 20 percent of its capability. Air Force Reserve Command Aircrews serve over 125 days a year on average; support personnel serve over 60.

The Commander Naval Reserve serves in a billet that, in the past, actually was filled by a vice admiral and reports directly to the Chief of Naval Operations, which is not even typical for a Navy three-star admiral. He is responsible for software development and acquisition for the Navy’s Manpower and Personnel information systems. The Naval Reserve is responsible for: five percent of the Navy’s total complement of ships and aircraft, 100 percent of the Navy’s harbor surface and subsurface surveillance forces, 90 percent of the Navy’s Expeditionary Logistics Support Force, 47 percent of the Navy’s combat search and rescue capability, and 35 percent of the Navy’s total airborne ocean surveillance capability.

The Commander, Marine Force Reserve commands over 40,000 personnel and provides 20 percent of the U.S. ground divisions and 13 percent of all U.S. tactical air. The Marine Corps Reserve provides the Marine Corps the following: 100 percent of the adversary aircraft, 100 percent of the civil affairs groups, 50 percent of the theater missile defense, 50 percent of the tanks, 40 percent of the force reconnaissance, 40 percent of the air refueling, and 30 percent of the artillery. We find similar core competencies in the Army Reserve where the USAR provides 97% of Civil Affairs units, 81% of all psychological units, 100% of Chemical Brigades, 75% of Chemical battalions; and 85% of all medical brigades or roughly 47% of all Army Combat Service Support.

What are the implications for the Reserve Components?

Well, when reserve commanders, by virtue of their ranks, are outgunned so to speak by active counterparts, it means that the men and women in the Reserve Components, which are deployed in over 30 contingency, nation-wide, and involved in over 10 contingencies. However, since the Gulf War, it has been involved in over 30 contingency, nation-building and peacekeeping operations. The Air Force Reserve provides the Air Force 20 percent of its capability. Air Force Reserve Command Aircrews serve over 125 days a year on average; support personnel serve over 60.

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equally with three- and four-star generals is unrealistic. To not compete for funds on an equal basis is to guarantee the contestation of the Chief, Army Reserve to (four-star) general. In 1992 the Hay Group, which reviewed all Reserve Component general and flag officer billets, specifically recommended elevation of the Chiefs of the Army, Navy and Air Force Reserves and the Directors of the Army and Air Force National Guard to three-star rank. In 1992, an independent commission chaired by General William Richardson recommended elevation of the Chief of the Army Reserve who has brigadier generals and two major generals, a three-star general is responsible for the Army Reserve has. In the Active Army, responsibility for and what the Chief of the Army Reserve and the Naval Reserve, the Air Force Reserve and the Marine Reserve—their officers sit there with just two stars. They do not have the same level of clout that they would otherwise have. I would like to share a few things with you. I have some charts that deal primarily with the United States Army Reserve, but the numbers are similar regarding the Navy, Air Force, and the National Guard units. The Chief of the Army Reserve is now a two-star general. In the course of his duties, he is required to evaluate 57 brigadier generals. That is one star, and there are 42 major generals with two stars just like himself. That is a responsibility he has, whereas in the Active Army a four-star general is only required to evaluate 31 brigadier generals, one star, and ten major generals, two stars. This shows you what a four-star has responsibility for and what the Chief of Army Reserve has. In the Active Army, a three-star general is responsible for evaluating an average of just seven brigadier generals and two major generals, but he has a higher rank than the Chief of the Army Reserve who has to rate 57 brigadiers and 42 major generals.

It strikes me that we have gone a little bit too far in containing the rank available for the important position of Chief of Army Reserve.

The Chief of the Army Reserve also, for example, has full responsibility for $3.37 billion in the fiscal year 1999 appropriations for an average of one million total Army reserves. Those include those who are in retired status, subject to being recalled; the active reservists, which has 200,000; the ready reserves, which are subject to a more immediate callup; plus 18,000 FTS personnel and nearly 4,300 civilian personnel; whereas a field Active Army four-star commands an average of only 48,000 troops plus civilians.

So you can begin to see the situation we are facing. I do not believe it reflects proper balance.

Two years ago, the Appropriations Committee asked the Department of Defense to submit an analysis of this situation for improvement. That report has not been received as requested.

It seems to me plainly obvious that we need at least three-star generals in charge of the Army Reserve and the Naval Reserve—a three-star general for Army Reserve, Naval Reserve, and Air Force Reserve, Marine Reserve. There is one three-star general in the National Guard. Because of their large size—they are bigger than any one of the other components—we believe they need two three-star generals. With that, I believe we will have a more appropriate balance in the leadership and rank in our Defense Department.

I thank the Chair.

Mr. WARNER. I ask unanimous consent for 2 minutes to speak in support of the amendment.

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

Mr. WARNER. Mr. President, I commend our colleague. He is a very valuable member of the committee.

I was privileged to be in the Pentagon when Secretary Melvin Laird developed the total force concept, which means the United States of America looks to its national security in terms of not only the Active Forces but the Reserve and the Guard. That was the turning point, a recognition for those men and women who so proudly and in a great deal of sacrifice in terms of their private lives—because they have to balance a full-time job in most instances together with Reserve and Guard commitments requiring them to respond, to forgo—contribute that time to their desired slots in the Reserve and the Guard.

Therefore, I strongly support this amendment.
I want to clarify one thing. This does not add any more numbers of general or flag officers to the total number now in the Pentagon. The numbers that will be used for these promotions are to be drawn from a number within the ranks of each of the departments of the military.

Am I not correct on that?

Mr. SESSIONS. That is correct. In fact, there are 45, now, three-star generals in the Army. This would only involve two of those.

Mr. WARNER. Just by way of quick anecdote, when I was Secretary of Navy, I felt so strongly about the Naval Reserve that I promoted the then two-star admiral to the grade of three, and he served in that grade throughout my tenure. The day after I left the Department, the third star disappeared, and it never reappeared again until this moment when we agree to this amendment. I hope it will become law.

I commend the Senator. I yield to the floor.

The PRESIDENTING OFFICER. The Senator from Texas.

AMENDMENT NO. 477

Mrs. HUTCHISON. Thank you, Mr. President.

I call up amendment No. 477.

The PRESIDENTING OFFICER. The amendment is now pending.

Mrs. HUTCHISON. Thank you, Mr. President.

This amendment requires that the President and the Department of Defense come forward and report on the missions we have throughout the world.

One thing that has become very clear to me as I have visited with our troops—whether it is in Saudi Arabia or Kuwait, or whether it is in Bosnia or in Albania just 2 weeks ago—is that our troops are overdeployed.

Secretary Bill Cohen said in testimony just last week to the Defense Appropriations Committee that we have either too few people or too many missions. The fact is that this is beginning to show the wear and tear on our military. Between 1986 and 1998, the number of American military deployments per year nearly tripled at the same time that the Department of Defense budget was reduced by 36 percent. There is no question that our military is stretched. No one disagrees with that.

The Department of Defense is asking for help. Congress realizes that this is a problem and has continually tried to increase the military spending, including pay raises for our military to give them more chances to live a quality of life. But the fact is that we have to do something about either overdeployment or too few numbers. In fact, our present military strategy is to deter and defeat large-scale cross-border aggression in two distant theaters in an overlapping timeframe.

We have the deterrence of Iraq and Iran in southwest Asia and the deterrence of North Korea in northeast Asia. Initially, we also had the large-scale cross-border theater requirements. In addition to that, we have 120,000 troops permanently assigned to those theaters and 70,000 in addition to that assigned to non-NATO, non-US, and non-Canadian missions. The United States has more than 6,000 in Bosnia-Herzegovina and many others around the world. What we need to do is to start to prioritize where our missions are and where American troops should be deployed.

On May 27 of this year, the Secretary of the Air Force announced a stop-loss program that places a temporary hold on transfers, separation, and retirements from the Air Force. This is a decision that is normally reserved for wartime or severe conflicts. And, yet, we now have in place that no one can separate from the Air Force.

My amendment says it is the sense of Congress that the readiness of our U.S. military forces is the national security strategy is being eroded from a combination of declining defense budgets and expanded mission. It says to the President that we must have a report that prioritizes ongoing global missions, that the President shall include a report on the feasibility and analysis of how the United States can shift resources from low-priority missions and consolidate the use of U.S. Air Force commitments worldwide, and end low-priority missions. This is a report that the President would make through the Department of Defense to prioritize these missions.

I believe the Department of Defense has been looking for this type of opportunity to priorize the missions, the priority from the fact that we are going to look at the wear and tear on our military and we are going to have to make some final decisions.

I think when we get this report we will be able to see if, in fact, we need more military and we need to “ramp up” the military force strength in our country or whether we can prioritize the overseas missions and stop the overdeployment and the mission fatigue that so many of our military people have.

I am very pleased to offer this amendment. I think it is a step in the right direction. It is a positive step toward relieving our very stretched military. Certainly, as we are watching events unfold in Kosovo and we are seeing more and more of our military being called up, I think it is time for Members to assess everywhere we are in the world and ask the President to prioritize those. Then Congress can make sure that if we need to ramp up our military force structure or ramp down the number of deployments that we have around the world.

I ask that the amendment be agreed to.

Mr. WARNER. I commend the Senator from Texas. This is a very important amendment. I am a cosponsor. I believe it is acceptable on this side.

Mr. LEVIN. Mr. President, the amendment is acceptable here. It performs a useful purpose. The Defense Department has in the past given the Senate these lists, but this updates it and gives us a little more detail. I think it is very important we know all of our missions and how many people are involved around the world.

We have no objection to it at all.

The PRESIDENTING OFFICER (Mr. Fritzgerald). The question is on agreeing to the amendment.

The amendment (No. 477) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. I ask unanimous consent to the amendment number 446.

Mr. REID. Mr. President, the country established the independence of the weapons laboratory directors for a reason. We are lucky to have had the weapons laboratories that have been such an important, integral part of this country. They are one of the main reasons the cold war ended. They have been established independently so that the President and the Congress could expect independent and objective re- ports from the directors. Congress has also established that the key role regarding assessment of the safety and reliability of nuclear weapon stockpile. We are talking about thousands of nuclear warheads.

The problem in the world today is the fact that we have too many nuclear warheads, but those that we have must be maintained to be safe and reliable. It is a responsibility of our weapons laboratories to make sure that in fact, is the case.

This amendment, No. 446, strips our laboratory directors of this independent objective status. The amendment makes the laboratory directors directly subject to the supervision and direction of the administration.

What this means, in very direct language, is that we will get the opinion of the administration regarding stockpile safety and reliability—not the lab director’s expertise and, therefore, their opinion. They will say what the plan that tells them to say—what their scientists and engineers tell them is appropriate with these weapons of mass destruction. There will no
longer be any reason to believe that stockpile assessments are founded on scientific and technical fact.

If this amendment comes to be we should just declare the stockpile adequate and simply not bother evaluating it for safety and reliability. This would be a tragedy not only for this country but the world.

That is the reason that the Secretary of Energy, Bill Richardson, wrote a letter yesterday to the chairman of the Armed Services Committee, the senior Senator from Virginia. He said, among other things in this letter, "The proposal would effectively cancel my 6-month effort to strengthen security at the Department in the wake of the Chinese espionage issue," and he goes on to say if this proposal is adopted by the Congress, "I will recommend to the President to veto the defense authorization bill."

This has gone a step further, separate and apart from the letter—the President will veto this bill if this language is in the bill.

This proposal would reverse reforms in the Department of Energy. According to the Secretary of Energy, still referring to this letter to Chairman Warner:

This proposal would reverse reforms in the Department of Energy going back to the Bush Administration by placing oversight responsibilities within defense programs. A program would be in charge of its own security oversight, its own health oversight and its own safety oversight.

He says the fox will, in fact, be guarding the chicken coop.

Secretary Richardson says in the final paragraph of this letter:

In short, the security mission cuts across the entire government, not just defense programs facilities. We need a structure that gives this important function proper visibility and focus and provides the means to hold the appropriate line manager responsible.

The Secretary of Energy is a person who served in the Congress of the United States for about 16 years, who served as the Ambassador to the United Nations, who has been involved in some of the most responsible and sensitive negotiations in the last 10 years that have taken place in this country, traveling all over the world, working to free hostages, and doing other things upon the recommendation and under the auspices of the President.

We are told that this bill, in effect, is going nowhere if this amendment is in there.

Why? This isn’t the way to legislate. The legislative process is an orderly process, or should be an orderly process. If there is a bill that is to be heard, there should be hearings held on that bill, especially one as sensitive as this that deals with the nuclear stockpile of the United States. We have had no hearings. There are multiple committees that have jurisdiction. We know that the Energy and Natural Resources Committee has jurisdiction. We know the Armed Services Committee has jurisdiction. The Cox-Dicks report—which was a bipartisan report and we should treat it as such—said the problems with the laboratories as far as the espionage problems go back at least three administrations. Secretary Richardson has reported this past week that 85 percent of the report’s recommendations are already adopted or in the process of being adopted and, in fact, the report was one that most everyone agrees did a good job, Congressman Cox and Congressman Dicks did a good job.

I don’t think it is appropriate that we go charging forth for political reasons to attempt to embarrass the administration or to embarrass Secretary Richardson. We have the most responsible and sensitive military resources we have—management of nuclear weapons. To change how that takes place, while keeping them safe and reliable, in an amendment being discussed in the few days before a process, is not the way to go, especially when there have been no congressional hearings. This committee deserves to take a look at calling witnesses.

In short, I rise in strong opposition to this amendment. As I have said earlier today, this amendment is not going to go away. It deals with the security of this Nation. When I finish speaking, there are other Senators wishing to speak. I see the junior Senator from New Mexico who is going to speak, the senior Senator from Illinois said he will speak, we will have Senator Boxer from California speak. It will take a considerable period of time before enough is said about this amendment.

If adopted, this amendment would make the most sweeping changes in the Department structure and management since the Department’s creation in 1977. This amendment fundamentally overturns the most basic organizational decisions made about the Department when it was created. It does it without any congressional hearings, without any oversight hearings, without any investigations having taken place. These changes will result in go-between the Secretary of Energy and the Department of Energy. The defense National Laboratories will be tremendously compromised as scientific institutions.

The weapons laboratories have always been held out as being scientific institutions, not political institutions. Those who deal with these laboratories—and I had the good fortune the last 3 years to be the ranking member of the Energy and Water Subcommittee that appropriates money for these laboratories—have found the people that work in these laboratories to be some of the most nonpolitical people I have ever dealt with in my entire political career. They are not involved in politics. They are involved in science. We shouldn’t change that. Why? Their work—that is, the work of the National Laboratories on national security—is underpinned by scientific excellence, in a wide range of civil programs that sustained needed core competency at the laboratories.

This change reverses management improvements made at DOE by a series of Secretaries of Energy under both Republican and Democratic administrations. These improvements were made after careful review by the Secretaries of Energy. They looked at the management deficiencies they encountered during their tenures. There were hearings held in the Congress before the rightf ul committees, and decisions were made as to what changes the Secretaries recommended should be made in permanent law. That is how we should do things. That is not how we are doing things with this bill.

This change reverses management improvements made at DOE by a series of Secretaries of Energy under both Republican and Democratic administrations. These improvements were made after careful review by the Secretaries of the management deficiencies they encountered during their tenures. This amendment re-creates dysfunctional management relationships at the Department of Energy that have proven in the past not to work. I repeat, these sweeping changes are being proposed on the floor of the Senate without any input from the committees of jurisdiction over general department management—that is, the Appropriations, Energy and Water Subcommittee, or the committee with jurisdiction over energy defense activities—this committee, the Committee on Armed Services.

The two managers of this bill have worked very, very hard. As I said the other day, on Monday evening, I do not know of two more competent managers we could have for a piece of legislation. They have dedicated their lives to Government. They have dedicated much of their adult lives to making sure the United States is safe and secure. They have worked very hard to have a bill that should be completed today, a very important bill dealing with the armed services of the United States. We should not let this stand in its way. We should not have a bill that comes out of here that is vetoes. We do not need this information in the bill.

To this point, this bill has been proceeding forward on a bipartisan basis. This is the way legislation should move forward. We have been working on this bill for a few short days. In the past, it has taken as many as 14 days of floor activity to complete this legislation.
These two very competent managers are completing this bill, if we get rid of this, completing this bill in 4 days. We should be able to proceed.

There are so many important things in this bill that need to be completed that we should do that. If my friends—my friends, the Senator from Arizona and the senior Senator from New Mexico—if they really think there are problems in this regard I will work with them. I will work from my position as the ranking member of the Energy and Water Subcommittee. I will do whatever I can to make sure, if they believe a bill needs to come forward on the floor dealing with these things, we would not object to a motion to proceed, that they could bring this bill forward on the floor. We do not want to hold up this bill. But the bill, as official in the Department of anything we are doing on this side but because of this mischievous legislation. I say to my two friends, the Senator from Arizona and the Senator from New Mexico—who are not on the floor; they are my two Senators for whom I have the greatest respect—this is not the way to proceed on this. No matter how strongly they feel about what went on with the Chinese espionage, whatever the reasons might be, let’s work together and see if, in fact, after we go through the normal legislative process, with hearings, with committees of jurisdiction, that their method is the way to proceed. Certainly, we are not going to proceed on an afternoon with a bill of this importance, without, I repeat, committee hearings and the other things that go into good legislation.

These sweeping changes are being proposed with no supporting analysis, no public record. Indeed, the changes to be made fly in the face of past recommendations by distinguished experts and past reports of congressional hearings on the subject—DOE Organization, Reorganization and Management.

These changes are firmly opposed, and that is an understatement, by the administration, and I think we should pull this amendment so we can go forward with this bill. The absurdity of this amendment is even more striking when you see who the senior management of the Department of Energy are at this time. Think of this. The current Under Secretary of Energy is Dr. Ernest Moniz, who, if not the top nuclear physicist in the country is one of the top nuclear physicists in the whole country. This man is the former chairman of the Massachusetts Institute of Technology’s physics department—the most prestigious, famous institution of science in this country, especially their physics department.

Under Secretary Moniz would be forbidden by law from helping Secretary Richardson, whose office is 40 feet away, manage and direct this program. He could not exercise any role in the management of the Department’s nuclear weapons research and development. Is this a crazy result? This is, obviously, yes, it is a crazy result.

The safety and reliability of our nuclear stockpile is absolutely critical to our national security and to the U.S. policy and strategy for international peace and nonproliferation. My friend from New Mexico, the junior Senator from New Mexico, is going to talk about why this amendment substantively is so bad. I want to talk more about procedurally why it is so bad. I have tried to lay that out. It is procedurally bad because we should not be here today talking about this as we are now. There should be a bill introduced, referral to committee or committees and a committee hearing or the hearings in the coming forward to talk about this issue.

This is not whether we are going to change the way boxing matches are held in this country or how much money we are going to give to highways in this country. This deals with approximately 6,000 nuclear warheads, any one of which, as a weapon of mass destruction, would cause untold damage to both people and property. So this is not how we should proceed on this legislation. We should proceed on this legislation in an orderly fashion. I say to my friends, the Senator from New Mexico and the Senator from Arizona, if they are right—which I certainly do not think they are—but if they are right, then let’s have this legislation in the openness of a legislative hearing, the openness of the legislative process.

This amendment No. 446 causes us to be in the midst of protracted debate when we should be trying to complete this legislation. The most demanding job is managing the nuclear stockpile. For example, we have some 100,000 weapons in the cold war period. Some say, we need computers 1,000 times faster than the ones now in existence. Some say, we need computers 1,000 times faster than the ones now in existence to ensure these nuclear weapons, nuclear devices, are safe and reliable.

This tremendously demanding job is made even more difficult by all the other problems with managing the nuclear stockpile. For example, we have to clean up the legacy of the cold war at our production facilities. We are spending billions of dollars every year doing that. We need to develop the facilities and skills for stockpile stewardship. We need to maintain an enduring, skilled workforce.

The people who worked in this nuclear testing for so long are an aging population. We have to make sure we have people who have the expertise and the ability to continue ensuring that these weapons are safe and reliable. We need to maintain a dedicated skilled nuclear weapons workforce. We need to provide the special nuclear materials for the stockpile, because the special nuclear material that makes up a nuclear weapon does not last forever. Tritium, for example, has a life expectancy in a weapon of maybe 12 years. Weapons have to be continually monitored to determine if they are safe and reliable.

All these things are complicated by the discovery that some of our most closely guarded nuclear secrets about our stockpile have been compromised
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over the past 20 years. That makes it even more difficult and makes it even more important that we proceed to ensure that we are going to do that our nuclear stockpile is safe, that it is not seen by eyes that should not see the secrets that go into our nuclear stockpile. We should not be determining the afternoon before the Memorial Day recess how we are going to do that.

Secretary Richardson is one of the most open, available Secretaries with whom I have dealt in my 17 years. He is open to the majority; he is open to the minority. We should not do this to him. He is a dedicated public servant. We need to concentrate on the most important things right now, not later. I do not think an ill-conceived administrative change—and that is what it is; we are legislating administrative change now—I do say that this most important, difficult job is being managed—is the most important thing we can do right now. Clearly, it is not. We have far more pressing matters to attend to in the nuclear stockpile.

We talk about the stockpile, but it is a nuclear stockpile. It is something we have to maintain closely, carefully, to make sure it is safe and reliable. We need to improve our computational capability; I said 100, others say by 1,000 or more, beyond the advances we have already made. That is where we need to direct our attention. We need to develop new simulation computer programs that will make effective use of these higher performance machines. I have been in the tunnels where these subcritical tests are conducted. I have been in the tunnels where the critical tests were conducted. We need to continue, I repeat, making sure these weapons of mass destruction are safe and reliable.

We need to design, as I say, advanced experimental facilities to provide the data for this advanced simulation capability.

We need to hire and train the next generation of weapons physicists and technicians before our experienced workforce really withers away.

We have to continue the training of these individuals, not only continue the training but have work for them to do, which we will surely do. We need to continue and more effective controls in how we do these jobs to ensure no further environmental contamination at our working sites. Hanford, that is an environmental disaster; Savannah River, environmental disaster. We cannot let that take place anymore.

We should be directing our attention to those efforts, not legislating on a bill that we should have completed by now. We could have completed this bill, and I think I will do these things in some way to get rid of this amendment.

We need to establish better and more effective controls in how we do those jobs, making sure we do not have Savannah Rivers or Hanford, WA, sites where we are spending billions upon billions of dollars in places environmentally sensitive and clean.

Just as important—may be more important—we need to implement effective security measures that will protect our secrets without unnecessary interference in this very important work. Whatever we do in this terribly important job, we need to do it right.

There is neither the time nor the money to make mistakes. This proposed change in management of the nuclear weapons program is not the right thing to do right now. I feel fairly confident, having spent considerable time speaking to Secretary Richardson, that he is really dedicated to doing the right thing. He does not want to rem-}


dify those be assigned his responsibilities with our weapons systems in a Demo-


cratic fashion—I am talking in the form of a party—or a Republican fashion.

He wants to do it in a bipartisan fashion.

This amendment No. 446 would make the most sweeping changes in the Department of Energy structure and management since its creation in 1977. These drastic changes would be made with no consideration or suggestions, I repeat, by the committee of jurisdiction. They would be made with no consideration or suggestions by the committee that has general management jurisdiction; that is, the Committee on Energy and Natural Resources; or the committee that has jurisdiction over atomic energy defense activities, the Armed Services Committee.

There have been no hearings and testimony by proponents and opponents of a change, and not just this proposed change, but other proposed changes as well.

These jurisdictional considerations and testimony by credible witnesses are mandatory for such a change, because what is being proposed is not obviously better than the present program management frameworks.

I want to take this opportunity to compliment the Secretary of Energy—


with whom I came to Congress in the same year—for his energetic response to the problems that have come to light since he assumed his responsibilities. I think his public and private statements regarding the possible compromise by the Chinese or others have been outstanding. I think he has done extremely well. No Secretary in my memory has taken such forthright and aggressive actions to remedy problems in this most complex and, I repeat, important Department. He is searching out the Department’s problems. He is doing everything he can to correct these problems. I think he is doing a good job.

Let’s give him a chance to succeed. I am confident he will. I know the Secretary has an outstanding relationship with one of the authors of this legisla-
of activities in the Department of Energy. Security of nuclear materials and information is necessary for activities that would not be included in the administration proposed by this amendment. This would require separate security organizations to undertake the same and other very similar functions. There is too much money to allow this kind of inefficiency to creep into the weapons program.

The Secretary of Energy and the President of the United States oppose this amendment. The President promises to veto the defense authorization bill if it is included in the bill. I personally oppose this proposal for the reasons I have mentioned, and many other reasons that at the right time I will be happy to discuss.

I have worked with the senior Senator from New Mexico now for 3 years as ranking member, and many other years as a member of his subcommittee. I just think there is a better way to do this. I know of the time and energy spent with the weapons program. I believe this amendment compromises the National Laboratories. I urge my colleagues to vote against this amendment or to vote for the motion to table, which I am sure will precede an opportunity to vote on this ill-conceived and untimely measure.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that my remarks not count against the two-speech rule. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me first just say that I have had a chance now to read the amendment. We received it at about 1:15, about 10 minutes into the description of the amendment itself from the Senator from Arizona.

I have had that chance to read it. It is really three separate provisions. I just want to briefly point out that two of them are totally acceptable to this Senator, at least as I see it.

The first, of course, would put into statute the provision establishing an Office of Counterintelligence in the Department of Energy. This is something which was done as a result of Presidential Decision Directive 61 in February of 1998. It is something which the previous Secretary of Energy has done administratively. This Secretary has carried through on that. Clearly, this is a good thing to do, and putting it in statutory form is also helpful.

So I do not have a problem with that part of the amendment at all. I would support that. In fact, I point out that those provisions, with very few changes, are in the underlying bill. But I can certainly agree to whatever changes the members of this amendment would like to see in that section.

The second part of the three parts in this bill is establishing the Office of Intelligence. Again, I believe this is totally appropriate. Again, this is something that the administration has already readied to act. It clearly can be a good argument made that we should put this in statute. I have no problem with that. Again, the underlying bill which we are considering has it the establishment of the Office of Intelligence. So if this version of that legislative provision has some improvements in it, that certainly is appropriate. I do not oppose that.

The third part of the amendment is the part which I find very objectionable. Let me use the rest of my time to just describe the nature of my concern about the rest of it.

The third part of the amendment is the part designated "Nuclear Security Administration." This sets up a totally new organization within the Department of Energy which is, as my good friend and colleague from Nevada said, by far the most far-reaching reorganization of the Department of Energy since that Department was created 22 years ago.

The reasons I object to this provision, as it now stands, are several. Let me start by saying that I object to it because of the procedure we followed in getting to where we are today. This is an important proposal. It has far-reaching ramifications. Much of what we do here in the Senate is impacted by the law of unintended consequences, and this is a prime example of something that is going to produce substantial unintended consequences, in my opinion.

We have had many studies about the problems in the Department of Energy. Some of those have been very useful. None of those studies have suggested that we solve the problems with this solution.

The last time we had a hearing on the problems of organization in the Department of Energy was in September of 1996. That was nearly 3 years ago. I sit on the committee, as does my colleague from New Mexico, as do many of us involved in this discussion. I sit on the committee that has jurisdiction over this Department, the Energy and Natural Resources Committee. In that committee, we have had a great many hearings on the Chinese espionage problem. We have had six hearings in that committee alone. We have had one joint hearing with the Armed Services Committee, which I also sit on. That is seven hearings.

In none of those hearings have we considered any of this set of recommendations. In none of those hearings have we asked the Secretary of Energy to come forward and explain what changes he thinks might be appropriate. Whether or not these kinds of proposals might be appropriate as a way to fix the problem.

My friend, the Senator from Arizona, said it would be a derogation of our duty if we didn't go ahead and pass this this afternoon. I say it is almost a derogation of our duty if we do pass it this afternoon, because we will not have given the administration a chance to react. We will not have given the administration a chance to explain why they oppose this. I think that is the only reasonable course to follow.

Another suggestion was made by my colleague from Arizona that although Secretary Richardson had objected to an earlier draft, he was fairly confident that those problems had been resolved in the latest bill, which is the one we received at 1:15.

I have in my hand here—I will ask unanimous consent that it be printed in the RECORD—a letter from Secretary Richardson just received a few minutes ago in which he says:

I have received the most recent version of the amendment being offered by Senator Domenici to the Defense Authorization bill. I am still deeply concerned that it moves the Department of Energy and its effort to improve budgetary and programmatic priorities in the wrong direction. I remain firmly opposed to the amendment, and I want to reiterate my intention to recommend to the President that he veto the Defense Authorization bill if this proposal is adopted by the Congress.

He goes on to explain in more detail why that is his view.

I ask unanimous consent that the letter be printed in the RECORD.

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

THE SECRETARY OF ENERGY,


Hon. JEFF BINGAMAN,

U.S. Senate,

Washington, DC.

DEAR SENATOR BINGAMAN: I have reviewed the latest version of the amendment being offered by Senator Domenici to the defense authorization bill. I am still deeply concerned that it moves the Department of Energy in the wrong direction. I remain firmly opposed to the amendment.

As I stated in my letter of May 25, 1999, our security program deserves a senior departmental advocate, with no missions conflict of interest to focus full time on the security mission. The requirements of the security program should not compete with other programmatic priorities in Defense Programs for the time and attention of the senior management of that program, as well as for budgetary resources. Resource competition has been a core problem of Department of Energy security for decades, and we have seen firsthand that inherent conflicts arise and security suffers when the office that must devote resources to the security mission has a competing primary mission, such as Stockpile Stewardship. It is critical that we have a separate office setting security policy and requirements in a void financial and other pressures from limiting security requirements and operations.

Also, it is important to recognize that the Environmental Management Program has significant security responsibilities for securing large quantities of nuclear weapons...
Mr. BINGAMAN. So procedurally, we should not be here on a Thursday afternoon, when the very distinguished manager of the bill, the chairman of the Armed Services Committee, has said we need to finish this bill in the next hour and a half. We need to leave town and preserve their play reservations. We have to fly out. And by the way, before we leave, let’s reorganize the Department of Energy.

This is not a responsible way for us to proceed. Accordingly, I do object to the procedure.

Let me talk about the substance. My friend from Arizona, who is a prime sponsor on the bill, described the bill fairly accurately when he said, this bill, this provision, the third part of the amendment that I have said is objectionable, the establishment of this Nuclear Security Administration, says this bill creates a stovepipe. That is his exact quote. I agree that that is what happens.

Let me use this chart beside me here to describe very briefly how the Department of Energy functions now.

The Secretary of Energy is in charge of the Department of Energy. There are, under the Secretary, various subdepartments and defense programs. We have environmental management, energy efficiency, nuclear nonproliferation, fossil energy and science.

With regard to each of those, the Secretary has established—and much of this has been done by Secretary Richardson in the 6 months he has been there—some crosscutting responsibilities. Some people with crosscutting responsibilities are directly answerable to the Secretary. One is the director of counterintelligence. This was a major step forward, and I think everybody who sat through these hearings would acknowledge that this was a major step forward. This was one of the actions that was taken, really, by Secretary Richardson’s predecessor, when Ed Curran, who is the gentleman who has been put in the Office of Director of Counterintelligence, was hired. This was in April of 1998.

The other individual, the director of counterintelligence, under the administrative procedure now in place, and under the provisions of this bill, has crosscutting responsibility for counterintelligence in each of the parts of the Department of Energy; in fact, in each laboratory. Mr. Curran has testified to the various of this up here that he will have a person who is responsible to him and who has authority by virtue of his position to demand certain actions on the issue of counterintelligence in each of our National Laboratories. That is as it should be. That is putting accountability into the counterintelligence system. It is a good step forward. That is a step in the right direction.

A second crosscutting responsibility is the security czar on security policy. A third is this independent Safety and Security Oversight Office that Secretary Richardson has established.

So at the present time there are those three entities that report directly to the Secretary of Energy on these issues related to security. These are the reforms that Secretary Richardson has been trying to put into place. These are the reforms that are called for under Presidential Decision Directive-61, and they authorize administrative steps that have been taken by this Secretary of Energy. I believe the system is structured in a way that makes some sense.

Let me now show the stovepipe organizational chart, because we have one of those as well. This, as Senator Voinovich indicated, is a major change, this third part; the establishment of this Nuclear Security Administration is a major change in the way the Department operates.

What essentially is done is you eliminate the defense programs portion of the Department of Energy and you rename that the “Nuclear Security Administration.” You put that in the so-called stovepipe. You put there will be no independent counterintelligence authority over how that agency functions. There will be no independent security oversight over how that agency, that independent agency or administration functions. There will be no environmental oversight, through the Department, on that. And there will be no oversight regarding health and safety factors relating to workers.

Under that we put all of the facilities that relate to nuclear weapons. One reason why I am particularly concerned, frankly, about this is that the two National Laboratories in my State would be in this stovepipe. I do not know that that is good for them long term. I have great doubts that that is good for them long term. I really do have doubts as to whether that is a wise course for us to follow.

One problem—and I think the Senator from Nevada referred to this—is that under this new arrangement, it makes it very clear with very specific language here; it says the administrator of this new stovepipe agency, who shall report directly to and shall be accountable directly to the Secretary, “the secretary may not delegate to any department official the duty of supervising the administrator.”

Presumably, what that means is that Secretary Richardson could not ask his Under Secretary, in this case Dr. Moniz, to take on any of the responsibility for supervising what is going on in this so-called stovepipe agency. Regardless of the experience or the qualifications of Secretary Moniz, or any other Under Secretary, Secretary Richardson would have to personally exercise that oversight, or it would not be exercised. That is clearly not a good management arrangement.

This stovepipe agency, as it is contemplated in this Nuclear Security Administration, eliminates the ability of the Secretary of the Interior to integrate important work on nuclear weapons with other important scientific work going on in the Department of Energy.

I believe very strongly that our laboratories and our nuclear weapons program are strengthened by the interaction that scientists and engineers in that nuclear weapons program have with other scientists and other engineers working elsewhere in the Department of Energy. That would be stopped. That would be much more difficult under this kind of a stovepipe arrangement. There is no prohibition against it happening here, but it is very clear that the head of this Nuclear Security Administration has all authority, and exclusive authority, for what goes on in his department, and there is very little incentive for anyone else to try to put work in those laboratories or interact necessarily with those laboratories on nonnuclear weapons activity.

As a result of this, I fear very much—and I know my good friend and colleague from New Mexico, Senator Nunn, who is a cosponsor of this amendment, says he believes that something like this amendment should be adopted by the Senate because it will keep the Congress, ultimately, after we conference with the House, from going even further and taking a step toward shifting some of this nuclear weapons responsibility to the Department of Defense.

My fear is somewhat different. My fear is that this is a first and sort of a logical step toward going in that direction, and that if you are going to set up all of this nuclear weapons activity in a stovepipe and it is going to be cordoned off from the rest of the Department of Energy, as is proposed in this bill, I think that you go from that point to the point of saying let’s just cut this loose entirely from the Secretary of Energy and make it responsible to the Secretary of Defense.

I think that would be a serious mistake. That is a mistake that our predecessors had the wisdom to avoid. President Truman had the wisdom to avoid
Mr. DOMENICI. There is no need to do that. Let me say to Senator BINGHAM, first of all, I believe that over the last 15 years that he has been in the Senate, that has been 6 or 7—and I am not casting aspersions in any way on anybody else, but I believe I have had as much to do with keeping the labs diversified as any single Member of Congress.

I believe we have done an exciting job in dealing with the cards that were dealt to us when we decided not to do anymore underground testing. And I believe what Senator REID spoke about, which has the very fancy words surrounding it—"science-based stockpiled stewardship"—you have no idea how long it was difficult for me to put all four of those words together. I used to leave half of them off. But I think I have got it now. It was a very complicated department. It was like running a laboratory system that, I regret to say to you and everybody, was broken down.

In fact, I am going to quote from some reports—all current ones, because they get attached to the Department of Energy, in terms of doing its work right for the nuclear weapons part—I haven’t seen an analysis about solar, but that is a little program, whether they run it or fund it. I have not seen a report in the last decade, and there are two within the last 6 years, that does not say the Department of Energy’s ability to handle nuclear weapons development is not broken to the core. That is principally because it is stuck in a department with so many other things to do that are, with reference to urgency, much different and much easier and not as important as nuclear weaponry and all that goes with it.

Yet, decision-makers are making decisions on refrigerator efficiency, and then they move over and make a decision on nuclear weapons. I would almost say with certainty—but I am not going to say I will predict—if they don’t adopt this amendment—and we are going to stay here for a while and see if we are going to adopt it. Maybe some of you want to fillbust it. Some of you haven’t filibustered yet, so it might be exciting. But I can tell you, either this model or a totally independent department for nuclear weapons I would almost say with certainty—but I am not going to say I will predict—if they don’t adopt this amendment—and we are going to stay here for a while and see if we are going to adopt it. Maybe some of you want to fillbust it. Some of you haven’t filibustered yet, so it might be exciting. But I can tell you, either this model or a totally independent department for nuclear weapons is going to be the aftermath of this espionage.

I am not worried that it is going to be the Department of Energy managing this because I think too many people have spoken out about that. But when those looking at the management end up saying it cannot fit in a department of the type that is the Department of Energy and be run in a regular, ordinary chain of command decision-making, which is not what our proposal—you can allude to it as stovepipe. I choose the Marine concept that is chain of command—I almost would predict today—but not quite—that it will be one of those freestanding. When, finally, it is determined what I have been frustrated with for years is that. That is why the Department, perhaps you can manage the other aspects that are not so critical, but you can’t manage the nuclear part under the current environment. It needs dramatic change.

The reason we are on the floor and the reason we are going to finally get it done is because we are scared, because now it is not a question of efficiency and how long it takes to make decisions for nuclear weaponry. It is because we are frightened that we are getting kicked to death. So being frightened, we are going to fix something. This fix is not going to be a little tiny fix as we have done in the past. If anybody chooses to say this is the lab dream, I challenge them. But it’s not how it was created from its former underpinnings called ERDA, which was another department put together with bits and pieces from everywhere, they are right. It is the most significant proposal to streamline nuclear weaponry that has ever been put forward.

But let me suggest that this administration has had two reports, or three, suggesting that dramatic changes ought to be made, and nothing has been done of any significance. Secretaries Richardson, in the aftermath of what some have called the "greatest espionage" in our whole history, is busy and is to be admired and respected for trying to reform. But if you try to reform it, and you are the Secretary of Energy, and you are as diligent as Bill Richardson—and one who likes to run a lot of things, which I admire him for, and one who is a good politician, so he wants to do things politically acceptable, especially for the White House and those who works for—you will never come to the conclusion that this Department should be streamlined such that the Secretary has only one person to be responsible for the nuclear weapons and they will run it inside out, because in a sense it diminishes the role of the Secretary.

I don’t know whether Secretary Richardson does or not. But they are not in office more than 6 months, and they run around calling these great lab stories. I challenge them. Is it my State, “my laboratories.” It is just like: Isn’t this great? The Secretary of Energy has this big, $3 billion laboratory, and he calls it “my laboratory.” I did not say Secretary Richardson does that. I have not heard him. But, if he did, he would be consistent with the other ones.

We have a suggestion here that is probably going to make it a little more difficult for Secretaries of Energy to manage the labs and these "laboratories," because they are going to be a laboratory system run by an administrator within the Department, whether he ends up being an Under Secretary or
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I use this because anybody, including my colleagues and Senator HEID, who has today reported about how well the laboratories have done, would almost have to admit that they have done well in spite of the absolute chaotic condition with reference to sustained accountability within the laboratories as a piece of DOE. Frankly, I have appropriated for 5 years—this is my sixth—the Committee on Energy and Water, which funds totally the laboratories, to some extent, not totally, with reference to nuclear work and to some extent on nonnuclear.

There were Congressmen asking that we create some new regional centers for headquarters, Albuquerque, for example, or a greater region somewhere in Texas and the like. We asked, rather than do that, that the appropriations fund a 120-day study. That was done. I am sure my colleague has that. If he doesn’t, his staff does.

I am going to quote from the executive summary of this, which is dated, incidentally, February 27, 1997. Still referring to the Cox report of March 1, 1999:

This is Admiral Chiles' report, the so-called Chiles report of March 1, 1999:

The largest problem [says this same 120-day study] uncovered is that the defense program practices for managing safety, health and environmental concerns are based on nonproductive, hybrid, or centralized management practices that have evolved over the past decade. It goes on to say that because they have evolved doesn’t mean they are effective or operative. I very much am pleased that Senator BINGAMAN yielded so I could have a few words. Senator, I will be back shortly, but I am called to the majority leader’s office to discuss this issue. It will not take me over 15 minutes, and I will return. I yield the floor.

Mr. HUTCHINSON. Mr. President, I rise in support of the Kyl amendment, which brings new security accountability and intelligent administration to the Department of Energy’s (DOE) nuclear weapons program.

The Cox report has shown us that we have ceded design information on all of our most sensitive nuclear warheads and the neutron bomb to China. These designs, our legacy codes, and our computer data have been lost because of lax security at our national labs (Los Alamos, Lawrence Livermore, Oak Ridge, and Sandia), incompetent administrations, and possibly, obstructions of investigations.

What have we lost because of this espionage? According to the Cox report, “Information on seven U.S. thermonuclear warheads, including every currently deployed thermonuclear warhead in the U.S. ballistic missile arsenal.” These warheads are the W-88, W-73, W-76, W-70, W-62, and W-56. China has also obtained information on a number of associated reentry vehicles. But it does not end there. China also has classified design information for the neutron bomb, which no nation has yet deployed. Other classified information, not available to the public, has also been stolen.

With this information, China has made a quantum leap in the modernization of its nuclear arsenal. China will now be able to deploy a mobile nuclear force, with its first deployment as soon as 2002.

The cost of these nuclear thefts is the security of the U.S. and the security of our allies in the Asia-Pacific. The ability to miniaturize and place multiple warheads on a single ballistic missile will have serious destabilizing effects in the region. India is watching China warily, as are Japan, South Korea, and Taiwan.

I hope that our troops in the Asia-Pacific will not have to suffer for a domestic security failure. I hope that we will not have to pay for these thefts in American lives.

But the costs will not be limited to the Asia-Pacific region. We can bet that this information will not stay in the hands of China. China has supplied Iraq, Pakistan, Saudi Arabia, North Korea, and Libya with sensitive military technology in the past. We have no real guarantees that China will not spread our lost secrets again.
This fiasco of security did not happen by accident. There was a concerted effort by the Chinese government to exploit the information leak and a lack of effort on part of certain individuals to protect those secrets. Janet Reno must be held accountable if she denied her own FBI the authority to investigate suspected spies. Likewise, Sandy Berger must be held accountable if he delayed notification of the President of the United States or if he delayed action on these security breaches.

Mr. President, for two decades we have left the door to our DOE facilities open to thieves. We have exposed our most sensitive details to China. It is time to secure the door of security.

We cannot reverse what has taken place. We cannot take back the information that has been stolen. But we must prevent further theft of our secrets.

The Kyl amendment takes necessary steps in enhancing security at our DOE facilities. It establishes increased reporting to Congress and the President, as well as layers of checks and balances to knock down the stone walls of silence. This amendment also gives the Assistant Secretary of Energy for Nuclear Weapons programs statutory authority to competently administer our nuclear programs and enforce regulations.

But we must also recognize that this measure is not an iron sheath for our weapons secrets. Beyond espionage at our national labs, there have also been illegal transfers of sensitive missile design information by Loral and Hughes, two U.S. satellite manufacturers, to China. With this information, China can improve its military command and control through communications satellites.

In its efforts to engage a “strategic partnership,” the Clinton Administration loosened export controls, allowing satellite and high performance computer exports. Within two years of relaxing export controls, a steady stream of high performance computers flowed from the U.S. to China, giving China 600 supercomputers. Once again, China is using these supercomputers to advance military capabilities. These high performance computers are useful for enhancing almost every sector of the military, including the development of nuclear weapons.

We have not reached the bottom of this pit of security failures. The investigations will continue and Congress will hold the Administration accountable. In the meantime I urge my colleagues to support the Kyl amendment.

AMENDMENT NO. 418

Ms. SNOWE, Mr. President, Members of the Senate, I rise today to pass an amendment I drafted establishing a policy that would require the President to establish a multinational embargo against adversary nations once our Armed Forces have become engaged in hostilities. I thank the chairman of the Senate Armed Services Committee, Senator WARNER, and Senator LEVIN, as well as minority and majority staffs of the Armed Services Committee and the Foreign Relations Committee for working with me on this initiative.

This amendment would impose a requirement on Presidents to seek multilateral economic embargoes, as well as foreign asset seizures, against governments with which the United States engages in armed hostilities.

After 1 month of conflict in Kosovo, the Pentagon had announced that NATO had destroyed most of Yugoslavia’s interior oil-refining capacity. At approximately the same point in time, we had the Secretary of State acknowledging that the Serbians had continued to fortify with imported oil their hidden armed forces in the province.

Just 3 weeks ago, the allies first agreed to an American proposal, one which had been put forward by this administration, to intercept petroleum exports bound for Serbia but then declined to enforce the ban against their own ships.

On May 1, 5 weeks after the Kosovo operation had begun, the President finally signed an Executive order imposing an American embargo against Belgrade on oil, software, and other sensitive products.

Yet, NATO and the United States have paid a steep price for failing to impose a comprehensive economic sanction on Serbia from the beginning of the air campaign, which started in March.

As recently as May 13, a Government source told Reuters that the Yugoslavian Army continued to smuggle significant amounts of oil over land and water.

At the end of April, General Clark gave the alliance a plan for the interdiction of oil tankers coming into the Adriatic towards Serbian ports. To justify this proposal, he cited the fact that through approximately 11 shipments, the Yugoslavians had imported 450,000 barrels containing 19 million gallons of petrol to their war effort. Let me repeat: 450,000 barrels, containing 19 million gallons of oil, that supported the war effort. Half of those 19 million gallons of oil would support them for 2 months; half of the 19 million gallons of oil supported the Serbian war effort for 2 months, yet we allowed 11 shipments to come through since the beginning of this air campaign.

Unfortunately, it has been economic business as usual for the Serbians as their missiles try to grind their will. The President declared on March 24 the beginning of the NATO campaign and set a goal of deterring a bloody offensive against the Moslem civilians. We know what happened.
today in the most recent news updates—of energy imports by the enemy. These imported energy reserves play a significant role in supporting Serbian ground operations.

The U.S. Energy Information Agency estimates that Yugoslavian forces consume about 4,000 barrels of oil per day. This fact means that if Serbian armored units in Kosovo used only one half of the imported fuel just from the month of April alone, they could have operated for nearly 2 months, just half the amount they imported in April, yet as we well know, the air campaign began on March 24.

It took nearly 1 month after the start of the NATO campaign, however, for Milosevic to uproot the vast majority of the ethnic Albanian population of the province. By the timeframe that NATO had claimed to destroy Serbia's oil refining capacity, which was mid to late April, as we have seen here when General Clark announced it on April 27, the Yugoslavians still managed to perpetrate Europe’s worst human rights crisis since World War II. We now face the strategic and operational challenge of uprooting dispersed tank, artillery and, infantry units in Kosovo. This challenge confounds NATO because our military campaign ignored the offshore economic base sustaining the aggression that we had pledged to overcome.

This example teaches us that military victory involves more than the decisive application of force. It also demands, as Operation Desert Storm so dramatically illustrated, a coordinated diplomatic and economic enemy isolation effort among the United States and its allies.

Iraq invaded Kuwait on August 1, 1990. On August 8, the United Nations Security Council, with only Cuba and Yemen in opposition, passed a resolution directing “all States” to bar Iraqi commodity and product imports. This action first helped to freeze Saddam in Kuwait before he could move into Saudi Arabia. The wartime coalition subsequently faced the more manageable task of expelling this dictator from a small country rather than the entire Arabian peninsula.

The point is, during Operation Desert Storm the President of the United States had worked in concert with the allies to establish an embargo. That was effective. What is difficult to understand is why the President and the NATO alliance did not agree to this at the outset? Why, at a time when we were conducting—initiating an air campaign, this oil embargo was not in place? We must always try to damage or destroy the offensive military apparatus—like hostile States—both as the Persian Gulf war taught us, it should also be starved of its resources.

No law can mandate an immediate multinational embargo. But this amendment that will be included in this reauthorization will make it more difficult for future Presidents to repeat the alliance’s mistake of waiting a month—and actually it is even more than that, because we do not have it in full force. There is no immediate impact of a voluntary embargo currently, as we have obviously heard today with General Clark’s concerns about this issue that continues to fortify Milosevic’s defenses. So we do not want future Presidents to repeat the mistake of waiting a month, waiting longer to allow the enemy to conserve fuel, to get more fuel and to be able to become more entrenched on the ground as we have seen Milosevic has done in Kosovo, and to cloud the prospects for victory.

The United States, as a matter of standing policy, should pursue an international embargo immediately. In fact, that should have been done even before the campaign had begun initiated. That should have been part of the planning process. It should not have been an afterthought. It should not have been ad hoc. It should not have been a few days later we will get to it. In this case, obviously, it was more than a month and it is still running. It should be done immediately. If we are willing to place our men and women and weaponry in harm’s way in the middle of a conflict, in the midst of hostilities, then at the very least the ability of any adversaries to reinforce their military machine should cease. Dictators, tyrants, would further know in advance that we would wage a parallel diplomatic and trade campaign next to the military one to disable their war machinery.

This amendment is not micromanaging policy, but it provides increased assurance and permits a delay in the interception of war materiel. In the case of Kosovo, the administration and the alliance admits this was helpful to the enemy. We keep seeing that time and time again. We keep hearing it is helpful. That should have been done long ago. It does beg the question why this was not considered as part of the planning process before the start of our military campaign. It seems to me it would be very logical.

This amendment will not constrain but strengthen future Presidents in organizing the international community against regional zealots like Milosevic. We must remember the European Union states declined to enforce the Adriatic Sea embargo, against the advice of the United States. Obviously, that is what General Clark is stating, in terms of his concerns. Obviously, the NATO alliance does not have the rules of engagement for even doing a voluntary embargo in the present process. So I think this amendment will be helpful to lend the force of law to future Presidents in order to strengthen their hand in implementing an embargo and to seek international agreement with those countries with whom we are engaged in a military effort so we can confront the enemy, not into military and economic bankruptcy.

As our Balkan campaign reveals, the foreign energy and assets at the disposal of dictators can provide their forgotten tools of aggression. But this amendment signals that the United States will not only remember these tools, but take decisive action to break them. It signals we should not bomb only so the enemy can trade and hide and conduct business as usual. It has been business as usual for Mr. Milosevic, regrettably.

So I hope this amendment will enforce greater clarity in our strategies of isolating our adversaries of tomorrow.

I am pleased the Senate has given its unanimous support of this amendment. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

Mr. LEVIN. Object.

Mr. REID. Parliamentary inquiry.

The PRESIDING OFFICER. There is a quorum call in progress.

Mr. REID. I object.

The legislative clerk continued with the call of the roll.

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

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

Mr. STEVENS. I ask unanimous consent that the quorum call be put in effect after I finish this statement. It will take about 5 minutes as in morning business.

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

(remarks of Mr. STEVENS pertaining to the introduction of S. 1159 are located in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I ask that Senator Reed be recognized to talk about an amendment to this bill for 10 minutes and that then the quorum call be reinstated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.
The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, as a preliminary matter, I ask unanimous consent that Herb Cupo, a fellow in Senator Robinson’s office, and that Sheila Jazayeri and Erin Barry of Senator Johnson’s staff be granted floor privileges during the debate.

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

Mr. REED. Mr. President, I rise today in support of S. 1058, the fiscal year 2000 defense authorization bill. As a new member of the Senate Armed Services Committee, I would like to thank Chairman WARNER and Ranking Member ROBB of the Senate Armed Services Committee, and also, the subcommittee chairmen and ranking members, for their leadership on preliminary matters. The staff of the committee has also given us ample support and assistance throughout this process.

This bill represents a significant increase in funding for national defense, $288.6 billion. This is an $8.3 billion increase over the request of the Administration. I must admit that although I recognize the need for increasing defense spending, this is a substantial increase that puts tremendous pressure on other priorities of the nation. Nevertheless, I think at this time in our history, it is important to reinvest in our military forces to give them the support they need to do the very critical job they perform every day to defend the United States.

I am also pleased that, given this increase, the committee has very wisely allocated dollars to needs of the services that are paramount. We have been able, for example, to increase research and development by $1.5 billion. In an increasingly technological world, we have to continue to invest in research and development if our military forces are going to have the technology, equipment and the sophisticated new weapons systems that they need to be effective forces in the world.

In addition, we have added about a billion dollars to the operation and maintenance accounts. These are critical accounts because equipment needs to be maintained, and our troops need to be trained. These accounts are integral parts of an effective fighting force, and we have made that commitment.

In addition, we have tried with those extra dollars to fund, as best we can, the Service Chiefs’ unfunded requirements. Those items they have identified—the Chiefs of Staff of the Army, Air Force, CNO of the Navy—are critical systems they think are vital to the performance of their service’s mission.

In this bill, we have also looked at and dealt with a very critical problem, and that is recruitment and retention of the military forces. We are finding ourselves each month, in many services, falling behind our goals for enrolling new enlistees to the military services and retaining the valuable members of the military services coming up for reenlistment.

This bill, which incorporates many provisions of S. 4, increases pay by 4.8 percent and significantly changes the retirement provisions that were adopted in the 1980s to more favorably represent a retirement system for our military. It also will incorporate the provisions of Senator Cleland’s bill with respect to Montgomery G.I. bill benefits, making them more flexible for military personnel so they can be used for a spouse or child. This is a very important development, not only because of the substance, but also in the fact that it represents that type of innovative thinking about dealing with the problem of recruitment and retention, not simply by doing the obvious, but something that is innovative and, in the long term, helpful. I commend the Senator from Georgia for his great leadership on this issue.

What we are also recognizing here is that among the quality of life issues that affect the military is the issue of health care. I am pleased to note that we have attempted to deal with a nagging problem with the military, and that is the difficulty of obtaining assistance regarding the TriCare system—that is the HMO, if you will, that military families and personnel use. We have heard complaints about TriCare. Indeed, they are many of the same complaints we hear about civilian HMOs from constituents back home.

It is interesting to note that this legislation incorporates an ombudsman program for TriCare. There will be an 800 number where a military person can call with a complaint, with a question, or with a concern, and we will have an individual at that number who will help the individual navigate through the intricate system of managed care. This is such an interesting program, and, indeed, we are working on this in the context of civilian health care. Senator Wyden and I introduced legislation to create an ombudsman program for all managed care in the United States. Our program would authorize States to set up ombudsman programs to assist our constituents in dealing with problems just as real and just as complicated as problems facing military personnel in the TriCare system.

I hope that our unanimous support of this provision today in this legislation will be the basis for what we consider the managed care reform on this floor in the days ahead so that we can, in fact, adopt an ombudsman provision for our civilian programs as well as our military TriCare program.

I am also pleased to note that we have actively supported the non-proliferation provisions in this legislation.

The Cooperative Threat Reduction program is absolutely essential to our national security. We authorize $475 million, an increase of $35 million.

The crucial area of concern obviously is the stockpile of nuclear weapons in the newly independent states of the former Soviet Union. We want to make sure that they safeguard that system. We want to also make sure that we can work with them to dismantle those systems which will lead both to their security and our security and the security of the world.

I am somewhat regretful, however, that the Senate chose to table Senator Kerrey’s amendment which would strike the requirement that the United States maintain strategic force levels consistent with START I until START II provisions come into effect. We all also are fortunate that we have in fact pushed ahead on another provision which touches on our nuclear security and a strategic posture, and that is the approval of the decision of the Department of Defense to reduce our Trident submarine force from 18 ships to 14 ships. That is a step in the right direction towards the START II level.

I am also pleased that this bill will authorize funding to begin design activity regarding the conversion of our Trident ballistic nuclear submarines to conventional submarines which are more in line with the current situation in the world. In fact, when I have talked to commanders in chiefs throughout the world, they say they are continually asked to use those submarines for conventional missions. This will give us four more very high quality platforms to use in conventional situations. I think that is an improvement, both in our strategic posture in terms of nuclear forces and also in terms of our conventional posture.

I am, however, also disappointed with respect to another issue. And that is the failure to adopt a base closing amendment as proposed by Senator McCAIN and Senator Levin. We are maintaining a cold war infrastructure in the post-cold-war world. We reduced our forces but we can’t reduce our real estate. It is not effective.

I also give our Secretary of Defense and our military chiefs the flexibility in the base closing process to identify and to close excess military installations, we will be spending
money that we don't have. And we will be taking that money from readiness, from modernization, and from our forces in the field. They do not deserve that reduction in resources, but in fact deserve the shift of those resources from real estate that is excess to the real needs of our fighting forces. The real needs are taking care of their families, being ready for the mission, and having equipment to do the mission. And every dollar that we continue to invest in resources and installations that we don't need is one dollar less that we don't have for the real needs of our soldiers, sailors, airmen and marines who are out in harm's way standing up and protecting this great country.

I hope we can pass a base closing amendment. I am encouraged that we have some support this year than last year. I hope that we can do so, because it is the one way we cannot only eliminate excess space but also do it in a way that is not political. I know there have been many charges on this floor about politicization. As I hear these charges and these arguments against base closings, I fear that we are the ones that are the issue, that we are the ones that are letting politics get in the way of national security policy. The longer we do that, the more detrimental will be our impact upon the true interests of the country and the needs of our military forces.

Again, let me say in conclusion that this effort, led by Senator WARNER and Senator LEVIN, by the ranking Members, and the Chairpersons of the sub-committees and assisting agencies, results, I think, in excellent legislation. I encourage all of my colleagues to support this bill.

I yield the floor.

I note the absence of 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. BENNETT). Without objection, it is so ordered.

Mr. LOTT. Mr. President, I have a unanimous consent request that I will propound at this time. I do think the issue which has been before the Senate is a very important issue. I have shown my interest and my concern regarding security and more reports with regard to China, satellite technology, and security of our labs. We have added a significant amount of language into this bill. I also think an important part of making sure we have secure labs in the future and that the administration is handling this matter involve reorganization at the Department of Energy. Obviously, what is now in place is not working. But this is not about organization; this is about security.

I ask unanimous consent that there be 1 hour for debate to be equally divided on amendment No. 446, the amendment by Senators DOMENICI, and others; following that time, the Senate proceed to vote on or in relation to the amendment, with no amendments in order prior to the vote.

I might add before the Chair rules, this amendment is the same type of agreement that we have been reaching for dozens of amendments throughout the consideration of the DOD bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. LOTT. I ask consent that a vote occur on or in relation to this amendment with the same parameters as outlined above, but the vote occur at a time to be determined by the majority leader and the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. I inquire of the assistant Democratic leader, is the Senator objecting because he does not want a direct vote on the amendment No. 446, or is there some other problem with that request?

Mr. REID. I say with the deepest respect for the majority leader, I have spent considerable time here this afternoon indicating why I think this is the wrong time for this amendment. I have stated there are parts of the amendment that I think are acceptable and agreeable to the minority, but this is not the time for a full debate on reorganizing the Department of Energy. This is on the eve of the recess for the Memorial Day weekend. We have had no congressional hearings; we have not heard from the Secretary of Energy, except over the telephone. This is not the appropriate way to legislate.

For these and other reasons, I ask there be other arrangements made so that we can proceed to this most important bill, the defense authorization bill.

Mr. LOTT. Mr. President, in light of that objection, I ask consent that when the Senate considers H.R. 1555—that is the Defense Authorization bill—following the opening statement by the manager, Senator KYL be recognized to offer an amendment relative to national security at the Department of Energy; I further ask consent that if this amendment is agreed to, amendment No. 446 be withdrawn, following 60 minutes of debate to be equally divided between Senators KYL and DOMENICI and REID and LEVIN, or their designees.

Mr. REID. Reserving the right to object, and I shall not object. I do say to the majority leader, I appreciate on behalf of the minority, very much, this arrangement being made. This we acknowledge is important legislation. It is an important amendment, one that deserves the consideration of this body. I think it is an appropriate time. As indicated, H.R. 1555 will be the time we can fully debate this issue.

So I say to the sponsors of the amendment, Senators KYL, DOMENICI, MURKOWSKI, we look forward to that debate and express our appreciation for resolving this most important legislation today. There is no objection from this side.

The PRESIDING OFFICER. Is there objection? The Senator from New Mexico.

Mr. DOMENICI. Mr. Leader, would you take the time you have allotted to the two of us, the Arizona Senator and myself, and add Senator MURKOWSKI, equally divided?

Mr. LOTT. I will so amend my request.

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

Mr. LOTT. Mr. President, in light of this agreement, then we will continue. The managers have some work they need to do with regard to some amendments that are still pending. During this 60 minutes of debate, I hope that can be resolved. We are expecting that final passage on the Department of Defense authorization bill would occur this evening, hopefully before 8 o'clock. If we can make it any sooner than that, certainly we will try to, but 8 o'clock is still our goal.

Just one final point. I must say, I do not like having to pull aside this amendment. I thought we should have full debate, that it was a very important amendment and we should have had a vote on it. But we will have an opportunity. This is an issue that is important. It does go to the fundamental question of security at our energy and nuclear labs. But I think this Department of Defense authorization bill is the best defense authorization bill we have had in several years. A lot of good work has been done and I thought it would not have been wise to leave tonight without this Department of Defense authorization bill being completed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank both leaders for arranging for this bill to go forward now.

Senators will recall, pursuant to an earlier unanimous consent, we asked Senators to send to the desk such amendments as have not been as yet cleared by the managers. We are continuing to work on those amendments, but we cannot guarantee we will be able to include all of them into the package.

When we finish this debate, it is the intention of the managers to move to third reading unless Senators come down with regard to these amendments that are pending at the desk.
Mr. WARNER. I thank the Chair and yield the floor.

AMENDMENT NO. 446

The PRESIDING OFFICER. Who yields time on the pending Kyl amendment? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I believe I have 10 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I would greatly appreciate it if you notify me when I have used up 8 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I first want to say how sorry I am at the treatment of this amendment, the first major, significant effort to put our nuclear weapons development house in order and stop the espionage we have been hearing about. The American people are now very fearful of the consequences of this situation. There can be all the talk the other side wants about how we have cleared, I believe, a goodly number.

Mr. WARNER. There were about 40.

Mr. LEVIN. We are doing the best we can, but it is going to get more and more difficult to clear additional amendments. We have, I believe, cleared about 25 of the 40, roughly, that were sent to the desk. We just may not be able to clear many more because of differences on both sides.

Mr. WARNER. But we both want to be eminently fair to our colleagues. The handful remaining at the desk are ones that we, at this time, either on Senator LEVIN’s side or my side, find unacceptable.

Mr. LEVIN. At this moment that is correct. We are going to do our best to see if we cannot get a few more to be acceptable, but it is getting difficult.

Mr. WARNER. I thank the Chair and yield the floor.

Some have said this is being done too quickly with not enough notice. One of my fellow Senators was saying the Chinese did not give us very much notice when they set about to steal our secrets. We already know the right hand doesn’t know what the left hand is doing. We already know about that. It is not too late for us to decide to change things dramatically and raise, within the Department, the concern about the tremendous value of nuclear secrets and nuclear weapons development information. It cannot any longer be dealt with in the same way we deal with all the other things in the Department of Energy. There are hundreds of energy issues in that Department that take up the same time of the same people, the same regulators who are supposed to be concerned about nuclear to amend this. Sooner or later something like we proposed here is going to take shape.

I hear some have said it is the status quo. It is the opposite of the status quo. I understand our Secretary has said it is the status quo. It is the very opposite of it. I understand some have said it gives the nuclear part of this, the nuclear weapons people, total control where they are not responsible to anyone. That is not true. The Secretary is still in charge. The truth of the matter is, if we made them a little less responsible for all the goings on in this monster department, we would all be better off. So in that regard, we will take some credit for that.

There are others who suggest this has not previously been thought of in this way. I want to read from a 1990 report of the Defense Committee in the House. We concur with the recommendation of the Clark task force group to “strengthen DOD’s management and organizational security responsibilities.” These steps should include raising the stature of nuclear weapons programs management within DOD, for example, by establishing a presidential entity and administration with a clearly enunciated budget, reporting directly to the Secretary.

That is precisely what we have done. I want to close tonight by saying this issue will be revisited. We can say to the Secretary and the Democratic whip, and those on that side who would not let us vote—who did not bother to determine what they would threaten a filibuster and be prepared to do it—that they have not seen the last day of this approach. Because it is imperative, if our country is going to do justice to the future and be fair with our children and their children, we cannot continue down the path we have been on with reference to nuclear weapons and nuclear weapons design and development. We must do better.

If you were to design a system calculated to give the most important and most effective part of the Department the least attention, that is what you would do. You would do it like we are doing it.

Or if you were to decide that the most important function for our future should be treated along with other functions that are not important to our future, you would design this Department and you would be here fighting this amendment because you would have that situation that I just described right on top of the most important function of the Department of Energy.

So, with a lot of care and attention, I worked on this. I will continue to work on it. I know a lot about it, but I do not assume that I know more than other people. We ought to all work on it. But I suggest to the President and to Secretary Richardson, they better get with suggesting to Congress some real ways that we can be involved in stopping what has been going on in the Department of Energy, bar none, second to none, at the highest level, not fettered or burdened by all these other functions of the Department.

If you can imagine that the bureaucracy within that Department worries about—I said a couple times on the floor—safety of refrigerators and their ability to be more energy efficient, and those who worry about that are the same group of people who worry about the same kind of things as pertains to nuclear energy. They do not belong in the same league. They should be separated.

Our suggestion, for accountability and more direct reporting, more opportunity for committees in Congress and the President himself to know when security violations are occurring and are serious, must at some point be adopted.

Frankly, none of this is said with any idea that my good colleague, Senator BINGAMAN, is anything but totally concerned about this issue. He has different views than I tonight, but clearly I do not in any way claim that he has anything but the highest motives in his lack of support for the amendment on which I have worked.

Neither do I think the distinguished minority whip in his remarks should have said I was trying to bully our way to shutting off all these other important things that it will put the national security at risk and that it will put our nuclear weapons and development of them at risk. He should retract that statement and take it out of there. If anything, any management team would say it would improve the situation.

I yield the floor and reserve my 2 minutes.

The PRESIDING OFFICER. Who yields time?
amendment want to speak at this time. I gather they do not since they are not on the floor, so I will take a very few minutes of our time and make a few moments.

First of all, I think this is a good result we have come up with that allows for a reasoned and deliberate consideration of this proposal. I certainly repeat what I said earlier today, which is, I question nobody’s motives. I am sure everyone’s motives are the same as mine, and that is, how do we improve the security of our nuclear weapons program and, at the same time, maintain the good things about our nuclear weapons program in our National Laboratories in our Department of Energy.

I, for one, started this from the proposition that the Stockpile Stewardship Program, which ADMORI DOMENICI, made about a 1990 report by the Clark task force. I am not personally familiar with that report, but I point out to my colleagues that in 1990 the Secretary of Energy was Admiral Watkins. That was not a Democratic administration; that was a Republican administration. Admiral Watkins was a very, very qualified individual to be our Secretary of Energy. His credentials for line management and command and control and maintaining military security cannot be questioned.

Admiral Watkins, of course, evidently did not think the recommendations from that Clark task force alluded to should be followed up and implemented. Why not? Was there anyone in the Department of Energy who were capable of doing that? There have been a lot of capable people in the Department of Energy, some in the position of Secretary, who have spent substantial time looking at this problem. They have made some improvements that was recognized in the past. This is true.

I do, once again, make the point that I mad earlier today, and that is, that we do not want to do something that has not been thoroughly analyzed. I have been thoroughly analyzed, and which can have very, very adverse consequences, unintended adverse consequences, on the strength of our National Laboratories, on our ability to retain, to maintain, and to recruit the top scientists and engineers in this country to work on these programs and to work in these laboratories.

Mr. President, I yield the floor and reserve the remainder of my time to see if other of my colleagues wish to speak on the amendment. Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I am really perplexed about the state of affairs on the floor. Earlier today, I asked that an order for a quorum call be rescinded in order to discuss further the Kyl amendment which Senator DOMENICI, Senator Kyl, and I have participated in developing. We were really disappointed we were denied that opportunity. I am pleased we have this limited time available to us.

When we offered the amendment, we each had 10 minutes. That is not very much time to explain it. I had hoped the minority would have granted more time. I can only assume the minority is very much opposed to a full discussion of the circumstances surrounding the greatest breach of our national security, as evidenced by the Cox report which came down yesterday.

I am further shocked that the administration has succeeded in temporarily derailing this amendment. And that is what they have done; they have detailed the amendment. The administration seems to be more concerned about the Department of Energy. The Department of Energy is organized than whether the national security of the United States is protected. We had a duty prior to this recess to initiate a corrective action within the Department of Energy. The minority has precluded us from proceeding with that opportunity today.

As chairman of the Energy and Natural Resources Committee, I have held seven hearings. These hearings have revealed the shocking, dismal state of security at our weapons labs. Those on the other side do not want to repair it now; they want to study. How long have they studied it? It has gone through at least four Secretaries, that how long—on the how of. It can go back a decade. Why, for the life of me, do we delay now? I don’t know.

The pending Kyl amendment would have provided some assurances to the Congress and the American people that this will not happen again. This amendment was about accountability—accountability by the Department of Energy, accountability by the Department of Energy laboratories, accountability by the Secretary of Energy, accountability by the President—because the pending amendment was about accountability—accountability to the people of the United States. They are entitled to it. But not now. The administration and the minority have succeeded in derailing it.

The opponents of the amendment claim that it would make the DOE, the Department of Energy, bureaucracy unworkable. Well, I have news for you. Unworkable? It is already unworkable. That bureaucracy is so unworkable, it has allowed all our secrets—all our secrets—that we have spent billions of dollars on, to simply pass over to the Chinese, and perhaps other nations as well.

The Department of Energy’s bureaucracy has proven time and time again that no matter how diligent any individual Secretary of Energy is, the bureaucracy can do what it wants. The Secretary of Energy, DOMENICI, Senator Kyl, and I have participated in developing the amendment. The Secretary, the bureaucracy can do whatever it pleases without fear of any consequences.

Let me just give you one example. In 1996, the Deputy Secretary of Energy, Charles Curtis, implemented the so-called Curtis Plan. It was a security plan. It was a good plan. It was a plan to enhance security at the DOE laboratories.

But in early 1997 he left the Department of Energy. And guess what. Not only did the Department of Energy bureaucracy ignore the Curtis Plan, the DOE bureaucracy did not even tell the new Secretary about the Curtis Plan.
I have had the opportunity in hearings to personally ask the new Secretary if he was familiar with the Cartis Plan. The specific response was: Well, it was never transmitted.

Why wasn’t it transmitted?

Well, we don’t know. We just have fingers pointing the fingers back and forth.

I certainly commend Secretary Richardson for his efforts to improve security. He has improved security. But the plan, the traditional Department of Energy security plans, seem to have the life of a fruit fly.

The loss of our nuclear weapons secrets is just too important to ignore or to trust to the bureaucracy of an agency that has time and time again proven that it simply cannot be trusted, because the bureaucracy does not work, the check and balances are not there.

So I am extremely disappointed that the Secretary has said in a letter he will demand that the President veto the bill because Congress is taking action—Congress is taking action—to fix the problem. Can you imagine that? We are taking action to fix the problem, and they are saying it is too hasty, we should not fix the problem.

This is just part of the problem. This amendment is just part of the answer. But at least we are trying to do something. The Democrats on the other side say: Oh, no, you’re too early.

The pending amendment would have created accountability and responsibility for protecting the national security at the Department of Energy; but not now, as a result of the administration’s objections.

The pending amendment would have created three new organizations within the Department of Energy to protect our nuclear secrets but not now, as a result of the objections of the minority and the administration.

The pending amendment would require the Department of Energy to fully inform the President and the Congress about any threat to or loss of national security information; but not now, as a result of the objections of the minority and the administration.

President Clinton will rightfully be able to claim ignorance—claim ignorance—again on what is going on, because he will be ignorant of what is going on.

The amendment would have prohibited anyone in the Department of Energy or the administration from interfering with reporting to Congress about any threat to or loss of our Nation’s national security information; but not now, as a result of the objections of the minority and the administration.

The amendment would have required the Department of Energy to report to Congress every year regarding the adequacy of the Department of Energy’s procedures and policies for protection of national security information and whether each DOE laboratory is in full compliance with all the DOE security requirements; but not now, as a result of the objections of the minority and the administration.

The amendment would have required each Department of Energy laboratory director to certify in writing whether that laboratory is in full compliance with all departmental national security information protection requirements; but not now, as a result of the objections of the minority and the administration.

In short, this amendment would have gone far—not all the way—but it would have gone far in preventing further loss of our nuclear weapons secrets to China; but not now—well, it is evident—as a result of the objections of the minority and by the administration.

I suggest that the administration has made a tragic mistake, that the minority has made a tragic mistake. The American people expect a response from the Congress, the Senate, now in this matter—not next week or next month.

Mr. President, I reserve the remainder of my time.

I ask what the time remaining is.

The PRESIDING OFFICER (Mr. Sessions). Two minutes 13 seconds.

Mr. MURKOWSKI. I thank the Chair. I believe there are other Senators wishing to speak at this time.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, might I inquire, was the time on the Republican side equally divided, 10 minutes each, among Senators MURKOWSKI, DOMENICI, and myself?

The PRESIDING OFFICER. The Senator is correct.

Mr. KYL. In that event, I suggest that Senator MURKOWSKI yield the remainder of his time to Senator HUTCHINSON—he has comments to make—unless Senator MURKOWSKI has further comments.

Mr. MURKOWSKI. I will need another 30 seconds to a minute at the end. You have 10 minutes.

Mr. KYL. Mr. President, let me yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. HUTCHINSON. I thank Senator KYL and Senator MURKOWSKI for their efforts in this area.

I, along with every Member of this body, received the three volumes of the Cox report. I share the absolute shock at the indescribable breach of our national security at our labs. I think it is inexcusable that we would leave for the Memorial Day recess without taking even this step.

Senator KYL has presented to us—and I am glad to cosponsor the amendment—an amendment that makes eminent good sense. It calls for the head of DOE counterintelligence to report immediately to the President and the Congress on any actual or potential significant loss or threatened loss of national security information. That is an indisputable need. It is clear in the Cox report that that was one area of failure.

For the Democrats, at a time when this Nation is at war, to threaten that they are going to block, through filibuster, a national security reauthorization bill because they do not want us to debate an amendment to address this shocking failure of security, I think is inexplicable, disappointing, and is going to be hard to explain to our constituents.

I wish we had debated the Kyl amendment, had enough time to spend on it, have a vote on it, and take the kind of step Senator KYL has proposed in this amendment.

I leave with disappointment and dismay that such a filibuster would be threatened on an amendment that is so important to the security of the United States.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from New Mexico has 9 minutes 30 seconds. The Senator from Michigan has 15 minutes.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator LEVIN’s time be assigned to me.

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

Mr. BINGAMAN. Mr. President, let me respond to a few of the points that have been made. Then I will yield. Because I know the Senator from Arizona, who is the prime sponsor on the amendment, is here and wishes to speak.

The suggestion that we are leaving without knowing anything about security in our National Laboratories in the Department of Energy is just wrong.

I am on the Armed Services Committee. I participated in the drafting of the language that is included in this bill. We have 24 pages in the defense authorization bill which is the best—the best—we could come up with in the Armed Services Committee to deal with this problem of security and put in more tough words.

We start on page 540, establishing a Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities. We go on; that commission is established. We move on to increase the background investigations of certain personnel at the Department of Energy facilities. We move on to requiring a plan for polygraph examinations of certain personnel at the
Department of Energy facilities. We then go on to establish civil monetary penalties for violations of the Department of Energy regulations related to safeguarding and security of restricted data.

We have a moratorium on lab-to-lab and foreign visitors and assignment programs unless there is a certification made by the head of the FBI, the head of the CIA, the Secretary of Energy himself as to the fact that safeguards are in place.

We increase penalties for misuse of restricted data. We establish the Office of Counterintelligence in statute, which is essentially a third of the amendment that the Senator from Arizona is proposing. So two of the three parts of the amendment the Senator from Arizona and my colleague from New Mexico are proposing are included in this amendment.

It is just not accurate to say we are leaving here without having done anything. We also provide for increased protection for whistle-blowers in the Department, to provide for investigation and remediation of alleged reprisals for disclosure of certain information to Congress. We provide for notification to Congress of certain security and counterintelligence failures at the Department of Energy facilities. All of these provisions are in the bill the way it now reads.

I say again what I said before: Maybe there should be more. I hope very much we will have some hearings in the Armed Services Committee, perhaps on the Energy Committee. I know my colleague from Alaska, the chairman of the Energy Committee, expressed his great concern that we are not moving ahead this afternoon on this. Since we have had on the floor seven hearings on this China espionage issue, we should go ahead and have an eighth hearing, hopefully the week after next, and we should look at this proposal or similar proposals to see what can be done.

One other minor item: There has been reference made to the failure to implement the recommendations that Charles Curtis, our former Under Secretary, made with regard to security. I agree, this was a failing. The information was not properly passed from one group of appointed officials to the next group of appointed officials when they came into office. That is a very unfortunate lapse. Under this amendment, Secretary Curtis would have been stripped of any authority over the nuclear weapons program. It would be prohibited for the Secretary of Energy to allow the Under Secretary any authority over that program under this proposal.

One of our outstanding Secretaries of Energy, since I have been serving in the Senate, has been Secretary Watkins. He is known for his attention to the detail of management and administration. During the time he was Secretary of Energy, he issued a great many management directives or “notices,” as he called them. I have here a note listing 37 of the management directives that Secretary Watkins issued. They are all related to the organization and management of the Department of Energy. None of them contain the provisions or anything like the provisions that are contained in here.

I hope when we have hearings in the Armed Services Committee, in the Energy Committee, in whatever committee the majority would like to hold hearings, let’s call Secretary Watkins, Admiral Watkins, to come and explain to us his view of this proposal. Surely we cannot question his commitment to dealing with safeguards and security and with the problem of Chinese espionage. If my colleagues want to imply that Members on the Democratic side are less than concerned, let us call Secretary Watkins and see whether he is less than concerned about some of these issues.

I am persuaded that he is very concerned. I am persuaded that all of my colleagues in the Senate, Democrat and Republican, are very concerned. We need to do the right thing. We need to be sure that whatever we legislate helps, rather than hinders, our ability to deal with this problem.

I yield the floor at this point and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, might I just address the Senate to say that Senator LEVIN and I are still working with regard to the managers’ package, and reviewing such amendments at the desk when Senators come and discuss them. It is the intention of this Senator to move to third reading very shortly, just minutes following the debate on the current amendment by the distinguished Senator from Arizona, Mr. KYL.

Mr. KYL. Mr. President, is there anybody else on the Democratic side who wishes to speak at this point?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the time now is being controlled by Senator BINGAMAN. I ask him for 1 minute.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BINGAMAN. I yield the Senator such time as he wants.

Mr. LEVIN. Mr. President, Senator BINGAMAN has just put in the RECORD the extensive actions that are taken in this bill in order to enhance security at these labs, actions which were taken after some very thoughtful debate and discussion by the Armed Services Committee. Senator BINGAMAN has outlined those for the RECORD and for the Nation.

I want to put in the RECORD at this time the summary of the amendment that we adopted here today. Senator LOTT offered an amendment earlier today. It was modified somewhat. In essence, it does some of the following things:

First, it requires the President to notify the Congress whenever an investigation is undertaken of an alleged violation of export control laws. It would require the President to notify Congress whenever an export license or waiver is granted on behalf of any person who is the subject of a criminal investigation. It would require the Secretary of Defense to undertake certain actions that would enhance the performance and effectiveness of the Department of Defense program for monitoring so-called satellite launch campaigns. It would enhance the intelligence community’s role in the export license review process. It proposes a mechanism for determining the extent to which classified weapons information has been released by the Department of Energy. It proposes putting the FBI in charge of conducting security background investigations of DOE laboratory employees.

These are a long list of actions which are now in this bill, that started off in this bill from the Armed Services Committee that had been improved on the floor today. To suggest that we are not doing anything relative to trying to clamp down on espionage activities which have been going on for 20 years at these labs, it seems to me, is a total misstatement of what is in this bill that we will be voting on in a few minutes.

I ask unanimous consent that a summary of the Lott amendment, again, slightly modified since this list has been prepared, but that a summary of the Lott amendment be printed in the RECORD at this time.

Mr. WARNER. Reserving the right to object—I do not intend to—could you describe who prepared the summary?

Mr. LEVIN. This was prepared by Senator LOTT’s staff. Again, there were some slight modifications in this, which Senator LOTT agreed to, which I proposed prior to the adoption of the amendment. This, in essence, is the summary of the Lott amendment. This, plus the numerous provisions in the Senate bill that came out of the Armed Services Committee, a commission on safeguarding security, counterintelligence at the facility, background check investigations now going on that had not been taking place, polygraph examinations, monetary penalties to be added to the criminal penalties, moratorium on laboratory-to-laboratory and foreign visitors in assignment.
That is more than 1 minute, Mr. President. I ask unanimous consent that the summary of the Lott amendment be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

LOTT AMENDMENT SUMMARY

First, this amendment would require the President to notify the Congress whenever an investigation of an alleged violation of U.S. export control laws in connection with the export of a commercial satellite of U.S. origin. It would also require the President to notify the Congress whenever an export license or waiver is granted on behalf of any U.S. person or firm that is the subject of a criminal investigation.

Secord, this amendment would require the Secretary of Defense to undertake certain actions that would significantly enhance the performance of the DOE program for monitoring so-called "satellite launch campaigns" in China and elsewhere.

Third, this amendment would enhance the Intelligence Community's role in the export licensing review process, and would require a report by the DCF on efforts of foreign governments to acquire sensitive U.S. technology and technology.

Fourth, this amendment expresses the Sense of Congress that the People's Republic of China should not be permitted to join the Missile Technology Control Regime (MTCR) as a member until Beijing has demonstrated a sustained commitment to missile non-proliferation and adopted an effective export control system.

Fifth, the amendment expresses strong support for stimulating the expansion of the commercial space launch industry here in America. This amendment strongly encourages efforts to promote the domestic commercial space launch industry, including through the removal of regulatory barriers to long-term competitiveness.

The amendment also urges a review of the current policy of permitting the export of commercial satellites of U.S. origin to the PR for launch.

Sixth, this amendment requires the Secretary of State to provide information to U.S. satellite manufacturers when a license application is denied.

Seventh, this amendment also would require the Secretary of Defense to submit an annual report on the military balance in the Taiwan Straits, similar to the report delivered to the Congress earlier this year.

Eight, this amendment proposes a mechanism for determining the extent to which classified nuclear weapons information has been released by the Department of Energy. Ninth, the amendment proposes putting the FBI in charge of conducting security background investigations of DOE laboratory employees.

Tenth, the amendment proposes increased counter-intelligence training and other measures to ensure classified information is protected during DOE laboratory-to-laboratory exchanges.

AMENDMENT NO. 458, AS MODIFIED

Mr. WARNER. Mr. President, I send a modification of amendment No. 458 to the desk of the PRESIDING OFFICER:

The amendment will be so modified. The amendment (No. 458), as modified, is as follows:
What is frightening, as well as frustrating, is that nobody put our national security as the priority. The FBI and the Department of Justice were more concerned about jumping through unnecessary legal hoops than about preventing one of the most catastrophic losses in history. The events involved throughout the Lee case are not only irresponsible, they are unconscionable.

I thank the Chair.

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

Who yields time?

Mr. BINGAMAN. Mr. President, I agree that there was substantial bungling by various officials and, clearly, that computer should have been investigated. Maybe we ought to have an amendment out here to reorganize the FBI. Maybe that is the solution to this problem, and we can consider it tonight before we leave town. Clearly, there is no disagreement between Democrats and Republicans about the fact that serious problems exist and they need correcting.

The question is, Should we do a major reorganization of the Department of Energy with no hearings, no opportunity for the Secretary of Energy to come forward, and do so here as everyone is trying to rush out to National Airport and fly home? In my view, that is clearly not the responsible course and, accordingly, we did object to that portion of the amendment. I think that is the right thing to do. After hearings, after consideration and meaningful discussion with the Department and with other experts about how to proceed, we may well find some ways to improve that Department through changes in its organization. If we do find those, I will certainly be the first to support such a proposal. But I do think it is appropriate for us, at this stage, to stay with what we know; we will do the reorganization down the line.

I yield the floor.

Mr. KYL. The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I suggest that the example of the FBI and the Department of Energy not knowing that the waiver existed that Senator Murkowski spoke about is the perfect case of the right hand not knowing what the left hand was doing, and it is precisely what this amendment seeks to correct. There is an old debate technique called the red herring. If you mean the real argument of your opponent, throw something out there that you can defeat and pretend like that is the issue.

Members of the Democratic side have said, why don't we add all kinds of security provisions in this bill. How dare the Republicans suggest that we haven't done anything about security in the bill.

The GAO testified that the continuing management problems at the Department of Energy were a key factor contributing to security problems at the laboratories and a major reason why DOE has been unable to develop long-term solutions to the recurring problems reported by advisory groups.

Is that who you want to trust to clean this up and fix it up, and make sure that we don't have any more problems? I think not. I think it is time for Congress to get involved.

What is so adorable to me tonight is that the Democrat minority would hold up the defense authorization bill at a time when we are at war in Kosovo, because they don't even want to debate our amendment. They called a quorum call and wouldn't take it off so that Republican Members couldn't even come to the floor. Senator Domenici asked to be allowed to speak on our amendment. He is a coauthor. The minority refused him the opportunity even to speak.

So not only will they not allow us to vote on our amendment, but they won't even allow it to be debated. Yet their ostensible reasoning for opposing it is not because they don't think it has some good ideas in it but because we have to have a lot more discussion and debate about this; we hadn't had hearings; we need to talk about this. We have offered them the opportunity to talk about it, but they don't want to talk about it. They don't want to talk about it because it gets right to the guts of the problem—the Department of Energy has to be reformed.

This amendment does that. The national security of the United States cannot be protected until we do that. And the suggestion of the distinguished minority whip that now is not the time, on the eve of the Memorial Day recess, is absurd. What is more important, that Members get to go home for the Memorial Day recess, or that we act with alacrity to fix the problems of national security at our laboratories?

I am astonished that the Democratic minority would take this kind of cavalier approach to the national security of the United States—we need to talk about it more, but we are not going to let you talk about it. We need to get out of town for the recess. So withdraw your amendment.

Only because the Department of Defense needs the authorization bill are the authors of this amendment willing to withdraw it at this time.

There is a war in Kosovo. It is irresponsible for the minority to threaten to filibuster this bill until kingdom come while that war is going on, because they don't even want to talk about an amendment that would guarantee the security at our National Laboratories.

This is a sad day for those who are opposing this amendment. It is a sad
day when Members of this Senate won’t let their colleagues talk about this amendment, won’t allow us to vote on it, and only need to get out of town to brag about whatever it is that they have done, but without doing the unfinished business of protecting the security of our National Laboratories.

I retain the remainder of my time.

Mr. WARNER. Mr. President, I ask unanimous consent not to take from the time of the debate and to continue to work on the bill.

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

Mr. WARNER. Mr. President, the distinguished Senator from Florida has debated an amendment today. Senator SHELBY and Senator Robert KERREY replied to that drain on our time. Perhaps I will not be able to complete it, and can’t wait to get out of town to work on this administration created and that done.

The PRESIDING OFFICER. The Senator from Florida.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 447

Mr. GRAHAM. Mr. President, I ask unanimous consent that when the Senate considers H.R. 555 I be recognized to offer an amendment relative to counterintelligence, and I further ask consent that if this agreement is approved to that amendment 447 be withdrawn.

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

Mr. GRAHAM. Thank you, Mr. President.

Mr. WARNER. Mr. President, the distinguished Senator from Michigan and I will put on the managers’ package to the desk. I don’t know that that package is ready at this moment. We hope very much to start the final vote before 8 o’clock. There are a number of our colleagues whose plans can be greatly enhanced if we can start this vote as quickly as possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on this unanimous-consent request?

The PRESIDING OFFICER. The Senator from New Mexico has 2 minutes, the Senator from Arizona 1 minute 42 seconds.

Mr. REID. Mr. President, the junior Senator from Arizona, in my absence, talked about how I had improperly held up this bill. I complied with every Senate rule. The rules of the Senate have been in effect for a long time.

I think what we should understand is that it appears there was some kind of game playing here, that late in the day I had to do something about it, and because people wanted to go home—and I am not one of those Senators who had some desire to rush out of here; I had no airplane today—there would be a capitulation to this amendment which was filed late in the game. It was filed at a time when there were no congressional hearings, there had been no time to review this responsibly. The minority would not cave in that bill.

There are not talking about Memorial Day recess. We are talking about good legislation. This is not good legislation. We have acknowledged that there are certain pieces of this amendment
we are willing to accept, but the rest of it we are not. We are not going to be compelled to do so. We compiled with the Senate rules, as we always try to do.

We shouldn't be dealing with this on a partisan basis. The Cox-Dicks report dealing with the espionage at one of the National Laboratories was done on a bipartisan basis. If we are going to do something to change the way the Department of Energy is administered, it should be done on a bipartisan basis.

There may be feelings hurt in this matter; certainly my feelings are not hurt. I did what was appropriate to protect the prerogatives of a Senator and a minority. That is a reason the Senate has fared so well over the two centuries or more that it has been in existence—that the rights of the minority can be protected. This is the body to do it. We did protect our rights.

I look forward to the day when we can debate this again. I think it will be an interesting debate.

I have said this before: I commend and applaud the managers of this bill. They have done an outstanding job to get rid of this very, very important, big piece of legislation. They could not have done it with this amendment pending.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the assistant Democratic leader, Senator LEVIN and I have been able to move this bill, but it is because of the cooperation we have had from the leadership and all Senators. This is my 21st armed services authorization bill and Senator LEVIN's 21st. I don't know of a smoother one. We have had few quorum calls and extended consideration. I wish to say to my distinguished friend and assistant Democratic leader, the timing of the bringing up of the Kyl-Domenici amendment I am largely responsible for. I worked with them and said I recognized that this could begin to slow the bill down. It wasn't a last-minute type of thing.

Mr. REID. I accept that explanation, but I think it underscores what I said about the capabilities of the two managers of this bill. Had this come up earlier, this bill would not be completed now.

Mr. WARNER. I thank the leader, and I certainly want to pay my respect to Senator LOTT. He has worked on this issue knowing the interest of all parties relating to this important amendment. He has worked with us for some several days on it.

Mr. President, we are ready to begin to wrap things up.

AMENDMENT NO. 482 THROUGH 536, EN BLOC

Mr. WARNER. On behalf of myself and the ranking member, the Senator from Michigan, I send 56 amendments to the desk. This package of amendments is for Senators on both sides of the aisle and has been cleared by the minority.

I send the amendments to the desk at this time and I ask they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, proposes amendments Nos. 482 through 536, en bloc.

The amendments are as follows:

AMENDMENT NO. 482

(Purpose: To add an exception to a requirement to reimburse a mentor firm under the Mentor-Protege Program)

On page 273, line 20, strike "a period;" and insert ","; except that this clause does not apply in the case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract.

AMENDMENT NO. 483

(Purpose: To provide for the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York)

On page 417, in the table preceding line 1, strike "$12,800,000" in the amount column of the item relating to Rome Laboratory, New York, and insert "$25,800,000"

On page 420, between lines 17 and 18, insert the following:

SEC. 2305. CONSOLIDATION OF AIR FORCE RESEARCH LABORATORY FACILITIES AT ROME RESEARCH SITE,ROME, NEW YORK.

The Secretary of the Air Force may accept contributions from the State of New York in addition to amounts authorized in section 2304(a)(1) for the project authorized by section 2304(a)(1) for Rome Laboratory, New York, for purposes of carrying out military construction relating to the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York.

Purpose: To provide for the repair and conveyance of the Red Butte Dam and Reservoir, Salt Lake City, Utah.

On page 453, between lines 10 and 11, insert the following:

SEC. 2832. REPAIR AND CONVEYANCE OF RED BUTTE DAM AND RESERVOIR, SALT LAKE CITY, UTAH.

(a) CONVEYANCE REQUIRED.—The Secretary of the Army may convey, without consideration, to the Central Utah Water Conservancy District, Utah (in this section referred to as the "District"), all right, title, and interest of the United States in and to the real property, including the dam, spillway, and any other improvements thereon, comprising the Red Butte Dam and Reservoir, Salt Lake City, Utah. The Secretary shall make the conveyance without regard to the department or agency having jurisdiction over Red Butte Dam and Reservoir.

(b) PROVISION OF FUNDS.—Not later than 60 days after the date of the enactment of this Act, the Secretary may make funds available to the District for purposes of the improvement of Red Butte Dam and Reservoir to meet the standards applicable to the dam and reservoir under the laws of the State of Utah.

(c) USE OF FUNDS.—The District shall use funds made available to the District under subsection (b) solely for purposes of improving Red Butte Dam and Reservoir to meet the standards referred to in that subsection.

(d) RESPONSIBILITY FOR MAINTENANCE AND OPERATION.—Upon the conveyance of Red Butte Dam and Reservoir under subsection (a), the District shall assume all responsibility for the operation and maintenance of Red Butte Dam and Reservoir for fish, wildlife, and flood control purposes in accordance with the repayment contract or other applicable agreement between the District and the Bureau of Reclamation with respect to Red Butte Dam and Reservoir.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 485

(Purpose: To provide $3,000,000 (in PE 6234N) for the Navy for basic research on advanced composite materials processing (specifically, resin transfer molding, vacuum-assisted resin transfer molding, and core-infusion resin transfer molding), and to provide an offset)

On page 29, line 11, increase the amount by $3,000,000.

On page 29, line 14, increase the amount by $3,000,000.

AMENDMENT NO. 486

(Purpose: To add $3,000,000 (in PE 65326A) for the Army Digital Information Technology Testbed)

On page 29, line 18, increase the amount by $3,000,000.

On page 29, line 14, reduce the amount by $3,000,000.

Mr. ROBERTS. Mr. President, housed at Fort Leavenworth's Center for Army Lessons Learned (CALL), the Digital Information Technology Testbed (DITT) established the pilot test bed and core capabilities for the Army's University After Next (UAN) and the Joint and Army Virtual Research Library (VRL). In May 1997, the Office of Secretary of Defense designated the DITT as the DoD functional prototype to conduct concept exploration, operational prototyping, and full requirements definition for multimedia research libraries (multimedia national tactical imagery) in support of technology-assisted learning, intelligence analysis, C2, and operational decision making. DITT systems can further support warfighting capabilities by fielding innovative systems and methods to store, retrieve, declassify, and destroy DoD-held data. In FY 1999, Congress authorized and appropriated $3.5 million for the DITT program. However, continued funding is needed in FY 2000 and I ask colleagues' support in adding $3.5 million to the Army FY 2000 budget specifically for the DITT program.

AMENDMENT NO. 487

At the end of Title 8 insert:
special compensation to certain severely disabled uniformed services retirees 

a disability that is rated as total 

a disability rated as total 

or after that date. No benefit may be paid to 

or after that date. No benefit may be paid to 

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by the Secretary concerned. A member of an eligible service-connected disability that— 


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military retiree, pay, and naval pension.'',

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Blue, the Mutual of Omaha, the Military Order of the Purple Heart, the Gold Star Mothers, the American Legion, and Disabled American Veterans. These highly respected organizations recognize, as I do, that severely disabled military retirees deserve, at a minimum, special compensation for the honorable service they have rendered the United States.

The existing requirement that military retired pay be offset dollar-for-dollar by veterans’ disability compensation is inequitable. I firmly believe that non-disability military retired pay is post-service compensation for services rendered in the United States military. Veterans’ disability pay, on the other hand, is compensation for a physical or mental disability incurred from the performance of such service. In my view, the two pays are for very different purposes: one for service rendered and the other for physical or mental “pain and suffering.” This is an important distinction evident to any military retiree currently forced to offset his retirement pay with disability compensation.

Concurrent receipt is, at its core, a fairness issue, and present law simply discriminates against career military people. Retired veterans are the only group of federal retirees who are required to waive their retirement pay in order to receive VA disability. This inequity needs to be corrected. The Senate has made important progress toward that end with the adoption of this amendment.

I continue to hope that the Pentagon, once it finally understands our message that it cannot continue to unfairly penalize disabled military retirees, will provide Congress with a fair and equitable plan to properly compensate retired service members with disabilities. It is high time to demonstrate with the simple logic that disabled veterans both need and deserve our full support after the untold sacrifices they made in defense of this country.

I look forward to the day when our disabled retirees are no longer unduly penalized by existing law. I want the disabled to receive the concurrent receipt of the benefits they deserve. And I thank Senators WARNER and LEVIN, the managers of S. 1059, for accepting my amendment to provide 90 percent disabled; and $100 for retir- 

90 percent disabled; and $100 for retir- 

for retirees with disability ratings of 70–80 per-

for retirees with disability ratings of 70–80 per-

These men and women suffer from disabilities that have kept them from pursuing second careers. If we cannot muster the votes to provide them with their disability pay and retired pay concurrently, the least we can do is authorize a modest special compensation package to demonstrate that we have not forgotten their sacrifices.

The Military Coalition, an organization of 30 prominent veterans’ and retirees’ advocacy groups, supports this legislation, as do many other veterans’ service organizations, including the American Legion and Disabled American Veterans. These highly respected organizations recognize, as I do, that severely disabled military retirees deserve, at a minimum, special compensation for the honorable service they have rendered the United States.

The existing requirement that military retired pay be offset dollar-for-dollar by veterans’ disability compensation is inequitable. I firmly believe that non-disability military retired pay is post-service compensation for services rendered in the United States military. Veterans’ disability pay, on the other hand, is compensation for a physical or mental disability incurred from the performance of such service. In my view, the two pays are for very different purposes: one for service rendered and the other for physical or mental “pain and suffering.” This is an important distinction evident to any military retiree currently forced to offset his retirement pay with disability compensation.

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for retirees with disability ratings of 70–80 per-

These men and women suffer from disabilities that have kept them from pursuing second careers. If we cannot muster the votes to provide them with their disability pay and retired pay concurrently, the least we can do is authorize a modest special compensation package to demonstrate that we have not forgotten their sacrifices.

The Military Coalition, an organization of 30 prominent veterans’ and retirees’ advocacy groups, supports this legislation, as do many other veterans’ service organizations, including the American Legion and Disabled American Veterans. These highly respected organizations recognize, as I do, that severely disabled military retirees deserve, at a minimum, special compensation for the honorable service they have rendered the United States.

The existing requirement that military retired pay be offset dollar-for-dollar by veterans’ disability compensation is inequitable. I firmly believe that non-disability military retired pay is post-service compensation for services rendered in the United States military. Veterans’ disability pay, on the other hand, is compensation for a physical or mental disability incurred from the performance of such service. In my view, the two pays are for very different purposes: one for service rendered and the other for physical or mental “pain and suffering.” This is an important distinction evident to any military retiree currently forced to offset his retirement pay with disability compensation.

Concurrent receipt is, at its core, a fairness issue, and present law simply discriminates against career military people. Retired veterans are the only group of federal retirees who are required to waive their retirement pay in order to receive VA disability. This inequity needs to be corrected. The Senate has made important progress toward that end with the adoption of this amendment.

I continue to hope that the Pentagon, once it finally understands our message that it cannot continue to unfairly penalize disabled military retirees, will provide Congress with a fair and equitable plan to properly compensate retired service members with disabilities. It is high time to demonstrate with the simple logic that disabled veterans both need and deserve our full support after the untold sacrifices they made in defense of this country.

I look forward to the day when our disabled retirees are no longer unduly penalized by existing law. I want the disabled to receive the concurrent receipt of the benefits they deserve. And I thank Senators WARNER and LEVIN, the managers of S. 1059, for accepting my amendment to provide 90 percent disabled; and $100 for retir- 

90 percent disabled; and $100 for retir- 

for retirees with disability ratings of 70–80 per-

for retirees with disability ratings of 70–80 per-
special compensation for severely disablerequired veterans, who deserve our ongoing support andgratitude.

Amendment No. 491

(Purpose: To direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military uniforms and other decorations. In title V, at the end of subtitle D, add the following:

SEC. 552. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.
(2) The Bureau of Naval Personnel.
(4) The National Archives and Records Administration.

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term “replacement decoration” means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

Amendment No. 890

(Purpose: To require a report on the use of the facilities and electronic infrastructure of the National Guard for support of the provision of veterans services.

(a) REPORT.—(1) The Chief of the National Guard Bureau shall, in consultation with the Secretary of Veterans Affairs, submit to the Secretary of Defense a report assessing the feasibility and desirability of using the facilities and electronic infrastructure of the National Guard for support of the provision of services to veterans by the Secretary. The report shall include an assessment of any costs and benefits associated with the use of such facilities and infrastructure for such support.

(2) The Secretary of Defense shall transmit to Congress the report submitted under paragraph (1), together with any comments on the report that the Secretary considers appropriate.

(b) TRANSMITTAL DATE.—The report shall be transmitted under subsection (a)(2) not later than April 1, 2000.

Mr. BINGAMAN. Mr. President, I rise to offer an amendment that promises to extend to the Nation’s veterans an improved, more accessible way to submit and process claims for benefits and other services. Recently, in my state of New Mexico, complaints about processing claims for veterans benefits reached high volume. Billboards appeared around Albuquerque that the Albuquerque regional office of the Veterans Administration was the “worst VA office in the country.” I was very concerned about those charges and looked into the situation. Information provided by the Albuquerque office essentially confirmed the accusations I read on the billboard. Statistics show that the system is broken and needs fixing. Compensation for completed claims in New Mexico takes 301.6 days on average; the nationwide average is 192.9 days. Pension compensation claims average 149.9 days in Albuquerque versus 108.8 days nationwide. “Cases Pending Over 180 Days” in Albuquerque are about 51 percent of the total. Nationwide, only about 22 percent fail to meet that target.

The system appears to be broken and the situation is ripe for creative new ways to solve our beleaguered veterans’ problems.

I recently received a briefing that I thought might go a long way to serving veterans’ needs, particularly in rural States such as New Mexico. The proposal suggested that veterans be permitted to use National Guard armories and communications infrastructure to receive counsel on a wide range of veterans’ health and property tax issues. As you are aware, National Guard armories are typically used during weekends for exercises and training, but often are underutilized during the week. The proposal suggested that the National Guard and the Veterans Administration coordinate ideas and concerns into a program which could take advantage of the considerable resources already in place at the armories. The wide dispersion or armories, particularly among rural communities, would provide a considerably more convenient venue for receiving veterans services than the long commute to major metropolitan areas such as Albuquerque that is now required.

My amendment requires the National Guard in consultation with the Veterans Administration to examine this idea, and to report their findings regarding costs and benefits to the Secretary of Defense, who, having reviewed the report, would submit it and any additional findings to the Congress. I am optimistic that the analysis will show that investing resources in this project would pay major dividends to the veterans community which is experiencing considerable difficulty in settling benefit claims under the current process.

I am pleased to introduce this idea to my fellow Senators and appreciate its acceptance as an agreed amendment in this year’s defense bill.

In title II, t the end of subtitle C, add the following:

SEC. 225. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TECHNOLOGY FUNDING.

It is the Sense of Congress that—

(1) because technology development program provides the basis for future weapon systems, it is important to maintain the balance between ballistic missile defense technology development and ballistic missile defense acquisition programs;

(2) funding planned within the future years defense program of the Department of Defense should be sufficient to support the development of technology for future and follow-on ballistic missile defense systems while simultaneously supporting ballistic missile defense acquisition programs;

(3) the Secretary of Defense should seek to ensure that funding in the future years defense program is adequate for both advanced ballistic missile defense technology development and for existing ballistic missile defense major defense acquisition programs; and

(4) the Secretary should submit a report to the congressional defense committees by March 15, 2000, on the Secretary’s plan for dealing with the matters identified in this section.

Mr. SESSIONS. Mr. President, funding for Ballistic Missile Defense Technology has been declining steadily since Fiscal Year 1992, with the Army part of the budget down approximately 70% during this period. All indications are that it appears technology funding...
is headed for further descent in the future.

The Ballistic Missile Defense Technology program is in the category of research and development, a category that bridges the gap between basic research and full-scale weapon system development and it is critical to preventing technical obsolescence and to meeting emerging threats.

Historically, this applied research in the area of ballistic Missile Defense has been vital to the evolution of systems that are being developed and deployed today to meet an ever-growing missile threat. It is the wellspring of new defense systems and the source of demonstrated technology that is needed to make upgrades to systems already in the field.

The emphasis in the Ballistic Defense Technology program for the past 7 to 8 years has been on acquisition, getting systems on and fielding the Desert Storm in 1991. It was clear that ballistic missiles were a real threat and that the problem of proliferation of these missiles would be of grave concern for many years to come. There were understandable calls to rapidly build defense systems to counter this threat.

While this emphasis is on deployment certainly justified by the pace and scale of the threat, it has resulted in a serious reduction in the advanced development budget. This means the missile defense systems entering the inventory today are the products of laboratories of the services over a number of years, in some cases over a span of 20 or more years.

If we are to remain the world’s leader in missile systems, it is imperative that we do all we can to stop this dramatic erosion of Ballistic Missile Defense Advanced Technology funding and strengthen the chain of development upon which future defense capability depends. We are indeed “eating our seed corn” when we pull from our laboratories of the services over a number of years, in some cases over a span of 20 or more years.

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This Sense of the Congress calls upon the Secretary of Defense to take a hard look at the Future Years Defense Program to ensure that funding in the future years defense program is adequate for both managed ballistic missile defense technology development and for existing ballistic defense major defense acquisition and improvement programs. To that end we look forward to the Secretary’s report by March 15th, 2000 on his plan for dealing with the matters identified in the amendment.

AMENDMENT NO. 494

(Purpose: To require a report regarding National Missile Defense)

In title II, at the end of subtitle C, add the following:

SEC. 255. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary’s assessment of the advantages and disadvantages of a ground-based National Missile Defense system, with special reference to considerations of the worldwide ballistic missile threat, defensive coverage, redundancy and survivability, and economies of scale.

AMENDMENT NO. 495

(Purpose: To require a report from the Comptroller General on the closure of the Rocky Flats Environmental Technology Site, Colorado.)

On page 578, below line 21, add the following:

SEC. 3179. COMPTROLLER GENERAL REPORT ON CLOSURE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) REPORT.

Not later than December 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report assessing the progress in the closure of the Rocky Flats Environmental Technology Site, Colorado.

(b) REPORT ELEMENTS.—The report shall address the following:

(1) How decisions with respect to the future use of the Rocky Flats Environmental Technology Site effect ongoing cleanup at the site.

(2) Whether the Secretary of Energy could provide flexibility to the contractor at the site in order to quicken the cleanup of the site.

(3) Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to quicken the closure of the site.

(4) The developments, if any, since the April 1999 report of the Comptroller General that could alter the pace of the closure of the site.

(5) The possibility of closure of the site by 2006.

(6) The actions that could be taken by the Secretary or Congress to ensure that the site would be closed by 2006.

AMENDMENT NO. 496

(The text of the amendment is printed in today’s RECORD under “Amendments Submitted.”)

Mr. CLELAND. Mr. President, this dynamic legislative year has seen some monumental events. This body began the year by passing S. 4, the Soldiers’, Sailors’, Airmen’s and Marines’ Bill of Rights Act of 1999. With an overwhelming vote of 91-8, the United States Senate did not hesitate to show this great Nation that we appreciate the sacrifices and contributions of our service men and women. We also sent a message to the senior leaders of our military services that their pleas for assistance in stemming the flow of highly qualified service members from the military would not go unanswered.

The Soldiers’, Sailors’, Airmen’s and Marines’ Bill of Rights Act of 1999 included a 4.8% pay raise, pay table reform, Reserve and Guard savings plan, and improvements to the current GI Bill. These GI Bill improvements included an increase in GI Bill benefits from $528 to $600 per month, elimination of the now-required $1200 service member contribution, permission to accelerate lump sum benefits and finally, authority to transfer GI Bill benefits to immediate family members.

While the bill we are considering today addresses pay and retirement system reforms, it does not address the GI Bill enhancements. You, my distinguished colleagues, showed your support for these GI Bill enhancements earlier this year and the members of our armed services—and their families, asks for your support again.

Since the end of the Cold War, our military services have been reduced by one-third, yet worldwide commitments have increased fourfold. Our forces are poised in Asia, standing guard in the Sinai, providing assistance in south America and Haiti, flying combat missions in Iraq, and stabilizing in Kosovo. They are providing invaluable humanitarian assistance to those who have been devastated by a number of natural disasters around the world. And, members of our Guard and Reserve components will be this country’s sole providers of a “Homeland Defense” against the challenge of weapons of mass destruction presented by this uncertain world.

Sadly, these men and women who sacrifice so much for our country are bearing the brunt of these competing demands. By improving pay and benefits, as well as providing for increases in equipment upgrades, weapons procurement and replenishment, and spare parts funding, we can show America’s brightest that we value their service and recognized their sacrifices.

In my opinion, improvements to the GI Bill may be the single most important step the Congress can take in assisting the recruiting and retaining of America’s best. Data we are seeing indicate that education benefits are an essential component in attracting young people to join the armed services. As the costs of college tuition rise, we must remain in step by increasing in GI Bill benefits, or the benefits themselves will become less effective over time. The transferability option under which service members would be allowed to transfer their GI Bill benefits to their spouse or children, is an innovative, powerful tool that sends the right message to those young people we are trying to attract into the military and those we are trying to retain.

This Nation changed dramatically, and for the better, under the original GI Bill. Now we have another chance to address future national needs by creating the GI Bill of the 21st Century. I ask that you join me as we choose the right path at this important historical crossroads.
Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. President, the amendment is the text of S. 763 as introduced on April 12. It would increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older.

I am pleased to have join me as cosponsors of the amendment: Senators LOTT, BURNS, COCHRAN, CLELAND, COLLINS, HUTCHINSON of Arkansas, MACK, McCaIN and SNowE.

Mr. President, as our Armed Forces are engaged in operations over Yugoslavia, it is appropriate for the Congress to correct a long-standing economic injustice to the widows of our military retirees. My amendment would immediately increase for survivors over the age of 62 the minimum Survivor Benefit Plan annuity from 35 percent to 40 percent of the Survivor Benefit Plan-covered retired pay. The amendment would provide a further increase to 45 percent of covered retired pay as of October 1, 2004.

Mr. President, I expect every member of the Senate has received mail from military spouses expressing dismay that they would not be receiving the 55 percent of their husband's retirement pay as advertised in the Survivor Benefit Plan literature provided by the military. The reason that they do not receive the 55 percent of retired pay is that current law mandates that at age 62 this amount be reduced either by the amount of the retirement pay or by the survivor's other retirement benefits. This law is especially onerous to those retirees who joined the plan when it was first offered in 1972. These service members were never informed of the age-62 reduction until they had made an irrevocable decision to participate. Many retirees and their spouses, as the constituent mail attest, believed their premiums would guarantee 55 percent of retired pay for the life of the survivor. It is not hard to imagine the shock and financial disadvantage these men and women who so loyally served the Nation in troubled spots throughout the world undergo when they learn of the annuity reduction.

Mr. President, when the Survivor Benefit Plan was enacted in 1972, the Congress intended that the government would pay 40 percent of the cost to parallel the government subsidy of the Federal civilian survivor benefit plan. That was short-lived. Over time, the government's cost sharing has declined to about 26 percent. In other words, the retiree's premiums now cover 74 percent of expected long-term program costs versus the intended 60 percent.

Contrast this with the federal civilian SBP, which has a 42 percent subsidy for those personnel under the Federal Employees Retirement System, and a 50 percent subsidy for those under the Civil Service Retirement System. Further, Federal civilian survivors receive 50 percent of retired pay with no offset at age 62. Although Federal civilian premiums are 10 percent retired pay compared to 6.5 percent for military retirees, the difference in the percent of contribution is offset by the fact that our service personnel retire at a much younger age than the civil servant and, therefore pay premiums much longer than the federal civilian retiree.

Mr. President, 2 years ago, with the significant support from the Members of the Senate Armed Services Committee, I was successful in gaining approval of the provision directing the Survivor Benefit Plan benefits for the so-called Forgotten Widows. This is the second step toward correcting the Survivors Benefit Plan and providing the surviving spouses of our military personnel long-promised and paid for benefits.

Mr. President, I urge the adoption of the amendment.

Thank you, Mr. President.
concerned.''.

In response to this oversight, our legislation will make eligible for the Navy Combat Action Ribbon those Navy and Marine combat veterans who served in combat for any period after July 4, 1943, and before March 1, 1961, eligible for the Navy Combat Action Ribbon. In response to this legislation, a Pearl Harbor survivor from my state wrote to me and pointed out that the dates included in the legislation exclude many of the combat veterans who served in the war’s fiercest naval battles, Pearl Harbor and Midway among them.

In response to this oversight, our legislation will make eligible for the Navy Combat Action Ribbon those Navy and Marine combat veterans who served in combat for any period after December 6, 1941, and before March 1, 1961, The Secretary of the Navy will review those who apply for these awards to ensure that they have not yet been recognized are not forgotten. We believe it is only appropriate that we honor those who were willing to sacrifice their lives for this country.

AMENDMENT NO. 498

(Purpose: To authorize Coast Guard participation in DoD education programs, and for other purposes)

At the appropriate place, insert the following:

SEC. . COAST GUARD EDUCATION FUNDING.

Section 2006 of title 10, United States Code, is amended—

(1) by striking “Department of Defense education liabilities” in subsection (a) and inserting “armed forces education liabilities”;

(2) by striking paragraph (1) of subsection (b) and inserting the following:

(1) the term ‘‘armed forces educational liabilities’’ means liabilities of the armed forces for benefits under chapter 30 of title 38 and for Department of Defense benefits under chapter 1606 of this title;

(3) by inserting “Department of Defense” after “future” in subsection (b)(2)(C); and

(4) by striking “106” in subsection (b)(2)(C) and inserting “106”;

(5) by inserting “and the Secretary of the Department in which the Coast Guard is operating” after “Defense” in subsection (c)(1);

(6) by striking “Department of Defense” in subsection (d) and inserting “armed forces”;

(7) by inserting “the Secretary of the Department in which the Coast Guard is operating” in subsection (d) after “Secretary of Defense”;

(8) by inserting “and the Department in which the Coast Guard is operating” after “Department of Defense” in subsection (f)(5);

(9) by inserting “the Secretary of the Department in which the Coast Guard is operating” in paragraphs (1) and (2) of subsection (g) after “Secretary of Defense”; and

(10) by striking “of a military department” in subsection (g)(3) and inserting “concerned.”.

SEC. . TECHNICAL AMENDMENT TO PROHIBI-

tion ON RELEASE OF CONTRACTOR

PROPOSALS UNDER THE FREEDOM

OF INFORMATION ACT.

TITLE 10, United States Code, in amendment in paragraph (1) by striking “the Department of Defense” and inserting “an agency named in section 2003 of this title”.

AMENDMENT NO.

(Purpose: To designate the officials to administer the defense reform initiative enterprise pilot program for military manpower and personnel information)

In title V, at the end of subtitle F, add the following:

SEC. 582. ADMINISTRATION OF DEFENSE RE-

FORM INITIATIVE ENTERPRISE PRO-

GRAM FOR MILITARY MANPOWER AND

PERSONNEL INFORMATION.

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate the Secretary of the Navy as the executive agent for carrying out the defense reform initiative enterprise pilot program for military manpower and personnel information established under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2941; 10 U.S.C. 1606).

(b) ACTION OFFICIALS.—In carrying out the pilot program, the Secretary of the Navy shall establish the Systems Executive Office for Manpower and Personnel, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense.

Ms. LANDRIEU. Mr. President, just a little over a week ago, I had the privilege of traveling with the Secretary of Defense down to my home state. It was a terrific trip and I believe the Secretary was very impressed with the work that we are doing in Louisiana at our military installations and with our defense industry. One of the real highlights of the trip was the ribbon cutting ceremony for the Naval Information Technology Center in New Orleans. This facility, hosted by the University of New Orleans, is home to the Defense Integrated Military Human Resources System, as well as other personnel software projects for the Navy.

The DIHMRS project is one of those rare proposals that instantly captures the support of those that understand it. The military services have spent countless billions of dollars in developing and supporting “stove pipe” personnel software systems, that were out-of-date before they were complete, had no capacity for interconnectivity and did not provide the breadth of personnel information to be of real utility to our military leadership.

DIHMRS seeks to change all of that. It will provide an integrated system of personnel information, that will ultimately tie all the services all the personnel systems and records, and do so in a easily accessible fashion that will give commanders the information about trained and experienced that they need to make deployment decisions. This project fits perfectly into our efforts to craft smaller, faster and more flexible force structures. One of the key ingredients to creating smaller, more effective forces, is the ability to quickly identify individuals with the experience and training that needed for particular missions. This is daunting task for any service now, it becomes more so if you are trying to put together an inter-service task force. When fully operational DIHMRS will address this need.

These advantages do not even address the enormous savings that the Department of Defense will realize by terminating the innumerable individual human resource computer systems that track only one kind of data for one branch of the military. Thus, this project is a boon to both readiness and economic efficiency.

For that reason, I have introduced an amendment which also emphasizes the Senate Armed Services Committee’s traditional support for this effort. It is important to note that a project like DIHMRS requires innovation and division. Thus, the management structure for the program has also required a degree of innovation and flexibility that the unique structure adopted for the DIHMRS project is critical for its ultimate success. For that reason, the amendment reemphasizes the support for the present management structure expressed in Section 1131 of Public Law 105–262.

These appropriations law directed the Department to establish a Defense Reform Initiative enterprise program for military manpower, personnel, training and compensation using a revised DIHMRS project as the baseline. Additionally, the amendment also expresses the intention that the DoD maintain this enterprise project, and the management and executive responsibility be contained within the Systems Executive Office for Manpower and Personnel.

The President’s budget request includes $55 million dollars for DIHMRS. I believe that these monies must be used according to the direction given in last year’s Defense Appropriation’s conference report to maintain the success of the program. Specifically, these funds should be used to: (1) address modernization and migration systems support for service information systems within the enterprise of manpower, personnel, training and compensation; (2) to continue support for infrastructure improvements at the Naval Information Technology Center; and, (3) to continue Navy central design activity consolidations and relocations already begun under the Systems Executive Officer and the Naval Reserve Information Systems Office.

The consolidation of the personnel information reform efforts is necessary for both budgetary concerns, and valuable as a tool for training our soldiers, sailors and airmen better. I believe that DIHMRS will make an invaluable contribution to that effort. I thank the mangers for accepting this
amendment, and I look forward to working with the Navy to make this project a real success.

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

(g) OPEN ENROLLMENT DEMONSTRATION PROGRAM—(1) The Secretary of Defense shall conduct a demonstration program under which covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by a designated provider with constant enrollment requirements for the TRICARE Prime option under the TRICARE program at a minimum of two sites for a two year period. During the second year of the demonstration period, DOD’s key concerns are based on two factors: the possible increase in cost due to the number of enrollees, and the risk adjustment in the Medicarecare program scheduled to take effect January 1, 2001. Based on a review of the actual enrollment data the number of people enrolled in the USFHP program has actually declined from 29,256 in October 1997 to 26,950 in March 1999.

This trend represents a decline of 7.6% over eighteen months and an annual rate of decline of 5.0%.

As of June 1, six of seven designated providers which operate the USFHP will have completed “open season” enrollment. The preliminary results show a net increase of 3,754 individuals enrolled in the USFHP. Of this number, approximately 18% or 676, were 65 and older. This is a much lower percentage—18% compared to 28%—than the 65 and older enrollees were as a percent of all enrollees before the current open season started.

This amendment would authorize the Department of Defense to demonstrate the continuous open enrollment program at a minimum of two sites for a two year period. During the second year of the demonstration period, DOD would submit a report to Congress evaluation the benefits of the program and a recommendation concerning whether the Department of Defense and the service areas of the designated providers permanently.

Ms. SNOEWE, Mr. President, access to quality health care concerns many of our military men and women, both active and retired. My amendment would allow the Department of Defense to start a pilot project allowing continuous open enrollment in managed health care plans for military retirees at 2 sites selected by the Defense Department.

The term “continuous enrollment” means the opportunity for military beneficiaries to join the Prime option in TRICARE at any time. Currently, military retirees and their beneficiaries wishing to enroll in the Uniformed Services Family Health Plan (USFHP) may only do so during an annual 30-day open session.

This arrangement inconsistent with the enrollment rules under TRICARE Prime option. These same beneficiaries can join the Prime on a continuous basis, but are restricted from joining the USFHP to joint once a year for a 30-day period.

Coupled with the many changes in Tricare, including new enrollment fees and benefits, many military beneficiaries are confused and unsure if the HMO option in Tricare, either Prime through the managed care support contractor of the USFHP, is the right choice for them and their families. Thus, as I have been informed by physicians from my own state, many military beneficiaries have decided not to join either program.

What this restriction means in practical terms for retirees is that they are not able to take advantage of health care providers that may practice in close proximity to their residences, but instead travel significant distances to a military treatment facility. In locations where there are no TriCare Prime network providers, the retirees are faced with limited choices and higher costs.

The Department of Defense has indicated that this open enrollment would be too costly; however, there is limited data to support their contention that this provision will generate a significant influx of enrollees in the program. DOD’s key concerns are based on two factors: the possible increase in cost due to the number of enrollees, and the risk adjustment in the Medicarecare program scheduled to take effect January 1, 2001. Based on a review of the actual enrollment data the number of people enrolled in the USFHP program has actually declined from 29,256 in October 1997 to 26,950 in March 1999.

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This amendment would authorize the Department of Defense to demonstrate the continuous open enrollment program at a minimum of two sites for a two year period. During the second year of the demonstration period, DOD would submit a report to Congress evaluation the benefits of the program and a recommendation concerning whether the Department of Defense should authorize open enrollment in managed care plans on a permanent basis.

This proposal is supported by numerous organizations such as the National Military Family Association and the National Military and Veterans Alliance. The National Military and Veterans Alliance includes organizations such as: The Retired Officers Association, Non-Commissioned Officers Association, Naval Reserve Association, National Association of Uniformed Servicemembers, Reserve Enlisted Association and the Korean War Veterans Association.

In testimony before the Personnel Subcommittee earlier this year, representatives from many of these organizations have emphasized that access to quality health care is one of their primary concerns.

Finally, I believe that this amendment is a measured step, but one that leads us toward a fair and good faith effort to address the inconsistency in providing our retirees access to health care on an equal basis with TriCare Prime.

AMENDMENT NO. 501

(Purpose: To require a report on the D-5 missile program)

On page 23, below line 21, add the following:

SEC. 143. D-5 MISSILE PROGRAM.

(a) REPORT.—Not later than October 31, 1999, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the D-5 missile program.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) An inventory management plan for the D-5 missile program covering the life of the program, including:

(A) the location of D-5 missiles during the funding of subprogram;

(B) location of inventory; and

(C) expected attrition rate due to flight testing, loss, damage, or termination of service life.

(2) The costs of

(A) terminating procurement of D-5 missiles for each fiscal year prior to the current plan;

(3) An assessment of the capability of the Navy to meeting strategic requirements with a total procurement of less than 425 D-5 missiles, including an assessment of the consequences of—

(A) loading Trident submarines with less than 24 D-5 missiles; and

(B) reducing the flight test rate for D-5 missiles.

(4) An assessment of the optimal commencement date for the development and deployment of replacement systems for the current land-based and sea-based missile forces.

The Secretary’s plan for maintaining D-5 missiles and Trident Submarines under START II and proposed START III, and whether requirements for such missiles and submarines would be reduced under such treaties.

AMENDMENT NO. 502

(Purpose: To provide $10,000,000 in Budget Activity 1: Operating Forces for Navy Operations and Maintenance Funding for Operational Meteorology and Oceanography and UNOLS, and to provide an offset)

Of the funds authorized to be appropriated in section 301(2), an additional $10 million may be expended for Operational Meteorology and Oceanography and UNOLS.

AMENDMENT NO. 503

(Purpose: To require that due consideration be given to according a high priority to attendance of military personnel of the new member nations of NATO at professional military education schools and programs of the Armed Forces)

In title X, at the end of subtitle D, add the following:

SEC. 1061. ATTENDANCE AT PROFESSIONAL MILITARY EDUCATION SCHOOLS BY MILITARY PERSONNEL OF THE NEW MEMBER NATIONS OF NATO.

(a) FINDING.—Congress finds that is in the national interests of the United States
to fully integrate Poland, Hungary, and the Czech Republic by providing each military department with a framework for fully integrating these countries into the NATO alliance as quickly as possible.

(b) MILITARY EDUCATION AND TRAINING PROGRAMS.—Each military department shall give due consideration to accounting a high priority to the attendance of military personnel of Poland, Hungary, and the Czech Republic at professional military education schools and training programs in the United States, including the United States Military Academy, the United States Naval Academy, the United States Coast Guard Academy, the National Defense University, the war colleges of the Armed Forces, the command and general staff officer courses of the Armed Forces, and other schools and training programs of the Armed Forces that admit personnel of foreign armed forces.

Mrs. HUTCHISON. Mr. President, I am offering this amendment on behalf of myself and Senator LAUTENBERG. This amendment is designed to encourage the Secretaries of each military department to give due consideration to providing a higher priority to the officers from Poland, Hungary, and the Czech Republic for attendance at our military service academies and training programs. In the United States, our professional military schools and training programs including the service academies, the senior service colleges and the command and general staff colleges provide an outstanding opportunity for future officers and cadets from Poland, Hungary, and the Czech Republic to become fully immersed in our military doctrine and develop a deeper understanding for the American military culture. As new member nations of NATO, it is important that the officers of these countries become fully integrated as quickly as possible. The professional friendships and the mutual understanding which results from attendance at these courses is invaluable for both American officers and for foreign military officers.

I recently led a Congressional delegation to the Balkans. In Budapest we met with Hungarian Chief of Defense Staff, General Ferenc Vehg, who was proud to inform the delegation that he was a graduate of the United States Army War College in Carlisle, Pennsylvania. As a direct result of the professional association gained as a student at the War College, General Vehg has been key in directing Hungary’s rapid integration into NATO. His story is simply the example among many of how the United States and the NATO Alliance has reaped an enormous benefit by providing the opportunity for foreign officer attendance at our military schools.

Attendance at our service academies on a priority basis will also provide an outstanding opportunity for future officers from our new NATO allies to foster long-term relationships with future U.S. military leaders. Historically, the relationship through attendance at the Military Academy, the Naval Academy and the Air Force Academy among American and foreign cadets over the four-year curriculum at the service academies have formed the basis for closer long-term military-to-military relations. Numerous foreign cadets who have graduated from our service academies have gone on to serve at the very highest levels as military and civilian leaders, including many heads of state.

It is my expectation that this legislation will encourage the Secretaries of our military departments to give the officers and cadets from Poland, Hungary and the Czech Republic, our new NATO allies, a priority for attendance at our professional military schools and academies.

AMENDMENT NO. 504
(Purpose: To enhance the technology of health care quality surveillance and accountability)

In title VII, at the end of subtitle B, add the following:

SEC. 717. HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT.

(a) PURPOSE.—It is the purpose of this section to ensure that the Department of Defense addresses issues of medical quality surveillance and implements solutions for those issues that are determined by the President to be consistent with national policy and industry standards.

(b) DEPARTMENT OF DEFENSE CENTER FOR MEDICAL INFORMATICS AND DATA.—(1) The Secretary of Defense shall establish a Department of Defense Center for Medical Informatics to carry out a program to support the Assistant Secretary of Defense for Health Affairs to:

(A) to develop parameters for assessing the quality of health care information;

(B) to develop the defense digital patient record;

(C) to develop a repository for data on quality of health care;

(D) to develop a capability for conducting research on quality of health care;

(E) to conduct research on matters of quality of health care;

(F) to develop decision support tools for health care providers;

(G) to refine medical performance report cards; and

(H) to conduct educational programs on medical informatics to meet identified needs.

(2) The Center shall serve as a primary resource for the Department of Defense for matters concerning the capture, processing, and dissemination of data on health care quality.

(c) AUTOMATION AND CAPTURE OF CLINICAL DATA.—The Secretary of Defense shall accelerate the efforts of the Department of Defense to automate, capture, and exchange controlled clinical data and present providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.

(d) ENHANCEMENT THROUGH DOD-DVA MEDICAL INFORMATICS COUNCIL.—(1) The Secretary of Defense shall establish a Medical Informatics Council consisting of the following:

(A) The Assistant Secretary of Defense for Health Affairs

(B) The Director of the TRICARE Management Activity of the Department of Defense

(C) The Surgeon General of the Army

(D) The Surgeon General of the Navy

(E) The Surgeon General of the Air Force

(F) The Assistant Secretary of Veterans Affairs, whom the Secretary of Veterans Affairs shall designate.

(G) Representatives of the Department of Health and Human Services, whom the Secretary of Health and Human Services shall designate.

(H) Any additional members that the Secretary of Defense may appoint to represent organizations, academic health institutions, health care providers (including representatives of physicians and representatives of hospitals), and accrediting bodies for health care plans and organizations.

(2) The primary mission of the Medical Informatics Council shall be to coordinate the development, deployment, and maintenance of health care informatics systems that allow for the collection, exchange, and processing of health care quality information for the Department of Defense in coordination with other departments and agencies of the Federal Government and with the private sector.

(i) The Secretary of Defense shall consult with the Council and on the coordination of development, deployment, and maintenance of health care informatics systems within the Federal Government, and between the Federal Government and the private sector.

(j) The Secretary of Defense shall consult with the Council on the issues described in paragraph (2).

(k) A member of the Council is not, by reason of service on the Council, an officer or employee of the United States.

(2) No compensation shall be paid to members of the Council for service on the Council. In the case of a member of the Council who is an officer or employee of the Federal Government, the preceding sentence does not apply to compensation paid to the member by the Federal Government as an officer or employee of the Federal Government.


(e) ANNUAL REPORT.—The Assistant Secretary of Defense for Health Affairs shall submit to Congress each year a report on the development, deployment, and maintenance of health care informatics systems under the health care programs of the Department of Defense. The report shall cover the most recent fiscal year ending before the date of the report and shall contain a discussion of the quality of the health care measured on the basis of each statistical and customer satisfaction factor that the Assistant Secretary determines appropriate, including, at a minimum, the following:

(1) Health outcomes.
(2) Extent of use of health report cards.
(3) Extent of use of standard clinical pathways.
(4) Extent of use of innovative processes for surveillance.

(b) Authorization of Appropriations.—In addition to other amounts authorized to be appropriated for the Department of Defense for fiscal year 2000 by other provisions of this Act, that are available to carry out subsection (b), there is authorized to be appropriated for the Department of Defense for such fiscal year for carrying out this subsection the sum of $2,000,000.

Chapter 1. SHORT TITLE

This Act may be cited as the “Military Voting Rights Act of 1999.”

Chapter 2. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

Section 201. Registration and Balloting

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–2) is amended—

(1) by inserting “(a) ELECTIONS FOR FEDERAL OFFICES.—” before “Each State shall”—

(2) by adding at the end of the following:

“(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—”;

(3) by striking “of a State” and “or a State” and inserting “of or in that State”;

(4) by inserting “(1) to reside in that State.

“(2) to reside in any other State; or

“(3) to reside in any resident of any other State.” before “(b) in this section, the term ‘State’ includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.”;

(5) by adding the following:

(9) by inserting “The term ‘commercial space launch service’ and ‘Russian space launch service provider’ have the same meanings given those terms in Article I of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993.”

Section 3. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–2) is amended—

(1) by inserting “(a) ELECTIONS FOR FEDERAL OFFICES.—” before “Each State shall”—

(2) by adding at the end of the following:

“(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—”;

(3) by striking “of a State” and “or a State” and inserting “of or in that State”;

(4) by inserting “(1) to reside in that State.

“(2) to reside in any other State; or

“(3) to reside in any resident of any other State.” before “(b) in this section, the term ‘State’ includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.”;

(5) by adding the following:

(b) DEFINITIONS.—

(1) In this section—

“Commercial space launch services” and “Russian space launch service provider” have the same meanings given those terms in Article I of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993.

(2) Quantitative limitations applicable to commercial space launch services.—The term ‘quantitative limitations applicable to commercial space launch service’ means the quantitative limits applicable to commercial space launch services contained in Article II of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993, as amended by the agreement between the United States and the Russian Federation done at Washington, D.C., on January 30, 1996.

Mrs. FEINSTEIN. Mr. President, I rise to offer an amendment to the Department of Defense Authorization bill regarding Russian nonproliferation and U.S.-Russian cooperation on commercial space launch services.

This amendment is very simple: It states that a sustained Russian commitment to cooperation with the United States in preventing the proliferation of ballistic missile technology to Iran can provide the basis for an increase in the current quota limit on commercial space launches. Lifting the launch quota is an important incentive for Russia to cooperate with the U.S. on this issue.

This amendment also demands continued Russian cooperation on non-proliferation, and calls on the United States to take every appropriate measure to encourage the Russian government to seek out and prevent the illegal transfer of fissile material or missile equipment or any other technology necessary for the development of nuclear weapons or ballistic missiles.

I offer this amendment because I believe that there may be no greater long term threat to peace and stability in the Middle East than an Iran actively seeking ballistic missile and nuclear weapons.

Preventing the transfer of illegal nuclear and missile technology from Russia to Iran must be at the top of the U.S. policy agenda.

There have been numerous reports over the past several years of Russian missile technology reaching Iran, sometimes with a semi-official wink from government authorities in Moscow, sometimes with a semi-official wink from government authorities in Moscow, sometimes with a semi-official wink from government authorities in Moscow, sometimes with a semi-official wink from government authorities in Moscow, sometimes with a semi-official wink from government authorities in Moscow.

Either way, the Russian Government must put a stop to these transfers.

As much as we want good relations with Russia, cooperation in this area is crucial. In some ways, I believe it is a litmus test of what sort of player Russia wants to be in the post-cold war international system.

There is ample reason for concern. According to a Congressional Research Service report—

Despite pledges by Soviet leaders in 1990 and by various Russian leaders since then to ban missile exports, President Yeltsin’s 1994 agreement to refrain from new arms sales to Iran, and Russia’s entry into the Missile Technology Control Regime in October 1995, there are recurring reports that Russian companies are selling missile technology to Iran and other countries.

On February 6, 1997, Vice President Gore issued a diplomatic warning to the Premier Chubais on Russian transfers to Iran of parts and technology associated with SS-4 medium-range ballistic missiles. Over the next several months, press reports indicated that Russian enterprises provided Iran specialty steels and alloys, tungsten coated graphite, wind tunnel facilities, gyroscopes and other guidance technology, rocket engine and fuel technology, laser equipment, machine tools, and maintenance manuals.

Russian assistance has apparently helped Iran overcome a number of obstacles and advance its missile development program faster than expected. The Rumsfeld Commission said, “The ballistic missile infrastructure in Iran is now more sophisticated than that of North Korea and has benefited from the broad, essential assistance from Russia.”

In February 1998, the Washington Times reported that Russia’s Federal Security Service (FSB, a successor to the KGB) was still working with Iran’s intelligence service to pass technology through a joint research center, Persepolis, with facilities in St. Petersburg and Tehran.
In March 1998, the State Department listed (but did not make public) 20 Russian entities suspected of transferring missile technology to Iran.

Last year, the American Jewish Committee released a report, "The Russian Connection: Russia, Iran, and the Proliferation of Weapons of Mass Destruction," which provides an excellent overview of Russia's record in this area, as well as U.S.-Russian cooperation.

In addition to the troubling questions raised by Russia's past actions, however, there are also indications that the Russian government is making efforts to control the proliferation of missile and nuclear technology to Iran.

Although initially Moscow denied that its missiles or missile technology had been transferred to Iran, in September 1997, Russian officials reportedly stated that such transfers were being made without the consent of the government.

In January 1998, in response to concerns raised by numerous U.S. officials, Yuri Koptev, head of the Russian space agency, said of 13 cases raised by the U.S. Government, 11 had no connection to the missile program and to establish on a priority basis internal compliance offices at several entities of concern. These internal compliance offices would be staffed by individuals specially trained in export control procedures and techniques, and would have access to the records they need to do their jobs. The United States Government has offered technical assistance to help these entities set up the necessary export control procedures. The Russian government has committed to take effective measures to prohibit Iranian missile specialists from operating in Russia and to facilitate the early adoption of the Russian export control law.

The missile work plan represents some forward movement and in my judgment reflects Russia's intense desire to see the launch quota increased and sanctions lifted. It is now, however, a complicated past problems. It may create a credible foundation to inhibit future cooperation. I have underscored that we will be watching Russian implementation of the agreement closely. I have also made clear that a solid track record is needed for us to consider an increase in the launch quota.

United States experts have also developed a work plan with the Russian Ministry of Atomic Energy on measures to sever the links between NIKIET, a leading Russian nuclear institute, and Iran. Again, the key principle underlying this work plan is performance, which we are in a position to judge through our intelligence information. If we are satisfied that Russia's commitments are being implemented, we can begin to incrementally lift our sanctions against NIKIET, beginning with the nuclear reactor safety projects that have been suspended.

The work plans I have described could represent a path forward if the Russian government acts effectively and quickly. I am by no means ready to suggest we have resolved the missile or the nuclear proliferation problem. However, we now have a clear delineation of steps in that direction which we are in a position to verify. Positive, concrete actions by Russia will be the basis for any decisions we take to increase commercial and other forms of cooperation with Russian space and nuclear entities.

I will continue to raise this issue in discussions with my Russian counterparts until I am satisfied that all our concerns have been addressed.

Sincerely,

AL GORE.

AMENDMENT NO. 507
At the appropriate place in the bill, insert the following:

Of the funds in section 301a(5), $23,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

AMENDMENT NO. 508
(Purpose: To require the Department of Defense and the Department of Veterans Affairs to carry out prescribed demonstration projects)
CONGRESSIONAL RECORD—SENATE

SEC. 717. JOINT TELEMEDICINE AND TELEPHARMACY DEMONSTRATION PROJECTS

(a) In General.—The Secretary of Defense and Secretary of Veterans Affairs shall carry out joint demonstration projects for purposes of assessing the feasibility and practicability of providing health care services and pharmacy services by means of telecommunication.

(b) Services To Be Provided.—The services provided under the demonstration projects shall include the following:

(1) Biological and biobehavioral services.
(2) Diagnostic services.
(3) Referral services.
(4) Clinical pharmacy services.
(5) Any other health care services or pharmacy services designated by the Secretaries.

(c) Selection of Locations.—(1) The Secretaries shall carry out the demonstration projects at not more than five locations selected by the Secretaries from locations in which there are uniformed services treatment facilities and a Department of Veterans Affairs medical center that are affiliated with academic institutions having a demonstrated capability to conduct studies in the provision of health care services or pharmacy services by means of telecommunications.

(2) Any facility and medical center selected under paragraph (1) shall, to the maximum extent practicable, carry out the demonstration project in consultation with representatives of the academic institution or institutions with which affiliated.

(d) Period of Demonstration Projects.—The Secretaries shall carry out the demonstration projects during the three-year period beginning on October 1, 1999.

(e) Report.—Not later than December 31, 2002, the Secretaries shall jointly submit to Congress a report on the demonstration projects. The report shall include—

(A) a description of each demonstration project; and

(B) an evaluation, based on the demonstration projects, of the feasibility and practicability of providing health care services and pharmacy services, including the provision of such services to field hospitals of the Armed Forces and Department of Veterans Affairs outpatient health care clinics, by means of telecommunications.

Mr. CLELAND. Mr. President, I am offering an amendment to create a Department of Defense (DoD) and Department of Veterans Affairs (VA) collaborative demonstration research pilot for at least five sites nationwide. These funded projects would create and expand current telemedicine and telepharmacy research efforts. In these times of concern over health care costs and for more accessible, quality care, telemedicine is the future of health care outreach. The best use of health care clinical research is crucial to determining the best use of health care clinicians.

My amendment would authorize $5 million a year for three years for five DoD/VA Telemedicine and Telepharmacy demonstration projects. Under my proposal DoD/VA researchers and clinicians will develop rigorous, outcome-oriented telemedicine and telepharmacy projects that will benefit military and veteran study participants and potentially future servicemembers and veteran recipients of health care.
(A) to the individual in the manner pro-
vided for of this title and of paragraph (b) of this title and of subparagraphs (B), (C), and (D) of section 3680(a) of this title and of sub-
paragraphs (B), (C), and (D) of section 3013 of title 38, United States Code, are enrolled at educational institutions 
who entered the service after December 31, 1976 and before July 1, 1985 and who were otherwise eligible for the Veterans’ Educational Assistance Pro-
gram to participate in the Montgomery GI Bill. This group of military profes-
sionals largely consists of the mid-ca-
rier and senior noncommissioned offi-
cer ranks of our services—the exact group that new recruits have as men-
tors and leaders.

If we really believe in the importance of
providing our service men and
women with the education opportuni-
ties afforded by the Montgomery GI bill, it is critical that we offer all serv-

ice members the opportunity to par-
ticipate if they choose.

It is important to remember that
much of the impetus for the creation of
the Montgomery GI Bill was that the
Veterans’ Educational Assistance Pro-
gram was not doing the job. It was not
providing sufficient assistance for
young men and women to go to college.
It was expensive for them to partici-
pate, and provided little incentive for
young men and women to enter the

The Montgomery GI Bill offers those
serving in the military a significant in-
crease in benefits over its predecessor 
and has been one of the most impor-
tant recruiting tools over the last de-
de. It is essential that active military
still covered under VEAP but not by
the Montgomery GI Bill be brought
into the fold.

The injustice that my bill attempts to
address is that new recruits are eli-
gible for a better education program
than the noncommissioned officers
responsible for their training and well-
being. Expanding Montgomery Bill eli-
gibility to those currently eligible for
VEAP would, in many cases, help mid-
career and senior noncommissioned offi-
cers, who are the backbone of our
force and set the example for younger
troops, become better educated. This
legislation is modest in its scope and

approach, but is enormously important
for the individual attempting to better
himself through education.

Moreover, this legislation sends a
meaningful message to those serving
to protect the American interest that
Congress cares. S. 4, the Soldiers, Sail-
ors, Airmen, and Marines Bill of Rights
Act which I was proud to co-sponsor
was an enormous step in this direction, and
my legislation complements that ef-

fort.

Some of the common sense provisions
of this amendment are:
1. Regardless of previous enrollment
or disenrollment in the VEAP, active
military personnel may choose to par-
ticipate in the GI Bill.

2. Participation for VEAP-eligible
members of the GI BI is to be based
on the same “buy in requirements” as
are currently applicable to any new GI
Bill participant. For example, an ac-
tive duty member is required to pay
$100 a month for twelve months in
order to be eligible for the Mont-
gomery GI Bill. The same would be
required of someone previously eligible
for VEAP.

3. Any active duty member who has
previously declined participation in
the GI bill may also participate.

There will be a one year period of eligi-
bility for enrollment.

I believe that if we are to maintain
the best trained, and most capable
military force in the world, we must be
committed to allowing the people that
comprise our armed forces to pursue
further education opportunities. I be-

AMENDMENT NO. 510

(Purpose: To authorize the Secretary of Vet-

ers Affairs to continue payment of
monthly educational assistance benefits to
veterans enrolled at educational institu-
tions during periods in which they have
not entered the military.

On page 254, between lines 3 and 4, insert
the following:

SEC. 676. REVISION OF EDUCATIONAL ASSIST-
ANCE PROVISIONS.

(a) In General.—Clause (C) of the third
sentence of section 3680(a) of title 38, United
States Code, is amended to read as follows:

“(C) during periods between school terms
where the educational institution certifies
that the period between such terms does not ex-
ceed eight weeks;”

Mr. DeWINE. Mr. President, this
amendment, which I offer along with
Senator Voinovich, would fix an unin-
tended oversight in veterans’ edu-
cational benefits. This amendment is
similar to legislation I introduced
along with my distinguished Ohio col-
league in the House of Representatives,
Congressman Bob Ney, who is the lead-
er of this effort.

Currently, the law allows qualified
veterans to receive their monthly edu-
cational assistance benefits when they
are enrolled at educational institutions
during periods between terms, if the
period does not exceed 4 weeks. This
allow-

The problem with the current time
period is that it only allows veterans
enrolled at educational institutions
that operate on the semester system.
Obviously, many educational institu-
tions, including several in Ohio, work
on the quarter system, which can have a vacation period of eight weeks between the first and second quarters during the winter holiday season. As a result, many veterans unfairly lose their benefits during this period because of the institution’s course structure.

Mr. President, it is my understanding that some educational institutions that have a sizable veteran enrollment frequently create a one credit hour course on military history or a similar topic specifically geared towards veterans in order for them to remain enrolled and eligible for their educational benefits. It is my understanding that, the cost of extending the current eligibility period to eight weeks would have a minimal, if not negligible, cost.

The Department of Veterans’ Administration has recognized the need to correct this oversight and assisted in the drafting of this legislation and has given it their full support.

I have no doubt that this very simple fix will be well-received by our veterans and the educational institutions that operate under the quarter system. I already know that Wright State University, Bowling Green State University, Ohio University and Methodist Theological School in Ohio have expressed their support for this legislation.

I urge my colleagues to support this common sense fix and allow all veterans to receive the uninterrupted educational assistance they earned.

AMENDMENT NO. 511

(Purpose: To authorize the transfer of a naval vessel to Thailand)

In title X, at the end of subtitle B, insert the following:

SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.

(a) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a sale, lease, lease/buy, or grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

AMENDMENT NO. 512

(Purpose: to authorize payments in settlement of claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence)

On page 93, between lines 2 and 3, insert the following:

Sec. 349. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Defense for operation and maintenance for fiscal year 2000 or other unexpended balances from prior years, the Secretary shall make available $40 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 37, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) Construction.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) RESOLUTION OF OTHER CLAIMS.—No payment under this section or any other provision of law for the settlement of claims arising from the accident described in subsection (a) shall be made to citizens of Germany or the Federal Republic of Germany entitled to damages under this section do not apply to the following reserve component general or flag officers:

(1) An officer on active duty for training.

(2) An officer on active duty under a call or order specifying a period of less than 180 days.

(3) The Chief of Army Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title.

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

AMENDMENT NO. 513

(Purpose: To increase the grade established for the chiefs of reserve components and the additional general officers assigned to the National Guard Bureau, and to exclude those officers from a limitation on number of general and flag officers)

In title V, at the end of subtitle B, add the following:

SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.

(a) GRADE OF CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended by striking “major general” and inserting “lieutenant general”.

(b) GRADE OF CHIEF OF NAVAL RESERVE.—Section 514(c)(2) of such title is amended by striking “rear admiral (lower half)” and inserting “rear admiral”.

(c) GRADE OF COMMANDER, MARINE FORCES RESERVE.—Section 514(c)(2) of such title is amended by striking “brigadier general” and inserting “major general”.

(d) GRADE OF CHIEF OF AIR FORCE RESERVE.—Section 502(b)(1) of such title is amended by striking “major general” and inserting “lieutenant general”.

(e) THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Paragraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking “major general” and inserting “lieutenant general”.

(f) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICERS.—Section 526(d) of such title is amended to read as follows:

(6) A MOUNT OF PAYMENT.—The amount of payment for the settlement of claims for deaths arising from the death of any person associated with the accident described in subsection (a) may not exceed $20,000,000.

(7) EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.—The limitations of this section do not apply to the following reserve component general or flag officers:

(1) An officer on active duty for training.

(2) An officer on active duty under a call or order specifying a period of less than 180 days.

(3) The Chief of Army Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title.

(4) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

AMENDMENT NO. 514

(Purpose: To express the sense of the Senate that members of the Armed Forces who receive special pay should receive the same tax treatment as members serving in combat zones)

In title VI, at the end of subtitle B, add the following:

SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay should receive the same tax treatment as members serving in combat zones.

Mr. EDWARDS. Mr. President, this amendment expresses the sense of the Senate that income received by a member of the Armed Forces of the United States while receiving special pay should be tax exempt.

Currently, members of the U.S. Armed Forces who serve in a “combat
back-to-back deployments. particularly when there are repeated or members deployed and their families, Sinai. All work hardship on both the duration; some are part of a continuous these deployments are a few months in personnel dropped 33 percent. Some of rise 400 percent while its active duty deployed 33 times. The Navy's re- of the Berlin Wall, the Army has been our armed forces and a withdrawal almost concurrently, our national se- based primarily in the United States. from an overseas based force to one our Armed Forces, it makes sense to update the provision for soldiers in hostile zones.

And I also believe that making this change in the Tax Code would correct an inequity. I think it is only right that soldiers in the Kosovo engagement are receiving the tax exemptions. But during a recent visit to Fort Bragg, many soldiers and their families commented that the same benefits should have been extended to the soldiers who served in Haiti and in Somalia. I have to say that I agree with them. Indeed, I will introduce legislation after Mem- orial Day to implement this Sense of the Senate.

This Sense of the Senate addresses the new realities of the post-cold war world that repeatedly affects the members of our armed forces and their families. As the Senate knows all too well, the end of the cold war brought with it a significant drawdown in the size of our armed forces and a withdrawal from an overseas based force to one based primarily in the United States. Almost concurrently, our national se- curity strategy has lead us into an era of seemingly continuous deployments. In the 40 years between 1950 and 1990, the U.S. Army was deployed 10 times. In the less than 10 years since the fall of the Berlin Wall, the Army has been deployed 33 times. The Navy's re- sponses have doubled in the 90's. The Air Force has seen its deployed forces rise 400 percent while its active duty personnel dropped 33 percent. Some of these deployments are a few months in duration; some are part of a continuous presence—such as our forces in the Sinai. All work hardship on both the members deployed and their families, particularly when there are repeated or back-to-back deployments.

Again, as the Senate well knows these demands are contributing to both recruitment and retention problems. In recognition of these demands and of the likelihood that we will continue to see more of these deployments, this Sense of the Senate recognizes that we need to bring our Tax Code up to date so that it too acknowledges these new realities.

As we approach Memorial Day, I ask the Senate to approve this amendment as a means of acknowledging the sacri- fices demanded of our service mem- bers and their families.

AMENDMENT NO. 515

(Purpose: To increase the funding for the Formerly Used Defense Sites account) (1) On page 56, line 18, add "$40,000,000". (2) On page 55, line 15, reduce "$40,000,000".

AMENDMENT NO. 516

(Purpose: To strike the portions of the military lands withdrawals relating to lands located in Arizona) In section 2902, strike subsection (a). In section 2902, redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c), re- spectively. In section 2903(c), strike paragraph (4) and (7). In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), re- spectively.

In section 2904(a)(1)(A), strike "(except those lands within a unit of the National Wildlife Refuge System)". In section 2904(a)(1), strike subparagraph (B).

In section 2904, strike subsection (g). Strike section 2905. Strike section 2906. Redesignate section 2907 through 2914 as sections 2905 through 2912, respectively. In section 2907(h), as so redesignated, strike "section 2902(c) or 2902(d)" and insert "section 2902(b) or 2902(c)".

In section 2908(b), as so redesignated, strike "section 2909(g)" and insert "section 2907(g)".

In section 2910, as so redesignated, strike ", except that hunting," and all that follows and insert a period. In section 2911, strike paragraph (1), as so redesignated, strike "subsections (b), (c), and (d)" and insert "subsections (a), (b), and (c)".

In section 2911(a)(2), as so redesignated, strike ", except that lands" and all that follows and insert a period.

At the end, add the following:

SEC. 2102. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands With- drawal Act of 1966 (Public Law 99–606), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Ref- uge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to maintaining required training re- quirements of the Armed Forces and to pro- vide the Armed Forces with experience neces- sary to defend the national interests;

(3) the Army currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and

(4) a continuation in high-quality manage- ment of United States natural and cultural resources is required if the United States is to preserve its national heritage.

Mr. CHAFEE. Mr. President, I thank my distinguished colleague from Ari- zona for sponsoring his amendment re- lating to the withdrawal of lands from the Cabeza Prieta National Wildlife Refuge. I am happy to cosponsor it, and I look forward to working with him in the future on this issue.

The amendment removes the provi- sion in Title 29 relating to the Gold- water Range, and includes nothing more than a placeholder for subsequent consideration of the withdrawals. It is no more than a means to ensure that the Administration expeditiously com- pletes its review process regarding the withdrawals. It is not intended in any way to prejudice this process, or to shape the substance of the provisions ultimately adopted by Congress.

Mr. President, my colleague from Ari- zona and I have worked openly and collaboratively on this provision. As the National Wildlife Refuge Sys- tem is within the jurisdiction of the Environment and Public Works Com- mittee, I have a strong interest in the withdrawals of lands from the Cabeza Prieta National Wildlife Refuge as well as the Desert National Wildlife Refuge, which will be considered later.

Again, I would like to extend my sin- cere gratitude to my distinguished col- league from Arizona. I thank him for his willingness to address my concerns and to sponsor this amendment. It is always a great pleasure to work with him and his staff, and I am delighted to have this opportunity to do so again.

Mr. MCCAIN. Mr. President, this amendment would remove from Title 29 of the bill all references to renewing the withdrawal from public use of the Barry M. Goldwater Range in Arizona. In place of the stricken language, I am proposing a "sense of the Senate" provision that expresses the clear desire to complete the legislative process of re- newing the withdrawal of this land this year, both because of its vital impor- tance to military readiness and the en- vironmental and cultural resources that will be preserved and protected by its continued withdrawn status.

I offer this amendment reluctantly, but in full recognition of the uninten- ded controversy caused by its inclu- sion in the bill at this time. My inten- tion in including these provisions in the Defense Authorization bill this year was to create a meaningful placeholder in the bill to ensure that legislation withdrawing the Goldwater Range could be enacted during this ses- sion of Congress. Based on repeated as- surances and testimony before Con- gress, I believe the Administration shares that goal, and I intend to pursue inclusion of a final legislative package, developed with input from all inter- ested parties, in the conference agree- ment on this legislation.

Unfortunately, my attempt to craft language which remained neutral on the few controversial aspects of the
proposed withdrawal appears to have been inadequate. In addition, concerns about the process by which this legislation was developed have also been raised. Therefore, in order to ensure that all interested parties have a full opportunity to participate in the drafting of the final legislation withdrawing the Goldwater Range, I am proposing this amendment to replace the existing language with a “sense of the Senate” provision expressing the desire to complete the withdrawal process this year.

As I have said, there has been some controversy about the language of title 29. I appreciate the concerns raised by the leadership of the Energy and Natural Resources Committee and the Environment and Public Works Committee concerning their jurisdiction, respectively, over public lands management and wildlife refuges. In no way was the inclusion of this language in the bill intended to preclude the ability of those Committees to conduct oversight hearings and provide input in the final legislation to withdraw the Goldwater and other ranges covered in Title 29. In full respect, however, of these Committees’ interest in ensuring this bill in no way prejudices the outcome of the legislative process, I agree that a placeholder which simply expresses the desire to the Senate to enact legislation this year is more appropriate at this time. I fully expect to work closely with all members of the Senate and interested outside parties to reach a consensus on legislation that can be re-inserted in this bill in conference.

I also sympathize with the concerns raised by several organizations regarding future environmental stewardship of the Goldwater Range, just as I fully appreciate the importance of ensuring that our armed forces be able to conduct their training on these lands and that the pets that live there are protected.

Let me reiterate what I said more fully in my additional views filed with the bill. This language was intended simply to be a placeholder to ensure that, if an Administration proposal is submitted to Congress this year for the withdrawal of these lands, it can be appropriately considered in the normal legislative process. I have been and will remain committed to making sure that all viewpoints are heard and respected in crafting the final language of the withdrawal legislation, both because of the importance of the Goldwater Range as a military training facility, and to preserve and protect the unique environmental and cultural resources in this 2.7 million acre area.

The placeholder language in Title 29 of the Committee-reported bill is generally based on Public Law 99–606, which was the law that currently governs the status of these lands and which expired in 2001. However, the language is intentionally silent on many of the difficult issues that must be resolved before this legislation can be enacted. For example, the Committee-approved provision does not specify a length of time for withdrawing the Goldwater Range. The provision is deliberately ambiguous, as is the language of Public Law 99–606 which currently governs these lands, about whether the Cabeza Prieta is withdrawn or not, and it is silent on the issue of which federal agency manages all or part of the land.

At the same time, through the Committee process, the language was amended to include several additional provisions, not in the current law, to improve environmental protection and resource management of the lands. It mandates at least the same level of resource management and preservation be maintained at the range, and requires the Secretary of the Interior to consult with the military on the adoption of final management measures. It precludes changes in the memorandum of understanding between the Department of Defense and Department of the Interior that governs these lands, about whether the Cabeza Prieta or not, and it is silent on the issue of which federal agency manages all or part of the land.

The language would have been subject to further negotiation and amendment, pending submission of the Administration’s legislative proposal to Congress, however, respecting the concerns raised by others about the content of the placeholder legislation, I am proposing that it be stricken.

Mr. President, it is vitally important that the Administration complete the process for renewing the withdrawal of the range prior to sending the final legislative proposal to Congress this year. Delaying this issue unnecessarily puts at risk both the tremendous efforts to protect the natural and cultural resources on these lands and the critical need to conduct military training, both of which would end with the expiration of the current law.

The Administration has stated their desire to complete the legislative process for withdrawal of these lands during this session of the Congress—a goal I and the Committee fully support—and has now committed to send a final legislative proposal to Congress by approximately June 9, 1999. I urge the Administration to finalize and submit a legislative proposal as early as possible so that all interested parties may review it carefully and efforts can be undertaken quickly to achieve a consensus on legislation that can be enacted this year in this bill.

Mr. President, this is an important issue and the purpose of this amendment can be accepted. I believe I have the support of the able Chairman of the Armed Services Committee, Senator Warner, to try to work out acceptable language on the Goldwater Range withdrawal, as well as the Chairmen of the Environment and Energy Committees. I look forward to working with the relevant committees and interested parties to reach a consensus on a final legislative package regarding the Goldwater Range that can be included in the conference agreement on this bill.

AMENDMENT NO. 519
(Purpose: To impose certain requirements relating to the recovery and identification of remains of World War II servicemen in the Pacific theater of operations)

Amendment No. 519 in the name of Senator Boxer was adopted by a vote of 92-0.

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AMENDMENT NO. 518
(Purpose: To authorize a one-year delay in the demolition of three certain radio transmitting facility towers at Naval Station, Annapolis, Maryland and to facilitate transfer of towers)

At the end of subtitle E of title XXVIII, add the following: SEC: ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) One-Year Delay.—The Secretary of the Navy may not obligate or expend any funds for the demolition of the radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) Covered Towers.—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.
2000, a report detailing the efforts made by the United States Army Central Identification Laboratory to accomplish the objectives described in paragraph (1).

(b) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State, upon request by the Secretary of the Army, shall work with officials of governments of sovereign nations in the Pacific theater of operations of World War II to overcome any political obstacles that have the potential for precluding the Secretary of the Army from accomplishing the objectives described in subsection (a)(1).

Mr. SMITH of New Hampshire. Mr. President, I want to thank the managers of this bill for accepting this amendment, and I thank all of my colleagues for their support.

Let me say this is a very simple amendment, but one that becomes profoundly relevant as we approach Memorial Day next Monday, especially for the families of unaccounted for servicemen from World War II.

This amendment instructs the Secretary of the Army to make every reasonable effort to search for, recover, and identify the remains of U.S. servicemen from World War II crashsites in the South Pacific. As many of my colleagues know, the Army is DoD’s executive agent for this kind of recovery work.

Mr. President, earlier this month I attended a military funeral for a World War II Army Air Corps pilot from Worcester, Massachusetts. I can’t begin to tell you how moved I was to attend this funeral and listen to the eulogy about this young pilot, who joined the Army the day after Pearl Harbor, went on to get his wings in the Army Air Corps, married his sweetheart, only to have her leave two days later. He was never to come home. He was lost over New Guinea.

Only then, did the emotional rollercoaster ride for the surviving elder family members really begin because it took almost 3 additional years, and my continuous intervention along the way, for the remains to be formally recovered and identified by the Army. There was political instability in New Guinea at one point, and that delayed things, and there were also competing priorities that the Army was trying to balance.

That case is now behind us, but I am aware that there are other World War II crashsites in New Guinea where the remains of American servicemen are presently located, yet they have not been formally recovered by the Army. Indeed, Mr. President, I would like to enclose for the record a letter I received yesterday from one American who has located several crash sites in New Guinea.

All this amendment does, Mr. President, is ensure that the Army works hard at locating, excavating, and identifying remains from these crash sites. By passing this amendment, we increase the likelihood that some of these families of missing World War II aviators will finally have a grave at which to lay flowers during a future Memorial Day. It’s the least we can do, Mr. President, to honor those who made the ultimate sacrifice, and their aging family members.

Accounting for missing servicemen from World War II is just as important as accounting for missing servicemen from the Vietnam or Korean Wars. Each of these brave men made the ultimate sacrifice for their country. This amendment makes sure every effort is made to account for these missing servicemen.

I ask unanimous consent to have the letter printed in the RECORD.

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

ALFRED (FRED) HAGEN.
Philadelphia, P.A.

Senior Smiths,
c/o Dino Carluccio.

Dear Sirs: In September, 1998 Cil-Hi apparently flew over the site of a B–25 that I found in November, 1997 and decided that the site should not be recovered due to the danger of landslides and the difficulty of working on the precipitous slope. If Cil-Hi does not change their position on this matter, I plan to organize a private team and recover the site myself.

We were able to identify the plane as a B–25D–1, #41–30022, 38th Bomb Group, 71st Bomb Squadron. The B–25 had departed Saidor on a shuttle flight to Nadzab on July 1, 1944 (0907). There were 9 persons aboard:


Their exact fate had been unknown until Friday, November 7th, 1997. I picked up the bones of what turned out to be partial remains of three men and put them in my backpack. The remains had already been moved by the natives and no site integrity was lost by my action. I returned the remains to the US Ambassador in Port Moresby.

After years of searching, I also located the wreckage of the B–25 in which my late relative, Mr. Fred Benn was killed in 1947.

The spot was located in very rugged terrain in 1957 and was visited by an Australian who performed a cursory “look around”, salvaged a few bones and left. The site is littered with remains. I returned a number of bones to Cil-Hi after my June 1998 visit and requested that they do a formal site investigation. The site should not be recovered due to the danger of landslides and the difficulty of working on the precipitous slope. If Cil-Hi does not change their position on this matter, I plan to organize a private team and recover the site myself.

I invite you to attend the burial of another P–47 pilot that I discovered in New Guinea named George Gaffney. He is being buried at Arlington on June 9th, 1999. After I found Deslotes, Gaffney’s daughter contacted me and asked me to look for her father. In what can only be described as a “miraculous” turn of good fortune, I succeeded in finding his remains.

Thank you so much.

FRED HAGEN.

AMENDMENT NO. 529
(Purpose: To make technical and clarifying amendments)

On page 33, beginning on line 3, strike “that” and insert “as”, as well as ___ for ___

On page 278, line 4, strike “1998” and insert “1999”.

On page 283, line 19, strike “(A)” and insert “(1)”.

On page 283, line 23, strike “(B)” and insert “(2)”.

On page 284, line 3, strike “(C)” and insert “(3)”.

On page 368, line 14, strike “$40,000,000” and insert “$50,000,000”.

On page 397, beginning on line 2, strike “readily accessible æ and adequately preserved artifacts and readily accessible representations” and insert “adequately visited and adequately preserved artifacts and representations”.

On page 411, in the table below line 12, strike the item relating to “Naval Air Station Atlanta, Georgia”.

On page 412, in the table above line 1, strike “$744,140,000” in the amount column in the item relating to the total and insert “$754,140,000”.

On page 413, in the table following line 2, strike the item relating to Naval Base, Pearl Harbor, Hawaii, and insert the following new item:
On page 414, line 6, strike “$2,078,015,000” and insert “$2,072,585,000”.

On page 414, line 9, strike “$673,960,000” and insert “$688,530,000”.

On page 429, line 20, strike “$179,271,000” and insert “$189,639,000”.

On page 429, line 21, strike “$151,185,000” and insert “$154,817,000”.

On page 429, line 23, strike “$233,045,000” and insert “$245,705,000”.

On page 509, line 10, strike “$892,629,000” and insert “$860,629,000”.

On page 509, line 16, strike “$86,290,000” and insert “$101,290,000”.

On page 509, between lines 16 and 17, insert the following:

Project O-0-D—Transuranic waste treatment, Oak Ridge, Tennessee. $12,000,000.

Project O-0-D-400, Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho. $1,306,000.

On page 541, line 22, strike “The” and insert “After five members of the Commission have been appointed under paragraph (1), the”.

On page 542, between lines 11 and 12, insert the following:

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

On page 546, strike lines 20 through 23.

On page 547, line 1, strike “(3)” and insert “(4)”.

On page 577, line 16, strike “PROJECT” and insert “PLANT”.

On page 577, line 23, strike “PROJECT” and insert “PLANT”.

On page 578, line 3, strike “PROJECT” and insert “PLANT”.

On page 578, line 10, strike “PLANT” and insert “PLANT”.

On page 578, line 14, strike “PROJECT” and insert “PLANT”.

On page 578, strike lines 17 through 21, and insert the following:

(3) That, to the maximum extent practicable, shipments of waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant will be carried out on an expedited schedule, but not interfere with other shipments of waste to the Waste Isolation Pilot Plant that are planned as of the date of the enactment of this Act.

AMENDMENT NO. 521

(Purpose: To require a report on military-to-military contacts between the United States and the People’s Republic of China)

On page 357, between lines 11 and 12, insert the following:

SEC. 1052. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE’S REPUBLIC OF CHINA.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People’s Republic of China.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) A list of the general and flag grade officials of the People’s Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (1), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tianamen Square massacre of June 1989.

(4) A list of facilities in the People’s Republic of China which military officials have visited as a result of any military-to-military contact program between the United States and the People’s Republic of China since January 1, 1993.

(5) A list of facilities in the People’s Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People’s Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People’s Liberation Army which has been denied by the United States.

(7) Any official documentation such as memoranda for the record, official reports, and final itineraries, and receipts for expenses over $1,000 concerning military-to-military contacts or exchanges between the United States and the People’s Republic of China in 1999.

(8) An assessment regarding whether or not any People’s Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People’s Republic of China.

(9) The report shall be submitted no later than March 1, 1999, but may be unclassified but may contain a classified annex.

AMENDMENT NO. 522

(Purpose: To authorize the Secretary of Defense to transfer to the Attorney General quantities of lethal chemical agents required to support training at the Chemical Defense Training Facility at the Center for Domestic Preparedness, Fort McClellan, Alabama)

In title X, at the end of subtitle D, add the following:

SEC. 1061. CHEMICAL AGENTS USED FOR DEFENSE PREPAREDNESS TRAINING.

(a) AUTHORITY TO TRANSFER AGENTS.—(1) The Secretary of Defense may transfer to the Attorney General, in accordance with the Chemical Weapons Convention, quantities of lethal chemical agents required to support training at the Center for Domestic Preparedness, Fort McClellan, Alabama.

(b) ANNUAL REPORT.—The Secretary of Defense, in coordination with the Attorney General, shall report annually to Congress regarding the disposition of lethal chemical agents transferred under this section.

(c) Non-interference with Treaty Obligations.—Nothing in this section may be construed as interfering with United States treaty obligations under the Chemical Weapons Convention.

(d) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the term “Chemical Weapons Convention” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

AMENDMENT NO. 523

SEC. 1103. ORDINANCE MITIGATION STUDY.

(a) The Secretary of Defense is directed to undertake a study and is authorized to remove ordnance infiltrating the federal navigation channel and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate Environment and Public Works on long-term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justify the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99–622).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection (a).

AMENDMENT NO. 524

SEC. 225. OPTIONS FOR AIR FORCE CRUISE MISSILES.

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile is depleted. In conducting the study, the Secretary shall consider the following options:
(A) Restarting of production of the conventional air launched cruise missile.
(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.
(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, the results might be—

"(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and
(B) reported to Congress as required under subsection (b)."

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

AMENDMENT NO. 522

(Purpose: To encourage reductions in Russian nonstrategic nuclear arms, and to require annual reports on Russia’s nuclear arsenal)

In title X, at the end of subtitle D, add the following:

"SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia’s tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104-106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia’s arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia’s stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director’s views on the matters described in paragraph (1) of that subsection regarding Russia’s tactical nuclear weapons.

AMENDMENT NO. 526

(Purpose: To make technical corrections)

On page 133, line 19, strike ‘‘the United States’’ and insert ‘‘such.’’

On page 356, line 7, insert after ‘‘Secretary of Defense’’ the following: ‘‘… in consultation with the Secretary of State,’’.

On page 336, beginning on line 8, strike ‘‘the Committees on Armed Services of the Senate and House of Representatives’’ and insert ‘‘the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives’’.

On page 358, strike line 21 and all that follows through page 359, line 1.

On page 359, line 8, strike ‘‘(c)’’ and insert ‘‘(b)’’.

On page 359, line 16, strike ‘‘(d)’’ and insert ‘‘(c)’’.

AMENDMENT NO. 527

(Purpose: To To authorize $4,000,000 for construction of a control tower at Cannon Air Force Base, New Mexico, and $8,000,000 for runway improvements at Cannon Air Force Base; to eliminate $712,473,000 for construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire)

On page 417, in the table preceding line 1, insert after the item relating to McGuire Air Force Base, New Jersey, the following new items:

<table>
<thead>
<tr>
<th>New Mexico</th>
<th>Cannon Air Force Base</th>
<th>Cannon Air Force Base</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$4,000,000</td>
<td>$8,100,000</td>
</tr>
</tbody>
</table>

On page 417, in the table preceding line 1, strike ‘‘$846,157,000’’ in the amount column of the item relating to the total and insert ‘‘$640,233,000’’.

On page 418, in the table following line 5, strike ‘‘$128,017,000’’ and insert ‘‘$332,591,000’’.

On page 419, in the table following line 5, strike ‘‘$420,000,000’’ and insert ‘‘$1,163,204,000’’.

On page 420, line 7, strike ‘‘$345,511,000’’ and insert ‘‘$335,617,000’’.

On page 420, line 17, strike ‘‘$628,133,000’’ and insert ‘‘$640,233,000’’.

On page 429, line 5, strike ‘‘$172,472,000’’ and insert ‘‘$170,472,000’’.

AMENDMENT NO. 528

(Purpose: To amend title XXIX, relating to renewal of public land withdrawals for certain military ranges, to include a placeholder to allow the Secretary of Defense and the Secretary of the Interior the opportunity to complete a comprehensive legislative withdrawal proposal, and to provide an opportunity for public comment and review)

On page 476, line 13, through page 502, line 3, strike title XXIX in its entirety and insert in lieu thereof the following:

"TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS:

"SEC. 2901. FINDINGS.

The Congress finds that—

(1) Public Law 99-96 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Wainwright located in Alaska, and by Public Law 100-628, 104 Stat. 3829, 110 Stat. 2679, the public land comprising over 4 million acres of public land;

(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

(4) the future uses of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

(5) the public land withdrawals authorized in 1986 under Public Law 99-606 were for a period of 15 years, and expire in November, 2001; and

(6) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99-606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

"SEC. 2902. SENSE OF THE SENATE.

"It is the Sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999.”

AMENDMENT NO. 529

(Purpose: To authorize $3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire)

On page 429, line 5, strike out ‘‘$172,473,000’’ and insert in lieu thereof ‘‘$168,340,000’’.

On page 429, line 5, strike out ‘‘$172,473,000’’ and insert in lieu thereof ‘‘$168,340,000’’
On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth $3,850,000

On page 412, in the table line Total strike out "$744,140,000" and insert "$747,990,000.

On page 414, line 6, strike out "$2,078,015,000" and insert in lieu thereof "$2,081,965,000.

On page 414, line 9, strike out "$673,960,000" and insert in lieu thereof "$677,810,000.

On page 414, line 18, strike out "$86,299,000" and insert in lieu thereof "$86,581,000.

AMENDMENT NO. 530

(Amendment: To authorize, with an offset, an additional $639,733,000)

On page 416, in the table following line 13, insert after the Item relating to Nellis Air Force Base, Nevada, the following new item:

Nellis Air Force Base ........ $11,600,000

On page 417, in the table preceding line 1, strike "$628,133,000" in the amount column of the item relating to the total and insert "$639,733,000".

On page 419, line 15, strike "$1,917,191,000" and insert "$1,928,791,000".

On page 420, line 17, strike "$628,133,000" and insert "$639,733,000".

AMENDMENT NO. 531

At the end of Section E of Title XXVIII insert the following:

SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(1) $6,000,000 shall be available for Operation Casper Focus.

(2) $3,700,000 shall be available for forward looking infrared radar for F-3 aircraft.

(3) $2,700,000 shall be available for forward looking infrared radar for F-3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mothership Operation.

(6) $20,000,000 shall be used for National Guard State plans.

Mr. DEWINE. Mr. President, last year the Congress provided an $800 million down payment to restore viability to our counter drug eradication and interdiction strategy in the region. This funding was the first installment of the Western Hemisphere Drug Elimination Act, which was passed as part of last year’s omnibus appropriations bill. Our goal is to reduce significantly the flow of cocaine and heroine flowing into the United States. This would be done by driving up drug trafficking costs, reducing drug availability, and ultimately keeping these horrendous drugs out of the reach of our children.

We made great progress last year to secure the funds for an enhanced counter-drug strategy. Today, I am seeking additional resources for this important national security interest.

Today, Senator COVETIEL and I are offering an amendment that would authorize more funds for Defense counter-drug programs. This amendment is taken from a provision contained in S. 5, the Drug Free Century Act, which I introduced with seven of my Senate colleagues.

Mr. President, since the late 1980’s, the Department of Defense has been called upon to support counter narcotics activities in transit areas in the Caribbean, and those dedicated members of our armed services have done an extraordinary job. Unfortunately, we in the Congress, and those all over the United States, are keenly aware that the Armed Forces of the United States are being stretched too thin. With the ongoing hostilities against Saddam Hussein in Iraq, and the enormous air campaign against Slobodan Milosevic in Kosovo, material and manpower dedicated to the interdiction of drugs entering our country have been diverted to these “higher priority” duties, leaving the drug transit areas vulnerable and unguarded.

In addition, this year we have seen the closure of Howard Air Force Base in Panama, which causes the United States to lose a premier airfield for conducting counter-drug aerial detection and monitoring missions. Without this aerial surveillance of the coca fields and production sites in Colombia, and the major transit areas for bringing cocaine into the United States, timely and actionable intelligence cannot be relayed to the Colombian government forces in time for seizure and eradication actions.

The amendment I am introducing today would authorize $42.8 million for the creation of forward operating locations to replace the capability lost with the closure of Howard Air Force Base.

These significant increases in the funding would help to support existing counter-drug capabilities and the additional savings we are seeking through programming changes.

I urge my colleagues to support this amendment and help turn the tide of the drug crisis in our country.

AMENDMENT NO. 533

(Purpose: Expressing the Sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997)

At the appropriate place insert the following:


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

(1) On September 13, 1997, a German Luftwaffe Tupolev TU-154M aircraft collided with a United States Air Force C-141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision, all 31 members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 22, loadmaster, Providence, Rhode Island; Staff Sergeant Bucknam, 26, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrons Road,
Maryland; Airman 1st Class Justin B. Drager, Colorado Springs, Colorado; Staff Sergeant Robert E. 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Sergeant Scott P. Scotts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senator Airman Frankie L. Walker, 23, crew chief, Windsor, Pennsylvania. (3) The Final Report of the Ministry of Defense of the Defense Committee of the German parliament stated unequivocally that following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander Commandant of the Luftwaffe Tupolev TU-154M aircraft for flying at a flight level that did not conform to international flight rules. (4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupolev TU-154M aircraft flying at an incorrect cruise altitude. (5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision. (6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany. (7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy. (b) SENSE OF SENATE.—It is the sense of the Senate that— (1) the Governor of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C-131 Starlifter aircraft and a German Luftwaffe Tupolev TU-154M aircraft off the coast of Namibia on September 13, 1997; and (2) the United States should not make any payment to citizens of Germany as settlement of such citizens’ claims for deaths arising from the accident involving a United States Air Force MA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the German Government and the families described in paragraph (1) with respect to the collision described in that paragraph. AMENDMENT NO. 514
(Purpose: To commemorate the victory of freedom in the Cold War) On page 387, below line 24, add the following: SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.
(a) FINDINGS.—Congress makes the following findings: (1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly conflict for the democracy and freedom in the history of mankind. (2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War. (3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom. (4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such prosperity. (5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve our freedoms and liberties enjoyed in democratic countries. (6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War. (7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War. (8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall. (b) IMPLEMENTATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby— (1) designates November 9, 1999, as “Victory in the Cold War Day” ; and (2) requests that the President issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities. (c) Cold War Medal.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end the following: * § 1133. Cold War medal: award. (a)(1) Award.—There is hereby authorized an award of the Cold War Medal, as provided for under subsection (b), to all individuals who served honorably in the United States armed forces during the Cold War in order to recognize the contributions of such individual to United States victory in the Cold War. (b)(1) Designation of recipients.—The Chief of Staff of the Army, the Chief of Naval Operations, the Chief of the National Guard Bureau, the Commandant of the Coast Guard, the Commandant of the Marine Corps, the Assistant Secretary of Defense for Reserve Affairs, and the Secretary of Defense shall each identify the individual to receive the Cold War Medal. (2) Authority to designate.—The Chief of Staff of the Army, the Chief of Naval Operations, the Chief of the National Guard Bureau, the Commandant of the Coast Guard, the Commandant of the Marine Corps, the Assistant Secretary of Defense for Reserve Affairs, and the Secretary of Defense shall have the authority to designate the recipients of the Cold War Medal in the manner provided for under subsection (a). (3) Certification.—Any Person designated as the recipient of the Cold War Medal under subsection (a) shall be certified by the Secretary of Defense, following a review by the President and the National Security Council, as having met the standards of performance established in subsection (a) for the Cold War Medal. (d) Participation of Armed Forces in the Cold War Medal Ceremony.—The Secretary of Defense may request that Armed Forces personnel participate in the presentation of the Cold War Medal by holding a ceremony on the 10th anniversary of the fall of the Berlin Wall, or at other times determined appropriate by the Secretary, and the Secretary shall use funds available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999. (e) Fundraising Authority.—The Secretary of Defense shall have the authority to accept contributions from the private sector for the purpose of financing the Cold War Medal Ceremony. (f) Authorization of Appropriations.—For the purposes of the Cold War Medal Ceremony, the authority of the Secretary of Defense to transfer funds from any appropriation to any other appropriation, notwithstanding any other provision of law, is hereby extended. (g) Definitions.—(1) In this section— (A) the terms ‘‘costs of nutrition services and administration’’, ‘‘nutrition education’’ and ‘‘nutritional risk standards’’ mean the period beginning on August 14, 1945, and ending on November 9, 1989. (2) The amounts authorized to be appropriated under section 301(1) shall be available for the purpose of providing the special supplemental food benefits described in this section. The amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $15,000,000. (3) The Secretary of Defense may accept contributions from the private sector for the purpose of financing the costs of the Armed Forces described in paragraph (1). (4) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A). (e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission on victory in the Cold War in the Cold War” in (this subsection to be referred to as the “Commission”). (2) The Commission shall be composed of twelve individuals, as follows: (A) Two shall be appointed by the President. (B) Two shall be appointed by the Minority Leader of the Senate. (C) Two shall be appointed by the Minority Leader of the House of Representatives. (D) Three shall be appointed by the Majority Leader of the Senate. (E) Three shall be appointed by the Speaker of the House of Representatives. (3) The Commission shall have as its duties the investigation and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection if such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection. (4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War. (5) Commission shall be chaired by two individuals as follows: (A) one selected by and from among those appointed pursuant to subparagraphs (A), (B), and (C) of paragraph (2); (B) one selected by and from among those appointed pursuant to subparagraphs (D) and (E) of paragraph (2). MR. LEVIN. It is my understanding that the creation of a medal under this section is solely at the discretion of the Secretary of Defense. AMENDMENT NO. 515
(Purpose: To require the implementation of the Department of Defense special supplemental nutrition program) In title VI, at the end of subtitle E, add the following: SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.
(a) Clarification of Benefits Responsibility.—(1) Section 1060a of title 10, United States Code, is amended by striking “shall carry out a program to provide special supplemental food benefits” and inserting “shall carry out a program to provide special supplemental foods and nutrition education”. (b) Funding.—Subsection (b) of such section is amended as follows: (B) Federal Payments.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).”. (c) Program Administration.—Subsection (c)(1)(A) of such section is amended, by adding at the end the following: “In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1760) shall be considered eligible for certification under that program.”. (d) Nutritional Risk Standards.—Subsection (c)(1)(B) of such section is amended by inserting “and nutritional risk standards” after “income eligibility standards.”. (e) Definitions.—Subsection (f) of such section is amended by adding at the end the following: “The terms ‘costs for nutrition services and administration’, ‘nutrition education’
and ‘supplemental foods’ have the meanings given in the last paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).”

AMENDMENT NO. 336

(Purpose: To provide $1,000,000 for testing of airblast and improvised explosives (in PE 63122D); and (2) the amount provided for sensor and guidance technology (in PE 63762E) is reduced by $4,000,000.

The PRESIDING OFFICER. Is there further debate on the amendments?

Mr. WARNER. Mr. President, I ask unanimous consent that all amendments be agreed to and the motion to reconsider be laid on the table, and that any statements be printed in the RECORD.

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

The amendment (Nos. 482 through 538) were agreed to.

Mr. WARNER. Mr. President, I ask all remaining amendments at the desk be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. It is the intention of the managers to move to third reading momentarily.

Mr. LEVIN. We are ready.

Mr. WARNER. In the moment I have here, I just want to acknowledge, again, the tremendous cooperation and the spirit with which my distinguished colleague from Michigan and I—we have worked together for these many years—together, we were supported by superb staffs; our staff directors, I tell you, they are pretty tough. At this moment, we will withdraw that, but the balance of the staffs on both sides have done magnificent work.

Mr. LEVIN. Mr. President, I join my dear friend, the chairman, in that sentiment about our staffs and our colleagues. This is a very complex bill. I think we have done it in record time, but it has taken the cooperation of all of our colleagues, the leadership on both sides, and of course our staff made it possible. We will have more to say about that after final passage. I think we are now waiting for the final high sign from our staff that everything has been prepared.

Mr. WARNER. Mr. President, of course we include Les Brownlee and David Lyles in those accolades.

Mr. KYL. Mr. President, I inquire how much time is remaining?

The PRESIDING OFFICER. There remain 1 minute 42 seconds.

Mr. KYL. The minority has yielded back its time?
medals they earned, but were never awarded. While my staff and I pursue these cases aggressively, the reality is that no amount of pressure and follow-through can overcome what is essentially a resource problem.

The medal issue revolves around a huge backlog of requests. The personnel centers, which process applications for the separate services for never-issued awards and replacement medals, have accumulated huge backlogs of requests by veterans. In one personnel center alone, 98,000 requests have been allowed to back up, resulting in years of waiting time. These time delays have denied veterans across the nation the medals and honors they have rightfully earned through heroic actions.

Let me briefly share the story of Mr. Dale Holmes, a Korean War veteran. I have shared this story on the floor before, but I think it bears repeating. Mr. Holmes fired a mortar on the front lines of the Korean War. Stacy Groff, the daughter of Mr. Holmes, tried unsuccessfully for three years on her own through the normal Department of Defense channels, to get the medals her father earned and deserved. Ms. Groff turned to me after her letter writing produced no results. My office began an inquiry in January of 1997 and we were not able to resolve this issue favorably until September 1997.

Ms. Groff made a statement about the delays that sum up my sentiments perfectly: “I don’t think it’s fair. My dad deserves, everybody deserves, better treatment than that.” Ms. Groff could not be more correct. Our veterans deserve better from the country they served so courageously.

DOD claims that it does not have the people to speed up the process. But it would not take much to make a dent in the problem. For example, the Navy Liaison Office was averaging a relatively quick turnaround time of only four to five months when it had five personnel working cases. Now that it has only three people in the office, it is having a hard time keeping up with the crush of requests. DOD must make putting more resources towards this problem a priority. However, it seems like the same old story: our government forgets the sacrifices servicemen and women have made as soon as they leave military duty. We can do better.

Last year, during the debate over the FY99 Defense Appropriations bill, the Senate passed my amendment urging the DOD to end the backlog of unfulfilled military medal requests. Unfortunately, the Pentagon has not moved to fix the problem. In fact, according to my information, the problem has worsened.

Therefore, here I am again. My amendment directs the Secretary of Defense to establish and carry out a plan to make available the funds and resources necessary to eliminate the backlog in decoration requests.

Specifically, my amendment says the Secretary of Defense shall make available to the Army Reserve Personnel Command, the Bureau of Naval Personnel, the Air Force Personnel Center, the National Archives and Records Administration, and any other relevant office or command, the resources necessary to solve the problem. These resources could be in the form of increased personnel, equipment or whatever these offices need for this problem.

My amendment also directs that funding and resources should not come at the expense of other personnel service and support activities within DOD. It is a commonsense approach which will allow DOD to structure a quick and direct line to the veteran. Our veterans are not asking for much. Their brave actions in time of war deserve our highest respect, recognition, and admiration. My amendment will help expedite the recognition they so richly deserve. Our veterans deserve nothing less.

I thank the Veterans of Foreign Wars for strongly supporting this amendment. Their support meant a great deal to my efforts.

I thank the managers of the Defense Authorization bill, Senator WARNER and Senator LEVIN, for their cooperation and understanding in agreeing to accept this important amendment.

While this is only a small change to the Defense authorization bill, it will send a clear message to our Nation’s veterans and active duty personnel: we recognize and value the sacrifices you have made on our behalf.

Ms. COLLINS. Mr. President, I rise today as a cosponsor of the majority leader’s amendment to the defense authorization bill. The amendment takes important steps to improve the monitoring of the export of advanced U.S. satellite technology and to strengthen security and counterintelligence measures at Department of Energy facilities.

As a Senator, I have been privy to a wide range of classified and unclassified information relating to efforts by the People’s Republic of China to acquire our sensitive technology and influence our political process. As a United States citizen, I am gravely concerned.

As a member of the Governmental Affairs Committee, I learned during the campaign finance investigation ably lead by Chairman THOMPSON that China developed and implemented a plan to influence U.S. politicians and elections. And from Charlie Trie and John Huang, both of whom have recently plead to felony offenses and agreed to cooperate with the Justice Department, I suspect we could learn more. More recently, I reviewed the Cox report, and just yesterday, listened to testimony concerning the report during a hearing of the Senate Committee on Intelligence, Personnel, and Federal Services. The evidence is clear that China stole very sensitive military secrets involving virtually all of our nuclear weapons. What is more, I believe that the lax security at our government labs is completely inexcusable as is the Clinton Administration’s abject failure to take swift and strong action when it became aware of evidence of serious breaches in our national security.

This administration is faced now with the opportunity to focus the country on constructive solutions to our problems concerning espionage and undue foreign influence. I fear, however, that we will be mired for a long time in the details of what happened, because those who know will not tell. Instead of a swift accounting of what went wrong, I am afraid we can expect the stonewalling and lack of cooperation we received during the campaign finance inquiry.

Yet there are things Congress can do now to improve security at our national labs, and the majority leader’s amendment is one of them. The Amendment increases the exchange of information between the Administration and the Congress and requires changes at the Departments of State, Energy, Defense as well as other intelligence agencies. These changes will help strengthen security checks, licensing procedures, and access to classified information. I am hopeful that these provisions will enhance the security and protection of our most vital technological secrets and ensure that if violations do occur, swift and decisive action is taken to correct them.

I urge my colleagues to support this measure.

**AMENDMENT NO. 394**

Ms. COLLINS. Mr. President, I rise today as a cosponsor of the majority leader’s amendment to the defense authorization bill. The amendment takes important steps to improve the monitoring of the export of advanced U.S. satellite technology and to strengthen security and counterintelligence measures at Department of Energy facilities.

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I urge my colleagues to support this measure.

**BQM-74 TARGET DRONE PROCUREMENT**

Mr. CONRAD. Mr. President, I ask unanimous consent on behalf of myself, Senator DORGAN, and Senator BINGAMAN, and I have come to the Senate floor today to discuss with the Armed Services Committee’s able leadership how the Congress might go about ensuring funding for procurement in fiscal year 2000 of the BQM-74, a Navy target drone.

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

Mr. CONRAD. I thank the chair. Mr. President, come in the original Senator BINGAMAN, and I have come to the Senate floor today to discuss with the Armed Services Committee’s able leadership how the Congress might go about ensuring funding for procurement in fiscal year 2000 of the BQM-74, a Navy target drone.

Mr. BINGAMAN. I understand that the Senator from New Mexico has some expertise on this subject.

Mr. BINGAMAN. I have been pleased to support the BQM-74. This target drone plays an important role in Navy air-to-air and surface warfare training, representing enemy fighters, bombers, and cruise missiles during live-fire
training operations. The Chief of Naval Operations has a requirement that at least 20 BQM-74 drones be kept in the active inventory. We have been able to meet this number in the past, and I hope that the Navy will be able to continue to do so.

Mr. CONRAD. I wonder if I could direct a question to my colleague from North Dakota, who also has some familiarity with this program. Senator DORGAN, am I correct to understand that a lack of BQM-74 procurement in fiscal year 2000 could result in the Navy's inventory falling below the CNO's requirement?

Mr. DORGAN. My colleague from North Dakota is entirely correct. I am informed that no production in the coming fiscal year would likely result in a dangerous reduction to the inventory, and I could not condone Navy training operations to be curtailed as early as 2002. This would clearly not be in our nation's interest. I am additionally informed that a gap in production next year could drive up unit cost sharply.

Mr. WARNER. This is most distressing. I wonder, could the Senator from New Mexico provide some background on the BQM-74's current funding status?

Mr. BINGAMAN. As my colleagues may be aware, the Navy had allocated $435 million for procurement of 135 BQM-74 drones in fiscal year 2000. This funding was zeroed out by the Office of the Secretary of Defense prior to submission of the budget request to Congress.

Mr. DORGAN. The Office of the Secretary of Defense clearly did not act prudently in this regard, and I am pleased to report that this week the Senate Defense Appropriations Subcommittee—on which I serve—added funding for procurement of the BQM-74 drone. This move followed an authorization by the House Armed Services Committee of $27 million for BQM-74 procurement.

Mr. CONRAD. In light of the unquestioned importance of the BQM-74 and the action taken by the House authorizers and Senate appropriators, I wonder if the distinguished Chairman of the Senate Armed Services Committee believes that this matter can be addressed if the distinguished Chairman of the Armed Services Committee and Ranking Members for their important assurances.

Ms. SOWE. Mr. President, this amendment imposes a straightforward but neglected requirement on the administration to seek multilateral economic and foreign asset seizures against governments with which the United States engages in armed hostilities.

After one month of conflict in Kosovo, the Pentagon had announced that NATO had destroyed most of Yugoslavia's internal oil refining capacity.

But the Secretary of State then acknowledged that the Serbians continued to fortify their hidden armored forces in the province with imported oil.

And just three weeks ago, the allies first agreed to an American proposal to intercept petroleum exports bound for Serbia on the high seas but then declined to enforce the ban against their own ships.

On May 1st, five weeks after the Kosovo operation had begun, the President finally signed an executive order imposing an American embargo against Belgrade on oil, software, and other sensitive products.

Yet NATO and the United States have paid a steep price for failing to impose comprehensive economic sanctions on Serbia from the beginning of the air campaign in late March. As recently as May 15th, an anonymous U.S. government official told Reuters that the Yugoslav Army continued to smuggle significant amounts of oil over land and water.

At the end of April, General Wesley Clark, NATO's Supreme Commander, gave the alliance a plan for the interdiction of oil tankers streaming in the Adriatic towards Serbian ports. To justify this proposal, he cited the fact that through approximately 11 shipments, as this chronology shows, the Yugoslavs had imported 450,000 barrels containing 19 million gallons of petroleum vital to their war efforts. One Russian vessel alone deposited more than 4 million gallons of this amount.

Mr. WARNER. I thank the Senators for their valuable input. The BQM-74 is one of several critical defense priorities that will be addressed in conference.

Mr. DORGAN. Senator LEVIN, might I ask if you concur with the Chairman?

Mr. LEVIN. The issue will certainly have to be addressed in conference. The BQM-74 target drone is important to peacetime training and readiness. I know that the House Armed Services Committee recommended funding, and the Senate Appropriations Committee has recommended funding. It is my intention to work with the Chairman and our House counterparts in the upcoming conference to try to provide authorizing funding for BQM-74 procurement in fiscal year 2000.

Mr. CONRAD. On behalf of myself, Senator DORGAN, and Senator BINGAMAN, I thank the distinguished Chairman and Ranking Members for their important assurances.

Mr. WARNER. I thank the Senators for their valuable input. The BQM-74 is one of several critical defense priorities that will be addressed in conference.

Mr. DORGAN. My colleague from North Dakota is entirely correct. I am informed that no production in the coming fiscal year would likely result in a dangerous reduction to the inventory, and I could not condone Navy training operations to be curtailed as early as 2002. This would clearly not be in our nation's interest. I am additionally informed that a gap in production next year could drive up unit cost sharply.

Mr. WARNER. This is most distressing. I wonder, could the Senator from New Mexico provide some background on the BQM-74's current funding status?

Mr. BINGAMAN. As my colleagues may be aware, the Navy had allocated $435 million for procurement of 135 BQM-74 drones in fiscal year 2000. This funding was zeroed out by the Office of the Secretary of Defense prior to submission of the budget request to Congress.

Mr. DORGAN. The Office of the Secretary of Defense clearly did not act prudently in this regard, and I am pleased to report that this week the Senate Defense Appropriations Subcommittee—on which I serve—added funding for procurement of the BQM-74 drone. This move followed an authorization by the House Armed Services Committee of $27 million for BQM-74 procurement.

Mr. CONRAD. In light of the unquestioned importance of the BQM-74 and the action taken by the House authorizers and Senate appropriators, I wonder if the distinguished Chairman of the Senate Armed Services Committee believes that this matter can be addressed if the distinguished Chairman of the Armed Services Committee and Ranking Members for their important assurances.

Ms. SOWE. Mr. President, this amendment imposes a straightforward but neglected requirement on the administration to seek multilateral economic and foreign asset seizures against governments with which the United States engages in armed hostilities.

After one month of conflict in Kosovo, the Pentagon had announced that NATO had destroyed most of Yugoslavia's internal oil refining capacity.

But the Secretary of State then acknowledged that the Serbians continued to fortify their hidden armored forces in the province with imported oil.

And just three weeks ago, the allies first agreed to an American proposal to intercept petroleum exports bound for Serbia on the high seas but then declined to enforce the ban against their own ships.

On May 1st, five weeks after the Kosovo operation had begun, the President finally signed an executive order imposing an American embargo against Belgrade on oil, software, and other sensitive products.

Yet NATO and the United States have paid a steep price for failing to impose comprehensive economic sanctions on Serbia from the beginning of the air campaign in late March. As recently as May 15th, an anonymous U.S. government official told Reuters that the Yugoslav Army continued to smuggle significant amounts of oil over land and water.

At the end of April, General Wesley Clark, NATO's Supreme Commander, gave the alliance a plan for the interdiction of oil tankers streaming in the Adriatic towards Serbian ports. To justify this proposal, he cited the fact that through approximately 11 shipments, as this chronology shows, the Yugoslavs had imported 450,000 barrels containing 19 million gallons of petroleum vital to their war efforts. One Russian vessel alone deposited more than 4 million gallons of this amount.

Mr. WARNER. I thank the Senators for their valuable input. The BQM-74 is one of several critical defense priorities that will be addressed in conference.

Mr. DORGAN. Senator LEVIN, might I ask if you concur with the Chairman?

Mr. LEVIN. The issue will certainly have to be addressed in conference. The BQM-74 target drone is important to peacetime training and readiness. I know that the House Armed Services Committee recommended funding, and the Senate Appropriations Committee has recommended funding. It is my intention to work with the Chairman and
amendment, however, puts the tyrants of the globe on notice that as a matter of policy the United States will take immediate steps to deprive them of the finances and the imports to wage war should America and its international partners engage in hostilities against them.

The language of this provision instructs the President to “seek the establishment of a multinational economic embargo” against an enemy government upon the engagement of our Armed Forces in hostilities. If the conflict continues for more than 30 days, the President must also report to Congress on the actions taken by the administration to implement the embargo and to publish any foreign sources of trade and revenue that sustain an adversary’s war-making capabilities.

This amendment will not constrain, but strengthen, future Presidents in organizing the international community against regional zealots like Milosevic. We must remember that the Eastern Union states declined to enforce the Adriatic Sea embargo against the advice of the United States. But if we lend the force of law to administration’s embargo efforts, the policy makers within NATO will be apt to consider closer military action. Our current actions disregarded the foreign energy and assets at the disposal of dictators can provide their forgotten tools of coercion. But this seamless embargo amendment signals that the United States will not only remember these tools, but take decisive action to break them. It signals that we should not bomb only so the enemy can trade and not him.

To enhance greater clarity in our strategies of isolating the nation’s armed adversaries of tomorrow, Mr. President, I urge the Senate’s unanimous support for this amendment.

**NATO’S MISSION**

Mr. DOMENICI. Mr. President, I arise today to discuss three interrelated aspects of our country’s security at the brink of the new millennium. There has already been discussion of NATO in this new world. We have also intermittently discussed the war in the region of Kosovo.

It is important to reflect on NATO’s mission under changed circumstances. It is critical to address the U.S. role as part of NATO. At the same time, we must evaluate threats globally, and we must be vigilant in safeguarding our security and defense capabilities.

In April, we celebrated NATO’s 50th Anniversary. Despite the circumstances, we had good reason to celebrate. After the horrors of World War I and II, U.S. decisionmakers sought to construct European structures for integration, peace, and security. U.S. policy focused on two tracks: the Marshall Plan for economic reconstruction and NATO for transatlantic security cooperation.

The creation of the North Atlantic Treaty Organization in 1949 acknowledged what we failed to admit after World War I: the world is a precarious continent. Twice in the first 50 years of this century, America fought against tyrannical and malevolent forces in Europe.

It is important to remember that NATO did not begin as a response to the Warsaw Pact. This primary objective evolved as a de facto result of Stalinist expansion into Central Europe. Fifty years later NATO remains the strategic link between the Old World and the New. NATO achieved its Cold War mission and even now, in a changed era and very different world, NATO is a vital element of transatlantic cooperation and security.

We must, however, be conscious and careful in applying the lessons of the past to current circumstances. None of what I have just talked about should be interpreted as an argument for current NATO action in the region of Yugoslavia, Albania, Macedonia, and Montenegro.

The administration repeatedly suggests that violence in the Balkans ignited the First World War. This is true. A member of the Black Hand, a Serbian nationalist group, assassinated Archduke Franz Ferdinand, Serbia, at that time, was a small nation fighting for independence within a crumbling Austrian-Hungarian Empire. Due to Russia’s alliance with Serbia and Germany’s open-ended military pact with Austria, both Germany and Russia mobilized immediately. Other than a few neutral countries—Norway, Sweden, Italy, Switzerland, and Spain—the rest were locked in polarized blocs that set the Triple Alliance against the Triple Entente. Such polarized blocs do not exist today. Serbian aggression against Kosovar Albanians can and has created regional instabilities. But this would not lead to World War Three. This is not 1914. Only one alliance dominates Europe. NATO can be used as a force for peace. Acting without regard to security perceptions outside of NATO, however, can lead us down a very different and dangerous path.

Our current actions disregarded the views others of their own security. Our actions in Kosovo may yet unravel any gains achieved in nuclear arms reductions and cooperative security alliances since the Soviet Union collapsed. Furthermore, NATO’s response in Kosovo has accelerated and exacerbated regional instability. We have managed to create a humanitarian crisis, while not achieving any of our military objectives. Of course, any rational administration knew that an air campaign from 20,000 feet would not prevent executions, rapes, and purges on the ground. This is especially true given the 5 months of time we gave President Milosevic to plan, prepare, and position his forces.

The relevant aspect of today’s world that the administration failed to mention in their arguments for involvement in this campaign is the impact this would have on U.S.-Russian relations. We have a tendency to believe Russia is so weak and needs our money so bad that we can disregard their views or interests.

I ask you to consider two key facts: as Russia’s conventional military declines, reliance on their nuclear arsenal increases; global stability cannot be achieved without cooperation between the U.S. and Russia.

The reciprocal unilateral withdrawal of thousands of tactical nuclear warheads between the U.S. and Russia may also be reversed. Russia has recently announced its intent to redeploy components of its tactical nuclear arsenal. We were on a path through arms reduction and steps toward increased transparency to addressing tactical weapons. These gains are steadily unraveling.

The administration never suggested that NATO strikes against Serbs may lead to a worst-case scenario over the next few years in Russian politics. Russia faces Parliamentary elections this year and a Presidential election next year. According to one of the most pro-American Duma members, the U.S. Administration picked the best route to influence the upcoming elections in favor of Communist and ultra-nationalist parties. In Russia, 90 percent of the public support the Serbs and are against NATO.

This war will have profoundly negative impact on the relationship between Russia and the U.S. for a long time.

The U.S. was supposedly not fighting for either side. We were trying to be the honest broker, at least in the beginning. Our actions have created enemies. These enemies have historical ties to Russia. Russia’s economy is in tatters, but Russia still controls the only means to obliterate the United States.

We feel we are in the right, because we are fighting a tyrant, one capable of great evil. I don’t disagree with the objectives sought, but I do believe that the Administration should have taken into account the possible political consequences of our actions on Russia’s political future, as well as our future relationship with Russia.

I believe those who suggest that NATO must be victorious in the Kosovo conflict. Victory in Kosovo is short-term if we do not sort out the broader consequences of a victory dictated on NATO’s terms.

Russia is edging closer to China, and India. Our blatant disregard of the security needs of others and perceptions may culminate in a Eurasian bloc allied against us—against NATO. And
The collapse of the Soviet state was inevitable, but it would have taken a lot longer without the catalyst of our rapid defense buildup. This charge greatly accelerated the breakdown in the Soviet Union’s economy. Their political and economic institutions unraveled in light of America’s clear superiority.

In 1991, after years of focus on a strong defense, when the Iraqis occupied Kuwait. U.S. forces were able to demonstrate their dominance. The U.S. military liberated Kuwait in a short, decisive campaign. The Gulf war was a ground and air war. It was a full blown offensive.

And at no time during the Gulf war did anyone even so much as hint that U.S. forces were spread too thin. There were no reports of not being able to thwart an attack from North Korea due to our commitments in the Gulf. Nor did we face a crisis of depleted munitions, stores, shortages in spare parts for our equipment, or waning missile supplies.

Eight years later, the cracks in our defense capabilities emerged after less than 60 days of an air campaign in the Kosovo region. In less than forty days of what have been limited air strikes, respected officials reported that U.S. forces are spread too thin. If North Korea or Saddam want to capitalize on our distraction in the Balkans, we currently would not have the means to defend our interests.

We have been forced to divert resources from other regions in the world to meet NATO’s needs in the Balkans. Our transport capabilities are insufficient. We evidently have too few carriers. Our munitions reserves are depleted. And, as ludicrous as it may sound, for years our military personnel have had to scramble to find spare parts.

In the early nineties, after the collapse of the Soviet Union, the U.S. was viewed as the only remaining “superpower.” Our global economic and military dominance was unquestioned. That time was, in the words of respected scholars and strategists, the Unipolar Moment. There was no doubt that the U.S. interests in any situation—whether military action or political persuasion were necessary.

We have squandered that moment and missed many opportunities to capitalize on our success. In fact, out of complacency and misplaced perceptions of the post-Cold War world, our defense capacity today is insufficient to match the threats to our national interests.

Many years of self-indulgence and inattention to our nation’s defense cannot be corrected with a one-time boost. This is a complex and long-term problem. But I’m committed to ensuring that our nation’s defenses are not further eroded by our complacency that has created our current situation.

We must have a strong defense. We must ensure that the men and women in uniform have the right equipment, the best training, and are afforded a quality of life sufficient to keep them in the military. This cannot be done by sitting on our hands and hoping that the world remains calm.

Additions to readiness accounts, ammunition, and missile stocks in the emergency supplemental for Kosovo will help ensure that our fighting forces are not in worse shape than before this engagement. It provides a small, but significant, step forward.

The Defense authorization bill before us takes additional steps in the right direction. I commend Senator Warner and his diligent staff on the hard work they have done to balance priorities and provide for our men and women in uniform.

Let me briefly outline some major provisions of this bill that I consider important and appropriate to address some of our military’s most pressing needs.

As an additional boost to problems in readiness, this bill authorizes an additional $1.2 billion in operations and maintenance funding.

The bill also includes over $740 million for DoD and Department of Energy programs that provide assistance to Russia and other states of the former Soviet Union. These programs address the most prevalent proliferation threat in our world today.

The $3.4 billion increase in military construction and family housing is an essential element of providing our armed forces with the quality of life they deserve. In addition, pay raises and improved retirement plans demonstrate our commitment to the people who serve in our military.

I do not think increased pay and better retirement address the full spectrum of issues that feed into retention problems. The preliminary findings of a GAO study requested by myself and Senator Stevens indicate that the main problem is not pay, but rather working conditions. Lack of spare parts and deficient maintenance are the most frequent reasons offered for dissatisfaction with their current situation.

These are important findings, because it is something we can address. As more conclusions come to light, we can do a better job in fixing the problems that currently contribute to recruitment and retention. We must pay close attention to these issues. The men and women serving in our military are the sole assurance of a strong, capable U.S. defense capability.

A strong defense must be coupled with a consistent set of foreign policy objectives that strive to reduce or contain security threats. At present, we have squandered that moment.

Mr. President, it seems we must focus on shifting the balance back in our favor. This cannot be done ad hoc. Securing U.S. interests requires sustained commitment and well-planned execution. First, we must provide the domestic means for a strong, capable armed forces. Second, we must be calculated and careful in the application of force as a fix to failed diplomacy.

THE NUCLEAR CITIES INITIATIVE

Mr. BINGAMAN. Mr. President, I would like to clarify a provision, section 3136(b), of the National Defense Authorization Bill for Fiscal Year 2000, concerning the Nuclear Cities Initiative (NCI). The Nuclear Cities Initiative is a Department of Energy cooperative effort with Russia to assist Russia in downsizing its nuclear weapons complex. The report accompanying the Defense Bill, Senate Report 106–50, states that Russia has not agreed to close or dismantle weapons-related facilities until the nuclear cities receiving U.S. technical and financial assistance. As a result, Section 3136 of the Defense Authorization bill contains a provision the would prohibit the obligation or expenditure of funding until the Secretary of Energy certifies to Congress that Russia has agreed to close some of its facilities engaged in work on weapons of mass destruction.

Because of several past interpretations by the Department of Defense of this wording similar to that in section 3136(b), I believe that the wording of this provision would effectively prevent the implementation of the Nuclear Cities Initiative.

While I share the goal of Senator Roberts, to ensure that the Russian weapons complex is downsized, I am concerned that the specific certification is unachievable. Russia has publicly committed to shut down or downsize some of its nuclear weapons complexes or related facilities. Even if the certification is achievable, the logistics of the required certification process could delay the program for a very long time.
The Nuclear Cities program is just getting started, but has already made some real progress. To stop the funding in fiscal year 2000, as is proposed in the Senate bill, would be a mistake. The Russian officials have already announced their intent to close some facilities seems to me to be counterproductive. If funding were suspended, program activities would be halted and the cooperative program itself placed in jeopardy. Given the shared concerns that Senator ROBERTS and I have with respect to prevention of the spread of nuclear weapons technology and information, I would like to ask for my esteemed colleague whether that is the intent behind this provision in the bill.

Mr. ROBERTS. I thank the Senator. The NCI was intended to be a joint program with the Russian government. At one point the Russians said that they would like $30 million to their program. Due to the current economic crisis in Russia, any Russian assistance to the NCI program will be in the form of kind contributions, such as labor and buildings. The NCI has the potential to provide U.S. government with significant economic benefit. According to the Department of Energy, the benefit to the United States is to have the Russian government close or dismantle the nuclear weapons complexes in those ten cities. However, the Russian government has not agreed to close or dismantle weapons-related facilities in these cities in exchange for United States' assistance. In the absence of such a Russian agreement, this initiative could result in great financial benefit for the Russians without any reduction in Russian weapons capability. The provision in question requires that, as a prerequisite for U.S. funding for the Nuclear Cities Initiative, the Russian government agree to close or dismantle weapons-related facilities in these cities in exchange for United States' assistance. In the absence of such an agreement, this initiative could result in great financial benefit for the Russians without any reduction in Russian weapons capability.

I assure the Senator from New Mexico that it is not the intention behind this provision to result in the termination of this program. Rather, it is to secure a commitment from the Russian government to do more to support the nonproliferation goals of the NCI effort. It is important to ensure that the Russians participate in the implementation of this program in an equitable way. A strong agreement will ensure that the Russians participate equitably through kind contributions and through the closure of weapons of mass destruction facilities. I believe the provision contained in this bill will afford benefits to the U.S. national security and will ensure that the program is on firm footing in the foreseeable future. I look forward to working with Senator BINGAMAN in overseeing the implementation of the Nuclear Cities Initiative and more broadly in addressing the issues under the subcommittee's jurisdiction.

Mr. BINGAMAN. I thank the Senator from Kansas for that assurance, and promise to work closely with you and the Department of Energy to see that the Nuclear Cities Initiative continues to move forward.

Mr. KERRY. Mr. President, I too wish to thank the Senator from Kansas for clarifying his intentions with regard to the language in this bill as it relates to funding for the Department of Energy's Nuclear Cities Initiative.

There is no more important national security issue facing America today than preventing the proliferation of weapons of mass destruction. Through the Nuclear Cities Initiative, the United States and Russia are working together to downsize Russia's nuclear weapons complex and prevent the dispersal of the scientific and technical legacy that remains in Russia today. In the short term, this will require the creation of alternate industries and new employment for as many as 50,000 scientific and technical professionals who are under tremendous financial burdens and might be tempted to offer their nuclear expertise to rogue governments and others who are all too willing to pay top dollar for that information. Over the medium term it is critical that the United States and Russia seek a commitment from the Russian government to establish mechanisms to allow for a sustainable economic development to allow our country's scientific and technological assets to be put to peaceful, prosperous use. Mr. President, the Nuclear Cities Initiative is an integral part of our ongoing counterproliferation efforts. I join my colleague from New Mexico in pledging to continue to work with the Senator from Kansas and the Department of Energy in support of this program. I yield the floor.

Mr. Gorton. Mr. President, I thank the Chairman, Mr. Warner, for including an amendment that directs a demonstration project for TRICARE Designated Providers to enroll new military beneficiaries on a 12-month continuous basis.

This is a compromise amendment sponsored by Senator SNowe, which I have agreed to cosponsor. Personally, I would have preferred a straight-forward amendment that would have permitted beneficiaries the same opportunities to enroll in the Uniformed Services Family Health Plan provided by Designated Providers as is currently available for TRICARE Prime. For the sake of providing fairness to the beneficiaries and affording more health care choices, beneficiaries should be able to enroll at a Designated Provider at any time during the year. I note that eleven groups representing military beneficiaries recently wrote the Chairman in support of this proposal for open continuous enrollment for the Designated Providers.

My preferred amendment, however, was not acceptable to the Committee. Nevertheless, I am pleased that a compromise advanced by my colleague from Maine was agreeable, which directs a two-year demonstration of continuous open enrollment for the Designated Providers. I urge the Department of Defense to faithfully carry out the provisions of this amendment as many of the TRICARE Designated Providers in the demonstration as possible. The agreed-to amendment does not restrict the size of the demonstration. Since the seven Designated Providers run the same Uniformed Services Family Health Plan by each, it makes sense to include all of them in the demonstration.

At a minimum, I urge the Department to include the PacMed Clinics in my state in this demonstration. The PacMed Clinics pioneered managed health care for military beneficiaries and have provided quality care to military families for a generation. Beneficiaries should have the opportunity to enroll at PacMed during any time of the year, just like TRICARE Prime. Accordingly, the demonstration mandated by this amendment should include the PacMed clinics and as many of the other Designated Providers as possible.

Mr. Smith of New Hampshire. Mr. President, I rise today to express my strong support for S. 1059, the National Defense Authorization Bill for Fiscal Year 2000. As Chairman of the Strategic Subcommittee, I want to briefly summarize the Strategic Subcommittee portion of the Armed Services Committee markup and the philosophy that it is based on. As in the past, the Strategic Subcommittee has reviewed the adequacy of programs and policies in five key areas: (1) ballistic and cruise missile defense; (2) national security space programs; (3) strategic nuclear delivery systems; (4) military intelligence; and (5) Department of Energy activities regarding the nuclear weapons stockpile, nuclear waste cleanup, and other issues.

This year, the subcommittee’s review included two field hearings—one at the Lawrence Livermore National Laboratory on DOE weapons programs, and one at U.S. Space Command in Colorado Springs on U.S. national security space programs. In addition, the subcommittee visited the U.S. Army Space and Missile Defense Command in Huntsville Alabama, Barksdale Air Force Base in Louisiana, the Capistrano High Energy Laser Test Facility in California, Beale Air Force Base in California, and a variety of military facilities in the Denver and Colorado Springs area. These visits greatly enhanced my understanding of the issues under the subcommittee’s jurisdiction and significantly influenced the bill before us today.

The Strategic Subcommittee recommended funding increases for critical programs under the subcommittee's jurisdiction by approximately $850 million, including an increase of $500 million for Ballistic Missile Defense programs, $220 million for national security space programs, $110 million for...
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strategic forces, and $50 million for military intelligence.

The Strategic Subcommittee also supported the full amount requested by the Department of Energy with the exception of the Formerly Utilized Sites Remedial Action Program. Let me highlight the key funding and legislative issues.

In the area of missile defense the Strategic Subcommittee included the following funding: An increase of $120 million to accelerate the Navy Upper Tier program and provide for continued development of advanced radar concepts. An increase of $212 million to fix the Patriot PAC-3 funding shortfall so the program can begin production during fiscal year 2000. An increase of $60 million to begin production of the Patriot Anti-Cruise missile program, which would fund an upgraded seeker for older Patriot missiles.

In the area of space programs and technologies, the Strategic Subcommittee included the following funding: An increase of $92 million, which the Administration requested, to fully fund the revised Space Based Infrared System (High) program. An increase of $111 million for advanced space technology development, including funds for space control technology, microsatellite technology, and space maneuver vehicle development.

In the area of strategic nuclear delivery systems, the Strategic Subcommittee included the following funding: An increase of $40 million for the Minuteman III Guidance Replacement Program to put the program on a more efficient production schedule. An increase of $32.4 million for bomber upgrades based on the Air Force’s unfunded priorities list, including funding for the F-16, Link-16 program and B-52 radar upgrades.

In the area of military intelligence programs the Strategic Subcommittee included a number of funding increases, including an increase of $25 million for U-2 cockpit and defensive system upgrades. I would note that the Strategic Subcommittee toured the U-2 base at Beale Air Force Base and witnessed first hand the serious deficiencies associated with the U-2.

In the area of DOD legislative provisions the Strategic Subcommittee included the following: A provision addressing DOD’s proposed TMD Upper Tier strategy, which reverses DOD’s decision to compete Navy Upper Tier and THAAD. A provision establishing a commission to assess U.S. national security space organization and management, which is modeled after the Rumsfeld Commission. A provision limiting the Retirement of strategic nuclear delivery systems, which extends last year’s law on this matter but also allows the Navy to retire 4 older Trident submarines while modernizing the remaining fleet to carry the D-5 missile. A provision regarding the Airborne Laser program, which requires a number of tests, certifications, and acquisition strategy modifications before the program can move into successive phases of its development. A provision regarding the Space Based Laser program, which requires near-term focus on an Integrated Flight Experiment.

In the Department of Energy section of the markup, the Strategic Subcommittee provided the full amount of the Administration’s request with the exception of the Formerly Utilized Sites Remedial Action Program. I took great pains to examine the budget request and eliminate those funding items that do not support organizational mission requirements. In the weapons program, my goal was to ensure DOE has a well planned and funded strategy for the U.S. nuclear stockpile. My goal in the cleanup program was to maintain the pace of clean-up at DOE facilities and continue to press for earlier deployment of innovative technologies to lower out-year costs.

The Strategic Subcommittee included the following recommendations regarding DOE funding: An increase of $55 million for the four traditional weapons production plants. An increase of $15 million for the tritium production program. A reduction of $30.0 million to the Advanced Strategic Computing Initiative. An increase of $35 million to support security and counter-intelligence activities. An increase of $17 million to increase security investigations in support of security clearances at DOE.

In the area of DOE legislative provisions since the cold war era, the defense innovation provisions attempt to repurpose our R&D system so that it can keep up with the pace of technological change in the very different world we are in today. It is my belief that the explosive advances in technology may provide the basis for not just a “revolution in military affairs,” but a complete paradigm shift. With advanced communication and information systems, it may become possible to fight a war without concentrating forces, making force organizations impossible to kill. With advances in robotics and miniaturization, it may become possible to fight a ground war with far fewer people. With advances in nuclear power, hydrolysis, and hydrogen storage, it may be possible to create virtually unlimited sources of on-site power. These opportunities are complemented by numerous challenges, also brought forth by technology: urban warfare, space warfare, electronic information warfare, chemical, nuclear, and biological warfare, and warfare relying on underground storage centers and facilities. As the variety of opportunities and

Mr. WARNER. I concur with my distinguished colleague from Michigan.

Mr. LIEBERMAN. Mr. President, I rise to discuss several provisions within the FY2000 Defense Authorization Act. These provisions can be found in Title II, Subtitle D, Sections 231–239 within the FY2000 Defense Authorization Act. These provisions are intended to stimulate intense technical innovation and modernize our military research and development (R&D) enterprise and hence lay the foundation for revolutionary changes in future warfare concepts. Before giving an extended introduction to these defense innovation provisions, I would like to thank Senator ROBERTS and Senator BINGAMAN and the staff who have worked on this subtitle—particularly Pamela Farrell, Peter Levine, John Jennings, Frederick Downey, Merrilea Mayo, and William Bonvillian—for their hard and thoughtful work on this legislation. The technical superiority of our military is something we have come to take for granted, yet it is founded in an R&D system that has seen little change since the cold war era. These defense innovation provisions attempt to reposition our R&D system so that it can keep up with the pace of technological change in the very different world we are in today.
threats continues to climb, and as increasing numbers of nations emerge into the high-tech arena, I believe the military arms race of the past will be replaced by a military technology race. Instead of simply accumulating ever greater numbers of conventional armaments against a well-established foe, as we did in the Cold War era, we will have to concentrate on producing fewer, but ever more rapidly evolving, and ever more specialized weapons systems to counter specific asymmetric threats.

To meet these new challenges, we need to transform our R&D enterprise from its antiquated Cold War structure to a fast-moving, well-integrated R&D machine that can seize the leading edge of technological advantages. For this reason, Senator ROBERTS, Senator BINGAMAN and I have inserted provisions within Title II, Subtitle D of the FY2000 Defense Authorization Act whose purpose is to stimulate a much greater and faster degree of technical innovation within the military.

The defense innovation provisions address three goals—establishing a new vision for military R&D, changing the structure of the military R&D enterprise, and correcting the driving forces for R&D in our current system. For the first task, establishing a new vision, Section 231 of the FY2000 Defense Authorization Act requires DoD to determine the increasing dangers of future wars we will likely face two to three decades from now, and what technologies will be needed on our part to prevail against those threats. Given that it takes 20-30 years to translate basic science to fielded application, our R&D vision needs to be founded on a set of required operational capabilities that is equally distant in time, and far beyond the 5 year vision of our current Progression Memoranda (POM’s). We need not strive for perfect clairvoyance in this exercise; however, we should be able to create an open conceptual architecture which successfully frames the many potential future opportunities and threats. Once the far future threats and hence far future operational capabilities are outlined, Section 231 asks DoD to provide a roadmap of future systems hardware and technologies our services will have to deploy within two to three decades to assure US military dominance in that time frame. From the first road map, we are requesting DoD derive a second road map—the R&D path that DoD, in cooperation with the private sector, must follow to implement these new defense technologies and systems. To add depth and perspective to the results, I encourage the Secretary of Defense to utilize an independent review panel of outside experts in these exercises to supplement the work done by in-house personnel. The broader our vision, the more likely it is to be inclusive of whatever surprises the actual future may bring.

A second goal of the defense innovation provisions, Subtitle D, is to lay the groundwork for an organizational structure that will enable DoD to leverage the innovation structure, we will be unable to deliver to DoD the rapid technological advances it will need to secure and maintain world dominance. To meet the challenges of the upcoming decades, the Defense Science Board recommends at least one third of the technologies pursued by DoD be ones that offer 5 to 10 fold improvements in military capabilities. However, the current R&D structure, which was founded on Cold War realities, will require large organizational change to enable it to pursue revolutionary, rather than evolutionary, technology goals. The segregated and insulated components of the military R&D structure will need to be seamlessly interwoven, and the system as a whole will need to be much more flexible in its interactions with the outside world. We can learn from the success of the commercial sector, which takes advantage of technological opportunities that the military may reap the respective military and economic gains. Also in Section 231, the Secretary of Defense is requested to deliver a solution to the major structural gap which currently exists between the R&D pipeline and the acquisition pipeline. Development of the best technologies in the world will not help our future military posture if those technologies are never adopted, or even seen, by the acquisition arms of our services. Finally, to better manage the many technological threats within the military’s decision making process, Section 233 in the FY2000 Defense Authorization Act requests a DoD plan for modifying the current organization structure of military leadership (i.e., its uniformed officers) so they may better understand the technological opportunities and threats they face.

The laboratories themselves could and should play a crucial role in our future military. Ideally, the military laboratories are the place where the minds of the brightest scientists meet the demands of the most experienced warfighters. Out of this intensedialogue would then come an understanding of future warfare possibilities, as well as the technological breakthroughs critical to changing the face of warfare as we know it. For various reasons, however, that vision is in danger of becoming lost. One specific problem is that DoD’s rigid R&D structure and the corresponding lack of performance-based compensation, which is causing the labs to rapidly hemorrhage talent to the more competitive and less bureaucratic private sector. To address these issues, a defense innovation provision within the FY2000 Defense Authorization Act—specifically, Section 237—repeals several of the labs’ restrictive personnel regulations. The intent of this Section is to drastically reduce hiring times and eliminate artificial salary constraints to the point where defense laboratories can hire new talent in a time frame and at a salary level that is similar to that offered by the private and university sectors. Currently, the typical time to hire is much closer to competitive: the military R&D labs take several months to over a year to extend an offer, with the result that the laboratories, over and over again, lose the hiring race to private sector interests which can hire top-notch talent in one or two weeks. As noted by the Defense Science Board report, the salaries which can be offered by the laboratories are also about 50 percent lower (for higher grade new hires), compared to the salaries those same new hires could obtain in the private sector. It is significant that the hiring time problem, as well as the high grade caps problem, were universally cited by laboratory managers as the key obstacles in upgrading their laboratory talent.

In addition to improving the quality of the laboratories’ effort by attracting and retaining highly qualified personnel, the defense innovation provisions ask the Secretary of Defense to improve the quality of work itself by developing a system of modern business performance metrics which can be implemented within and across all military laboratories (Section 239(b)).
Such metrics can help ensure that the best work and the best talent are identified, so that they may be rewarded, nurtured, and used accordingly. With a word of caution, the ultimate impact of science and technology innovation is very hard to measure, especially in the early stages. Overly mechanical assessments of innovation do much more harm than good. Nevertheless, advanced technology companies have been making great strides in better assessing (and assisting) their innovation efforts, and DoD is encouraged to work with industry R&D leaders in implementing this section. Examples of metrics which may be useful for DoD labs include measurement of lab quality through formal annual peer reviews of its divisions, measurement of technical relevance through required customer approval of R&D projects both before and after they are undertaken, and measurement of organizational relevance through annual board meetings of senior military with the heads of the R&D laboratories. The first two can help laboratories and bring attention to promising work in its earliest stages, while the last two can help bridge the gap between later stage innovation and new products.

The need for structural reform within the laboratories is a pressing one. The above-mentioned reforms are intended to be jump started with a pilot program, found in Section 236 of the Defense Authorization Provisions. This pilot program may address any of the issues mentioned above but is particularly focused on the problem of attracting and retaining the best possible talent for the laboratories. To be more competitive with working conditions in the commercial sector, this pilot program might include evaluation of R&D projects by DoD laboratories and industry outside partners, and pay a premium for performance, starting bonuses (e.g., in the form of equipment start-up funds) for attracting key scientists, ability to alter reduction in force (RIF) retention rules to favor high performers, broadening of pay grades, simplified employee classification, educational programs which allow employees to receive advanced degrees while still employed, modification of priority placement procedures, and creation of employee participation and reward programs.

To attract the best possible outside talent for collaborations with the laboratories, Section 236 also encourages expansion of exchange programs at both the personal and institutional level. Programs for exchanges within DoD, with the private sector, and with academic institutions are all encouraged. Examples of such programs include the sponsorship of talented students through college or graduate school, scholarships for later work commitments to the laboratories, expansion of the federated laboratory concept, increased exchanges between the defense laboratories and the war colleges, training programs, and extension of IPA authority to hire commercial sector employees. The Defense Science Board recommends that the laboratories emulate DARPA in its mix of temporary and permanent worker-in order to be able to quickly bring in relevant talent when needs shift.

Section 236(a)(2) creates this option and can be used in conjunction with other provisions in Subtitle D. A new structure and a new vision are all well and good, but if there is no motivation for the new structure to produce tangible results, it is too late—nothing is gained. Consequently, the third goal of the defense innovation provisions is to correct current forces which tend to drive DoD away from technical innovation. Three of these driving forces are described below.

The first “counter-innovation” driving force is the lack of a well-defined customer within the military for far future military technologies. Ideally, this customer would be at the Joint Chiefs level, so that broadly sweeping acquisition programs, profit margins and novel technologies can be rapidly incorporated into our existing military structure, doctrine, and systems. Unfortunately, there is little connection at present between that level and the service laboratories. Section 239(b)(2) should be used to improve this situation. Furthermore, as part of the legislation’s mandated study on improving the structure of our R&D system (Section 233), we also request the Under Secretary of Defense to address the issue of a suitable internal customer for truly long range R&D. For maximum impact and credibility, this customer—whether it be a person, position, or organization—should be a bona fide paying customer who has responsibility not just for the long range technology itself, but for the unconventional military options such technology provides.

The lack of an internal customer for long range R&D is one driving force pulling the military away from technical innovation. The second is the vacuum-like force created by the absence of an intimate connection between the R&D customers and producers within the later stages of R&D. Specifically, there is an insufficient connection between the program managers who sponsor product development and the R&D workforce performing later stage R&D. In contrast, the industrial experience has shown that if the customer, researchers, and designers share in all product development decisions from the very initial stages of concept design, the degree of innovation is much higher, the product acceptance rate is much higher, and, ultimately, the pace of technological change is dramatically accelerated. Section 233(b)(5) directs the Under Secretary of Defense to identify how new technologies can be rapidly transitioned from late stage R&D to product development and prepare an appropriate plan for doing so. This issue within this larger problem is this need to create a DoD customer—DoD researcher—DoD designer interaction that is early enough and robust enough to ensure that maturing innovations are drawn into a military time scale similar to that experienced in the commercial sector. This subissue should be addressed in the Under Secretary’s plan under Section 233(b)(5).

The third force which drives the military away from technological innovation is the lack of a customer outside the military for innovative military technologies. Were such a customer present, it might partially make up for the lack of the other two drivers in terms of motivating innovation. Currently, the most important external customer for military R&D is the industrial half of the military-industrial complex. However, the structure of our procurement regulations give virtually no incentives for the commercial sector employees. The Defense Science Board recommends that these regulations be modified to give companies no matter how difficult the technical path or how many risks are undertaken in the process of producing a military system. Therefore, the continued production of legacy systems is not a direct disincentive to innovation, giving the defense industry a strong vested interest in adhering to incremental change. The resulting lobbying by industry, aimed squarely at preserving the “state-of-yesterday’s-art,” then significantly slows the rate at which the military can innovate. Accordingly, one of the defense innovation provisions, Section 234, Subtitle D, Title II of the FY2000 Defense Authorization Act, calls for DoD to change its profit margins for acquisitions in order to alter the innovation incentives for industry. Given substantially higher profit levels for the development of innovative systems, than for the continued production of legacy systems, industry could become much more receptive to the industry of cultivating innovation in fielded hardware. Substantive, consistent economic rewards are critical to incentivizing companies to take the necessary and serious technological risks required to produce the innovations DoD must have.

In closing, I thank my colleagues Senators ROBERTS and BINGAMAN for joining me in developing a set of stimulating and thought-provoking defense innovation provisions within Subtitle D, Title II of the FY2000 Defense Authorization bill. These provisions should launch us towards a new vision, a new structure, and a new set of driving forces for military R&D. In the past 48 years, DoD has funded the pre-award research of 58 percent of this
country's Nobel laureates in Chemistry, and 43 percent of this country's Nobel laureates in Physics. This is a phenomenon, and it is happening right here. The military, however, the Cold War structure and rationale for our R&D enterprise needs to be shed so that leading edge technology can emerge. The time to do this is now, because, in many senses, the future is already here. The military systems of 2020 and 2030 will be founded on the science of the year 2000.

Mr. KOHL. Mr. President, I come to the floor today to draw the Senate's attention to the CBO cost estimate on the Defense Authorization bill. In the Budget Resolution Congress agreed that the national defense account would have $288 billion in Budget authority and $276 in outlays for fiscal year 2000.

The CBO estimates that the Defense Authorization bill as it currently stands in the Senate, would exceed the outlay level by almost $7 billion. The Budget Committees of the House and Senate have told CBO to reduce their scores by $10 billion in order that the bill fit under the caps. While this changes the scoring number, it does not change the fact that the bill still authorizes the Department of Defense to spend $284 billion next year, $7 billion over the caps.

Whether someone agrees with the Budget Resolution or not, these sorts of end runs are destructive to the process by undermining popular confidence in the institution.

If there is not enough money for Defense in the Budget Resolution, then members should not have supported it back in March. If there was enough in March, nothing has changed, and it should be enough now. The Congress recently passed supplemental Appropriations bill that include $11 billion for the Kosovo operation, almost $5 billion over the President's request, so there should be plenty of money for our operation in Europe. Now, if members grudgingly supported the Resolution because of the assurances of the Budget Committee Chairman that he would "fix the outlay problem," I ask them to show me the fix. It looks as though the Budget Committee did nothing but allow Defense spending to exceed the budget caps without letting any other program do the same.

Congress should own up to the fact that the Budget caps are being exceeded. They are being quietly raised by the increase in a scoring gimmick. Members should take notice that the way to get more money for your appropriations priorities is to petition the Budget Committee for an "outlay fix".

"There is going to be a train wreck at the end of this year, and we all know it. There is going to be a train wreck, and it will happen because no one is driving the train, we are all just nervously looking out the window admiring the scenery and trying not to think of our impending doom. The American people will eventually figure out how much we are going to spend next year. The increases in Defense spending will not doubt be joined by a tremendous amount of last minute spending at the end of the year. The American people will look at what Congress told them we would spend at the beginning of the year, and what we will eventually agree to at the close of the year and they will be very surprised at the difference. I hope they hold us accountable.

It is worth noting that we do not have to be in this situation. Congress could take action to cut unnecessary spending in the defense account. This could be done without breaking any scoring rules. There would be a reduction in growth, and free up resources for other needs around the country.

Another two rounds of base closures for example, while increasing outlays by $10 billion in order that the bill fit under the caps. While this changes the scoring number, it does not change the fact that the bill still authorizes the Department of Defense to spend $284 billion next year, $7 billion over the caps.

Mr. ASHCROFT. Mr. President, I rise today to speak for a few moments about the F-15 Eagle, the finest fighter plane in the world. The F-15 arguably has been the most successful fighter in the history of U.S. aviation warfare. Tasked primarily in the Air Force, it is in danger of being lost.

The Senator from Wisconsin, Senator FENGBOLD, and I had a debate this morning on congressional oversight of the Department of Defense. I agreed with the Senator from Wisconsin that Congress has oversight responsibilities for the Pentagon, but disagreed with abdicating that responsibility to GAO.

In the case of the F/A-18E/F, Congress has exercised its oversight responsibilities. Three of the four oversight committees already have approved the multiyear contract for the E/F, and the House appropriators are expected to next month.

But Congress does have a responsibility to address deficiencies in judgment within the Defense Department when it sees them. The Senate that the F-15 is a national security asset that must not be lost. Our military has come to the Senate time and again pleading with us to give them the authority to close bases through the Commission process in a manner isolated from political pressures. Had we supported base closure rounds when they were initially requested we might not now be pushing so tightly against the budget caps, while straining under draconian cuts in the non-defense accounts.

Senator KERRY has also offered an amendment that would help reduce the need to rely on budget gimmicks without reducing our capacity overseas. He would simply allow the Department of Defense to reduce our nuclear forces below the START I levels of 6,500 warheads. According to CBO, if we reduce our warheads to the START II level of 3,500 the Department of Defense could save $12.7 billion by 2009. All that would be required without reducing our conventional capability one iota. While nuclear deterrence is still important, it can be accomplished with many fewer missiles, and at less cost.

My point, Mr. President, is defense spending does not have to be this high. It is only this high because Congress and the Department of Defense are unwilling to make the tough choices to bring the cost of defending our nation and interests down to a sustainable level. When our troops are deployed overseas, and in harms way, it is hard to critically look at the defense budget for unnecessary or unwise spending. Our instinct is to give our brave men and women whatever they need and then some to get the job done. Our responsibility to our nation is even more important now than ever to closely examine our spending priorities. We need to stretch every defense dollar as far as it can go, and to do that we need to look for efficiencies and cut wasteful projects and items that contribute little to our defense.

Careful spending is the way to reduce outlays, not budget gimmicks. Congress needs to be more critical, not more clever.

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to encourage budgetary discipline in other tactical fighter programs. Purchasing more F-15s would encourage budgetary discipline in the F-22 program.

I and many of the members from the Missouri and Illinois delegations have written to the President requesting a meeting regarding the F-15. We have not received a reply. We have asked the President that he take the steps necessary to keep the F-15 line open. Unfortunately, the Clinton administration has blocked efforts to do so.

The F-15 program was initiated with a Request for Proposal in December 1968. The first model, the F-15A, entered operational service in 1976. The F-15A was a single mission, air superiority fighter with a maximum gross weight of 56,000 pounds.

The F-15 entered the world stage as the dominant air superiority fighter in 1976, and the evolution of the program demonstrates just how much this great fighter has improved over the years. Twelve and subsequent models of the F-15 were developed, the latest model, the F-15E, was delivered to the Air Force in 1988.

The F-15E’s gross weight was 45 percent greater than the A model. Engineers increased fuel capacity over 50 percent to 34,000 pounds, giving the aircraft record range. Payload was enhanced and the dominant air-to-air platform was given critical air-to-ground capabilities. Avionics, engine, and weapons technology were also upgraded.

The F-15 is arguably the most versatile and effective fighter in the history of the U.S. Air Force. The F-15 has never lost in air-to-air combat. It has the best air-to-air kill ratio of any fighter in the history of U.S. aviation warfare: 96.5 to 0. That was certainly the case in Desert Storm, where F-15s destroyed 35 of the 37 fixed-wing aircraft Iraq lost in air combat. The F-15E maintained a 95.5 percent average mission capable rate, the highest of any fighter in the war. The F-15’s stellar performance also has been on display in Kosovo. General Johnny Jumper, Commander of U.S. Air Forces Europe, has lauded the performance of the F-15 as the workhorse of the operation.

In addition, the F-15 has the best safety record of any Air Force fighter: 2.22 hours per 100,000 flying hours. With a record like that—the best safety record, the most successful air-to-air combat record, the most versatile aircraft in the Air Force inventory—it is not difficult to see why the plane is in such high demand.

One of the major concerns about the F-15 is the cost of the airplane. When you compare a $50 million F-15 to an F-22 that costs over $100 million, the F-15 doesn’t look so bad. But even against the cheaper F-16, the cost differential is not as great as it appears.

The greater capabilities of the F-15 over the F-16 negate much of the cost differential. RAND completed a study for the Air Force entitled “Measuring the Effectiveness of Fighter Aircraft.” Let me mention several of the major conclusions of the report which were made in light of the nature of future conflicts.

First, increasing the use of inertially/GPS-aided weapons could exploit the inherent payload carriage advantage of the F-15E. Second, most regional conflict scenarios involve long distances from bases to targets, favoring aircraft having greater combat radius. Third, as the fighter force structure contracts, higher quality systems can help maintain force capability.

Each of those conclusions point to the desirability of the F-15. A major conclusion of the report was that “over a wide spectrum of cases, our analysis suggests that an equal cost but smaller force of F-15s is a more cost effective carrier of weapons to the target area than an alternative larger force of F-22s. And in the future, the employment characteristics of future precision weapons, the size of many potential regional conflict theaters, and the reality of expected force structure contractions seem consistent with the capabilities offered by large, long radius vehicles such as the F-15E.”

Another reason to maintain the production capability of the F-15 is uncertainty over the future of the F-22 and Joint Strike Fighter. These fighter programs may have additional developmental difficulties. The F-22 is not expected to be in operational service until 2005. The Joint Strike Fighter will not be in service until 2010 or later. Remember, these are the best case scenarios.

Since its inception, the F-22 program has been restructured three times, with a 50 percent reduction in the number of planes to be procured. The F-22 is up against budget cuts and efforts to expand out of the political capitol in Congress. Additional, significant increases in cost could jeopardize the program, which still has five years to go to Initial Operational Capability.

Because the Air Force has had to reduce the number of F-22s it will buy, it will need to rely more on the F-15. Colonel Frederick Richardson, chief of F-22 requirements at Air Combat Command, states, “From a pure numbers standpoint, we’re clearly not going to be able to replace the F-15 with F-22s on a one-to-one basis, which means we’ll have to assume some more risks and probably keep the F-15 around for some time.” But if the F-15 line is shut down, there won’t be the production capabilities to fill the gap.

To conclude, Mr. President, the F-15 is the best fighter in the world. Its unique capabilities have made it the most heavily tasked aircraft in the force today, according to General Hawley, Commander of the Air Force’s Combat Command.

The RAND study concludes that the F-15E is the kind of airplane we need to meet the security threats of the future. The RAND study itself encourages the Air Force to pursue a better mix of fighter aircraft, stating that “To maintain force capability as its force structure contracts, the Air Force may need to strive for a higher quality mix of forces. The Air Force should be alert to opportunities for maintaining and in some cases enhancing overall force effectiveness despite cuts in force structure.” (From the report “Measuring Effects of Payload and Radius Differences of Fighter Aircraft.”)

By purchasing additional F-15Es, not only are we taking appropriate steps to meet our current force needs, we are preserving a critical national security asset for an uncertain future. I reiterate my call on the President to take the necessary steps to keep the F-15 line open.

Mr. LIEBERMAN. Mr. President, I rise in support of the FY 2000 defense authorization bill. As the challenges facing us today demonstrate, the effectiveness of our military, and its readiness to act immediately to protect our national interests, must always be a priority concern for Congress.

The $288.8 billion proposed in this bill is a 2 percent real increase over last year’s budget, which is the real first increase in topline defense funding since FY 1986, the middle of the Reagan administration. After fourteen years of declining, or flat defense spending, we increased authorization for readiness programs by $1.1 billion, we increased authorizations for procurement by $2.9 billion, and we increased authorizations for reseach and development by $1.5 billion.

I firmly believe this bill makes an important statement at a critical time, affirming our commitment to having the right sized and equipped, and most effective military in the world, both today and tomorrow.

Under the excellent leadership of our colleagues, Senator John Warner, chairman of the Senate Armed Services Committee, and the ranking Democrat, Senator Carl Levin, we stepped up to our responsibility to provide what our soldiers, sailors, and airmen need today, and we took some very important steps to move toward the military that will protect our nation in the next century.

The past 14 years of inadequate defense spending has taken a toll on the readiness of our force today. We simply were not able to keep our training and maintenance at the levels that our role as a superpower demands. The struggle to do so, and the increasing need to use our forces to meet the many challenges of the post cold war world has taken its toll not just on equipment, but on our people in uniform. Simply put, the morale of our forces is suffering. This past
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year, we not only sought out and listened to our nation’s top military leaders and they outlined the problems facing our armed forces in this bin. I addressed the most critical of those problems, including falling recruitment and retention in critical skill areas; aging equipment that costs more to keep operational; inadequate levels of technology; a need for more support services for a force with a high percentage of married personnel.

So I am pleased and I am proud that we reversed the 14 years of declining defense dollars and added the money to welfare programs fixed the underlying welfare problem in America. Adding money was necessary, but it won’t be enough. How we spend the money we spend as important as how much money we spend. We have to be sure to focus on how the provisions we have included here are working to have a positive effect on those critical problems we must solve.

This will be more difficult than it has been in the past. We are now in an era of fundamental change for our security and our military. The collapse of the Soviet Union in 1991 and the unprecedented explosion in technology are now redefining what it is we are asking our military to do, the threats that it must overcome to do what we ask of it, and the capabilities that our military will bring to bear to successfully accomplish its mission. This body has been in the forefront of demanding rigorous assessments about our needs and our potential. In the year 2000, under the Force Structure Review Act of 1996, the Secretary of Defense to complete a comprehensive assessment of the defense strategy, force structure, force modernization plans, infrastructure, and other elements of the defense policies and programs with a view toward determining and expressing the defense strategy of the United States and establishing a revised program. This assessment, completed by the Secretary of Defense in 1997, declared that our future force will be different in character from our current force, and placed great emphasis on the need to prepare now for an uncertain future by exploiting the revolution in technology, and transforming the force toward that envisioned in Joint Vision 2020. The independent National Defense Paper report published in December 1997 concluded “the Department of Defense should accord the highest priority to executing a transformation strategy for the U.S. military starting in 2000.” These assessments, and others that have come to our attention, have reinforced the wisdom of Congress in passing in 1986, over the Pentagon’s strenuous objections, the Goldwater-Nichols act and have provided us here with a compelling argument that the future security environment requires new capabilities. In the year 1998, the Department of the Navy that we must begin to build the future force that will allow us to meet the challenges of the future we face is one of our most important objectives and that promoting innovation is among our greatest challenges. Under the leadership of the Senate Committee on Armed Services, chaired by Senator BINGAMAN, we focused on the critical threats facing our nation and the emerging capabilities to deal with these threats. I would like to highlight what I think is an important legislative provision that I think the committee placed in this bill that further both transformation and innovation. An ongoing initiative of transformation supported by this bill is joint experimentation. The committee recognized the program’s progress in developing joint warfighting requirements, doctrinal improvements, and in promoting the values and benefits of joint operations for future wars and contingency operations. We need to continue to identify and assess interdependent areas that will be key in transforming the conduct of future U.S. military operations, and expanding projected joint experimentation activities this year will be a strong base for future efforts. To this end the committee added funds to joint experimentation on its previous support for Joint Experimentation by adding $10 million to accelerate the establishment of the organization responsible for joint experimentation, and to accelerate the conduct of the initial joint experiments. The committee also modified the reporting requirements of the commander responsible for joint experimentation to send a strong signal that we expect him to make important and difficult recommendations about future requirements for forces, organizations, and doctrine and that we expect the Secretary of Defense fully inform us about what action he takes as a result of these recommendations. The bill also includes very important provisions to stimulate a greater degree of technical innovation faster within the military. It is my belief that the innovative advances in technology provide the basis for not just a “revolution in military affairs,” but ultimately a complete paradigm shift. The opportunities provided by technology give us the promise of achieving an order of magnitude increase in military capability over which we have today. The U.S. military of 2020 and 2030 will be based on the science we begin to develop in the year 2000. But to take advantage of this promise and defend ourselves against its use against us by future adversaries, we need to transform our R&D enterprise from its antiquated cold war structure to a fast-moving, better-integrated structure and a process that can seize the leading edge of techno-warfare. The Defense Innovation provisions in this bill establish a new vision for military R&D that is based more on how we want to fight in the future, and begin to alter the structure of the military R&D enterprise to achieve that objective through better integration and less inefficiency.

To help establish a new vision, the provisions require the Secretary of Defense to determine the most dangerous adversarial threats we will likely face two to three decades from now and what technologies we must focus on our part to prevail against those threats, and merge the strategic and technological decision-making processes. To help lay the groundwork for a new organizational structure for R&D, the Department of Defense must develop a plan which ensures the crossflow of technologies into and across R&D labs, and close the gap between the R&D pipeline and the acquisition pipeline, to ensure the customer receives the best available technology. Our R&D structure needs to be revamped now so that leading edge techno-warfare can emerge.

Along the same lines as innovation, this bill has provisions that ensure we continue to step up to our responsibility to oversee the transformation of our military to the future force that will protect our security in the 21st century. We need a permanent requirement that the Secretary of Defense conduct a Quadrennial Defense Review at the beginning of each new administration to determine and express the defense strategy of our nation, and establish a revised defense plan for the next 10 to 20 years. Complementing the QDR will be a National Defense Panel that would conduct an assessment of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program established under the previous quadrennial defense review. Based on our previous experiences with the QDR and NDP, and the debate they raised, it is obvious that any one time assessment is not going to provide all the answers we need. Periodic assessments as prescribed by this legislation will continue to provide Congress with a compelling forecast of the future security
environment and the military challenges we will face. The need for renewed emphasis on innovation and transformation has never been more apparent to me than after my time this year as the Ranking Member on the Army Subcommittee. That committee, under the excellent leadership of Senator RICK SANTORUM, examined many modernization issues affecting the Army and the Air Force. Some of the findings were disturbing, and reinforce the fact that despite the widespread and growing consensus that transformation is essential to our military, our budgets continue to look much as they have for a decade, focused on today’s force at the expense of tomorrow. I would like to discuss some of the disturbing findings, and some of the important provisions we included in the bill to begin to address these concerns.

We found that some responsible voices are concerned that the United States Army is facing a condition of deteriorating strategic relevance. The Army force structure is essentially still a cold war force structure built around very heavy weapons systems. The Army modernization program is based on incremental improvements to this force and is largely unfunded due to hard choices made in the past. This has resulted in inefficient programs and extended program timelines. Consequently we have a force that looks essentially the same today as it did yesterday, and that doesn’t have enough money to maintain an increasingly expensive current force and invest in the Army After Next which is the future. Kosovo is an example of the future for which we must surely face new situations that are increasingly urbanized, with growing deployment and access problems, and the need for lighter weight, self-deployable systems becomes compelling. We reviewed the Army’s modernization plan to understand the relationship between the current service modernization program and projected land force challenges. The Army’s modernization plans do not appear adequately address these issues.

So we have required the Army to take a fresh look at its modernization plans generally, and its armor and aviation modernization programs specifically, to address these challenges and to provide us with modernization plans that are complete and that will be fully funded in future budgets. We direct this analysis include the operational capabilities that are necessary for the Army to prevail against the future land force challenges, including asymmetrical threats, and the key capabilities and characteristics of the future Army systems needed to achieve these operational capabilities. We are especially concerned about the ability of the Army to maintain the current fleet of helicopters that is rapidly aging and we have included a provision to require them to provide a complete proposal that would upgrade, modernize, or retire the entire range of aircraft currently in the fleet, or provide an alternative that is sufficient and affordable. Similarly, the Army’s armor modernization plan seems to be inadequate to modernize the current armor force while designing the tank of the future, and leads me to believe that the Army must reassess armor system plans and provide us with the most appropriate path to accelerate the development of the future combat vehicle.

The Air Force has fewer apparent modernization problems than the Army, but I wonder if their modernization plan is on the right track. Our hearings strongly suggest that the Department of Defense needs to answer several questions about our tactical air requirements, not the least of which is the characteristics, mix, and numbers of aircraft best suited for future conflicts. Some important right mix of platforms and weapons really is to success on the battlefields of the future. We are embarked on three new TAC air programs which may report increasing costs coming dangerously close to the caps we have established, and in the case of the F-22 we must be alert to the danger that we will delay critical testing in order to not exceed the caps. And in the out years, the combined costs of these programs will consume a very large share of the overall procurement budget. We must make sure that we are not sacrificing other leading-edge capabilities, like unmanned aerial vehicles, information technology, or space technology. The specific aircraft programs may not be the solution as will the strategy for their use as we attempt to decide on the right course in future authorization bills.

We must overcome our cold war mentality and further examine and direct our trek into the 21st century. The provisions in this bill concerning innovation and transformation lay the foundation for the required changes in our defense mind set that will become mandatory as we face far different conflicts in the future—and, as we see on CNN everyday, much of that future is already here.

In closing, I express my appreciation to the committee for agreeing to include in the bill a provision to extend and expand the highly successful Troops to Teachers program, which I joined Senators MCCAIN and ROBB in sponsoring.

As my colleagues may know, this program was initially authorized by legislation that I helped to help transition retiring and downsized military personnel into jobs where they could continue their commitment to public service and bring their valuable skills to bear for the benefit of America’s students. The program Troops to Teachers has placed more than 3,000 retired or downsized service members in public schools in 48 different states, providing participants with assistance in obtaining the proper certification or licensing and matching them up with prospective employers. In return, these new teachers bring to the classroom what educators say our schools need most: mature and disciplined role models, most of them male and many of them minorities, well-trained in math and science and high tech fields, highly motivated, and highly capable of working in challenging environments.

The legislation we introduced earlier in the year, and which the President has endorsed, aims to build on this success by opening the Troops to Teachers program to military retirees to move into teaching. It would do so by offering those departing troops new incentives to enter the teaching profession, particularly for those who are willing to serve in areas where there are concentrations of at-risk children and severe shortages of qualified teaching candidates.

Even with the new incentives we are creating, which we hope will recruit as many as 3,000 new teachers each year, we recognize that Troops to Teachers will still only make a modest dent in solving the national teacher shortage. The Department of Education estimates that America’s public schools will need to hire more than two million new teachers over the next decade.

But we are confident that, with an extremely modest investment, we will make a substantial contribution to our common goals of not just filling classroom slots, but doing so in way that really improves teaching. Helping our children realize their potential. I can’t think of a better source of teaching candidates than the pool of smart, disciplined and dedicated men and women who retire from the military every year.

What’s more, with this bill, we may well galvanize support for a recruitment method that, as Education Secretary Richard Riley has suggested, could serve as a model for bringing many more bright, talented people from different professions to serve in our public schools. This really is an ingenious idea, helping us to harness a unique national resource to meet a pressing national need, and I think we would be well served as country to build on it.

In putting together this bill, once again hard choices had to be made. We closely examined and analyzed the critical defense issues, and we ended up with are effective and affordable defense authorization bill which meets the growing readiness and retention challenges facing our armed forces, and augments our investment in the research, development, and procurement
of the weapon systems necessary to maintain our military superiority well into the 21st Century. This bill compensates for the cuts in defense spending wrought by the past two years, our service men and women, plus lays the groundwork for a sensible and executable programs for our military. I urge all of my colleagues to support this legislation and send an unequivocal message of support to our troops and their families.

Mr. CONRAD. Mr. President, I rise in support of the bill before us.

In this bill the Armed Service Committee has done a good job of reconciling important yet competing needs for defense funding under daunting fiscal constraints. This bill will be an important contribution to our efforts to strengthen our already first-class military, and enhance important benefits for American military personnel, their dependents, retirees, and veterans.

I am especially pleased that this legislation includes my amendments concerning Russia’s tactical nuclear stockpile, National Missile Defense, and the Air Force cruise missile. I would offer to the distinguished Chairman and Ranking Member my most sincere thanks for working with me on these important amendments, as I would for the assurances they offered regarding the Navy’s BQM-74 in a colloquy with Senator DORGAN, Senator BINGAMAN, and myself.

Before reviewing several of the bill’s provisions, I would like to reflect for a moment on the context in which the Senate is considering this year’s defense authorization bill.

Mr. President, I have had the honor and privilege of serving the people of North Dakota and the nation in the United States Senate for 13 years. However, not the least among the many important things I have learned over that time is that the Senate has taken up a defense authorization bill while our forces are engaged in hostilities. I know I am not alone in being especially mindful of the fact that the provisions we approve here today will have a significant impact on our brave men and women in uniform as they do their jobs in Balkans and over Iraq. I am pleased that several sections of this bill address concerns and needs that have been identified during Operation Desert Storm without parent air campaign against Yugoslavia.

Now, Mr. President, allow me to highlight several particularly good provisions of this bill, for which Chairman WARNER and Senator LEVIN should be congratulated.

First, this measure wisely provides full funding for vital missile defense programs. National Missile Defense that is affordable, makes sense in the context of our arms control agreements, and utilizes proven technology has always had my support, and it is encouraging to see that it has been fully funded for fiscal year 2000. After damaging cuts in recent years, the revolutionary Airborne Laser program has also been fully supported this year by the Committee. Chairman WARNER and Senator LEVIN must also be praised for including many of the provisions passed earlier this year by the Senate as part of S. 4, the Soldier’s Sailor’s, Airmen’s, and Marine’s Bill of Rights. Several of the most beneficial include a base COLA of 4.8 percent for all personnel, coupled with reform of the pay tables. Servicemembers will also now be able to participate in Thrift Savings Plan.

Third, the bill recommends significant funding boosts for vital strategic forces. The Minuteman III Guidance Replacement Program will be kept on schedule with a $40 million hike, and $41.4 million has been wisely added for B-52 upgrades identified as top unfunded priorities by the military.

Additionally, the Committee has also supported important housing improvement projects at Minot and Grand Forks Air Force Bases in North Dakota, and acted to accelerate construction of a $12 million extension at Grand Forks.

Finally, I am pleased that the Strategic Forces Subcommittee has recommended a reduction in the minimum START I Trident submarine force level that must be maintained until START II is ratified by the Russian Duma. The Commander in Chief of the U.S. Strategic Command has assured me that we can meet our deterrence needs with 14 Trident boats, and that retirement of four submarines will not adversely affect our nation’s security.

All of these provisions are steps in the right direction, but there are a number of matters in this bill of great concern.

First, the Committee yet again did not provide adequate funding for the B-52H bomber force. Today, part of the fleet is deployed to keep an eye on Saddam, and 15 B-52s are participating in Operation Allied Force. The B-52 is the backbone of the long range bomber force, and it is my hope that the Committee will review its decision not the fund the entire force during conference.

As I have said many times before, no airborne platform can deliver a greater quantity or quality of nuclear and conventional munitions without refueling at as little cost to taxpayers than today’s thoroughly modernized, battle-tested B-52. I applaud Senator STEVENS and Senator INOUYE—the distinguished leadership of the Defense Appropriations Subcommittee—for acting to fund all 94 B-52s in the fiscal year 2000 defense appropriations bill.

Additionally, the bill unnecessarily increases spending on the Space Based Laser by $3.5 billion. One day we will likely testSBMmissiles from space. But that time is not now, when ground-based NMD will soon be available. Today, the SBL is an unnecessary, a clear violation of the ABM Treaty, and simply not feasible. I hope the extra funding is reallocated in conference.

My amendment includes a Sense of the Senate calling on the President to urge the Russians to match U.S. tactical nuclear cuts. Additionally, my amendment requires regular reports on Russia’s tactical arsenal, which could be larger than ours, and is not covered by any arms control treaty. My amendment builds on the bipartisan amendment I authored last year, and supports the related provisions in the bill before us.

I thank the able leadership of the Armed Services Committee for supporting this amendment, as I do for accepting my amendment concerning NMD. As a result of this measure, the Secretary of Defense will be required to study the advantages of a two-site NMD system, as opposed to a single site, as is now being considered by the Administration.

Although we may be able to defend all 50 states from a single site, there may be advantages from a two-site system related to defensive coverage, system security, and economies of scale. My amendment will make sure these are fully explored. Two sites are also not incompatible with arms control. In fact, the ABM Treaty as originally drafted included two sites, and it may be appropriate to go back to such an idea.

The third amendment I offered here today responds to growing concern on the part of our military commanders about the rapidly diminishing supply of conventional air launched cruise missiles, or CALCMs.

Simply put, the CALCM has performed brilliantly in Operation Allied Force. Its range of more than 1,500 miles, ability to carry a 3,000 pound warhead, and dead-on accuracy are unmatched by any other air-delivered cruise missile in the world. It represents a capability we will continue to need, long after the 60 or so left in the inventory, and the 320 now being converted from nuclear missions, have been expended.

My amendment will require the Secretary of the AF to report to Congress on how the Air Force plans to meet the long-range, large warhead, high accuracy cruise missile requirement once the CALCMs are expended.

In particular, three options will be reviewed: restarting the CALCM line,
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developing and acquiring a new variety of cruise missile with the same or better performance characteristics and upgrade that the bill before us is a good one, and deserves the support of every Senator.

No bill is perfect in every respect, but I am confident that this defense authorization bill will strengthen our armed forces and require studies that will enhance our national security. At a time when we are at war in the Balkans, ready for another on the Korean Peninsula, and continue an open-ended air campaign against Iraq, we owe our brave men and women in uniform no less.

Mr. FEINGOLD. Mr. President, I voice my strong opposition to the fiscal year 2000 Department of Defense Authorization Act. It is with disgust and sorrow that we are forced to bear witness to a defense bill that fails, once again, to understand the 21st century reality of national defense. So we set the foundation for our national defense in the new millennium to serve the needs of the Cold War era.

Mr. President, this bill exemplifies the Pentagon’s utter failure to adapt its priorities to the post-Cold War era. It promotes a pervasive Pentagon mind set that sacrifices the interests of our men and women in uniform to the assumption that bigger and more expensive weapons systems are always better. And even then, the prohibitive cost of the new weapons systems necessary means we cannot replace, on a one-to-one basis, old weapons for replacements. No matter how much money we throw at this problem, we won’t find a solution. Short of a true shift in the paradigm at the heart of our national defense strategy, this problem will continue unabated.

Mr. President, I start with a perennial culprit of misguided defense strategy; that is the continued spending of billions of dollars on wasteful and unnecessary programs. But this year, it’s been taken a step further.

For the past year, Mr. President, we’ve heard the call to address our military’s readiness crisis from virtually all quarters. We were told that foremost among the readiness shortfalls were operations and maintenance as well as pay and allowances accounts. This $288.8 billion dollar bill would have us increase O&M by all of $1.1 billion, with $1.8 billion for a pay raise and a retirement benefit change. That works out to a bit over 1 percent. I’m sure that our men and women in uniform are not impressed.

Mr. President, even the pay raise and retirement change is fraught with uncertainty and was addressed in a less than proper manner. In February, this body passed the Soldiers’, Sailors’, Airmen’s, and Marines’ Retirement Act, which did so without benefit of hearings, prior to the budget resolution, and prior to the issuance of three reports on whether such changes would improve recruitment and retention in our armed forces in the problem in a comprehensive manner. This is a quick fix to a complex problem.

Then, this month, we paid for the entire $1.8 billion price tag for the pay raise and benefit reform in the emergency supplemental bill. Yet we still await reports from the General Accounting Office, the Congressional Budget Office, and the Department of Defense on the efficacy of that action. Earlier this year, GAO offered preliminary data on a study showing that money has been overstatement as a factor affecting decisions to stay in or leave the military.

Instead, GAO found that issues like a lack of spare parts; concerns with the health care system; increased deployments; and dissatisfaction with military leadership may have as much effect on retention, if not more, than pay issues. These are the same concerns that I have heard from the men and women out on the front lines.

Mr. President, there’s no question that certain services have a recruiting and retention problem. For a variety of reasons, officers and enlisted members are leaving the Army, Navy, and Air Force, and these services are having problems bringing enough new people on board. Serious questions remain unresolved about the cause of this problem, or its best solution, yet we will authorize and appropriate the entire $1.8 billion in an extraordinary and inappropriate manner. This is a quick fix to a complex problem.

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Mr. President, one concern goes to the heart of the entire debate on our national defense. The underlying question is this: Why should the Pentagon receive billions of dollars more in funding when it has failed utterly to manage its budget?

In a 1998 audit of the Department of Defense, GAO, the official auditors for the U.S. Congress, could not match more than $22 billion in DoD expenditures with obligations; it could not find over $9 billion in inventory; and it documented millions in overpayments to contractors. GAO concluded that “no one part of DOD has been able to pass the test of an independent audit.” Throwing good money after bad without accountability is not the answer.

Instead, Mr. President, we will sharply increase defense spending. The fiscal year 1999 DoD authorization bill assumed a budget of $250.6 billion. Since that time, the Congress has added $17 billion in emergency spending for defense. That spending boost is not offset and takes money directly from the Social Security Trust Fund.

Mr. President, we have done a tremendous job of eliminating our budget deficit. We’re staring a huge budget surplus in the face, but we can’t seem of both the Congress and the President to do more with less, to trim excessive spending wherever possible and maintain important services with fewer resources. We have begun to succeed in this bill. In fact, this bill makes them worse.

Mr. President, a large part of that success has been due to the willingness of both the Congress and the President to do more with less, to trim excessive spending wherever possible and maintain important services with fewer resources. We have begun to succeed in
around the globe as it does today. We would not be able to respond to crises without men and women willing to volunteer for military duty, the Nation's armed forces, while maintaining a realistic balance between readiness to take corrective and effective action to prevent violence involving military families. We have a responsibility to these families to help them cope more effectively with this problem. An important provision in this year's bill require the Secretary of Defense to appoint a military-civilian task force to review domestic violence in the military. In addition, the bill takes other steps to guarantee that the Services are more sensitive to this problem and take steps to prevent it. I yield the floor.

Mr. KENNEDY. Mr. President, I support the National Defense Authorization bill for fiscal year 2000. This past year has demonstrated once again how important it is for the Nation to maintain a well-prepared military. There is no doubt that the Nation's armed forces are more active today than they were during cold war. Our servicemen and women are currently conducting combat operations in Kosovo and Iraq. They are serving as peacekeepers in Bosnia and as humanitarian support personnel in Central America. All of this is taking place in addition to the day-to-day routine operations and exercises in which the military participates throughout the year in this country and in many other parts of the globe.

The Nation is also calling on its National Guard and Reserve units at an increased rate. This past year, Guard and Reserve units from Massachusetts were deployed in support of operation Northern Watch in Iraq, Hurricane Mitch relief in Central America, and most recently Operation Allied Force in the Balkans. Our country is proud of their service and grateful for the sacrifices that they, their families and their civilian employers are making for all of us.

Our armed forces continue to do all that is asked of them. This year, many of us in Congress have been concerned about the fact that these increased operations tempo are having on our service personnel and equipment. We have no doubt about the dedication and skills of our .14 million men and women in the Army, Navy, Air Force and Marine Corps who make our military the most capable fighting force in the world today. But there are increasing questions about whether they are receiving the full support they need to do their job well.

This bill addresses many of the current problems about declining readiness, insufficient equipment, and inadequate recruitment and retention. It provides greater support for our military forces, while maintaining a realistic balance between readiness to take care of immediate needs, and the investments needed to develop and procure the best systems for the future.

The cornerstone of the Nation's military preeminence rests on many factors, but the most critical is its people. Without men and women willing to volunteer for military duty, the Nation would not be able to respond to crises around the globe as it does today. We need to have cutting-edge weapon systems, but we also need dedicated service members to operate these systems. It is imperative for us to provide effective but fair and balanced care in their families.

Today's force is truly an all volunteer force. Its ranks contain well-educated professionals who have chosen to serve their country in the armed forces. We must treat them as professionals or will lose them.

The bill provides a fully-funded and well-deserved 4.8% pay raise for military personnel, as well as expanded authority to offer additional pay and other incentives to critical military specializations. The bill also improves retirements benefits for those who are serving by addressing concerns with the current system and allowing servicemen and women to participate in the Thrift Savings Plan.

The bill also enhances the very successful Troops-to-Teachers Program. Troops-to-Teachers was established by Congress in 1993 and has enabled over 3,000 service men and women to go into the teaching profession. These teachers have filled positions in high-need schools in 48 states. The bill shifts the responsibility for this program to the Department of Education in order to see that it is coordinated as effectively as possible with our overall education reform initiatives.

Well over half of today's military is married. In many cases both parent are employed. The military also contains many single mothers and fathers. Each of these constituencies has unique characteristics and need that must be recognized so that we can encourage continued service and careers in the Nation's armed forces.

The bill contains a provision which I strongly support to authorize the Secretary of Defense to provide financial assistance for child care services and youth programs members of the armed services. These expanded provisions will ensure that many more military families have access to adequate child care and worthwhile activities for their children.

The Nation’s service men and women operate in a demanding and stressful environment that is being exacerbated by the increased operations of the last decade. One unfortunate result has been an increase in domestic violence involving military families. We have a responsibility to these families to help them cope more effectively with this problem. An important provision in this year's bill require the Secretary of Defense to appoint a military-civilian task force to review domestic violence in the military. In addition, the bill takes other steps to guarantee that the Services are more sensitive to this problem and take steps to prevent it. I yield the floor.

The bill takes needed steps to ensure that the Nation's naval forces have the vessels and equipment they need to sustain naval operations throughout the world.

The bill authorizes the extension of the DDG-51 destroyer procurement for fiscal year 2002 and 2003 and increases multiyear procurement from 12 to 18 ships. The bill also authorizes the Navy to enter into a 5-year multiyear procurement contract for the F/A-18E/F Super Hornet. In addition, it increases the budget request for the Marine Corps MV-22 Osprey tilt-rotor aircraft from 10 to 12. These are all strong steps in strengthening the readiness of the Nation's Navy-Marine Corps team.

Last year, the Defense authorization bill called for a 2 percent annual increase in military spending on science and technology from 2000 to 2008. Unfortunately, the Department’s proposed Fiscal Year 2000 budget reduced spending on science and technology programs. The Air Force, alone, was slated for $95 million in cuts in science and technology funding. Such a decline would be detrimental to national defense, particularly when the battlefield environment is becoming more and more reliant on technology. Fortunately, under the leadership of the Chairman of the Emerging Threats and Capabilities Committee, Senator RODGERS, this bill restores $70 million in Air Force Science and Technology funding, to ensure that sufficient scientists and engineers are available to conduct research to address the Defense Department’s technology needs for the future.

One of the most important technology fields is in the area of cyber-security. The growing frequency and sophistication of attacks on the Department of Defense’s computer systems are cause for concern, and they highlight the need for improved protection of the Nation’s critical defense networks. This bill includes a substantial increase in research and development on defenses against cyber attacks. This increase will greatly improve the Department's focus on this emerging threat.

Existing threats from the cold war are also addressed in this legislation. The efforts to provide financial assistance to the former Soviet Union for nonproliferation programs such as the Nunn-Lugar Comprehensive Threat Reduction programs are essential for our national security. I commend the administration’s plans to continue funding these valuable initiatives and the committee’s support.

One of the greatest threats to our national security is the danger of terrorism, particularly using weapons of mass destruction. We must do all we can to prevent our enemies from acquiring these devastating weapons and from being able to conduct successful terrorist attacks on the Nation. Significant progress has been made toward...
stressing the Nation's response to such attacks, but more must be done. This bill strengthens counter-terrorism activities and increases support for the National Guard teams that are part of this important effort.

I commend my colleagues on the committee for their leadership in dealing with the many challenges facing us on national defense. This measure is important to our national security in the years ahead and I urge the Senate to approve it.

Mr. REID. Mr. President, I thank my colleagues for their hard work over the last few days on this very important bill. The events in Kosovo underscore the importance of the work that we are doing there.

I think that we have worked to put together a good bill. It doesn't satisfy everyone, I myself have some concerns about some parts of it, but overall I think that it is a good bill.

I want to make a brief statement clarifying the substance of one of the amendments in the manager's package that we passed today.

I want to make it clear that the amendment relating to the authorization of $4,500,000 for the procurement and development of a hot gas decontamination facility, is directed to the development of such a facility at Hawthorne Army Depot in Hawthorne, Nevada. That reflects the prior agreement of the managers. The text of the amendment does not specify the location of the facility, and I want to make it clear in the record of the proceedings associated with this bill where that facility is to be located and how that money is intended by this Congress to be appropriated and spent.

Mr. THURMOND. Mr. President, I rise to enter into a colloquy with the distinguished Chairman of the Armed Services Committee, Senator WARNER, concerning his amendment, No. 439, on radio frequency spectrums.

Mr. WARNER. Mr. President, I am pleased to enter into this colloquy with the distinguished Chairman of the Armed Services Committee.

Mr. THURMOND. Mr. President, it is important and I support the Chairman's efforts to protect critical DOD systems from harmful interference. Some concerns have been raised whether the amendment is intended to have an adverse impact on cellular, PCS, and other wireless systems that millions of Americans rely on. I ask the Chairman whether I am correct in my understanding that that is not his intended effort.

Mr. WARNER. Mr. President, the gentleman from South Carolina is correct in his assessment.

Mr. THURMOND. Mr. President, I look forward to working with the distinguished Chairman during Conference with the House to ensure the successful use of radio frequency spectrums by the military, appropriate government agencies, and the private sector.

Mr. WARNER. Mr. President, I will be pleased to work with my friend from South Carolina to ensure that this important amendment has its intended affect.

Mr. THURMOND. Mr. President, I yield the floor.

AMENDMENT NO. 461

Mr. ROBB. Mr. President, the amendment I have offered today is about accepting responsibility. On February 3, 1998, United States Marine Corps EA-6B Prowler severed a ski gondola cable near Cavalese, Italy, plummeting twenty people nearly 400 feet to their deaths. We later learned, to our great disappointment, that the pilot and the navigator during conversation of the evidence of the circumstances leading to the accident.

This amendment, cosponsored by Senators SNOWE, BINGAMAN, LEAHY and KERRY, upholds the honor of the United States Marine Corps and our military both here and abroad, permits the United States to accept responsibility for this tragic accident, and sends an unambiguous message that we will not tolerate efforts to cover-up our mistakes.

The Congress has already authorized payment to rebuild the gondola we destroyed. We have not yet authorized payment to help rebuild the lives of the families we destroyed. This amendment allows the Secretary of Defense to compensate the victims' families both for the accident and the effort to hide evidence of the accident.

A similar amendment was passed by the Senate during consideration of the Emergency Supplemental. The amendment passed unanimously, but was dropped during Conference consideration. I urge the Senate to adopt the amendment here for the families of the victims to begin healing.

Mr. THURMOND. Mr. President, I am in opposition to the amendment offered by the Senator from Virginia. I understand his desire to settle claims resulting from the accident involving a Marine Corps aircraft, which resulted in the unfortunate deaths of civilians in Italy. I note, Mr. President, that this case is covered by the Status of Forces Agreement or SOFA, which provides a mechanism for the settlement of claims. The Robb amendment would provide additional compensation, above and beyond that which might be provided by a SOFA settlement.

While I have sympathy for the families of the victims of that tragedy, I must bring to the attention of my colleagues another tragic occurrence which took the lives of nine American servicemen. I spoke in some detail on this matter last week, when I introduced Senate Bill Number 83. Let me summarize the facts of this accident.

On September 13, 1997, a German Luftwaffe Tupelov TU-154M collided with a U.S. Air Force C-141 Starlifter off the coast of Namibia, Africa. As a result of that mid-air collision nine U.S. Air Force Servicemen were killed. Accident investigations conducted by the United States and Germany both assigned responsibility for the collision and deaths to the German crew, who not only filed an inaccurate flight plan, but were flying at the wrong altitude.

The families of the nine victims, having endured tremendous suffering and significant financial losses, are seeking compensation from the German government. Sadly, the German government has not been fully cooperative. Because these claims do not fall under the Status of Forces Agreement, the families were instructed to file their claims with Germany and wait for German government action.

The German government has an obligation to these American families who lost loved ones because of negligence and fault of the German Air Force. This is a simple matter of fairness.

To address this matter, I introduced a Sense of the Senate Resolution calling upon the German government to make quick and generous compensation to the families of the U.S. Servicemen. In addition, it prohibits payment to the families of any German national killed in the gondola accident caused by the United States Marine Corps aircraft until the German government has made comparable restitution to the families of the U.S. air crew killed in September 1997. My Resolution will not block payment to the families of any victim who is not a German national.

Mr. President, I addressed my concerns on this matter to the Secretary of Defense. I requested that he give this matter his attention and this issue to the German Ministry of Defense. In addition, I have invited the German Ambassador to meet with me and family members of those killed in the air collision. To date, the Ambassador has not accepted my invitation.

Mr. President, the Robb amendment is unnecessary at this time. The claims of family members of those killed in the ski gondola accident should first go through the SOFA process. In the meantime, the German government should swiftly and fairly settle the claims of Americans killed as a result of the negligence of the German Air crew. I reiterate that the American claims do not fall under SOFA.

My amendment expresses the Sense of the Senate that the Government of Germany should promptly settle with the families of members of the United States Air Force killed in a collision between a United States C-141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M off the coast of Namibia on September 12, 1997. My amendment also states the Sense of the Senate that the United States should not make any payment.
Mr. DOMENICI. Mr. President, I rise today to discuss three interrelated aspects of our country's security at the brink of the new millennium. There has already been discussion of NATO in this new world. We have also intermittently discussed the war in the region of Kosovo.

It's important to reflect on NATO's mission under changed circumstances. It is critical to address the U.S. role as part of NATO. At the same time, we must remain vigilant and be careful in applying the lessons of the First World War. This is true.

In April we celebrated NATO's 50th Anniversary. Despite the circumstances, we had good reason to celebrate. The horrors of World War I and II, U.S. decision makers sought to construct European structures for integration, peace, and security. U.S. policy focused on two tracks: the Marshall Plan for economic reconstruction and NATO for transatlantic security cooperation.

The creation of the North Atlantic Treaty Organization in 1949 acknowledged what we failed to admit after World War I. Europe was and is a precarious continent. Twice in the first fifty years of this century America fought against tyrannical and malevolent forces in Europe.

It is important to remember that NATO did not begin as a response to the Warsaw Pact. This primary objective of the leaders of World War I and II, U.S. decision makers sought to construct European structures for integration, peace, and security. U.S. policy focused on two tracks: the Marshall Plan for economic reconstruction and NATO for transatlantic security cooperation.

The reciprocal unilateral withdrawal of thousands of tactical nuclear warheads between the U.S. and Russia may also be interpreted as an argument for current NATO action in the region of Yugoslavia, Albania, Macedonia, and Montenegro.

The Administration repeatedly suggested that violence in the Balkans ignited the First World War. This is true. A member of the Black Hand, A Serbian nationalist group, assassinated Archduke Franz Ferdinand. Serbia, at that time was a small nation fighting for independence from a crumbling Austrian-Hungarian Empire.

Due to Russia’s alliance with Serbia and Germany’s open-ended military pact with Austria, both Germany and Russia mobilized immediately. Other than a few neutral countries—Norway, Sweden, Italy, Switzerland, and Spain—gathered in London. They were backed in polarized blocs that set the Triple Alliance against the Triple Entente.

Such polarized blocks do not exist today. Serbia’s aggression against Kosovar Albanians can and has created regional instabilities. But this would not lead to World War Three.

This is not 1914. Only one alliance dominates Europe—NATO. NATO can be used as a force for peace. Acting without regard to security perceptions outside of NATO, however, can lead us down a very different and dangerous path.

Our current actions disregarded others' views of their own security. Our actions in Kosovo may yet unravel any remaining limits on arms reductions and cooperative security alliances since the Soviet Union collapsed.

Furthermore, NATO’s response in Kosovo has accelerated and exacerbated regional instability. We’ve managed to worsen a conflict. Victory in Kosovo is heralded what we failed to admit after the horrors of World War I. Europe was and is a precarious continent. Twice in the first fifty years of this century America fought against tyrannical and malevolent forces in Europe.

We feel we’re in the right, because we are fighting a tyrant, one capable of great evil. I don’t disagree with the objectives sought, but I do believe that the Administration should have taken into account the possible political consequences of our actions on Russia’s political future, as well as our future relationship with Russia.

There are those who suggest that NATO must be victorious in the Kosovo conflict. Victory in Kosovo is a short-term if we do not sort out the broader consequences of a victory dictated on NATO’s terms.

As European leaders converged to celebrate NATO’s 50th birthday, they spent much time debating and deliberating on NATO’s future. NATO’s present reflects poor policy decisions and an ineffective military approach.

Mr. President, I’d also like to take this opportunity to discuss the grievous situation of our military today. Recent actions in Kosovo underscore the self-inflicted damage we have done to our national security in the years since the Cold War.

I was one of many Senators during the 1980s who supported seeing our nation’s defenses bolstered in order to bring the Soviet Union to its knees. We defeated them—not through hot war—but by demonstrating the unparalleled power of American democracy and free market dominance over a command economy.

The collapse of the Soviet state was inevitable, but it would have taken a lot longer without the catalyst of our rapid defense buildup. This charge greatly accelerated the breakdown in the Soviet Union’s economy. Their political and economic institutions unraveled in light of America’s clear superiority.

In 1991, after years of focus on a strong defense, when the Iraqis occupied Kuwait, U.S. forces were able to demonstrate their dominance. The U.S. military liberated Kuwait in a short, decisive campaign. The Gulf war was a
May 27, 1999

CONGRESSIONAL RECORD—SENATE 11347

The Defense Authorization bill before us takes additional steps in the right direction. I commend Senator Warner and his diligent staff on the hard work they've done to balance priorities and provide for our men and women in uniform.

Let me briefly outline some major provisions of this bill that I consider important and appropriate to address some of our military's most pressing needs.

As an additional boost to problems in readiness, this bill authorizes an additional $1.2 billion in operations and maintenance funding.

The bill also includes over $740 million for DoD and Department of Energy (DoE) programs that provide assistance to Russia and other states of the former Soviet Union. These programs address the most prevalent proliferation threat in our world today.

The $3.4 billion increase in military construction and family housing is an essential element of providing our armed forces with the quality of life they deserve. In addition, pay raises and improved retirement plans demonstrate our commitment to the people who serve in our military.

I do not believe that increased pay and better retirement address the full spectrum of issues that feed into retention problems. The preliminary findings of a GAO study requested by myself and Senator Stevens indicate that the main problem is not pay, but rather working conditions. Lack of spare parts and deficient manning were the most frequent reasons offered for dissatisfaction with their current situation.

These are important findings, because it's something we can address. As much as I'd love to light a fire under Congress, I can do a better job in fixing the problems that currently contribute to recruitment and retention. We must pay close attention to these issues. The men and women serving in our military are the sole assurance of a strong, capable U.S. defense capability.

A strong defense must be coupled with a consistent set of foreign policy objectives that strive to reduce or contain security threats. At present, we have neither.

Mr. President, it seems we must focus on shifting the balance back in our favor. This cannot be done ad hoc. Securing U.S. interests requires sustained commitment and well-planned execution. First, we must provide the domestic means for strong, capable armed forces. Second, we must be calculated and careful in the application of force as a fix to failed diplomacy.

Mr. DODD. Mr. President, I rise to state my views on the Fiscal Year 2000 Defense Authorization bill. First, I congratulate the Chairman, Senator Warner, and the Ranking Member, Senator Levin, for their work on this bill. Together they helped move this bill through the Senate in record time. The broad support for this bill provides a promising beginning to Senator Warner's tenure as Chairman of the committee, and it is a tribute to Senator Levin's ability to work with members from both parties on matters of national defense.

The bill provides an increase in defense spending that will maintain this nation's superpower status as we enter the 21st Century. As always, this defense bill relies heavily on the Provisions State. In procurement and modernization, Blackhawk helicopters, Comanche helicopters, the F-22 program, the Joint Strike Fighter program, Joint STARS aircraft, and submarine programs were all funded at or above the President's request. For our military personnel, this bill authorizes much deserved pay and pension increases. Other important programs that this bill funds include: military construction, cooperative threat reduction, and ballistic missile defense.

I commend the Senate Armed Services Committee for increasing the number of H-60 helicopters requested in this bill from 21 to 33. The Committee added nine UH-60L Blackhawk helicopters for a total of 15 that will begin to fill the Guard’s requirement for 90 Blackhaws. I feel strongly that it is important to fill this requirement, especially as we continue to call up our Guard and Reserve forces to serve in the Balkans. Those forces deserve to have the most modern equipment that this country can provide. The Committee also added three CH-60 helicopters, four CH-47s, and 11 CH-53s for the Navy's requirement of the Blackhawk. The CH-60 will replace several models of the Navy's helicopter fleet and will perform all the missions for which those models were responsible.

The Committee gave a vote of confidence to the Comanche helicopter program by adding over $56 million in research and development funding to the Administration's request. Likewise, it supported the purchase of a fifteenth Joint STARS aircraft. Those aircraft are performing magnificently in the Balkans, and I feel that this nation should continue to build these aircraft until the Air Force has the 19 aircraft it needs.

The guided missile submarine concept received a boost by this committee in the form of $13 million in needed research and development funding. The concept proposes converting Trident submarines into guided missile submarines which would be capable of launching more tomahawk missiles than any ship afloat today. As important as the funding authorization was the provision the committee included in the bill to reduce the lower threshold of our Trident submarine force. That action will allow the Navy to reduce the number of Trident submarines from 18 to 14, an adjustment to
the fleet that the Chief of Naval Operations has requested. By including the provision, the committee surmounted an obstacle to implementing the submarine concept and saved taxpayers billions of dollars which would have gone towards upgrading Trident missiles.

This bill authorizes important increases in military pay and pensions that this nation's servicemen and servicewomen deserve. I note that this bill not only calls for more pay and higher pensions, but it also identifies how this nation will pay for those important increases. Furthermore, through the regular hearings with Defense Department officials over the last few months, the Department has had ample opportunity to air its views with respect to provisions of this bill that address pay and pensions. I am proud to support these provisions.

As for the prospect of additional military base closures, a minority of the Senate once again sought to mandate another Base Realignment and Closure round in 2001. I opposed that amendment for a few reasons. Even after a Defense Department report and a General Accounting Office report, there is no clear accounting of how much this nation saves from base closure rounds. Furthermore, the long-term environmental clean-up costs are virtually impossible to estimate. I think that before we put communities across the country through the wrenching experience of another base closure round, we must better understand the costs and benefits of another round. Finally, I want to remind my colleagues that some of the bases ordered to be closed under previous rounds have yet to be closed. Of those that have been closed, some have not yet been turned over to the surrounding community. I would like to know the full impact of the previous rounds, and I will not put communities in my state at risk by rushing into another round without being absolutely certain that this nation is ready.

The Senate wisely voted to table an amendment offered by Senator Specter which would have sent a dangerous signal to Slobodan Milosevic that the United States is not committed to ending his horrific campaign of genocide. As we debate these issues, we must be cognizant of the fact that our men and women in uniform are risking their lives in the Balkans. They deserve to know that our Nation's leaders, including the Senate, stand firmly behind them. An amendment which limits our Commander-in-Chief's ability to act sends exactly the opposite message. It tells every soldier, sailor and airman and woman that the United States Senate is waiving in our support for their efforts and sacrifices. That is a statement we must never surrender.

Similarly, we must remember that there are innocent men, women and children, desperately looking to the United States and NATO for relief from Slobodan Milosevic's hateful campaign of murder and terror. The amendment would have likewise sent a signal to the 1.4 million ethnic-Albanians who have been displaced from their homes that we were wavering at the moment they needed us most.

As I have said time and time again, we must be mindful of the United States role as a world leader and the degree to which our NATO allies look to us for guidance. The Specter amendment would have precluded the President and our military from effectively responding to urgent military requirements and putting an end to Slobodan Milosevic's murderous campaign as expeditiously as possible. It would also have precluded the United States from working on an important potential avenue to bringing a lasting peace to the Balkans.

In closing, I again commend the managers of this bill for their efforts. This legislation is a fitting tribute to our soldiers, sailors, airmen and marines who protect this Nation's freedom and liberty. It comes at an appropriate time—just before Memorial Day when we will honor the sacrifices that the members of our armed forces have made.

Mr. MCCAIN. Mr. President, as my colleagues in the Senate know, I make a point of going through spending bills very carefully and compiling lists of programs added at the request of individual members that were not included in the Defense Department's budget request. I should state at the outset that I believe Chairman WARNER and Senator LEVIN, the ranking member, should be commended for their efforts at producing a bill that addresses a number of these problems. As American pilots continue to fly missions over Yugoslavia and Iraq while maintaining commitments in virtually every part of the globe, the care and maintenance of the armed forces cannot be taken for granted. Instead, we must do better, but not if we wish to avoid imperiling our vital national interests.

I would be remiss in my responsibilities, however, were I not to illuminate the large number of programs that have added on additional reasons. With our military stretched perilously thin after more than a decade of declining budgets and expanding commitments, we can ill afford the business-as-usual practice of adding programs not requested by the military. It is for that reason that the list of unrequested programs that I would like to submit for the record, totaling more than $1 billion, is so troubling.

While I continue to have concerns about the overall process by which the service unfunded priorities lists are produced, I have this year chosen to respect their legitimacy and have excluded from the compilation of unrequested projects I am submitting for the RECORD those items added by members that are reflected on the unfunded priority lists.

To wit, while I have to question the reverse economics of scale achieved on the C-40 program—indeed, why do two aircraft cost more on a unit cost basis than did the one aircraft included in the budget submission—I have not included the second aircraft, added by the committee, on this list because of its inclusion on the Navy's unfunded priority list. Similarly, I have omitted from my list two KC-135J aircraft because they are on the Marine Corps unfunded priority list. Instead, I will mention these programs no more today.

Let me be very clear, however, that this is not a list of items that together is seriously flawed and both fiscal responsibility and national security dictate that we strive to improve it. After so many years of going through this exercise, though, I find it difficult to be optimistic.

I am, for instance, bewildered by the continued annual addition to the budget request of $18 million for MK–19 automatic grenade launchers. The repeated addition by Congress of the MK–19 to the defense budget forces me to wonder whether someone hasn't stockpiled these things out of some psychological need to accumulate grenade launchers as a substitute for balls of string. What on earth does someone think the Marines are doing with its automatic grenade launchers that compels this body to repeatedly add them to the budget? How do we justify continuing to allocate significant amounts of money for a program that the Corps does not even include on its unfunded priority list?

Every single year we add funding—this year, $15 million—for the NULKA anti-ship missile decoy system. An Israeli destroyer during the Six Day War, a British destroyer during the battle for the Falklands, and the USS Stark incident are all testimony to the threat of anti-ship missiles. That only one U.S. ship has been so targeted since World War II, however, and under rather unique circumstances at that, makes it difficult to understand why we spend so much more every year for decoys.

I have been critical in the past about earmarking funds for the National Automotive Center, an odd member-created entity that has taken on a life of its own. The bill includes $6.5 million for development of a Smart Truck, with half of the money earmarked for the National Automotive Center. Presumably, this will be a really smart truck inasmuch as it is taking us for over $8 million. I hope it will be able to change its own oil.

The Administration's military construction request was a true exercise in
Byzantine budgeting. Incrementally funding the entire military construction program was not something better implemented by the committee’s rejection of that proposal. I must confess, however, that some committee’s decision to add $923 million in projects not requested by the services. A new $3.6 million C-17 simulator building at Jackson Airport; a new $9.5 million Combat 130J simulator building at Keesler Air Force Base; a new $6 million visiting officers’ quarters at Niagara Falls; $17 million to replace family housing at the Marine Corps Air Station at Yuma; and an addition of $10 million for a new education center and library at Ellsworth are just a few of the items added to the budget by members for parochial reasons.

Let me note at this junction that many of these projects may very well be meritorious upon further review. For example, I know there is a dire need for new family housing at the Marine base in Yuma, Arizona. But is that need greater than exists at some other bases? The method by which that project was added does not allow for the kind of comparative analysis that should be an integral part of the process by which these budgets are drafted.

Of particular interest is the $241 million for ammunition demilitarization facilities, none of which was requested by the military. I recognize the legitimate need to expeditiously dismantle aging chemical weapons and deal with the environmental contamination resulting from their construction and storage over many years. My concern lies in the perpetually uncertain environment in which spending bills are prepared. Are each of these facilities necessary, and do each one need to be funded during a fiscal year for which funding was not requested? Chemical demilitarization has been an important priority for the Armed Services Committee, but the case has not been made that these programs had to be added to this bill.

Mr. President, I may make light of some of these programs, but the issue is deadly serious. Our armed forces are stretched perilously thin as global commitments grow and operations like those in Kosovo and the continuing operations in Bosnia continue to take their devastating toll on our ability to remain prepared for the major regional contingencies that are inarguably tied to our vital national interests. Not every program on the list that I am submitting for the RECORD is impractical or worthy of ridicule. But to argue their worth individually and in a vacuum is to miss the point.

I do not include on these lists most programs related to defense against weapons of mass destruction, and generally give classified programs a free ride. The nature of the process, however, is such that a certain amount of skepticism is warranted. It is too much a matter of routine practice that items are added for primarily parochial reasons under headings that sound logical and which are low or no priority for the services. As absolutely important as areas like chemical and biological defense are, it is equally important that funds allocated to deal with those threats are not wasted on programs added to the budget solely because a contractor convinced his or her senator that they deserve $2 million to investigate that program’s potential when other higher priority programs already exist to fulfill the requirement.

I have respected the unfunded priority lists this year because they provide the only roadmap to where the services would allocate additional dollars if such funding were made available. It is far from a perfect process, but it is all we have. That there are still over $4 billion in member adds in this bill is testament to the indomitable will of members of this body to force projects into a strained defense budget in defiance of fiscal prudence and operational requirements. That is not intended as a compliment; it is simple acknowledgment that there is still ample room for improvement.

Finally, let me also note for the record my concerns regarding the amendment offered by Senator LOTT to narrow the scope of the Pilot Program for Commercial Services. I believe the amendment will restrict the ability of the Secretary of Defense to explore all options for fair and reasonable procurement of transportation services. This will continue to artificially inflate the Defense Department’s transportation cost and will directly impact the findings of the program.

Mr. President, I ask unanimous consent that this list be printed in the RECORD. There being no objection, the material ordered to be printed in the RECORD, as follows:

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000 MEMBER ADD-ONS: INCREASES & EARMARKS**

**Army Procurement**

- Aircraft Procurement, Army (page 25):
  - LONGBOW ..................................... $45.0
  - UH-1 Mods .................................... 72.5
  - AISE Mods (ATHRIM) .................. 8.1
  - AISE Infrared CM ....................... 6.6
  - Missile Procurement, Army (page 27):
    - PATRIOT mods ............................. 60.0
  - Procurement of W&TVC, Army (page 29):
    - M109A6 155mm Howitzer mods 20.0
    - Field Artillery Munition Support Vehicle PIP 20.0
    - M88 Improved Recovery Vehicle 72.0
    - Heavy Assault Bridge mod ........ 14.0
    - MK-19 40mm Grenade Launcher 18.3
  - Procurement of Ammunition, Army (page 31):
    - 40mm, all types .......................... 9.0
    - 50mm mortars .............................. 9.0
    - 102mm HE M934 w/o fuse ............. 4.0
    - 105mm ARTY DPICM ..................... 10.0

**Wide Area Munitions** ............................................. 10.0
**Army Initiative** .................................................. 14.0
**Other Procurement, Army (page 35):**
- High Mobility Multi-Purpose Vehicle 17.0
- Army Data Distribution System ........ 25.9
- SINGCARS Family ......................... 70.0
- ACUS mod program ....................... 50.0
- Standard Integrated CMD Post System .... 9.2
- Lightweight Maintenance Enclosure .... 3.2
- Combat Training Centers Support ....... 7.0
- Modification of In-Service Equipment .... 8.1
- Acquisition Stability Reserve Construction Equip 29.6
- Army RDT
  - Basic Research in Counter-Terrorism ... 15.0
  - AAN Materials ............................ 2.5
  - Scramjet Technologies ................ 2.0
  - Smart Truck ................................ 6.5
  - Medals ..................................... 1.8
  - PEPS ........................................ 8.0
  - Virtual Retinal Eye Display Technology .... 5.0
  - Future Combat Vehicle Development .... 10.0
  - Digital Situation Mapboard ........... 2.0
  - Accoustic Technology Research ......... 4.0
  - Radar Power Technology ................ 4.0
  - OICW ........................................ 14.8
  - FIREFINDER Accel. TBM Cueing Requirement .... 7.9
  - Directed Energy Tested (HELTF) ........ 5.0
  - HIMARS ..................................... 30.6
  - Space Control Technology ............. 41.0

**Aircraft Procurement, Navy (page 61):**
- UC-35 (3) .................................... 18.0
- EA-6 Series .................................. 25.0
- H-6 Series ................................... 15.0
- Common ECM Equipment ................. 16.0
- Weapons Procurement, Navy (page 64):
  - Drones and Decoys ....................... 10.0
  - Weapons Industrial Facilities ........ 7.7
  - Shipbuilding & Conversion, Navy: 
    - LPD-17 (1) .................................. 375.0
  - Other Procurement, Navy (page 71):
    - WSN-7 Ring Laser Inertial Navigation Gear .... 15.0
    - Items less than $5 million .......... 30.9
    - Radar Support AN/BPS-15/6H 
      ECDIS-N .................................. 8.0
    - Integrated Combat System Test 
      Facility ................................ 5.0
    - JEDMICS .................................... 9.0
    - Navy Shore Communications ...... 30.7
    - Info Systems Security Program 
      (ISSP) ................................... 12.0
    - Aviation Life Support ................ 18.1
    - NULKA Anti-Ship Missile 
      Decoy System ........................... 15.3
- Procurement, Marine Corps (page 83):
  - Comm and Elec. Infrastructure Support .... 54.5
  - 5/4T Truck HMMWV (MYP) 
    (668) ........................................ 40.0
- Navy RDT
  - Non-Traditional Warfare Initiatives .... 5.0
  - Hyperspectral Research ................ 3.0
  - Heasdhield Research .................... 2.0
  - Free Electron Laser ..................... 10.0
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<td>Panoramic Night Vision Goggles</td>
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<td>Advanced Spacecraft Technology—SMV</td>
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<tr>
<td>Advanced Spacecraft Technology—MSTRS</td>
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<td>Standard Protocol Interpreter</td>
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<td>Space-Board Laser</td>
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<td>Space OCC Technology Program Increase</td>
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<td>Aircrew Laser Eye Protection</td>
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<td>Inflatable Restraints</td>
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<td>EELV Composite Payload Dispenser</td>
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<td>Big Crow</td>
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<td>Micro Satellite Technology</td>
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<td>B-52 Radar Warning Upgrd. COMPASS CALL TRACS</td>
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<td>JSTARS—Rad Technology</td>
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<td>Insertion Program</td>
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<td>Advanced Simulation Theater Missile Defenses—TAWS</td>
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<td>Airborne Recon Systems—JSAF-LBS</td>
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<td>Manned Recon. Systems—SYERS Polarization</td>
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<td>Distributed Common Ground Systems/Eagle Vision—Defense Wide Procurement</td>
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<td>Aircraft Procurement, Defense Wide (page 124)</td>
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<td>Information Systems Security—PATRIOT PAC-3</td>
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<td>Andrews AFB—Sqm/MTS/IT</td>
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<td>Aberdeen P.G—Ammo. Demilitarization Facility</td>
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<td>Columbus AFB—Add to T-1A Hangar</td>
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<td>Keesler AFB—C-138J Simulator Facility</td>
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<td>Miss. Army Amm. Pl.—Land/Water Ranges</td>
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<td>Camp Shelby—Multi-purpose Range</td>
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<td>Camp Ripley—Readiness Center</td>
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<td>Jackson Airport—C-17 Simulator Building</td>
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Mr. SMITH of Oregon. On behalf of the Senate Armed Services Committee, and myself, I wish to engage in a colloquy with the Honorable Chairman and Ranking Member, Mr. Smith and Mr. Wyden for raising serious concerns surrounding the pending demilitarization program. These concerns include the safety of the local population and the impact on the local communities of undertaking a huge demilitarization effort to destroy 3700 tons of chemical agent.

This effort will require the influx of nearly one thousand workers to build and operate the destruction facility over a period of eight years. These workers will require the communities to provide facilities, infrastructure and services to accommodate them. These efforts will cost money, and we are concerned that the economic impact of this effort will be a huge drain on the local communities. We are concerned that, while there may be a considerable impact on the local communities, there has not been adequate attention given this issue by the Department of Defense.

Would the distinguished Chairman and Ranking Member of the Committee agree to work with us to look into this situation so that we can better understand the problem, and in so doing, find a solution?

Mr. WYDEN. Mr. President, I want to thank you on behalf of the people of Oregon for your understanding of the issues relating to the Chemical Demilitarization Program to meet the obligations under the Chemical Weapons Convention.

The future and success of the Chemical De-militarization program will depend on the cooperation of the United States government, the Chemical Weapons Convention, and the cooperative solution that we produce. This is a very challenging program for both the Army and the people of the depot states. We acknowledge and appreciate all the hard work that has been done thus far. We look very much forward to the completion of the Chemical Demilitarization project in Oregon.

Mr. BYRD. Mr. President, the United States is engaged in a dangerous air war against Yugoslavia. More than 30,000 members of the U.S. military have been deployed to the Balkans to prosecute this campaign. While we read the latest news from the front every morning in the comfort of our homes and offices, American men and women in uniform are living the harrowing details day in and day out.

It is fitting that the Senate, in the midst of this conflict, enact without delay the National Defense Authorization Bill. This bill includes a significant pay raise for the military as well as a healthy increase in funding intended to improve military readiness—sends a strong signal of support to the men and women of the United States military, and to their families.

I commend Senator WARNER, the new Armed Services Committee, and Senator HAYAKAWA, the minority member, for their leadership in producing an excellent bill. This legislation bears testament to the skills and willingness of both of these distinguished Senators to craft meaningful policy decisions in the context of bipartisan consensus.

Earlier this week, the Senate Appropriations Committee, of which I am the ranking member, approved a Defense Appropriations Bill for Fiscal Year 2000 that goes hand-in-glove with this measure. Last week, Congress sent to the President an emergency supplemental appropriations bill to fund the Kosovo operation. Together, these bills take great strides toward giving our military forces the tools that they need and the support that they deserve to protect the national security of the United States and to execute the military’s many critical missions both at home and overseas.

While the air war over Yugoslavia is on the front pages of the newspapers every day, we must never forget that behind the headlines, scores of other U.S. forces are engaged in difficult, and often dangerous, missions around the globe. From the peacekeeping patrols in Bosnia to the dangerous skies over Iraq to the tense border between North and South Korea, U.S. military personnel face the potential peril of coming home to a world that is growing more dangerous every day. Resources have been stretched thin while operating tempo is constantly being accelerated. These are difficult times for the military, and I salute the dedication of the
men and women who serve their nation so diligently. These are the individuals who stake their very lives on the policies that we debate here in the Senate. These are the individuals to whom we must dedicate our best legislative efforts.

Mr. President, this bill delivers the goods. It includes a 4.8 percent pay raise for the military, and it restores full retirement benefits to service members. It adds more than $1.2 billion to the nuts-and-bolts readiness accounts—base operations, infrastructure repairs, training, and ammunition—that are so vitally needed to improve the long term readiness of the armed forces. It funds the purchase of essential equipment and weapons systems. And, through the efforts of the newly established and forward looking Emerging Capabilities Subcommittee, on which I am pleased to serve, it invests in programs to combat the ever increasing threat to the United States of terrorist attack, information warfare, and chemical and biological weapons.

Mr. President, we cannot put a price on the sacrifices and contributions of our military, but we can make sure that the best fighting forces in the world have the necessary tools of their trade. That is the purpose of this bill. We are sending a message to the troops and their families that we understand their sacrifices and value their service.

Unfortunately, local school districts face a barrier in acquiring surplus defense facilities. For example, if a school district wants to use 70% of a facility for instructional purposes and 30% for storage of related supplies, this district could be charged upwards of $300,000.

Additionally, Mr. President, I find it somewhat ironic that, when the President’s own education agenda calls for another federal program and more federal funding to provide school construction funds, the Clinton administration’s Department of Education has concocted this schedule of fees to charge local school districts which wish to use surplus military property.

I know that in my state of Utah, we have a great need for additional facilities. For example, 61,000 students, 22,255 of them—or nearly 5%—take classes in portable classrooms. That is unacceptable and the arbitrary requirements that the Department of Education has set for districts to acquire disposed defense facilities are onerous and should be corrected.

I believe every public education entity ought to be eligible for a 100% exception from the payment of costs to acquire the facility when the surplus defense facility is used for instructional purposes. That is unacceptable and the arbitrary requirements that the Department of Education has set for districts to acquire disposed defense facilities are onerous and should be corrected.

I understand that the distinguished Chairman of the Armed Services Committee does not have jurisdiction over the Education Department. He does, however, have jurisdiction over the underlying statute that the Department of Education has a role in carrying out.

Mr. WARNER. I agree with my good friend from Utah that BRAC procedures should produce reasonable opportunities for communities to turn facilities into productive use. I believe the Defense Base Closure and Realignment Act of 1990 provision does that, by allowing a cost-free transfer for economic development. I don’t believe anything in the provision’s language precludes an application from the Senator from Utah wishes to accomplish.

Mr. HATCH. The problem with the language is that it’s too vague. For the past two years, I have asked OSD, the Army General Counsel, and the real estate administrator of the Department of Education to tell me how a local school district could benefit from the President’s proposal that is in this provision of the bill. They could not explain it to me. I ask unanimous consent to have printed in the Record a copy of my letter to the Army General Counsel.

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


Mr. EARL STOCKDALE,
Office of General Counsel, Department of the Army, Washington, DC.

DEAR MR. STOCKDALE: Your assistance is requested in clarifying the intent of the President’s recent request to amend the Defense Base Closure and Realignment Act of 1990 (P.L. 101-113, 19 U.S.C. 2677 note) as it relates to the Ogden-Weber School District ("District") for a warehouse facility on the former Defense Depot Ogden ["DDO"], a Utah military installation closed under a prior BRAC action.

In amending sec. 2905(b)(4), the President would ‘‘authorize the Secretary of Defense to transfer property to the local redevelopment authority, without charge, that facilities, such as storage, even if directly related to instruction, war-
because the community has already been hit by an economically dev-
astating basis.

Mr. WARNER. Mr. President, I ask for the third reading of this historic bill.

The PRESIDING OFFICER. The clerk will conduct a third reading.

The bill (S. 1059) was read the third time.

Mr. WARNER. Mr. President, I urge my colleagues to support this historic piece of legislation. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) and the Senator from Indiana (Mr. LUGAR) are necessarily absent.

Mr. REID. I announce that the Senator from South Carolina (Mr. HOLINGS), the Senator from New Jersey (Mr. LUTENBERG) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN), would vote "aye."

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—92

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of S. 1060 through S. 1062—that is Calendar Order Nos. 115, 116 and 117—that all after the enacting clause be stricken and the appropriate portion of S. 1059, as amended, be inserted in lieu thereof, according to the schedule which I send to the desk; that these bills be advanced to third reading and passed; that the motion to reconsider en bloc be laid upon the table; and that the above actions occur without intervening action or debate.

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

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

MORNING BUSINESS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate now proceed to period of morning business with Senators permitted to speak for up to 10 minutes each.

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

COMMEMORATING RETIREMENT

OF UTILITY EXECUTIVE

Mr. LOTT. Mr. President, on July 1, 1999, Donald E. Meiners will retire from Entergy Mississippi after 39 years of service. Don started as a salesman in Jackson and culminated as the president and chief executive officer.

Mr. Meiners rose rapidly in the company and quickly became the youngest of its officers. He has worked in marketing, operations and customer services, and within various subsidiaries of the company requiring frequent moves. Entergy recognized his leadership capabilities early, and he excelled at each challenge.

He has also been very involved in the civic aspects of his community. He has taken on different roles from steering various United Way Campaigns to chairing the Chambers of Commerce for Jackson and Vicksburg, to leading MetroJackson's Housing Partnership and the Newcomen Society of Mississippi. Don has also supported the Executive Women's International Night, Mississippi Museum of Art, International Ballet Competition, Jackson Symphony Orchestra, and the Boys and Girls Club of America. His efforts have ensured that all Mississippians can be exposed to the full richness of the Magnolia State's culture.

Mr. Meiners has made a personal commitment to education by serving on the boards of the Mississippi State University Foundation, Tougaloo College, Jackson State, and the Mississippi University for Women. Through these post-secondary institutions, he wanted to foster an atmosphere that inspired all Mississippians to reach up and participate in our national prosperity by having essential educational skills. He has also served or is currently serving on the boards of the Trustmark National Bank, Institute for Technology Development and Mississippi Manufacturers Association. Here, his focus has been to promote the right type of job producing capacity in my home state.

As a result of his contributions to Mississippi, Mr. Meiners has been recognized as the Governor's Volunteer of the
the Year, Mississippi's Economic Development Outstanding Volunteer of the Year, Goodwill’s Outstanding Volunteer, and he received the Hope Award from Mississippi’s Multiple Sclerosis Chapter. It is clear that he has given his time and energy to all facets of Mississippi.

Mr. Meiners is a family man caring for four generations of his relatives. He is devoted to Patricia Stone, his high school sweetheart and wife for 42 years. He also cares for his 90-year-old father. His sons, Christopher and Charles, have truly made him proud, and his two granddaughters, Hannah and Mallory light up his life. He is also an active member of Christ United Methodist Church.

I must not forget to mention that Don is a Mississippi State University Bulldog with a degree in electrical engineering. This Rebel found a way to look past this personal educational flaw. No, seriously, I am proud to call Don, a Hazlehurst native, my friend. I respect his professionalism and dedication to Mississippi. He is a true southern gentleman, and he will be missed. I wish Don and Pat the best as they pursue a well-earned retirement.

HONORING SOUTH DAKOTA’S SMALL BUSINESSMAN OF THE YEAR

Mr. DASCHLE. Mr. President, the values and spirit that helped early settlers thrive and prosper in the harsh conditions of life on the prairie are alive and well today in South Dakota. Yesterday, I had the opportunity to meet someone who embodies many of the values and ideals that the great state of South Dakota was built upon. Phillip Clark, owner and President of Hansen Manufacturing Corporation of Sioux Falls, is one of 53 persons honored by the Small Business Administration as part of its celebration of National Small Business Week. For over two decades, Phil has guided his company through a variety of complex challenges and built a thriving business. In the process, he has made an important contribution to our state, and to the city of Sioux Falls.

As a manufacturer of conveyor belt assemblies, Phil invented an enclosed belt conveyor system. Anyone who has worked in or around a grain elevator knows the importance of minimizing dust; it is one of the most important safety steps that can be taken to prevent fires and explosions. This enclosed belt system has helped a number of grain facilities improve the safety of their operations, and dramatically changed the way that grain and other bulk materials are moved.

Phil was able to develop this system because he listened to what his customers wanted, and he acted to fill that need. It is a basic lesson that every successful business owner must know: listen to your customer.

While Phil has maintained a clear focus on his company’s future, he has also taken the steps necessary to position his company to deal with current business conditions. As a manufacturer of conveyor belt systems, Hansen Manufacturing derives much of its business from grain elevators, feed manufacturers, and other companies that process agricultural goods and other bulk materials. Because of the continued crisis in our agricultural markets, many of these companies have faced extremely difficult business conditions over the past few years, resulting in equally difficult times for their suppliers. Furthermore, domestic weakness has been compounded by weakness in foreign markets, which have become increasingly important for Hansen Manufacturing.

While short-term business conditions have been challenging, Phil has been able to successfully grow his business while making critical investments in new product lines. His successful stewardship of Hansen Manufacturing serves as an example to all small business people in South Dakota. I commend the Small Business Administration for recognizing his outstanding work.

In South Dakota, almost all businesses are small businesses, and that’s true nationwide. But in South Dakota, small businesses are big business. I thank the Small Business Administration for its work with business owners such as Phil Clark, and I congratulate Phil for his hard work and his outstanding contributions to his community and state.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 26, 1999, the federal debt stood at $5,602,150,880,889.93 (Five trillion, six hundred two billion, one hundred fifty million, eight hundred eighty thousand, eight hundred eighty-nine dollars and ninety-three cents). One year ago, May 26, 1998, the federal debt stood at $5,506,917,000,000 (Five trillion, five hundred sixty million, eight hundred eighty-nine million). Five years ago, May 26, 1994, the federal debt stood at $5,430,150,880,889.93 (Five trillion, four hundred thirty million, one hundred eighty-nine million). Ten years ago, May 26, 1989, the federal debt stood at $2,779,342,000,000 (Two trillion, seven hundred seventy-nine billion, three hundred forty-two million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,622,808,890,899.93 (Two trillion, six hundred twenty-two billion, eight hundred eighty-nine million, eight hundred eighty-nine dollars and eighty-nine cents) during the past 10 years.

ESSAY ON PARENTS AND TEENS

Mr. STEVENS. Mr. President, a young Alaskan, a freshman in Colony High School in the Matanuska Valley town of Wasilla, wrote a piece in the Anchorage Daily News this week which shows thoughtfulness and wisdom well beyond his 15 years. Travis Johnson sat down at his computer the day after the tragedy at Columbine High School, and wrote from the heart his feelings and ideas on how to prevent further tragedies like Columbine.

He showed the essay to his parents who were moved and impressed with their youngster’s effort. His mother, a physician, and his dad, an insurance executive, grew up in Anchorage. While they are not hunters themselves, they have friends and family who are gun owners and who hunt. After Travis shared his essay with his English teacher, his dad suggested that he send it to the Anchorage Daily News.

Travis refutes the ideas that guns and violence on television and in films are responsible for incidents like Columbine. Travis believes that parents must be more and more involved with their children. He asks the parents who read his opinion piece to “talk to your kids, even though you may not want to, and your kids may act like they don’t want to talk to you.” And he tells teens to talk to their parents.

Mr. President, Travis Johnson’s observations and ideas are important insights into how to avoid further incidents like those in Colorado and Georgia, from a teen who understands how teens feel.

I ask unanimous consent that his column from the May 25 Anchorage Daily News, titled “Parents Are the Only Answer to Teens’ Problems” be printed in the RECORD.

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

(Parents Are the Only Answer to Teens’ Problems)

(by Travis Johnson)

I’m sure all of those who are reading this paper have heard of the recent Columbine High School shooting incident in which two students walked into the school and started a massacre that left 15 people dead. My heart goes out to those families and their loss. Upon hearing about this incident, I found myself very disturbed. How could something like this happen? How could two seemingly normal high school students (I use the word lightly because there is really no such thing as a normal high school student) be capable of doing something like this? I listened to television reports about what might be responsible for this incident. The two that seemed to be most stressed were harassment from peers and guns. It seemed as though the combination of those two automatically justified a killing spree.

First, let’s think about the issue of harassment from peers. Every day I go to school,
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and I am judged. So is everybody else around me. I'm not asking you to bow down to bullies or insults, and they still keep coming. And I know many people around me have it worse than I do, especially my school's own group of trench coat wearers, commonly referred to as "Goths." To admit there are firearms in my household, I'm even proud of it. I'm not especially popular, and I could easily find out how to make bombs on the Internet. I'm sure many of the "Goths" at my school have access to the same materials. Given this information, I think that it's time once again at my school to tell parents that on a homicidal rampage, don't you think? I don't think so! Just because people are harassed doesn't justify a killing.

In the real world, people are harassed all the time. I think it's just life. There are mean people out there. Live with it. The killers at Columbine High School were lacking something in their personalities to do something like this. That is self-control, self-esteem and an understanding of the value of life. I think this has less to do with harshness than with the killers themselves. If the killers had better values, this never would have happened.

Maybe firearms are to blame? I'm sure many of you immediately think that immediately after this incident, a series of gun-control laws were proposed, including a proposal to raise the age limit to own a handgun from 18 to 21. Do people really think that if the handgun age limit was higher, this incident would have never happened? I hate to say it, but welcome to politics. In the world today, a lot of people want to see action. It has to be quick, it has to be cheap and it has to keep them from being responsible. Politicians realize this, so immediately they think of a "solution" that fits these criteria. It doesn't have to work; the people just have to think it does. So what happens? Well, they scream, "Guns are the problem!" and we all lose more rights.

The truth is, if somebody wants to kill someone with a firearm laws banning guns aren't going to stop them. A lot of guns used in robberies are stolen. We all know if we got rid of the runs in the world, then we would have a solution, right? Nope, people would use other homemade weapons, bombs, knifes, etc.

A gun is a tool, not a weapon. It is a tool for hunting, recreation and protection. It can be a historical piece, it can be a keepsake, it can represent something. Guns are not to blame for the Columbine High School incident.

By now you might be asking yourself what is to blame. Unfortunately, it's a problem not many people want to face. It starts at the home. It starts with a lack of discipline, a lack of love, and a lack of values. I'm sure that if the parents of the boys involved in this shooting incident has been more involved with their kids, this incident would have never occurred.

The parents are not completely to blame. Today's violent televised society illustrates this violence as a normal everyday thing. This makes it difficult to draw the line between what is acceptable or not. These things put together, resulted in the final problem: The boys responsible for this shooting. In the end, it is they who are responsible.

So, what can be done to prevent another tragedy like this one? To all the parents who are reading this talk to your kids! Even though you may not want to and your kids may say they don't want to talk, but just knowing you're willing to talk often helps. Spend time with them, draw them to activities that keep them busy and feeling good. Sometimes, even invite them to target shooting! If parents teach their kids how to use and respect a firearm, they'll be less likely to abuse it than if their parents avoid telling them about guns.

To all of the kids and teens reading this talk to your parents. They can be a valuable source of information and can help you when you feel threatened. Other things you can do include complimenting people instead of insulting them, always remembering that you are important, having good friends, and reporting to authorities if anyone you know makes dangerous threats against you or anyone else. By doing this we might be able to prevent another incident like the one that occurred at Columbine High School. I hope that everyone reading this will pray for the families affected by the shooting and take my advice to heart.

RECOGNITION OF SERVICE TO THE SENATE

Mr. DOMENICI. Mr. President, it is with some sadness but also with some pride that I rise today to recognize Austin Smythe—a longstanding and highly respected member of the Senate Budget Committee staff. After nearly 15 years of service to the Senate and the Congress, Austin will begin employment in the private sector at the end of this week.

Those who know Austin in this Chamber, know he is a Senator's dream staffer. Austin is dedicated, loyal, intelligent, and above all else possessing integrity beyond reproach. He came to the Senate Budget Committee in December 1983, as the committee's energy budget expert. Over the years, he gradually took on more responsibilities to where today, as he leaves the Senate, he is my staff director's right-hand man on issues related to the budget act, process reform issues, and the often arcane world of budget score keeping.

He has been instrumental in the passage of many a budget resolution and reconciliation bills over these last many years. He has also taken the lead on helping to reform the process by his work on the Federal Credit Reform Act of 1990, the Unfunded Mandates Control Act of 1995, and the Line Item Veto Act of 1996. That unfortunately was ruled unconstitutional. He has been my key budget committee staffer on my quest to get Congress to change its approach, and the Line Item Veto Act of 1996. That unfortunately was ruled unconstitutional. He has been my key budget committee staffer on my quest to get Congress to change its approach, and the Line Item Veto Act of 1996. That unfortunately was ruled unconstitutional.

He has been in the thick of everything, a valuable source of information and can help you when you feel threatened. Other things you can do include complimenting people instead of insulting them, always remembering that you are important, having good friends, and reporting to authorities if anyone you know makes dangerous threats against you or anyone else. By doing this we might be able to prevent another incident like the one that occurred at Columbine High School. I hope that everyone reading this will pray for the families affected by the shooting and take my advice to heart.

Mr. KENNEDY. Mr. President, I rise today to express my deep concern over the kidnapping of Colombian Senator Piedad Córdoba de Castro. Senator Córdoba was abducted on May 21 by paramilitary forces under the command of Carlos Castaño. I urge the Government of Colombia to take all appropriate measures to break these links, obtain her safe release and to bring those responsible for this kidnapping to justice.

Senator Córdoba, as President of the Colombian Senate's Human Rights Commission, is a strong voice in Colombia for the promotion of human rights. She has also been a leader in efforts to bring peace to Colombia after fifty years of political violence. Senator Córdoba's role as a leading advocate of human rights and peace makes this crime particularly shocking.

UN Secretary-General Kofi Annan has also condemned the kidnapping of Senator Córdoba and has urged the Colombian authorities to do everything possible to obtain her release. Secretary-General Annan called Senator Córdoba "a firm supporter of peace" who had "performed invaluable work towards the achievement of fundamental rights and freedom."

It is extremely disturbing to see that paramilitary forces and guerrilla groups involved in Colombia's internal conflict continue to resort to kidnapping as a means of political pressure. This violent action against a prominent human rights advocate emphasizes the importance of the efforts of President Pastrana to eliminate all links between the Colombian Government and the paramilitaries.

I urge the Government of Colombia to take all necessary and appropriate measures to break these links, obtain Senator Córdoba's release, and bring to justice those responsible for her kidnapping.
COSPONSORSHIP OF THE MOTOR VEHICLE RENTAL FAIRNESS ACT

Mr. MCCAIN. Mr. President, yesterday, I introduced two bills, S. 1130, the Motor Vehicle Rental Fairness Act. Despite the fact that my request specifically stated “the Motor Vehicle Rental Fairness Act”, the Bill Clerk’s office inadvertently added Senator Mack as a cosponsor to the Telecommunications Merger Review Act of 1999. Later in the day, I asked that Senator Connie Mack be added as an original cosponsor to the Motor Vehicle Rental Fairness Act. Despite the fact that my request specifically stated “the Motor Vehicle Rental Fairness Act”, the Bill Clerk’s office inadvertently added Senator Mack as a cosponsor to the Telecommunications Merger Review Act. It is my understanding that this error has been corrected. I want the record to reflect that Senator Mack was an original Cosponsor of the Motor Vehicle Rental Fairness Act.

“SHALL ISSUE” LAWS

Mr. LEVIN. Mr. President, I rise today to discuss concealed weapons laws. Currently, in Michigan, if a person wishes to obtain a permit to carry a concealed weapon, he or she must apply at the local county gun board. Each one of these gun boards is made up of three members: the local sheriff, county prosecutor and a designee of the state police. The gun boards base their decisions on a person’s demonstrated need for a gun, and that person’s criminal record, if any, and on local conditions.

Local decisionmaking makes sense. Local law enforcement officials know the local environment, local citizens, and can best assess the local impact of increasing the numbers of weapons carried in public. Last night, the Michigan State Senate passed a bill that, if signed into law, would take discretion away from local gun boards and put more weapons on our streets and in public places. In my view, eliminating the authority of local gun boards would be detrimental to public safety in Michigan and take us in the opposite direction than we are heading in Congress. More important than my opinions are the views of the law enforcement community in Michigan. Every major law enforcement agency in the state of Michigan including the State Police, Michigan Association of Chiefs of Police, Michigan Prosecuting Attorneys Association, Michigan Municipal League as well as many other organizations such as the Michigan Municipal League have made statements opposing this bill.

One of the bills that is now before a conference committee of the Michigan Legislature is referred to as a “shall issue” bill. The NRA has been lobbying Michigan legislators to support a “shall issue” policy. The legislation is called “shall issue” because it mandates that if a person passes an FBI Federal background check, the gun board “shall issue” him a permit to carry a concealed weapon, without requiring a show of need or the condition of other local circumstances.

This legislation goes in the wrong direction. It would increase the danger of gun violence in our communities. I have seen no evidence, that people who have a legitimate need to carry a gun for protection are being denied the ability to do so. The numbers demonstrate that the overwhelming majority of requests for concealed weapons permits are approved. It’s important for public safety that local gun boards continue to make such judgments.

Here in Congress, we are working hard to reduce the easy availability of lethal weapons to people who should not have them. I do not want to see my State go in the other direction by passing a law that encourages the spread of concealed weapons in public places.

Michigan, like every state targeted for these NRA-backed concealed weapons bills, yet, despite the best efforts of the NRA, the “shall issue” policy has been rejected by a bipartisan group of legislators in more than half the States. The power of people in those States who united to demand action. Voters in the State of Missouri recently defeated a “shall issue” proposal much like the one in the Michigan Legislature. Missouri voters wanted to keep in place prudent regulations for carrying concealed weapons—regulations that were first enacted in reaction to the days of Jesse James and the outlaw gangs.

I believe the majority of Michigan’s citizens feel the same way.

MEMORIAL DAY COMMEMORATION REMARKS

Mr. SPECTER. Mr. President, in anticipation of this very victory Monday. I wish to honor the memories of the 1.1 million Americans who gave their lives in defense of America and American ideals. Americans have fought and died in various wars spanning over two centuries. Her fallen soldiers have left indelible marks on the annals of history in conflicts notable for the good attained over the evil vanquished: independence over monarchial tyranny; freedom over slavery; and democracy over fascism and communism. Indeed, in this century alone, American servicemen can be hailed for turning the tide of history’s two world wars. As we head towards the dawn of a new millennium, I ask my colleagues to join with me to give homage to America’s patriots, in deed as well as word.

I believe the best way to commemorate the spirit of those who gave their lives is to honor, respect, and care for the 26 million American veterans living today. As Chairman of the Committee on Veterans’ Affairs, I have striven to accomplish this goal through a number of legislative measures and processes. After a successful battle over the budget resolution, I and 52 of my Senate colleagues signed on to a letter urging the Appropriation’s Committee to support the resolution’s recommendation of an additional $1.66 billion for veterans’ health care. This funding is vital to ensure that our nation’s veterans get the highest quality of health care available. I have also pushed for enactment of legislation which would increase veterans’ education benefits; allow for a Medicare Subvention demonstration project; require additional national cemeteries to be built in areas with high veteran populations; and ensure that construction of the World War II Memorial begins next year.

The Athenian leader Pericles had these words to say about those who lost their lives in the Peloponnesian War: “To the local communities who were hard hit by this war, we only say that they are commemorated by columns and inscriptions, but there dwells also an unwritten memorial of them, graven not on stone but in the hearts of men.” This Memorial Day, I challenge my colleagues to make a commitment to ensure the memory of the millions of Americans not only in our hearts, but in the legislation we enact for veterans and servicemen during the remainder of the 106th Congress.

ELECTION OF EHUD BARAK AS PRIME MINISTER OF ISRAEL

Mr. DODD. Mr. President, I rise to congratulate Ehud Barak, on his victory in the recent Prime Ministerial election in Israel. Mr. Barak is a man of courage and a proven leader. He is eminently capable of leading our closest ally in the Middle East at this important juncture in its history. His record of fighting the long struggle of the Jewish people’s strong desire for peace.

Not only was the election a victory for Mr. Barak, it was also a victory for Israeli democracy. Nearly four out of five Israeli citizens over the age of 18 cast ballots on May 17, 1999. That figure is even more astounding when you consider that Israelis—even those living overseas—are not permitted to cast absentee ballots. More than ten thousand Israelis purchased airline tickets and traveled great distances in order to exercise their right to vote. This dedication to the most basic pillar of democracy is enviable, for if people fail to exercise their right to vote they quickly lose their voice.

This election also marked an important milestone. For the first time in Israel’s history, an Arab campaigned for Prime Minister. Although Azmi Bishara withdrew from the race shortly before the election in order to boost the chances of Mr. Barak, he should be commended for his courage in running. While members of Israel’s Arab minority have long been represented in the Knesset—Israel’s parliament—Mr. Bishara’s campaign demonstrated that
Arabs are welcome in all segments of Israel’s political life.

Mr. Barak is a true son of Israel and a worthy leader of the only democracy in the Middle East. Born on a Kibutz six years before Israel’s independence, he has served his country well as its most decorated soldier. Chief of Staff of the Israeli Defense Forces, Member of the Knesset, Minister of the Interior and Foreign Minister.

After the polls closed on May 17th, when it was clear that he had been elected, Mr. Barak traveled to Rabin Square in the center of Tel Aviv. Standing just feet from the spot where an assassin’s bullet struck Prime Minister Yitzhak Rabin three and a half years ago, the Prime Minister-elect renewed his commitment to the Peace Process Prime Minister Rabin courageously began. It was a fitting tribute to Israel’s fallen leader.

Making peace is not an easy endeavor. Indeed, it is often more difficult to make peace than to wage war. As Prime Minister Rabin often said, one does not make peace with one’s enemies; one makes peace with one’s enemies. Barak, like Rabin, has proven himself a great general on the battlefield. Now he must prove himself worthy of the even more exalted title of peacemaker. I am confident that Ehud Barak will indeed earn that title, making Israel’s second fifty-years devoid of the wars which characterized its first fifty years.

Mr. President, the United States is one of Israel’s closest allies. Under the stewardship of Mr. Barak, I am confident that relationship will only grow stronger. I look forward to a close collaboration between our two nations on issues ranging from security to trade. Most importantly, however, is the struggle for peace to a region which has seen far too many wars.

MEMORIAL DAY OBSERVANCE

Mr. DORGAN. Mr. President, I received a very touching letter from a Vietnam Veteran from my state, who, was recently awarded the Silver Star for his bravery during the Vietnam Conflict.

Helping Al Myers get that Silver Star and the recognition he deserved for so long was a very rewarding experience. Al sent me this letter. It is a fictional remembrance of a soldier who’s name is on the Vietnam Memorial.

The letter defines the importance of paying tribute to our nation’s honored soldiers who have fought for, won, and kept our freedom, whether that tribute comes in the form of our nation building a great “Black Granite Wall,” or simply a family member putting flowers on a beloved white tombstone at a veteran’s cemetery. It exemplifies the strength, dedication, and sacrifice of our nation’s military men and women, and their families. We are forever indebted to them, and it fills me with great pride and humility to honor those whose sacrifices are too great to recognize in this small sacrifice to preserve our way of life as Americans.

I thought it was very important to read it in honor of the Memorial Day Observance on Monday. It touched my heart and made me want to share it here once again. It is called “The Wall From the Other Side.”

THE WALL FROM THE OTHER SIDE

(Pat Camunes)

At first there was no place for us to go until someone put up that “Black Granite Wall.” Now, every day and night, my Brothers and Sisters wait to see the many people from places afar file in front of this “Wall.” Many people stopping briefly and many for hours and some that come on a regular basis. It was hard at first, not that it’s gotten any easier, but it seems that many of the attitudes towards that Vietnam War we were involved in has changed, and how we treat the Wall and the ones on the other side have learned something, and more “Walls” as this one, needn’t be built.

Several members of my unit, and many that I did not recognize, have called me to The Wall by touching my name engraved upon it. The tears aren’t necessary, but are hard even for me to hold back. Don’t feel guilty for not being with me, my Brothers. This was my destiny as it is yours to be on that side of The Wall. Touch The Wall, my Brothers! If you have the chance, I urge you to see what The Wall means to us. The Wall is memories that we had. I have learned to put the bad memories aside and remember only the pleasant ones that we had together. Tell our other Brothers out there to come and visit me, not to say Good-bye but to say Hello and be together again . . . even for a short time . . . and to ease that pain of loss that we all still share.

Today, an irresistible and loving call summons me to The Wall. As I approach, I can see an elderly lady . . . and as I get closer, I see an elderly lady—My God!—he has to be my son! Look at him trying to be the man without a tear in his eye. I knew he was preparing to leave, I knew he must prove himself worthy of the title, making Israel’s second fifty-years devoid of the wars which characterized its first fifty years.

Mr. President, the United States is one of Israel’s closest allies. Under the stewardship of Mr. Barak, I am confident that relationship will only grow stronger. I look forward to a close collaboration between our two nations on issues ranging from security to trade. Most importantly, however, is the struggle for peace to a region which has seen far too many wars.

THE CONTRIBUTION OF IMMIGRANTS TO AMERICA’S ARMED FORCES

Mr. ABRAHAM. Mr. President, with Memorial Day soon upon us, I wanted to share with my colleagues some of the testimony from yesterday’s Senate Immigration Subcommittee hearing on “The Contribution of Immigrants to America’s Armed Forces.” It featured some dramatic testimony from both immigrants and native-born individuals.

Let me begin by quoting the testimony of Elmer Compton, a native of Indiana who served in Vietnam.

On March 16, 1966, Al Rascon was with the Recon Platoon on a search and destroy mission known as Operation Silver City. My
team had engaged a well-armed enemy force. The enemy force had fire superiority that immediately pinned down the entire point squad with heavy machine gun fire and numerous hand grenades. Through the intense fire of automatic weapons and grenades, Rascon made his way to point where his squad was pinned down and could not move in any direction. Wounded himself, Rascon continued his way to my position, attending to wounded as he did.

After reaching my position I could see that he was in great pain. He began to pitch me up. As I was placing M16 fire in the direction of the enemy, two or three hand grenades were thrown in the direction of Rascon and myself, landing no more than a few feet away. Without hesitation, Rascon jumped on me with his body. He received numerous wounds to his body and face.

I truly believe his actions that day saved my life. What more can a person do for God, Country, I did his fellow man. In closing, I think of the Military Code of Conduct, The First Code, I am an American fighting man, I serve in the forces which guard our Country and our way of life. And I am not alone in my fight. The immigrants I had the privilege to know and serve with upheld this Code. Again, thank you for this opportunity.

Erick A. Mogollon, a Guatemalan-born immigrant and Gulf War veteran, is a Senior Chief Petty Officer with the U.S. Navy. At the hearing he summed up the views of many immigrant soldiers and sailors when he testified.

After having had the opportunity to meet so many shipmates over the course of my career, I can honestly say that the contribution of immigrants America’s can never be fully measured. These Soldiers, Sailors, Airmen and Marines, have left their motherland, been welcomed by the United States and have given of themselves to the defense of this nation. For many immigrants, they have given and will continue to give because of their deep appreciation and dedication to the United States. They know, first hand, the sacrifices of immigrants to defend the United States. They know, first hand, how it feels to protect it. They now count on, and will give their lives to protect it.

Let me state my position clearly: All of us—fellow Americans who are dedicated to the defense of our nation. For many immigrants, they know, first hand, how it feels to protect it. They now count on, and will give their lives to protect it.

Mr. Chairman and distinguished members of the Committee, I am honored to appear before you today to talk about immigrant Americans. I am a Quartermaster in the Armed Forces and our national defense. I’d like to share with you a few thoughts on how I became an American and why I joined the United States Navy.

I was born in Guatemala City, Guatemala on 24 January 1960 and immigrated to the United States with my family in 1970. My mother, three brothers and one sister lived outside of Boston in Milford, Massachusetts. In 1973, I moved to East Douglas and attended Douglas High School. I am proud to say I graduated in 1979 with high honors.

While in high school, I entered the Delayed Entry Program and shipped out to boot camp in September 1979. I joined because of the opportunity to serve, to protect America and to fulfill the dream of my ancestors. The immigrants who have given of themselves to the defense of the United States. They know, first hand, how it feels to protect it. They now count on, and will give their lives to protect it.

After the war, I was assigned to U.S.S. John F. Kennedy (CV–67). After serving on Kennedy, I was assigned to VB–22 and VQ-2 in Rota, Spain. Some of the opportunity of overseas service and earned my qualification as an Aviation Warfare Specialist. While in Spain, I was fortunate and honored to receive the Commander-in-Chief, U.S. Navy Forces Europe, Leadership Award for Petty Officers. Being chosen from thousands of highly qualified shipmates was truly an honor and a privilege.

The highlight of this tour was my citizenship. On June 17, 1985, I became a United States Citizen at Fanueil Hall in Boston, Massachusetts.

After leaving Spain, I was reassigned to the U.S.S. John F. Kennedy (CV–67). I am proud of the ship and our combat service during Operations Desert Shield and Desert Storm. As a newly promoted Chief Petty Officer, I served as a flight deck chief during the war and was directly responsible for the launching and recovery of our combat aircraft. During the war, U.S.S. John F. Kennedy aircraft participated in over 120 combat strike missions and flew nearly 4000 strike sorties.

I am proud to say we did not lose any pilots or aircrew during the war. The pride, professionalism and dedication of our sailors was evident in daily operations.

After the war, I was assigned to U.S.S. America (CV–66) as the flight deck chief for V–3 division and was able to experience the contributions of many immigrant Americans who are dedicated to the defense of our nation. I was proud to be the main propulsion mechanic on the senior enlisted force and am assigned to the Submarine School in Groton, CT. This high-light gives me the opportunity to instill pride and commitment to the next generation.

After having had the opportunity to meet so many shipmates over the course of my career, I can honestly say that the contribution of immigrants America’s can never be fully measured. These Soldiers, Sailors, Airmen and Marines, have left their mother-
“His unparalleled action saved the lives of many who were at the platoon who otherwise would have fallen to the sniper fire,” reads the official citation. “Private First Class Albanese’s extraordinary heroism and supreme dedication to his countrymen were in keeping with the finest traditions of the military service and remain a tribute to himself, his unit, and the U.S. Army.” Lewis Albanese was 22 years old.

Mexican-born immigrant Marcario Garcia was acting squad leader of Company B (22nd Infantry) near Grosseau, Germany during World War II. Garcia was wounded and in pain when he found his company pinned down by the heavy machine gun fire of Nazi troops and by an artillery and mortar barrage. Garcia crawled forward up to one of the enemy’s positions and personally began firing on the enemy’s emplacement, single-handedly assaulted the position, and destroyed the gun, killing three German soldiers.

Shortly afterward, another company, another German machine gun started firing. Garcia returned to the German position and again single-handedly stormed the enemy, destroying the position and another German soldier, and capturing four prisoners.

Finally, Lieutenant John Koelsch was a London-born immigrant who flew a helicopter of gun-laying heavy bomber unit during the Korean War. On July 3, 1951, he received word that the North Koreans had shot down a U.S. marine aviator and had him trapped deep inside hostile territory. The terrain was mountainous and it was growing dark. John Koelsch volunteered to rescue him.

Koelsch’s aircraft was unarmed and due to the overcast and low altitude he flew without a fighter escort. He drew enemy fire as he descended beneath the clouds to search for the downed aviator.

After being hit, Koelsch kept flying to where he located the downed pilot, who had suffered serious burns. While the injured pilot was being hoisted up, a burst of enemy fire hit the helicopter, causing it to crash into the side of the mountain. Koelsch helped his crew and the downed pilot out of the wreckage, and led the men out of the area just ahead of the enemy troops. With the enemy leading them, they spent nine days on the run evading the North Koreans and caring for the burned pilot. Finally, the North Koreans captured him and his men.

“His great personal valor and heroic spirit of self-sacrifice throughout sustained and enhanced the finest traditions of the U.S. Naval Service,” his citation for the Medal of Honor reads. That self-sacrifice, the citation notes, included the inspiration of other prisoners of war, for during the interrogation he “refused to aid his captors in any manner” and died in the hands of the North Koreans.

These and other immigrant Medal of Honor recipients tell the story not only of America’s wars but of America’s people. After all, we must never forget that all of us are either immigrants or the descendants of immigrants.

Tens of thousands of immigrants and hundreds of thousands of the descendants of immigrants have died in combat fighting for America. I put to you that there is a standard, a basic standard, by which to judge whether America is correct to maintain a generous legal immigration policy: Have immigrants and their children and grandchildren been willing to fight and die for the United States of America? The answer—right up to the present day—remains a resounding “yes.”

Detroit Free Press Article on Gun-Related Prosecutions

Mr. ABRAHAM. Mr. President, I rise today to call attention to a Detroit Free Press article published Tuesday of this week, entitled, “Federal gun cases decrease: Decline in Michigan greater than in U.S.” This article notes that from 1993 to 1997, there has been a very significant decline in the number of gun prosecutions brought in Detroit.

Mr. President, over the last two weeks, we in this body engaged in lengthy debate on the question of how effective or useful different proposals to regulate firearms were likely to be in stemming violent crime, most especially juvenile crime. I supported some of the proposals and opposed others. This article in the Eastern Edition of the Free Press provides the other important point raised in this debate: no matter what laws this Congress passes, their effect on violent crime will almost certainly be negligible if the Administration is not willing to prosecute violent criminals. Unfortunately, the Free Press article provides little ground for optimism on this score.

According to the Free Press, between 1993 and 1997 the number of people prosecuted in Detroit in cases investigated by the BATF decreased by 55%, compared with a 36% drop nationally. The Free Press also reports that there has been a nearly 50% decrease in prosecutions involving the three largest categories of federal gun laws, from 221 to 112 respectively.

When asked about this, U.S. Attorney Saul Green of Detroit reportedly stated that the decrease in prosecutions in the Eastern District of Michigan follows a downward trend in crimes. In fact, however, while there has been some improvement on that score, Detroit’s violent crime rate has been falling significantly less than that of most major areas, and it remains unacceptably high. Meanwhile, the much more dramatic decline of violent crime in Richmond, Virginia, where federal officials have pursued a policy of vigorous prosecution of gun offenders, strongly suggests that if the Administration were following the same course in Detroit, we would be doing better.

As the Detroit Free Press article points out, police records show that there were 559 murders in Detroit in 1993, compared to 453 in 1998. But that still left Detroit with the highest murder rate per capita for cities with a population of approximately one million. It is the second highest among the U.S.’s 226 largest cities.

Moreover, while in 1998 the rate of reported violent crimes decreased 6% nationally, in Detroit it actually increased by 13%, according to FBI figures. Nor is this simply a one-year anomaly.

In 1997, the number of murders in Detroit increased by 9% from 1996 and Detroit’s murder rate ranked 5th worst among the U.S.’s 225 largest cities. Meanwhile, our serious crime decreased by only 1%, compared to a 3.2% decrease nationally. Similarly, in 1996, Detroit’s rate of violent crimes decreased by only 3%, compared to a 7% decrease nationally.

Nor is Detroit’s relatively small numerical improvement explained by the fact that it is a major metropolitan area. To the contrary, it is mostly the biggest cities, like New York, that have seen the largest drops in crime rates over the past few years.

The fact that Detroit is lagging behind the nation’s improving violent crime rates, along with the fact that it is continually among nation’s 5-7 worst cities with respect to its homicide rate, clearly indicates that this is no time for a relaxation of our federal government, to be relaxing our crime-fighting efforts. Meanwhile, recent data from Richmond, Virginia’s Project EXILE strongly suggest that aggressive prosecution and severe punishment of gun law violations would be of major help. In 1998, the year following the implementation of Project Exile in Richmond, the homicide rate in Richmond decreased by approximately 1/3. The rate of firearm-related homicides in Richmond dropped even more—66%, from 122 in 1997 to 78 in 1998.

This takes me back to where I started. I voted in favor of several of the measures the Senate adopted last week because I believe that they can be useful tools in stopping gun violence. But quite simply, no gun laws, either those currently on the books or any new ones that Congress may enact, can be effective if the Attorney General does not enforce them through aggressive prosecution and strict punishment of criminals. Unfortunately, the Free Press article, published on Tuesday, May 27, 1999, provides little ground for optimism on this score.

There being no objection, the article was ordered to be printed in the RECORD and as in Detroit, including the federal government, to be relaxing our gun laws, either those currently on the books or any new ones that Congress may enact, can be effective if the Attorney General does not enforce them through aggressive prosecution and strict punishment of criminals. Unfortunately, the Free Press article, published on Tuesday, May 27, 1999, provides little ground for optimism on this score.

[From the Detroit Free Press, May 25, 1999]

FEDERAL GUN CASES DECREASE

DECLINE IN MICHIGAN GREATER THAN IN U.S.

(By Tim Doran)


The number of people prosecuted in cases investigated by the federal Bureau of Alcohol, Tobacco and Firearms plummeted 58 percent in the state. The number of people prosecuted in eastern Michigan dropped from 558 to 275 from 1993 to 1997.

For the three largest categories of gun law violations, the number of people prosecuted in eastern Michigan dropped from 221 in 1993 to 112 in 1997.
The analysis comes at a time when Congress is debating legislation to tighten access to guns, and the state Legislature is considering laws to make it easier to get a concealed weapons permit.

If the federal government wants to reduce gun crime, it should enforce existing laws, said Dave LaCourse, public affairs director for the Second Amendment Foundation, which opposes gun control.

“But the agency that’s set up to put the screws to the bad guy is almost being cut in half,” LaCourse said.

Last month, Wayne County and the City of Detroit sued gun manufacturers and dealers, saying they used a strategy of “willful blindness” looking the other way when guns are sold illegally. A sitting county law enforcement official alleged that nine of 10 dealers sold guns to people who indicated they were buying on behalf of a minor or felon with them.

Both U.S. Attorney Saul Green of Detroit and Special Agent Michael Morrisey, head of the ATF in Michigan, dispute the numbers from the Free Press study. The reports analyzed for the study came from the Executive Office for U.S. Attorneys and are made public by the Transactional Records Access Clearinghouse (TRAC) at Syracuse University.

“The numbers have gone down,” Green said. But he said he does not accept the data the Free Press analyzed as definitive.

Green said that the decline follows a general downward trend in crimes.

“The increased use of local-federal task forces may play a role in the decreased federal gun cases, he said. “We have a lot more cooperation than we had in the past and some of the cases developed might go to local prosecution as opposed to federal.”

Morrisey and ATF officials in Washington said the bureau shifted its investigative strategy, targeting more serious violators.

The number of ATF investigators on the street declined both nationally and in Michigan, and some of the remaining agents have taken on additional duties.

The number of licensed gun dealers in the state has dropped, from about 11,000 in the early 1990s to 2,498 as of earlier this month, the state has dropped, from about 11,000 in the state, the number of federal prosecutions fluctuated but the annual totals were much less than in the east.

If recent undercover investigations in Wayne County are an indication, finding illegal gun sales will be harder.

Between March 24 and April 14, undercover teams who told gun dealers they were juveniles and convicted felons bought weapons from nine out of 10 dealers.

Morrisey, who took over ATF Michigan operations last August, said his bureau can inspect gun dealers only once a year unless the bureau has probable cause to suspect a crime.

His figures show the number of cases referred to prosecutors by the ATF in Michigan have fluctuated between 1993 and 1997 but remained fairly constant. They do show, however, a downward trend in prosecutions.

In the early 1990s, when the numbers were higher, the bureau targeted more felons with guns, Morrisey said.

“Those are as easy as going out and picking up knives or guns,” he said.

But the number of guns on the street did not decline, Morrisey said. The ATF began concentrating on licensed and unlicensed dealers who supply guns illegally to violent felons. One dealer can supply guns used in many crimes, he said.

The ATF has 33 agents on the streets of Michigan today. In 1992, he said. And some of those agents have more duties related to their specialized training in arson and explosives.

Some are assigned to state task forces, so the criminals they help arrest might not show up in the ATF statistics, he said.

The ATF also assigns agents to gang reeducation programs in schools, and the bureau investigates cigarette bootlegging, arson fires and explosions, not just gun violations.

IT WORKS IN RICHMOND

While the ATF has shifted its emphasis nationally away from individual felons with guns, one city that strictly enforced federal firearm laws saw a reduced murder rate.

In Richmond, federal prosecutors began in March 1997 to prosecute every gun case in the city between 1993 and 1997. The number of firearm-related homicides dropped from 122 in 1997 to 78 in 1998.

Comey doesn’t give Project Exile all the credit. Crack is waning in popularity; the state abolished parole three years ago, and drug enforcement has increased. He and others say it should not be seen as the answer for every city, although both gun-rights and gun-control advocates support it.

The federal government in Detroit has joined to start a similar program. Operation Countdown, which began about two months ago, is operating in a few precincts. Already eight cases have been referred to federal prosecutors, said Bob Agacinski, deputy chief in charge of career criminals for the Wayne County Prosecutor’s Office.

He said the program, which involves the ATF and Detroit police, has strong support from both Green and Wayne County Prosecutor John O’Hair.

“I think it’s going better than we thought,” Agacinski said.

MESSAGES FROM THE PRESIDENT

As in executive session the President laid before the Senate messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

(See in executive session the President laid before the Senate messages from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.)

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

WILLIAM J. CLINTON.


REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 34

The President laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 13047 of May 20, 1997.

WILLIAM J. CLINTON.

May 27, 1999

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1621(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 12170 of November 19, 1979.

WILLIAM J. CLINTON

REPORT OF THE NOTICE OF THE CONTINUATION OF THE EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) is to continue in effect beyond May 30, 1999, and the emergency declared with respect to the situation in Kosovo is to continue in effect beyond June 9, 1999.

On December 27, 1995, I issued Presidential Determination 96-7, directing the Secretary of the Treasury, inter alia, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the “Resolution”), was an essential factor motivating Serbia and Montenegro’s acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris, France, on December 14, 1995 (hereinafter the “Peace Agreement”). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serbs and authorities and on the territory that they control within Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution.

Sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked those funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law. Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond May 30, 1999.

On June 9, 1998, I issued Executive Order 13088, “Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro, and Prohibiting New Investment in the Republic of Serbia in Response to the Situation in Kosovo.” Since then, the government of President Milosevic has rejected the international community’s efforts to find a peaceful settlement for the crisis in Kosovo and has launched a massive campaign of terror that has displaced a large percentage of the population and been accompanied by an increasing number of atrocities. President Milosevic’s brutal assault against the people of Kosovo and his complete disregard for the requirements of the international community pose a threat to regional peace and stability. President Milosevic’s actions continue to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond June 9, 1999.

WILLIAM J. CLINTON

MESSAGES FROM THE HOUSE

At 9:45 a.m., a message from the House of Representatives, signed by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 248. An act to provide funding for the National Center for Runaway and Homeless Youth Act, and for other purposes.
The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:


H.R. 197. An act to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the “Clifford R. Hope Post Office.”

H.R. 441. An act to amend the Immigration and Nationality Act with respect to the requirements for the admission of non-immigrant nurses who will practice in health professional shortage areas.

H.R. 974. An act to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes.

H.R. 1191. An act to designate certain facilities of the United States Postal Service in Chicago, Illinois, as various postal buildings.

H.R. 1231. An act to designate the United States Postal Service building located at 8550 South 700 East, Sandy, Utah, as the “Noel Cushing Bateman Post Office Building.”

H.R. 1377. An act to designate the facility of the United States Postal Service at 33234 South Baltimore Avenue in Chicago, Illinois, as the “John J. Buchanan Post Office Building.”

H.R. 1833. An act to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.

At 1:52 p.m., a message from the House of Representatives, delivered by Mr. Hanranhan, one of its reading clerks, announced that the House had agreed to the following concurrent resolution; in which it requests the concurrence of the Senate:

S. Con. Res. 35. Concurrent resolution providing for a joint adjournment of the Senate and a conditional adjournment of the House of Representatives.

ENROLLED BILLS SIGNED

At 2:00 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1183. An act to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be navigable waters of the United States for purposes of title 48, United States Code, and the other maritime laws of the United States.

H.R. 1121. An act to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the “Lewis R. Morgan Federal Building and United States Courthouse.”

H.R. 438. An act to amend the Airline Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. Thurmond).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 100. An act to establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania; to the Committee on Governmental Affairs.

H.R. 197. An act to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the “Clifford R. Hope Post Office”; to the Committee on Governmental Affairs.

H.R. 441. An act to amend the Immigration and Nationality Act with respect to the requirements for the admission of non-immigrant nurses who will practice in health professional shortage areas; to the Committee on the Judiciary.

H.R. 974. An act to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

H.R. 1191. An act to designate certain facilities of the United States Postal Service in Chicago, Illinois, as various postal buildings; to the Committee on Governmental Affairs.

H.R. 1231. An act to designate the United States Postal Service building located at 8550 South 700 East, Sandy, Utah, as the “Noel Cushing Bateman Post Office Building”; to the Committee on Governmental Affairs.

H.R. 1377. An act to designate the facility of the United States Postal Service at 33234 South Baltimore Avenue in Chicago, Illinois, as the “John J. Buchanan Post Office Building”; to the Committee on Governmental Affairs.

H.R. 1833. An act to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes; to the Committee on Governmental Affairs.

The Committee on Energy and Natural Resources was discharged from further consideration of the following measure which was referred to the Committee on Indian Affairs:

S. 438. A bill to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy’s Reservation, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1138. A bill to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce.

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–3346. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Electricity Produced from Certain Renewable Resources; Calendar Year 1999 Inflation Adjustment Factor” and “Notice 99–26”, received May 24, 1999; to the Committee on Finance.

EC–3347. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Notice 99–28, Election to Claim Education Tax Credit” (Notice 99–28), received May 24, 1999; to the Committee on Finance.

EC–3348. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Notice 99–32, Election to Claim Education Tax Credit” (Notice 99–32), received May 24, 1999; to the Committee on Finance.

EC–3349. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “April–June Bond Factor Amounts” (Revenue Rule 99–24), received May 24, 1999; to the Committee on Finance.

EC–3350. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Uniform Closing Agreement Procedures for Modified Endowment Contracts” (Rev. Proc. 99–27), received May 18, 1999; to the Committee on Finance.

EC–3351. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Notice 99–31, Guidance Regarding Section 664 Regulations” (OGI–108611–99), received May 20, 1999; to the Committee on Finance.

EC–3352. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Notice 99–32, Joint Treasury–Treasuror regulations for the admission of non-immigrant nurses who will practice in health professional shortage areas; to the Committee on Finance.

EC–3353. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled the “Medicare Contracting Reform Amendment of 1999” to the Committee on Finance.

EC–3354. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation relative to the President’s Fiscal Year 2000 Budget; to the Committee on Finance.

EC–3355. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747–100, –200, –300, –SP, and 300NP; Associated Aircraft” (RIN2120–AA64), received April 12, 1999; to the Committee on Finance.

EC–3356. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives;
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EC–3364. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747-400, 747-400F, and 747-400F Series Airplanes; Docket No. 97–NM–93–AD; Amendment 39–11222; AD 99–09–04” (RIN 2120–AA64), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3365. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747–100, –200, and –300 Series Airplanes; Docket No. 97–NM–37–AD; Amendment 39–11164; AD 99–09–13” (RIN 2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3366. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pilatus PC–12 Series Airplanes; Docket No. 97–NM–286–AD; Amendment 39–11109; AD 99–08–06” (RIN 2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3367. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pilatus PC–12 Series Airplanes; Docket No. 97–NM–286–AD; Amendment 39–11109; AD 99–07–30” (RIN 2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3368. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pilatus PC–12 Series Airplanes; Docket No. 97–NM–286–AD; Amendment 39–11109; AD 99–07–30” (RIN 2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3369. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pilatus PC–12 Series Airplanes; Docket No. 97–NM–286–AD; Amendment 39–11109; AD 99–07–30” (RIN 2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3370. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pilatus PC–12 Series Airplanes; Docket No. 97–NM–286–AD; Amendment 39–11109; AD 99–07–30” (RIN 2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3371. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pilatus PC–12 Series Airplanes; Docket No. 97–NM–286–AD; Amendment 39–11109; AD 99–07–30” (RIN 2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3372. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pilatus PC–12 Series Airplanes; Docket No. 97–NM–286–AD; Amendment 39–11109; AD 99–07–30” (RIN 2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3373. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pilatus PC–12 Series Airplanes; Docket No. 97–NM–286–AD; Amendment 39–11109; AD 99–07–30” (RIN 2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3374. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747–100, –200, and –300 Series Airplanes; Docket No. 97–NM–37–AD; Amendment 39–11164; AD 99–09–13” (RIN 2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3375. 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—William D. Ford Federal Direct Loan Program (RIN 1966–0001)” (RIN 2120–AA64), received May 3, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3376. 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—William D. Ford Federal Direct Loan Program (RIN 1966–0001)” (RIN 2120–AA64), received May 3, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3377. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Acamprosate (RIN 2120–AA64), received May 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3378. A communication from the Chairwoman of the House Committee on Agriculture, Nutrition, and Forestry, transmitting, pursuant to law, the report of a rule entitled “Acamprosate (RIN 2120–AA64), received May 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.”
INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time, and referred to the appropriate committees.

By Mr. MIKULSKI (for herself, Mr. DODD, Mr. HOLLINGS, Mr. JEFFFORDS, Mr. KENNEDY, Mrs. MURRAY, and Mr. WELLS): S. 1142. A bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SHELBY: S. 1143. An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. Voinovich (for himself, Mr. CHAFFEY, Mr. MCGINNIS, Mr. MINGHAN, Mr. WARNER, Mrs. HUTCHISON, Mr. REID, Mr. LAUTENBERG, and Mr. LEAHY): S. 1144. A bill to provide increased flexibility in use of highway funding, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SHELBY: S. 1145. A bill to provide for the appointment of additional Federal circuit and district judges; to the Committee on Environment and Public Works.

By Mr. SHELBY: S. 1146. A bill to make amendments to the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety and storage notification requirements, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOND (for himself and Mr. KERRY): S. 1156. A bill to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to provide for full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes; to the Committee on Small Business.

By Mr. Smith of New Hampshire (for himself, Mr. HATCH, Mr. JOHNSON, Mrs. MURRAY, and Mr. CORDES): S. 1157. A bill to repeal the Davis-Bacon Act and the Copeland Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. Hutchison: S. 1182. A bill to allow the recovery of attorney’s fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration; to the Committee on Health, Education, Labor, and Pensions.

By Mr. Stevens (for himself, Mr. COCHRAN, Mr. INOUYE, Mr. HAGEL, Mr. BINGAMAN, Mr. SHELBY, Mr. LEVIN, Mr. DODD, and Mr. THURMOND): S. 1159. A bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. Grassley (for himself and Mr. FRAZIER): S. 1160. A bill to amend the Internal Revenue Code of 1986 to provide marriage penalty relief, incentives to encourage health care coverage, and increased child care assistance to extend certain expiring tax provisions, and for other purposes; to the Committee on Finance.
By Mr. DODD:
S. 1162. A bill to provide supplemental food education to low-income pregnant, postpartum, and breastfeeding women, infants, and children of military families stationed outside the United States; to authorize such measures under law; to the Committee on Foreign Relations.

By Mr. LEAHY:
S. 1163. A bill to provide research and services with respect to lupus; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNETT (for himself, Mrs. MURRAY, Mr. SCHUMER, and Mr. TORRICELLI):
S. 1163. A bill to amend the Public Health Service Act to provide for research and services with respect to lupus; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. MACK):
S. 1164. A bill to amend the Internal Revenue Code to clarify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Finance.

By Mr. MACK (for himself, Mrs. FEINSTEIN, Mr. MUKOWSKI, Mr. BREAUX, Mr. GRAMM, Mr. ROBS, Mr. CHAFEE, Mr. GRAHAM, Mr. BRYAN, Mr. TORRICELLI, Mr. WARNER, Mr. THURMOND, Mr. GRAMS, Mr. KYL, Mr. HELMS, Mr. HUTCHINSON, Mr. LUGAR, and Mr. COCHRAN):
S. 1165. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on foreign trade income; to the Committee on Finance.

By Mr. GORTON (for himself, Mr. DODD, Mr. BAUCUS, and Mr. MACK):
S. 1166. A bill to amend the Internal Revenue Code to modify certain rules relating to the taxation of United States businesses operating abroad, and for other purposes; to the Committee on Finance.

By Mr. NICKLES:
S. 1166. A bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation; to the Committee on Finance.

By Mr. GORTON (for himself, Mr. SMITH of Oregon, and Mr. CRAIG):
S. 1167. A bill to amend the Pacific Northwest Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel; to the Committee on Energy and Natural Resources.

By Mr. McCAIN:
S. 1168. A bill to eliminate the social security earnings test for individuals who have attained retirement age, to protect and preserve the social security trust funds, and for other purposes; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. COCHRAN, and Mr. BURNS):
S. 1168. A bill to require that certain multi-talented development banks and other lending institutions implement independent third party procurement monitoring, and for other purposes; to the Committee on Foreign Relations.

By Mr. TORRICELLI:
S. 1170. A bill to provide demonstration grants to local educational agencies to enable them to extend the length of the school year; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COVERDELL (for himself, Mrs. PENN, Mr. HELMS, Mr. LOTT, Mr. TORRICELLI, Mr. CRAIG, Mr. GRAHAM, and Mr. REID):
S. 1171. A bill to block assets of narcotics traffickers; to impose unusual and extraordinary threat to the national security, foreign policy, and economy of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TORRICELLI:
S. 1172. A bill to provide a patent term restoration review procedure for certain drug products; to the Committee on the Judiciary.

S. 1173. A bill to provide for a teacher quality enhancement and incentive program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:
S. 1174. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 1175. A bill to amend title 49, United States Code, to require that fuel economy labels for new automobiles include air pollution information, and to help communities meet Federal air quality standards; to the Committee on Commerce, Science, and Transportation.

By Mr. COLLINS:
S. 1176. A bill to provide for greater access to child care services for Federal employees; to the Committee on Governmental Affairs.

By Mr. HARKIN (for himself, Mr. KERRY, and Mr. GRASSLEY):
S. 1177. A bill to amend the Food Security Act of 1985 to permit the harvesting of crops on land subject to conservation reserve contracts for recovery of biomass used in energy production; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE:
S. 1178. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project, South Dakota, to the Commission of Schools and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential lessees shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOXER:
S. 1179. A bill to amend title 18, United States Code, to prohibit the sale, delivery, or other transfer of any type of firearm to a juvenile, with certain exceptions; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. DASCHLE, Mrs. MURRAY, Mr. SCHUMER, Mr. LEVIN, and Mr. DORGAN):
S. 1180. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY:
S. 1181. A bill to appropriate funds to carry out the commodity supplemental food program and the emergency food assistance program during fiscal year 2000; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI:
S. 1182. A bill to authorize the use of flat grave markers to extend the useful life of the Santa Fe National Cemetery, New Mexico, and to allow more veterans the honor and choice of being buried in the cemetery; to the Committee on Veterans Affairs.

By Mr. NICKLES:
S. 1183. A bill to direct the Secretary of Energy to convey to the city of Bartlesville, Oklahoma, the former site of the NIPER facility of the Department of Energy, to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. KYL):
S. 1184. A bill to authorize the Secretary of Agriculture to dispose of land for recreation and other public purposes; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. LIEBERMAN, Mr. HATCH, Mr. MCCAIN, Mr. McCONNELL, Mr. LOTT, Mr. BOND, Mr. ASHCROFT, Mr. COVARD, Mr. NICKLES, Mr. BROWNBACK, Mr. GORTON, Mr. GRASSLEY, Mr. SESSIONS, Mr. BURNS, Mr. INHOFE, Mr. HELMS, Mr. ALLARD, Mr. HAGEL, Mr. MACK, Mr. BUNNING, Mr. JEFFORDS, Mr. DEWINE, Mr. CRAIG, Mr. HUTCHINSON, Mr. McCaIN, Mr. BURKETT, Mr. KENNEDY, Mr. KERRY, Mr. LANDRIEU, Mr. LUTCHNER, Mr. LEVIN, Mr. LINCOLN, Mr. MIKULSKI, Mr. MOYNIHAN, Mr. MUKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Ms. SMITH of Oregon, Ms. SNOWE, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. TORRICELLI, Mr. WARNER, Mr. WYDEN, Mr. BACUS, Mr. BROWNBACK, Mr. DURBIN, Mr. ROTH, Mr. LIEBERMAN, Mr. WILLSTONE, Mr. ALLARD, Mr. BIDEN, and Mr. EDWARDS):
S. Res. 110. A resolution designating June 5, 1999, as “National Race for the Cure Day”; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. BURNS, Mr. SMITH of Oregon, Mrs. MURRAY, Mr. BOND, Mr. DASCHLE, Mr. DEWINE, Mr. ROBERTS, Mr. SPECTER, Ms. MIKULSKI, Mr. MACK, Mr. THORNLAND, Mr. EDWARDS, Mr. VOINOVICH, Mr. TORRICELLI, Mr. CRAIG, Mr. JOHNSON, Mr. GRASSLEY, Ms. LANDRIEU, Ms. SNOWE, Mr. LEVIN, Mr. WARNER, Mr. ROBB, Mr. ENZI, Mr. LUTCHNER, Mr. CRAPO, Mr. AKAKA, Mr. GORTON, Mr. DODD, Mr. DOMENICI,
Mr. BREAUX, Mr. STEVENS, Mr. CAMPBELL, Mr. LEHRMAN, Mr. ABRAHAM, Mr. DORFMAN, Mrs. FEINSTEIN, Mr. KIRBY, Mrs. BOXER, Mr. RIEH, Mr. DURBIN, Mr. CONRAD, Mr. BYRD, Mr. INOUYE, Mr. BAYH, Mr. BRYAN, Mr. LIEBERMAN, Mr. WYDEN, Mr. HOLINGS, and Mr. HATCH:

S. Res. 111. A resolution designating June 6, 1999, as “National Child’s Day”; considered and agreed to.

By Mr. FEINGOLD:

S. Res. 112. A resolution to designate June 5, 1999, as “Safe Night USA”; considered and agreed to.

By Mr. SCHUMER (for himself, Mr. MURPHY, Mr. BRYAN, Mr. MACK, and Mr. LIEBERMAN):

S. Con. Res. 36. A concurrent resolution condemning Palestinian efforts to revive the original Palestine partition plan of November 29, 1947, and condemning the United Nations Commission on Human Rights for its April 27, 1999, resolution endorsing Palestinian self-determination on the basis of the original Palestine partition plan; to the Committee on Foreign Relations.

STATMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself, Mr. DODD, Mr. HOLINGS, Mr. JEFFORDS, Mr. KENNEDY, Mrs. MINOR, and Mr. WELLSTONE):

S. 1142. A bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes; to the Committee on Finance, Education, Labor, and Pensions.

SENIORS’ ACCESS TO CONTINUING CARE ACT OF 1999

Ms. MIKULSKI. Mr. President, I rise today to introduce the “Seniors’ Access to Continuing Care Act of 1999,” a bill that gives seniors access to treatment in the setting of their choice and to ensure that seniors who reside in continuing care communities, and nursing and other facilities have the right to return to that facility after a hospitalization.

As our population ages, more and more elderly will become residents of various long term care facilities. These include independent living, assisted living and nursing facilities, as well as continuing care retirement communities (CCRCs), which provide the entire continuum of care. In Maryland alone, there are over 12,000 residents in 32 CCRCs and 24,000 residents in over 200 licenced nursing facilities.

More and more individuals and couples are choosing to enter continuing care communities because of the community environment they provide. CCRC’s provide independent living, assisted living and nursing care, usually on the same campus—the Continuum of Care. Residents find safety, community, and peace of mind. They often prepay for the continuum of care. Couples can stay together, and if one spouse needs additional care, it can be provided right there, where the other spouse can remain close by.

Most individuals entering a nursing facility do so because it is medically necessary, because they need a high level of care that they can no longer receive in their homes or in a more independent setting, such as assisted living. But residential settings that are able to form relationships with other residents and staff and consider the facility their “home”. I have visited many of these facilities and have heard from both residents and operators. They have told me about a sense of belonging and unexpected problem encountered with returning to their facility after a hospitalization.

Hospitalization is traumatic for anyone, but particularly for our vulnerable seniors. We know that having comfort in surroundings and familiar faces can aid dramatically in the recovery process. So, we should do everything we can to make sure that recovery process is not hindered.

Today, residents of CCRC’s are joining managed care plans. This trend is likely to accelerate given the expansion of managed care choices under the 1997 Balanced Budget Act. As more and more decisions are made based on financial considerations, choices often get lost. Currently, a resident of a continuing care retirement community or a nursing facility who goes to the hospital has no guarantee that he or she will be allowed by the managed care organization to return to the CCRC or nursing facility for post acute follow up care. The MCO can dictate that the resident go to a different facility that is in the MCO network for that follow up care, even if the home facility is qualified and able to provide the needed care.

Let me give you a few examples:

In the fall of 1996, a resident of Applewood Estates in Freehold, New Jersey was admitted to the hospital. Upon discharge, her HMO would not permit her to return to Applewood and sent her to another facility in Jackson. The following year, the same thing happened, but after strong protest, the HMO finally relented and permitted her to return to Applewood. She should not have had to protest, and many seniors are unable to assert themselves.

A Florida couple in their mid-80’s were separated by a distance of 20 miles after the wife was discharged from a hospital to an HMO-participating nursing home located on the opposite side of the county. This was a hardship for the husband who had difficulty driving and for the wife who belonged to return to her home, a CCRC. The CCRC had room in its skilled nursing facility on campus. Despite pleas from all those involved, the HMO would not allow the wife to recuperate in a familiar setting, close to her husband and friends. She later died at the HMO nursing facility, without the benefit of frequent visits by her husband and friends.

Collington Episcopal Life Care Community. In my home state of Maryland, many elderly are having to obtain psychiatric services, including medication monitoring, off campus, even though the services are available at Collington—how disruptive to good patient care! A brighter note: a woman’s husband was in a nursing facility.

When she was hospitalized, and then discharged, she was able to be admitted to the same nursing facility because of the Ohio law that protected that right.

More and more individuals and couples are choosing to enter continuing care communities because of the continuum of care. In Maryland alone, there are over 12,000 residents in over 200 licenced nursing facilities.

My bill also requires an insurer or MCO to pay for a service to one of its residents’ insurer or MCO to cover the cost of the care, even if the insurer does not have a contract with the resident’s facility.

In order for the resident to return to the facility and have the services covered by the insurer or MCO: 1. The service to be provided must be a service that the insurer covers; 2. The resident must have resided at the facility before hospitalization; and requiring the resident’s insurer or MCO to cover the cost of the care, even if the insurer does not have a contract with the resident’s facility.

It protects residents of CCRC’s and nursing facilities by: enabling them to return to their facility after a hospitalization; and requiring the resident’s insurer or MCO to cover the cost of the care, even if the insurer does not have a contract with the resident’s facility.

My bill also requires an insurer or MCO to pay for a service to one of its residents’ insurers or MCOs to cover the cost of the care, even if the insurer does not have a contract with the resident’s facility.
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beneficiaries, without a prior hospital stay, if the service is necessary to pre- vent a hospitalization of the benefi- ciciary and the service is provided as an additional benefit. Lastly, the bill re- quires an insurer or MCO to provide coverage to a beneficiary for services provided at a facility in which the beneficiary’s spouse already resides, even if the facility is not under con- tract with the MCO, provided the other requirements are met.

In conclusion, Mr. President, I am committed to providing a safety net for our seniors—this bill is part of that safety net. Seniors deserve quality, af- fordable health care and they deserve choice. This bill offers those residing in retirement communities and long term care facilities assurance to have their choices respected, to have where they reside recorded as their ‘‘home’’, and to be permitted to return to that ‘‘home’’ after a hospitalization. It en- sures that spouses can be together as long as possible. And it ensures access to care in order to PREVENT a hos- pital stay, if the service is necessary to PREVENT a hospitalization of the benefi- ciciary and the service is provided as an additional benefit.

By Mr. VOINOVICH (for himself, Mr. CHAFFEE, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. WARNER, Mrs. HUTCHINSON, Mr. REID, Mr. LAUTENBERG, and Mr. LEAHY).

S. 1144. A bill to provide increased flexibility in use of highway funding, and for other purposes; to the Com- mittee on Environment and Public Works.

SURFACE TRANSPORTATION ACT OF 1999

Mr. VOINOVICH. Mr. President, I am pleased today to introduce the Surface Transportation Act of 1999 along with my colleagues, Chairman CHAFFEE of the Senate Environment and Public Works Committee, Senator MOYNIHAN, Mr. JEFFORDS, REID, WARNER, HUTCHINSON, REID, LAUTENBERG and LEAHY. The pur- pose of this bill is to provide additional flexibility to the States and localities in implementing the Federal transpor- tation program.

Let me briefly describe the three most significant provisions of the bill.

(1) State infrastructure banks—the bill authorizes all 50 states to participate in the State Infrastructure Bank (SIB) program. SIBs are revolving funds, cap- italized with Federal and State con- tributions, which are empowered to make loans and provide other forms of non-grant assistance to transportation projects. Before TEA-21 was enacted, transferring Federal highway funding to a State Infrastructure Bank was an option available to all 50 states, with 39 states actively participating. Regret- tably, TEA-21 limited the SIB program to just four states. This section would restore the program as it existed prior to TEA-21. The American Association of State Highway and Transportation Officials (AASHTO), the National Association of State Treasurers, and numerous indus- try groups, including the American Road & Transportation Builders (ARTBA), strongly support legislation giving all states the opportunity to participate in the SIB program.

The availability of SIB financial as- sistance has attracted additional in- vestment. According to the U.S. De- partment of Transportation, SIBs made 21 loans and signed agreements for another 33 loans as of November 1, 1998. Together, these 54 projects are sched- uled to receive SIB loan disbursements totaling $408 million to support project investments of more than $2.3 billion— resulting in a leverage ratio of about 5.6 to 1 (total loan investment to amount of SIB investment).

(2) High priority project flexibility—the bill includes a provision that allows States the flexibility to advance a “high priority” project faster than is allowed by TEA-21, which provides the funding for high priority projects spread over the six-year life of TEA-21. This provision would allow States to accelerate the construction of their “high priority” projects by borrowing funds from other highway funding cate- gories (e.g., NHS, STP, CMAQ). The flexibility is particularly important for states who are ready to construct some of the high priority projects in the first few years of TEA-21, and without this provision, may need to defer comple- tion until the later years of TEA-21. (3) Funding flexibility for Intercity pas- senger rail—the bill also gives States the option to use their National High- way System, Congestion Mitigation and Air Quality funds, and Surface Transportation Program funds to fund capital expenses associated with inter- city passenger rail service, including high-speed rail service. The National Governors’ Association, has passed a resolution requesting this additional flexibility.

In closing, I would like to encourage my colleagues to support this bill, es- pecially for those States who are supportive of the State Infrastructure Bank program, have high priority projects that are ready-to-go, or would like the option of using available Fed- eral transportation funding to support intercity passenger rail needs in their state.

I encourage my colleagues to support this important legislation. I ask that a section by section description of the bill be printed into the RECORD.

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

SUMMARY OF THE SURFACE TRANSPORTATION ACT OF 1999

Summary

The purpose of this bill is to provide addi- tional flexibility to States and localities in implementing the Federal transportation program. This bill does not affect the fund- ing formula agreed to in TEA 21 or modify the overall level of funding for any program.

SECTION BY SECTION

Section 1—Short Title

Section 2—State Infrastructure Banks

This section authorizes all 50 states to par- ticipate in the State Infrastructure Bank program. This bill extends thru FY 2003 the SIB program, which was authorized in the National High- way System Designation Act.

The American Association of State High- way and Transportation Officials (AASHTO), the National Association of State Treas- urers, and numerous industry groups, including the American Road & Transportation Builders (ARTBA), strongly support legisla- tion giving all states the opportunity to par- ticipate in the SIB program. At their annual meeting in November 1998, AASHTO mem- bers adopted a resolution supporting expan- sion of the SIB program.

Availability of SIB financial assistance has and will provide additional investment. According to U.S. DOT, SIBs made 21 loans and signed agreements for another 33 loans as of Novem- ber 1, 1998. Together, these 54 projects are scheduled to receive SIB loan disbursements totaling $408 million to support project invest- ments of more than $2.3 billion—result- ing in a leverage ratio of about 5.6 to 1 (total loan investment to amount of SIB invest- ment).

Section 3—High Priority Project Flexibility

Subsection (a) allows States the flexibility to advance a “high priority” project faster than is allowed by TEA-21, which provides the funding for high priority projects spread over the six-year life of TEA 21. This provi- sion would allow States to accelerate the construction of their “high priority” projects by borrowing funds from other highway funding cate- gories (e.g., NHS, STP, CMAQ). This flexibility is particularly important for states who are ready to construct some of the high priority projects in the first few years of TEA 21, and without this provi- sion may need to defer completion until the later years of TEA-21.

Section 4—Funding Flexibility and High Speed Rail Corridors

Subsection (a) gives States the option to use their National Highway System, Conges- tion Mitigation and Air Quality funds, and Surface Transportation Program funds to fund capital expenses associated with inter- city passenger rail service, including high- speed rail service. The National Governors’ Association, has passed a resolution request- ing this additional flexibility for states to
meet their transportation needs. In testimony before the committee, the U.S. Conference of Mayors and the National Council of State Legislatures also requested this additional flexibility.

Subsection (b) specifies how funds transferred for intercity passenger rail services are to be administered.

Section 5—Historic Bridges

This section eliminates a restriction that caps the amount of Federal-aid highway funds that can be spent on a historic bridge to an amount equal to the cost of demolition. The restriction unnecessarily limits States’ flexibility to preserve historic bridges, particularly for use in the enhancements program for alternative transportation uses. A similar provision was included in the Senate-passed version of the reauthorization, but was not considered by the conferees due to time constraints.

Section 6—Accounting Simplification

This section makes a minor change to the distribution of Federal-aid obligation limitation that simplifies accounting for States. Currently, a very small amount of the obligation authority directed to the minimum obligation program is made available for one-year even though the overwhelming majority is made available for several years. This section would make all obligation authority for this program available as multi-year funding. Therefore, this section eliminates the need to account for the States to plan for the small amount of funding separately.

Mr. LEAHY (for himself, Mr. INOUYE, Mr. SARBANES, Mr. REID, Mr. ROBB, Mr. AKAKA, Mr. SCHUMER, and Mrs. FEINSTEIN): S. 1145. A bill to provide for the appointment of addition Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL JUDGESHIP ACT OF 1999

Mr. LEAHY, Mr. President, today I am introducing the Federal Judgeship Act of 1999. I am pleased that Senators INOUYE, SARBANES, REID, ROBB, AKAKA, and SCHUMER are joining me as original cosponsors of this measure.

Our bill creates 69 new judgeships across the country to address the increased caseloads of the Federal judiciary. Specifically, our legislation would: create 7 additional permanent judgeships and 4 temporary judgeships for the U.S. Courts of Appeal; create 33 additional permanent judgeships and 26 temporary judgeships for the U.S. District Courts; and convert 10 existing temporary district judgeships to permanent positions.

This bill is based on the recommendations of the Judicial Conference of the United States, the nonpartisan policy-making arm of the judicial branch. Federal judges across the nation believe that the continuing heavy caseload of our courts of appeals and district courts merits these additional judges. Indeed, the Chief Justice of the United States in his 1998 year-end report of the U.S. Judiciary declared: “The number of cases brought to federal courts is one of the most serious problems facing them today.” Chief Justice Rehnquist is right. The filings of cases in the Federal courts has reached record heights. For instance, criminal case filings in Federal courts rose 15 percent in 1998—nearly tripling the 5.2 percent increase in 1997. The number of criminal cases filed since 1991 increased 22 percent with the number of criminal defendants rising 21 percent. In fact, the filings of criminal cases and defendants reached their highest levels since the Prohibition Amendment was repealed in 1933.

Federal civil caseloads have similarly increased. For the past eight years, total civil case filings have increased 22 percent in our Federal courts. This increase includes jumps of 145 percent in personal injury product liability cases, 112 percent in civil rights filings, 71 percent in social security cases, 49 percent in copyright, patent and trademark filings, and 29 percent prisoner petitions from 1991 to 1998.

But despite these dramatic increases in case filings, Congress has failed to authorize new judgeships since 1990, thus endangering the administration of justice in our nation’s Federal courts.

Historically, every six years Congress has reviewed the need for new judgeships. In 1984, Congress passed legislation to address the need for additional judgeships. Six years later, in 1990, Congress again fulfilled its constitutional responsibility and enacted the Federal Judgeship Act of 1990 because of a sharply increasing caseload, particularly for drug-related crimes. But in the last two Congresses, the Republican majority failed to follow this tradition. Two years ago the Judicial Conference requested an additional 55 judgeships to address the growing backlog. My legislation, based on the Judicial Conference’s 1997 recommendations, S. 678, the Judicial Judgeship Act of 1997, languished in the Judicial Committee without action during both sessions of the last Congress.

It is now nine years since Congress last seriously reexamined the caseload of the federal judiciary and the need for more federal judges. Congress ignored the needs of the Federal judiciary at the peril of the American people. Overworked judges and heavy caseloads slow down the judicial process and delay justice. In some cases, justice is in danger of being denied because witnesses and evidence are lost due to long delays in citizens having their day in court.

We have the greatest judicial system in the world, the envy of people around the globe who are struggling for freedom. It is the independent third, co-equal branch of government that gives it the ability to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches, those branches that make up the federal government. They deserve our respect and our support.

Let us act now to ensure that justice is not delayed or denied for anyone. I urge the Senate to enact the Federal Judgeship Act of 1999 without further delay.

By Mr. DASCHLE (for himself and Mr. ROCKEFELLER): S. 1146. A bill to amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans’ Affairs.

THE VETERANS’ ACCESS TO EMERGENCY CARE ACT OF 1999

Mr. DASCHLE, Mr. President, the American people continue to say they want a comprehensive, enforceable Patients’ Bill of Rights. Toward that goal, several of my Democratic colleagues and I introduced S. 6, the Patient’s Bill of Rights Act of 1999, earlier this year. That legislation, which we first introduced in the 105th Congress, addresses the growing concerns among Americans about the quality of care delivered by health maintenance organizations. I am disappointed that some of my colleagues on the other side of the aisle prevented the Senate from considering managed care reform legislation last year. I am hopeful that the Republican leadership will allow an open and honest debate on this important issue this year.

I am hopeful that my colleagues will also take a moment to listen to veterans in this country who are raising legitimate concerns about the medical care they receive from the Department of Veterans Affairs (VA). Many veterans are understandably concerned that the Administration requested approximately $18 billion for VA health care in FY99—almost the same amount of veterans to emergency medical care. The level of care they receive from the Department of Veterans Affairs (VA) is not delayed or denied for anyone. I am hopeful that the Republican leadership will allow an open and honest debate on this important issue this year.

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The bill, introduced by Senator Rockefeller and Representative Evans, would amend the Veterans Access to Emergency Care Act of 1999. This legislation is aimed at helping veterans who require emergency medical care at non-VA facilities. It highlights the issue of veterans being turned away by VA facilities or advised to seek care elsewhere due to pre-authorization issues.

The bill would authorize the VA to reimburse veterans for emergency care at non-VA facilities if:

1. Care is necessary due to an emergency medical condition.
2. VA facilities were not feasible or available.
3. VA facilities were not adequately equipped.
4. VA facilities were not the only sound medical decision.
5. The emergency condition would have been life-threatening.

The Senate agreed to the bill with no objection. The next step would be for the House to consider a similar bill, which is expected to pass within the next few weeks, according to Representative Evans.

The bill was introduced as a result of a meeting with a group of veterans who were turned away from VA facilities. It is expected to be signed into law by the President, after which it will be sent to the Senate for final approval.

The text of the bill is available for review online, and the legislation is expected to be signed into law by the President within the next few weeks.
Mr. ROCKEFELLER. Mr. President, I am pleased to offer my support to the Veterans' Access to Emergency Care Act of 1999. This bill will authorize VA to cover emergency care at non-Department of Veterans Affairs (VA) facilities for those veterans who have enrolled with VA for their health care. I join my colleague, Senator DASCHEL, in cosponsoring this valuable initiative and thank him for his leadership.

Currently, VA is restricted by law from authorizing payment of comprehensive emergency care for veterans in non-VA facilities except to veterans with special eligibility. Most veterans must rely on other insurance or pay out of pocket for emergency services. I remind my colleagues that VA provides a standard benefits package for all veterans who are enrolled with the VA for their health care. In many ways, this is a very generous package, which includes such things as pharmaceuticals. Enrolled veterans are, however, missing out on one essential part of health care coverage: the standard benefits package does not allow for comprehensive emergency care. So, in effect, we are asking veterans to choose VA health care, but leaving them out in the cold when it comes to emergency care.

Mr. President, we have left too many veterans out in the cold already. When veterans call their VA health care provider in the middle of the night, many reach a telephone recording. This recording tells veterans that veterans who have emergencies dial “911.” Veterans who call for help are then transported to non-VA facilities. After the emergency is over, veterans are presented with huge bills. These are bills which VA cannot in most cases, pay and which are, therefore, potentially financially crushing. We cannot abandon these veterans in their time of need.

Let me tell my colleagues about some of the problems that veterans face because of restrictions on emergency care. In January of this year, a low income, non-service-connected, World War II veteran with a history of heart problems, from my State of West Virginia, presented to the nearest non-VA hospital with severe chest pain. In an attempt to get the veteran admitted to the VA medical center, the private physician placed calls to the Clarksburg VA Medical Center, where the veteran was enrolled, on three separate occasions over the course of three days. The response was always the same—“no beds available.”

Ultimately, a different VA medical center, from outside the veteran’s service area, accepted the patient, and two days later transferred him back to the Clarksburg VA Medical Center where he underwent an emergency surgical procedure to resolve the problem. By this time, however, complications had set in, and the veteran was critically ill.

The veteran’s wife told me that “no one should have to endure the pain and suffering” they had to endure over a five-day period to get the emergency care her husband needed. But in addition to that emotional distress, the veteran now also faces a medical bill of almost $800 at the private hospital, the net amount due after Medicare paid its portion. This is an incredible burden for a veteran and his wife whose sole income are their small Social Security checks.

In another example from my state, in February 1998, a 100 percent service-connected veteran with post-traumatic stress disorder suffered an acute onset of mid-ternal chest pain, and an ambulance was called. The ambulance took the veteran to a non-VA hospital, a non-VA facility. Staff at the private facility contacted the Clarksburg VA Medical Center and was told there were no ICU beds available and advised transferring the patient to the Pittsburgh VA Medical Center. When contacted, Pittsburgh refused the patient because of the length of necessary transport. A call to the Beckley VAMC was also fruitless. The doctor was advised by VA staff that the trip to Beckley would be “too risky for the three hour ambulance travel.”

The veteran was kept overnight at the private hospital for observation, and then was billed for the care—$900, after Medicare paid its share.

Two more cases quickly come to mind involving 100 percent service-connected combat veterans, both of whom had to turn to the private sector in emergency situations.

One veteran had a heart attack and as I recall, his heart stopped twice before the ambulance got him to the closest non-VA hospital. The Huntington VA Medical Center was his health care provider and it was more than an hour away from the veteran’s home. This veteran had Medicare, but he was still left with a sizable medical bill for the emergency services that saved his life.

The other veteran suffered a fall that rendered him unconscious and caused considerable physical damage. He also was taken to the closest non-VA hospital—and was left with a $4,000 bill after Medicare paid its share.

Both contacted me to complain about the unfairness of these bills. As 100 percent service-connected veterans, they rely totally on VA for their health care. One of them, nor the other two West Virginia veterans I referred to, ever expected to be in the situation in which they all suddenly found themselves—strapped with large health care bills because they needed emergency treatment in life-threatening situations, when they relied totally on VA for their health care.

Coverage of emergency care services for all veterans is supported by the consortium of veteran services organizations that authored the Independent Budget for Fiscal Year 2000—AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars. The concept is also included in the Administration’s FY 2000 budget request for VA and the Consumer Bill of Rights, which President Clinton has directed every federal agency engaged in managing or delivering health care to adopt.

To quote from the Consumer Bill of Rights, “Consumers have the right to access emergency health care services when and where the need arises. Health plans should provide a consumer with emergency coverage for the care necessary to prevent serious disability or death, to be transported safely, and then to receive medical care in the nearest appropriate medical facility.” This “prudent layperson” standard is included in the Veterans’ Access to Emergency Care Services Act of 1999 and is intended to protect both the veteran and the VA.

To my colleagues who would argue that this expansion of benefits is something which the VA cannot afford, I would say that denying veterans access to care should not be the way to balance our budget. The Budget Resolution includes an additional $1.7 billion for VA. I call on the appropriators to ensure that this funding makes its way to VA hospitals and clinics across the country.

Truly, approval of the Veterans’ Access to Emergency Care Services Act of 1999 would ensure appropriate access to emergency medical services. Thus, we would be providing our nation’s veterans greater continuity of care.

Mr. President, veterans currently have the opportunity to come to VA facilities for their care, but they lack coverage for the one of the most important health care services. I look forward to working with my colleagues on the House and Senate Committees on Veterans’ Affairs to make this proposal a reality.

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. KOHL, and Mrs. HUTCHISON):

S. 1147. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax employers who provide child care assistance for dependent employees, and for other purposes; to the Committee on Finance.
Mr. GRAHAM. Mr. President, I am extremely proud to introduce the "Worksite Child Care Development Act of 1999" with Senators HUTCHISON, KOHL, and JEFFORDS. This measure will make child care more accessible and affordable to the many millions of Americans who find it not only important, but necessary, to work.

This legislation would grant tax credits to employers who assist their employees with child care expenses by providing:

A one-time 50 percent tax credit not to exceed $100,000 for startup expenses, including expansion and renovations of an employer-sponsored child care facility;

A 50 percent tax credit for employers not to exceed $25,000 annually for the operating costs to maintain a child care facility; and

A 50 percent tax credit yearly not to exceed $50,000 for this employers who provide payments or reimbursements for their employees’ child care costs.

Why is this legislation important?

First, the workplace has changed over the years. In 1947, just over one-quarter of all mothers will children between 6 and 17 years of age in the labor force. By 1996, their labor force participation rate had tripled.

Indeed, the Bureau of Labor Statistics reports that 65 percent of all women with children under 18 years of age are now working and that the growth in the number of working women will continue into the next century.

Second, child care is one of the most pressing social issues of the day. It impacts every family, including the poor, the working poor, middle class families, and the at-home parents.

Last June, I hosted a Florida statewide summit on child care where over 500 residents of my State shared with me their concerns and frustration on child care issues.

They told me that quality child care, when available, is often not affordable. Those who qualify told me there are often long waiting lists for subsidized child care.

They told me that working parents struggle to find ways to cope with the often conflicting time demands of both work and child care.

They told me that their school-age children are at risk because before and after-school supervised care programs are not readily available.

Mr. President, quality child care should be a concern to all Americans. The care and nurturing that children receive early in life has a profound influence on their future—and their future is our future.

In the 21st century, women will comprise more than 60 percent of all new entrants into the labor market. A large proportion of these women are expected to be mothers of children under the age of 6.

The implications for employers are clear. They understand that our Nation’s work force is changing rapidly and that those employers who can help their employees with child care will have a competitive advantage. In Florida, for instance, Ryder System’s Kids’ Corner in Miami has enrolled approximately 100 children in a top-notch day care program.

I commend the many corporations in Florida and across the nation that have taken the important step of providing child care for its employees. Many smaller businesses would like to join them, but do not have the resources to offer child care to employees. Our legislation would help to lower the obstacle to child care.

Mr. President, we believe that this legislation will assist businesses in providing attractive, cost-effective tools for recruiting and retaining employees in a tight labor market.

We believe that encouraging businesses to help employees care for children will make it easier for parents to be more involved in their children’s education.

Most of all, Mr. President, we believe that this bill is good for employers and families and will go far in addressing the issue of child care for working families of America. I urge all of my colleagues to support this important piece of legislation.

Mr. President, I ask unanimous consent that letters of support from the Chief Executive Officers of the Ryder Corporation and Bright Horizons Corporation be included in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

BRIGHT HORIZONS, FAMILY SOLUTIONS, May 6, 1999.

Hon. Robert Graham.
U.S. Senator, Hart Senate Office Building.
Washington, D.C.

Dear Senator Graham: Thank you for allowing our company the opportunity to review and comment on the Worksite Child Care Development Center Act of 1999. We strongly support this bill and want to do all that we can to support you as the primary sponsor.

We applaud your strategy of targeting tax credits for small businesses. Your approach makes perfect sense. Experience has shown that employer-sponsored child care is not as financially feasible for many small businesses. Since the majority of working parents work for small businesses, their needs have not been adequately addressed. We believe that your bill will have far reaching impact by making it possible for a greater number of working parents to benefit from support offered by their employers.

For your consideration, we respectfully submit comments and suggestions, which we think will strengthen the impact of your bill. I welcome the opportunity to share our experience with you and to discuss these or any other ideas you may have, so please feel free to call me.

Thank you for your willingness to champion the cause for more and better child care for today’s working families. Our company shares this important mission with you. We look forward to supporting you in your efforts to pass this historic legislation.

All my best,

ROGER H. BROWN,
President.

RYDER SYSTEM, INC.
Miami, FL, April 29, 1999.

Hon. BOB GRAHAM,
U.S. Senate, Hart Building.
Washington, D.C.

Dear Mr. President, I am writing to commend you on your introduction of the Worksite Child Care Development Act of 1999. The problem of finding high quality, affordable child care is one of the most difficult challenges faced by the modern American work force. Companies should be encouraged to provide these services on site—as Ryder has done with great success at our Kids’ Corner facility—whenever possible. Your bill will provide incentives for other businesses to do just that. We wish you great success with this important legislation.

Sincerely,

TONY.

By Mr. DASCHLE (for himself and Mr. BERGER):

S. 1148. A bill to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project, and for other purposes; to the Committee on Indian Affairs.

YANKTON SIOUX TRIBE AND SANTEE SIOUX TRIBE OF NEBRASKA DEVELOPMENT TRUST FUND ACT OF 1999—Mr. DASCHLE. Mr. President, today I am introducing legislation to compensate the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for losses the tribes suffered when the Fort Randall and Gavins Point dams were constructed on the Missouri River over four decades ago.

As a result of the construction of these dams, more than 3,259 acres of land owned by the Yankton Sioux Tribe was flooded or subsequently lost to erosion. Approximately 600 acres of land located near the Santee village and 400 acres on the Niobrara Island of the Santee Sioux Tribe Indian Reservation also was flooded. The flooding of these fertile lands struck a significant blow at the economies of these tribes, and the tribes have never adequately been compensated for that loss. Passage of this legislation will help compensate the tribes for their losses by providing the resources necessary to rebuild their infrastructure and their economy.

To appreciate fully the need for this legislation, it is important to understand the historic events that preceded its development. The Fort Randall and Gavins Point dams were constructed in South Dakota pursuant to the Flood Control Act (58 Stat. 887) of 1944. That legislation authorized implementation of the Missouri River Basin Pick-Sloan Plan for water control and flood control for downstream states.

The Fort Randall dam, which was an integral part of the Pick-Sloan project,
The bill I am introducing today is the latest in a series of laws that have been enacted in the 1990s to address similar claims by other tribes in South Dakota for losses caused by the Pick-Sloan projects. In 1992 Congress enacted the Three Affiliated Tribes of Fort Berthold Reservation and the Standing Rock Sioux Tribe compensation for direct damages, including lost reservation infrastructure, relocation and resettlement expenses, the general rehabilitation of the tribes, and for unfulfilled government commitments regarding replacement facilities. In 1996 Congress enacted legislation compensating the Crow Creek tribe for its losses, while in 1997, legislation was enacted to compensate the Lower Brule tribe. The Yankton Sioux Tribe and Santee Sioux Tribe have not yet received fair compensation for their losses. Their time has come.

Mr. President, the flooding caused by the Pick-Sloan projects touched every aspect of life on the Yankton and Santee Sioux reservations, as large portions of their communities were forced to relocate wherever they could find shelter. Never were these effects fully considered the federal government was acquiring these lands or designing the Pick-Sloan projects.

The Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act represents an important step in our continuing effort to compensate fairly the tribes of the Missouri River Basin for the sacrifices they made decades ago for the construction of the dams. Passage of this legislation not only will right a historic wrong, but it will improve the lives of Native Americans living on these reservations.

It has taken decades for us to recognize the unfunded federal obligation to compensate the tribes for the effects of the dams. We cannot, of course, remake the lost lands that are now covered with water and return them to the tribes. We can, however, help provide the resources necessary to the tribe to improve the infrastructure on their reservations in turn, will enhance opportunities for economic development that will benefit all members of the tribe. Now that we have reached this stage, the importance of passing this legislation as soon as possible cannot be stated too strongly. I strongly urge my colleagues to approve this legislation this year. Providing compensation to the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska for past harm inflicted by the federal government is long overdue and any further delay only compounds that harm. 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. 1148

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 “Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Act.”

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944, commonly known as the “Flood Control Act of 1944” (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the “Pick-Sloan program”);

(2) the waters impounded for the Fort Randall and Gavins Point projects of the Pick-Sloan program have inundated the fertile, wooded bottom lands along the Missouri River that constituted the most productive agricultural and pastoral lands of, and the homeland of, the members of the Yankton Sioux Tribe and the Santee Sioux Tribe;

(3) the Fort Randall project (including the Fort Randall Dam and Reservoir)—

(A) overlies the western boundary of the Yankton Sioux Tribe Indian Reservation; and

(B) has caused the erosion of more than 400 acres of prime Yankton Sioux Reservation adjoining the east bank of the Missouri River;

(4) the Gavins Point project (including the Gavins Point Dam and Reservoir) overlies the eastern boundary of the Santee Sioux Tribe;

(5) although the Fort Randall and Gavins Point projects are major components of the Pick-Sloan program, and contribute to the economy of the United States by generating a substantial amount of hydroelectric power and impounding a substantial quantity of water, the reservations of the Yankton Sioux Tribe and the Santee Sioux Tribe remain undeveloped;

(6) the United States Army Corps of Engineers took the Indian lands used for the Fort Randall and Gavins Point projects by condemnation and by condemnation;

(7) the Federal Government did not give Yankton Sioux Tribe and the Santee Sioux Tribe an opportunity to receive compensation for direct damages from the Pick-Sloan program, even though the Federal Government gave 5 Indian reservations upstream from the reservations of those Indian tribes such an opportunity;

(8) the Yankton Sioux Tribe and the Santee Sioux Tribe did not receive just compensation for the taking of productive agricultural Indian lands through the condemnation referred to in paragraph (6);

(9) the settlement agreement that the United States entered into with the Yankton Sioux Tribe and the Santee Sioux Tribe to provide compensation for the federal condemnation referred to in paragraph (6) did not take into account the increase in property values over the years between the date of taking and the date of settlement; and

(10) in addition to the financial compensation provided under the settlement agreements referred to in paragraphs (6) and (9) the Yankton Sioux Tribe should receive an aggregate amount equal to $34,323,743 for—

(I) the loss value of 2,851.40 acres of Indian land taken for the Fort Randall Dam and Reservoir of the Pick-Sloan program; and

(ii) the loss value of 468.40 acres of Indian land on the reservation of that Indian tribe that was lost as a result of stream bank erosion that has occurred since 1983; and

(B) the Santee Sioux Tribe should receive an aggregate amount equal to $8,132,838 for the loss value of—

(i) 593.10 acres of Indian land located near the Santee village; and

(ii) 412 acres on Nebraskia Island of the Santee Sioux Tribe Indian Reservation used for the Gavins Point Dam and Reservoir.

SECTION 3. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) PROGRAM.—The term “Program” means the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(3) SANTEE SIOUX TRIBE.—The term “Santee Sioux Tribe” means the Santee Sioux Tribe of Nebraska.

SEC. 4. YANKTON SIOUX TRIBE DEVELOPMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund known as the “Yankton Sioux Tribe Development Trust Fund” (referred to in this section as the “Fund”). The Fund shall consist of any amounts deposited in the Fund under this Act.

(b) FUNDING.—Out of any money in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit $34,323,743 into the Fund not later than 60 days after the date of enactment of this Act.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO YANKTON SIOUX TRIBE.—

(1) IN GENERAL.—The Secretary of the Interior shall use the amounts referred to in paragraph (1) only for the purpose of making payments to the Yankton Sioux
Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Yankton Sioux Tribe has adopted a tribal plan prepared under section 6.

(C) USE OF PAYMENTS BY YANKTON SIOUX TRIBE.—The Yankton Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 6.

(D) PLEDGE OF FUTURE PAYMENTS.—

(1) IN GENERAL.—Subject to clause (ii), the Yankton Sioux Tribe may enter into an agreement under which that Indian tribe pledges future payments under this paragraph as security for a loan or other financial transaction.

(ii) LIMITATIONS.—The Yankton Sioux Tribe—

(I) may enter into an agreement under clause (i) only in connection with the purchase of capital assets; and

(ii) may not pledge, for any year under an agreement referred to in clause (i), an amount greater than 40 percent of any payment under this paragraph for that year.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 5. SANTEE SIOUX TRIBE OF NEBRASKA DEVELOPMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Santee Sioux Tribe of Nebraska Development Trust Fund” (referred to in this section as the “Fund”). The Fund shall consist of any amounts deposited in the Fund under this Act.

(b) FUNDING.—Out of any money in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit $8,132,838 into the Fund not later than 60 days after the date of enactment of this Act.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited in the Fund for that fiscal year and transfer or withdraw any amount deposited under subsection (b).

(d) PAYMENT OF INTEREST TO SANTEE SIOUX TRIBE.—

(i) Withholding of interest.—Beginning at the end of the first fiscal year in which interest is deposited into the Fund, the Secretary of the Treasury shall withhold from the amount to be transferred to the Secretary of the Interior for use in accordance with paragraph (2) of any payment made to the Secretary of the Interior for Indian wages, a sum of money equal to 40 percent of any interest income, except payments made to the Secretary of the Interior for Indian wages, until the amount so withheld is equal to the amount of interest income earned on the payments made to the Secretary of the Interior for Indian wages, as determined by the Secretary of the Treasury.

(ii) Interest income.—The interest income earned on the payments made to the Secretary of the Interior for Indian wages, shall be deposited to the Fund and available without fiscal year limitation.

(iii) REIMBURSEMENT.—The Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 6. TRIBAL PLANS.

(a) IN GENERAL.—Not later than 21 months after enactment of this Act, the tribal council of each of the Yankton Sioux and Santee Sioux Tribes shall prepare a plan for the use of the payments to the tribe under subsection (a) as a “tribal plan”.

(b) CONTENTS OF TRIBAL PLAN.—Each tribal plan shall provide for the manner in which the tribe will expend payments to the tribe under subsection (a) for the following:

(1) economic development;

(2) infrastructure development;

(3) the educational, health, recreational, and social welfare objectives of the tribe and its members; or

(4) any combination of the activities described in paragraphs (1), (2), and (3).

(c) TRIBAL PLAN REVIEW AND REVISION.—

(i) IN GENERAL.—Each tribal council referred to in subsection (a) shall make available for review and comment by the members of the tribe a copy of the tribal plan for the Indian tribe before the tribal plan becomes final.

(ii) REVISION.—The tribal council may revise the tribal plan prepared by that tribal council to update the tribal plan. In revising the tribal plan under this paragraph, the tribal council shall provide the members of the tribe opportunity to review and comment on any proposed revision to the tribal plan.

SEC. 7. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

(a) IN GENERAL.—No payment made to the Yankton Sioux Tribe or Santee Sioux Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Yankton Sioux Tribe or Santee Sioux Tribe is entitled because of its status as a recognized Indian tribe or Federal recognition; or

(2) any individual who is a member of a tribe under paragraph (1) is entitled because of the status of the individual as a member of the tribe.

(b) EXEMPTIONS FROM TAXATION.—No payment made pursuant to this Act shall be subject to any Federal or State income tax.

(c) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River Basin electricity rates.

SEC. 8. STATUTORY CONSTRUCTION.

Nothing in this Act may be construed as diminishing or affecting any water right of an Indian tribe, except as specifically provided in another provision of this Act, any treaty right that is in effect on the date of enactment of this Act, any authority of the Secretary of the Interior or the head of any other Federal agency under a law in effect on the date of enactment of this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including such sums as are necessary for the administration of the Yankton Sioux Tribe Development Trust Fund under section 4 and the Santee Sioux Tribe of Nebraska Development Trust Fund under section 5.

Mr. KERREY. Mr. President, today, I join with my colleagues to introduce the Yankton Sioux Tribe and the San-
self-governance approach will enable the Santee Sioux Tribe to continue to address improving the quality of life of its tribal members.

This legislation values the importance of redressing tribal claims and self-governance for Nebraska Native American Tribes. It will enable the Santee Sioux Tribe of Nebraska to address past grievances and look forward to investing in its future.

By Mr. LAUTENBERG:

S. 1149. A bill to amend the Safe Drinking Water Act to increase consumer confidence in safe drinking water and source water assessments, and for other purposes; to the Committee on Environment and Public Works.

THE DRINKING WATER RIGHT-TO-KNOW ACT OF 1999

Mr. LAUTENBERG. Mr. President, I am introducing today the Drinking Water Right-To-Know Act of 1999. This legislation is designed to give the public the Right to Know about contaminants in their drinking water that are unregulated, but still may present a threat to their health.

Mr. President, when we passed the Safe Drinking Water Act Amendments of 1996, I praised the bill because I believed it would enhance both the quality of our drinking water and America's confidence in its safety. While the bill did not require that states perform every measure necessary to protect public health, it provided tremendous flexibility and discretion to allow the states to do so.

I was especially hopeful that in my state—the most densely-populated state in the country, a state with an unfortunate legacy of industrial pollution, a state in which newspaper articles describing threats to drinking water seem to appear every few days—that our state agencies would exercise their discretion to be more protective of public health than the minimum required under our 1996 bill.

Mr. President, I am sad to say I have been disappointed. I am sad to say that in my state, and probably in some of my colleagues' as well, the state agency has clung too closely to the bare minimum requirements. A good example of this is in the "Source Water Assessment Plan," proposed by the state of New Jersey last November, as required by the 1996 law.

Under the law, the state is required to perform Source Water Assessments to identify geographic areas that are sources of public drinking water, assess the water systems' susceptibility to contamination, and inform the public of the results. The state's Source Water Assessment Plan describes the program for carrying out the assessments.

An aggregative Source Water Assessment program is essential if a state is going to achieve the goals we had for the 1996 Safe Drinking Water Act. Source Water Assessment is the key component of the program by which the public can be informed immediately and treat, but prevent—contamination of our drinking water resources. Source Water Assessment also underpins what I believe will be the most far-reaching provisions of the law—those giving the public the Right to Know about potential threats to its drinking water.

Mr. Chairman, there are serious deficiencies in my state's proposed Source Water Assessment Plan. These are deficiencies that I fear may characterize other states' plans as well.

First, under the proposed plan, the state will not identify and evaluate the threat presented by contaminants unless they are among the 80 or so specifically regulated under the Safe Drinking Water Act. Under my bill, the state might ignore even contaminants known to be leaching into drinking water from toxic waste sites. For example, the chemical being studied as a possible cause of childhood cancer at Toms River, New Jersey would not be evaluated under the state's plan. Radium 224, recently discovered in drinking water across my state, might not be evaluated under the state's plan until specifically regulated. With gaps like that in our information, what do I tell the families when they want to know what is in their drinking water?

In addition, under its proposed plan, the state would not consult the public in identifying and evaluating threats to drinking water. This exclusion would almost certainly result in exclusion of the detailed information known to the watershed groups and other community groups which exist across New Jersey and across the country. Also, the plans' public disclosure is vague and imply that only summary data would be made available to the public. The public must have complete and easy access to assessments for the Right to Know component of the drinking water program to be effective.

The Drinking Water Right-To-Know Act of 1999 will address these deficiencies by amending the Safe Drinking Water Act to improve Source Water Assessments and Consumer Confidence Reports. First, under my bill, when the state performs Source Water Assessments, it will address the threat posed, not just by regulated contaminants, but by certain unregulated contaminants believed by EPA and U.S. Geological Survey to cause health problems, and contaminants known to be released from local pollution sites, such as Superfund sites, other waste sites, and factories. The bill will also require the state to identify potential contamination of ground water, even outside the immediate area of the well, perform the assessments with full involvement from the public, and update the assessments every five years.

Second, the Drinking Water Right-To-Know Act of 1999 will make several important improvements to "Consumer Confidence Reports" required under the 1996 law to notify the public of water contamination. The bill will require monitoring and public notification, not only of regulated contaminants, but of significant unregulated contaminants identified through the Source Water Assessments, and of sources of contamination. The bill will not require local water purveyors to monitor for every conceivable contaminant—only those identified by the state as posing a threat and having been released by a potentially significant source. In addition, the bill will require notification of new or sharply-increased contamination.

Third, the bill will require that testing for the presence of radium 224 take place within 48 hours of sampling the drinking water, so that public water supplies can have an accurate assessment of this rapidly-decaying radioactive contaminant.

Mr. President, the public has the Right to Know about the full range of contaminants they might find in their tap water. The Drinking Water Right-To-Know Act of 1999 will guarantee them that right. I urge my colleagues to co-sponsor this legislation.

Thank you, Mr. President. I ask unanimous consent that the text of the bill be printed into the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1149

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 "Drinking Water Right-To-Know Act of 1999".

SEC. 2. RADUUM 224 IN DRINKING WATER.

Section 1422(h)(4) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(13)) is amended by adding at the end the following:

"(h) Radium 224 in Drinking Water.—A national primary drinking water regulation for radionuclides promulgated under this paragraph shall require testing drinking water for the presence of radium 224 not later than 48 hours after taking a sample of the drinking water."

SEC. 3. CONSUMER CONFIDENCE REPORTS BY COMMUNITY WATER SYSTEMS.

Section 1422(c)(4) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(13)) is amended—

(1) in subparagraph (A)—

(A) by striking "The Administrator" and inserting the following:

"(i) In General.—The Administrator;"

(B) in the first sentence—

(i) by striking "consumer of" and inserting "consumer of the drinking water provided by"; and
May 27, 1999

CONGRESSIONAL RECORD—SENATE 11375

By Mr. HATCH (for himself, Mr. Baucus, Mrs. Feinstein, Mr. Ky, Mr. Robb, and Mr. Bingaman):

S. 1159. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment; to the Committee on Finance.

THE SEMICONDUCTOR EQUIPMENT INVESTMENT ACT OF 1999

Mr. HATCH. Mr. President, I rise today to introduce the Semiconductor Investment Act of 1999. I am joined by Senators Baucus, Feinstein, Ky, Robb, and Bingaman. This bill is designed to help the American semiconductor industry compete globally by shortening the depreciable life of semiconductor manufacturing equipment from 5 years to 3.

The U.S. semiconductor industry employs more than 275,000 Americans, sells over $67 billion of products annually, and currently controls 55 percent of the $122 billion world market. Its products form the foundation of practically every electronic device used today. Growth in this industry translates directly into new employment opportunities for American workers and to economic growth for the nation as a whole.

The American semiconductor industry is a success story because it has invested heavily in the most productive, cutting-edge technology available, and currently spends 14% of its revenues on research and development and 19% on capital investment. Unfortunately, Mr. President, our semiconductor industry is threatened.

While the equipment used to manufacture semiconductors has a useful life of only about 3 years, current tax depreciation rules require that cost of the equipment be written off over a full 5 years. The Semiconductor Investment Act would correct this flaw, Mr. President, by allowing equipment used in the manufacture of semiconductors to be depreciated over a more appropriate 3-year period. Given the massive level of investment in the semiconductor industry, accurate depreciation is critical to industry success.

The key reason for this 3-year depreciation period is that the equipment used to make semiconductors grows

...
technology obsolesce more quickly than other manufacturing equipment. Research indicates that semiconductor manufacturers finance the large investment in equipment they need for the next generation of products.

The National Advisory Committee on Semiconductors reinforced this conclusion. Congress founded the committee in 1986, and it consisted of Presidential appointees from both the public and private sectors. In 1992, the committee recommended a 3-year schedule would increase the industry’s annual capital investment rate by a full 11 percent.

By comparison, Japan, Taiwan, and Korea employ much more generous depreciation schedules for similar equipment, and all three nations provide stiff competition for America’s semiconductor manufacturers. For example, under Japanese law, a company can depreciate up to 88 percent of its semiconductor equipment cost in the first year, while United States law permits a mere 20-percent depreciation over the same period. When multinational semiconductor firms are deciding where to invest, a depreciation gap this large can be decisive.

This legislation will help ensure that America’s semiconductor industry retains its hard-earned preeminence, a preeminence that yields abundant opportunities for high-wage, high-skill employment. Mr. President, my home State of Utah, provides an outstanding example of the industry’s job-creating capacity. Thousands of Utahns earn their living in the State’s flourishing semiconductor industry. Firms such as Micron Technology, National Semiconductor, Intel, and Varian have reinforced Utah’s strong position in high-technology industries. With the fair tax treatment this bill brings, all Utahns can look forward to a more secure and prosperous future.

Mr. President, the Semiconductor Investment Act of 1999 will help level the playing field between U.S. and foreign semiconductor manufacturers, and provides fair tax treatment to an industry that is the Nation’s greatest success stories of recent years. I hope that my fellow Senators will join me in supporting this legislation. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1150

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 “Semiconductor Equipment Investment Act of 1999”.

SEC. 2. 3-YEAR DEPRECIABLE LIFE FOR SEMICONDUCTOR MANUFACTURING EQUIPMENT.

(a) IN GENERAL.—Subparagraph (A) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to the classification of property) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “; and”, and by adding at the end the following new clause: “(iv) any semiconductor manufacturing equipment.”

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 168(e)(3) of such Code is amended—

(A) by striking clause (ii),

(B) by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively, and

(C) by striking “clause (vi)(I)” in the last sentence and inserting “clause (v)(I)”.

(2) Subparagraph (B) of section 168(g)(3) of such Code is amended by striking the items relating to subparagraphs (B)(ii) and subparagraph (B)(v), and inserting the following—

“A(v) .................................. 3

“B(ii) .................................. 9.5”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to equipment placed in service after the date of the enactment of this Act.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. WARNER, and Mr. LEVIN).

S. 1151. A bill to amend the Office of Federal Procurement Policy Act to streamline the application of cost accounting standards; to the Committee on Governmental Affairs.

COST ACCOUNTING STANDARDS AMENDMENTS OF 1999

Mr. THOMPSON Mr. President, I rise today to introduce a bill on behalf of myself as chairman of the Governmental Affairs Committee and Senator LIEBERMAN, the Committee’s ranking minority member, and Senators WARNER and LEVIN, the ranking minority member of the Armed Services Committee. This legislation will benefit the procurement process in all agencies across the Federal government.

In recent years, Congress has enacted two major acquisition reform statutes—the Federal Acquisition Streamlining Act of 1994 (FASA) and the Clinger-Cohen Act of 1996. These statutes changed the trend in government contracting toward simplifying the government’s acquisition process and eliminating many government-unique requirements. The goal of these changes in the government’s purchasing processes has been to modify or eliminate unnecessary and burdensome legislative mandates, increase the use of commercial items to meet government needs, and give more discretion to contracting agencies in making their procurement decisions.

Since the early 1900’s, the Federal government has used certain unique accounting standards or criteria designed to protect it from the risk of overpaying for goods and services by directing the manner or degree to which Federal contractors apportion costs to their contracts with the government. The Cost Accounting Standards Board (CAS) is a body created by Congress to develop uniform and consistent standards. The CAS standards require government contractors to account for their costs on a consistent basis and prohibit any shifting of overhead or other costs from commercial contracts to government contracts, or from fixed-priced contracts to cost-type contracts.

FASA and the Clinger-Cohen Act took significant steps to exempt commercial items from the applicability of the CAS standards. Nonetheless, executive agencies, particularly the Department of Defense, and others in the public and private sectors continue to identify the CAS standards as a continuing barrier to the integration of commercial items into the government marketplace. Advocates of relaxing the CAS standards argue that companies require companies to create unique accounting systems to do business with the government in cost-type contracts. They believe that the added cost of developing the required accounting systems has discouraged some commercial companies from doing business with the government and led others to set up separate assembly lines for government products, substantially increasing costs to the government.

This bill carefully balances the government’s need for greater access to commercial items, particularly those of nontraditional suppliers, with the need for a strong set of CAS standards to protect the taxpayers from overpaying for government contracts. This bill would modify the CAS standards to streamline their applicability, while maintaining the applicability of the standards to the vast majority of contract dollars that are currently covered. In particular, the bill would raise the threshold for coverage under the CAS standards from $25 million to $50 million; exempt contractors from coverage if they do not have a contract in excess of $5 million; and exclude coverage based on firm, fixed price contracts awarded on the basis that there is only price competition without the submission of certified cost or pricing data.

The bill also would provide for waivers of the CAS standards by Federal agencies in limited circumstances. This would allow contracting agencies to handle this contract administration function, in limited circumstances, as part of their traditional role in administering contracts. Our intent is that waivers would be available for contracts in excess of $1 million only in “exceptional circumstances.” The “exceptional circumstances” waiver may be used only when a waiver is necessary to meet the needs of an agency,
and i.e., the agency determines that it would not be able to obtain the products or services in the absence of a waiver.

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. 1151
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 “Cost Accounting Standards Amendments of 1999”.

SEC. 2. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.
(a) APPLICABILITY.—Paragraph (2) of section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(h)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by striking subparagraph (B) and inserting the following:

“(B) The cost accounting standards shall not apply to a contractor or subcontractor for a fiscal year (or other one-year period used for cost accounting by the contractor or subcontractor) if the total value of all of the contracts and subcontracts covered by the cost accounting standards that were entered into by the contractor or subcontractor, respectively, in the previous fiscal year (or other one-year cost accounting period) was less than $50,000,000.

“(C) Subparagraph (A) does not apply to the following contracts or subcontracts for the purpose of determining whether the contractor or subcontractor is subject to the cost accounting standards:

(i) Contracts or subcontracts for the acquisition of commercial items;

(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation;

(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data;

(iv) Contracts or subcontracts with a value that is less than $5,000,000.

(b) This section is further amended by adding at the end the following:

“(A) The head of an executive agency may waive the applicability of cost accounting standards for a contract or subcontract with a value less than $10,000,000 if that official determines in writing that—

(i) the contractor or subcontractor is primarily engaged in the sale of commercial items; and

(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

(B) The head of an executive agency may also waive the applicability of cost accounting standards for a contract or subcontract under extraordinary circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of cost accounting standards under this subparagraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.

(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below the senior policymaking level in the executive agency.

(D) The Federal Acquisition Regulation shall include the following:

“(1) Criteria for selecting an official to be delegated authority to grant waivers under subparagraph (A) or (B).

“(2) The specific circumstances under which such a waiver may be granted.

“(3) The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis.

“(4) CONSTRUCTION.—Nothing in this section shall be construed to—

(i) permit the agency to waive the applicability of the cost accounting standards to—

(A) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A-21, as in effect on January 1, 1999; or

(B) any contract with a nonprofit entity that provides research and development and related products or services to the Department of Defense.

SEC. 3. EFFECTIVE DATE.
This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

By Ms. SNOWE:
S. 1152. A bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees; to the Committee on Governmental Affairs.

OSTEOPOROSIS FEDERAL EMPLOYEE HEALTH BENEFITS STANDARDIZATION ACT

Ms. SNOWE. Mr. President, I rise today to reintroduce legislation that will standardize coverage for bone mass measurement for people at risk for osteoporosis under the Federal Employee Health Benefits Program. This legislation is similar to my bill which was enacted as part of the Balanced Budget Act to standardize coverage of bone mass measurement for people at risk for osteoporosis under Medicare. The bill I reintroduce today guarantees the same uniformity of coverage to Federal employees and retirees as Congress provided to Medicare beneficiaries two years ago.

Osteoporosis is a major public health problem affecting 28 million Americans, who either have the disease or are at risk due to low bone mass; 80 percent of its victims are women. This devastating disease causes 1.5 million fractures annually at a cost of $13.8 billion—$33 million per day—in direct medical expenses. In their lifetime, one in two women and one in eight men over the age of 50 will fracture a bone due to osteoporosis. Amazingly, a woman's risk of a hip fracture is equal to her combined risk of contracting breast, uterine, and ovarian cancer.

Osteoporosis is largely preventable and thousands of fractures could be avoided if low bone mass were detected early and treated. Though we now have proven to actually rebuild bone mass, a bone mass measurement is the only way to determine one's risk for future fractures. And we have learned that there are some prominent risk facts: age, gender, family history of bone fractures, early menopause, risky health behaviors such as smoking and excessive alcohol consumption, and some medications all have been identified as contributing factors to bone loss. But identification of risk factors alone cannot predict how much bone a person has and how strong bone is—experts estimate that without bone density tests, up to 40 percent of women with low bone mass could be missed.

Unfortunately, coverage of bone density tests under the Federal Employee Health Benefit Program (FEHBP) is inconsistent. Instead of a comprehensive national coverage policy, FEHBP leaves it to each of the nearly 500 participating plans to decide who is eligible to receive a bone mass measurement and what constitutes medical necessity. Many plans have no specific rules to guide reimbursement and cover the tests on a case-by-case basis. Some plans refuse to provide coverage and reimbursement information indicating when the plan covers the test and when it does not and some plans cover the test only for people who already have osteoporosis.

Mr. President, we owe the people who serve our Government more than that. We know that osteoporosis is highly preventable, but only if it is discovered in time. There is simply no substitute for early detection. My legislation standardizes coverage for bone mass measurement under the FEHBP and I urge my colleagues to support this legislation.

By Mr. HARKIN
S. 1153. A bill to establish the Office of Rural Advocacy in the Federal Communications Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

RURAL TELECOMMUNICATIONS IMPROVEMENT ACT OF 1999

Mr. HARKIN. Mr. President, today I am introducing important legislation to assist rural America, the Rural Telecommunications Improvement Act of 1999. I am pleased to be joined in this effort by our distinguished Democratic lead. Senator DASCHLE, as well as Senators DORGAN, Baucus, Conrad, Wellstone, Johnson, Wyden, Reid, Kerry, Rockefeller and Murray. I would like to thank each of them for joining me in this effort to promote the interests of rural America within the Federal Communications Commission (FCC).

Our legislation will establish an Office of Rural Advocacy within the FCC.
to promote access to advanced telecommunications in rural areas. The Rural Advocate will be responsible for focusing the Commission's attention on the importance of rural areas to the future of American prosperity, as well as on ensuring that Universal Service provisions mandated by the Communications Act and the Telecommunications Act are being met and implemented.

Our proposal is modeled on the Small Business Administration's Office of Advocacy, which has been very successful in promoting the interests of small business within the U.S. government.

Under our bill, the Office of Rural Advocacy will have 9 chief responsibilities:

- To promote access to advanced telecommunications service for populations in the rural United States.
- To develop proposals to better fulfill the commitment of the Federal Government to universal service and access to advanced telecommunications services in rural areas.
- To assess the effectiveness of existing Federal programs for providers of telecommunications services in rural areas.
- To measure the costs and other effects of Federal regulations on telecommunications services in rural areas.
- To serve as a focal point for the receipt of complaints, criticisms and suggestions concerning policies and activities of any department or agency of the Federal Government which affect the receipt of telecommunications services in rural areas.
- To counsel providers of telecommunications services on the receipt of complaints, criticisms and suggestions.
- To represent the views and interests of rural populations and providers of telecommunications services in rural areas; and
- To enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in providing information about the telecommunications programs and services of the Federal Government which benefit rural areas and telecommunications companies.

Mr. President, such an office within the FCC is needed for one very important reason, no bureau or Commissioner at the FCC has as an institutional role with the responsibility to promote the interests of rural telecommunications. The FCC has a great number of issues to consider due to the ever changing role of communications.

Our legislation will ensure the FCC has the resources necessary to focus the Commission's attention on rural issues and will help establish an agenda at the FCC to address rural America's telecommunications needs, something the Commission has not done in the recent past. For example, the FCC's report on Advanced Telecommunications Services stated "deployment of advanced telecommunications generally appears to be delayed and uncoordinated." I can tell you Mr. President, this is not the case in Iowa where, according to the Iowa Utilities Board (IUB), approximately 8% of our exchanges have no access to the Internet. Additionally, access in many rural areas is of low speed and poor quality. This doesn't even include access to broadband, or high-speed Internet access, which is not available in numerous rural areas and small towns in Iowa and across the country.

Other examples of the FCC's lack of focus on rural issues include a failure to understand how rural telephone cooperatives interact with their members, such as preventing rural telefone cooperatives from calling members to check on long distance preference changes, and an FCC definition that establishes a 3000 hertz level of basic voice grade service, when such a low level prevents Internet access on longer loops in rural areas.

In order to effectively influence policy on rural telecommunications, this legislation gives the Rural Advocate the rank of a bureau chief within the FCC. The Rural Advocate will also have the authority to file comments or reports on any matter before the Federal Government affecting rural telecommunications without having to clear the testimony with the OMB or the FCC. Additionally, the Rural Advocate can file reports with the Administration, Congress and the FCC to recommend legislation or changes in policy. Finally, the Rural Advocate will be appointed directly by the President and confirmed by the Senate.

Mr. President, this legislation would allow rural America to enter the fast lane of the Information Superhighway. Again, thank you to my colleagues who have joined me in sponsoring this proposal. I urge all Senators to consider joining us in moving this initiative forward.

I ask unanimous consent that a copy of our proposal be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1153

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 "Rural Telecommunications Improvement Act of 1999".

SEC. 2. ESTABLISHMENT OF OFFICE OF RURAL ADVOCACY IN THE FEDERAL COMMUNICATIONS COMMISSION.

(a) ESTABLISHMENT.—Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

"SEC. 12. OFFICE OF RURAL ADVOCACY.

(a) ESTABLISHMENT.—There shall be in the Commission an office known as the 'Office of Rural Advocacy'. The office shall not be a bureau of the Commission.

(b) HEAD OF OFFICE.—(1) The Office shall be headed by the Rural Advocate of the Federal Communications Commission. The Rural Advocate shall be appointed by the President, by and with the advice and consent of the Senate, from among citizens of the United States.

(2) The Rural Advocate shall have a status and rank in the Commission commensurate with the status and rank in the Commission of the heads of the bureaus of the Commission.

(c) RESPONSIBILITIES OF OFFICE.—The responsibilities of the Office are as follows:

(1) To promote access to advanced telecommunications service for populations in the rural United States.

(2) To develop proposals for the modification of policies and activities of the departments and agencies of the Federal Government in order to better fulfill the commitment of the Federal Government to universal service and access to advanced telecommunications services in rural areas, and submit such proposals to the departments and agencies.

(3) To assess the effectiveness of existing Federal programs for providers of telecommunications services in rural areas, and make recommendations for legislative and non-legislative actions to improve such programs.

(4) To measure the costs and other effects of Federal regulations on the capability of telecommunication carriers in rural areas to provide adequate telecommunications services (including advanced telecommunications and information services) to such areas, and make recommendations for legislative and non-legislative actions to modify such regulations so as to minimize the interference of such regulations with that capability.

(5) To determine the effect of Federal tax laws on providers of telecommunications services in rural areas, and make recommendations for legislative and non-legislative actions to modify Federal tax laws so as to enhance the availability of telecommunications services in rural areas.

(6) To serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning policies and activities of any department or agency of the Federal Government which affect the receipt of telecommunications services in rural areas.

(7) To counsel providers of telecommunications services in rural areas on the effective resolution of questions and problems in the relationships between such providers and the Federal Government.

(8) To represent the views and interests of rural populations and providers of telecommunications services in rural areas before any department or agency of the Federal Government whose policies and activities affect the receipt of telecommunications services in rural areas.

(9) To enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the telecommunications programs and services of the Federal Government which benefit rural areas and telecommunications companies.
By Mr. VOINOVICH (for himself, Mr. GRAHAM, Mr. BAYH, and Mr. COCHRAN).

S. 1154. A bill to enable States to use Federal funds more effectively on behalf of young children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PRENATAL, INFANT AND CHILD DEVELOPMENT

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation with several of my Senate colleagues that will address the physical, cognitive and social development of an over-looked segment of our nation's population—children from prenatal to three years old.

Our bill, the “Prenatal, Infant and Child Development Act of 1999,” will give states the necessary tools to help parents and educate families expecting patterns and abilities that they will use throughout their lives. We need to do all that we can to create healthy, early childhood development systems across the country, and Senator GRAHAM and I believe that within the next 10 years, the most important years of a child’s life—prenatal to three—that the most beneficial influence can be provided by parents, grandparents and caregivers.

Every field of endeavor has peak moments of discovery, when past knowledge converges with new information, new insights and new technologies to produce startling opportunities for advancement. For the healthy development of young children—we are faced with one such moment. Today, thanks to decades of research on brain chemistry and sophisticated new technologies, neuroscientists have the data that tells us the experiences that fill a baby’s first days, months, and years have a decisive impact on the architecture of the brain and the extent of one’s adult capabilities. It is the education, the love and the nurturing that our children receive during the years prenatal to three that will help determine who they become 10, 20 and 30 years down the road.

Consequently, a tremendous opportunity exists to assist those individuals and families most at risk in the area of prenatal care through age three. We must work to create systems that support and educate families expecting a baby and those already with young children. We must present a message that is perfectly clear—education does and cannot begin in kindergarten, or even in a quality preschool.

Mr. President, in 1997, I served as chairman of the National Governors Association (NGA). My focus during my tenure as Chairman, was the National Education Goal One, that by the year 2000, all children in America will start school ready to learn.

We developed goals, model indicators, and measures of performance of child and family well-being in order to impact school readiness. The results-oriented goals focused states on the improved conditions of young children based on their family’s income and encouraged state and local governments to look across a variety of delivery systems—health care, child care, family support, and education—to make sure these systems would work together effectively for young children and their families.

Based on that effort between 1997 and 1998, 42 governors made early childhood development a keynote issue as they outlined their state agendas.

Improving education is really about the process of lifelong learning,’ which includes efforts based on what doctors and researchers have said about the importance of positive early childhood learning experiences. The traditional primary and secondary education community needs to recognize that investments in early childhood are their ultimate goal—that is, a classroom that can continue to move the learning process forward. To achieve that goal, a significant tenet of our education agenda must be to ensure that our children enter school ready to learn. Thus, we must support parents and caregivers, to help them understand that day-to-day interaction with young children helps children develop cognitively, socially and emotionally.

To ensure that children have the best possible start in life, supports must exist to help parents and other adults who care for young children. Supports that are critical for young children from prenatal through age three include health care, nutrition programs, childcare, early development services, adoption assistance, education programs, and other support services.

There are three ways we can enhance these supports and create new ones. The first is to build on existing programs that are well underway in the states and the local communities by protecting and increasing federal commitments to worthwhile programs such as WIC (Women, Infants, and Children), CCBGD (Child Care and Development Block Grant), and S-CHIP (State Children’s Health Insurance Program).

The second is to improve coordination among federal agencies in the administration of early childhood programs. As Chairman of the Senate Governmental Affairs Committee, Oversight of Government Management, Restructuring, and the District of Columbia, I am taking steps to ensure, for example, that the Department of Education and the Department of Health and Human Services communicate with each other about the early childhood programs for which they are responsible in order to determine which are duplicative and which are most successful.

The Results Act contemplates that agencies should be using their Performance Plans to demonstrate how daily activities, including coordination, contribute to the achievement of strategic

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goals. GAO evaluated the Departments of Education and Health and Human Services Strategic Plans for FY 1999 and FY 2000 Annual Performance Plans with regard to their coordination efforts. GAO found that both departments’ plans are not living up to their full potential. While they address the issue of coordination, the plans provide little detail about their intentions to implement such coordination efforts. I met with both departments and asked that they submit an amended Performance Plan that provided a more detailed compilation of coordination activities and examples. We should emerge from this exercise with a consensus on the most promising programs for our children.

The third way to improve support services is to encourage states to make prenatal care a Medicaid entitlement. Our bill gives state and local governments additional resources to provide these necessary support services. At the same time, it recognizes that tight spending restraints limit available resources. Consequently, it is a modest, incremental bill that encourages collaboration and integration among existing programs and services and provides additional flexibility to states and local governments if they implement programs to provide coordinated services dedicated to meeting the needs of young children.

Most child advocacy groups rank collaboration on the local level as fundamental and essential to successful programs for healthy childhood development. Under the bill, funds will be provided through the CCDBG program and will reward states that initiate such collaboration in creating state and local councils. It will also encourage states with existing collaboratives to help them expand their focus to social, emotional and cognitive development so that children have the best possible start in life. Funds could be used for a variety of coordinated services, such as child care, child development, pediatric literacy, parent education, home visits, or health services. States will lay out plans that identify ways to further promote the importance of early childhood care and education. Plans should also identify existing supports available for parents to utilize in reinforcing their child’s appreciation of early childhood television programs prior to and after program viewing.

Expanded national programming, such as Mr. Rogers and Sesame Street. Formalized and expanded “Ready to Learn” initiative. These resources include:

- Expanded Internet offerings that enable parents to reinforce PBS “Ready to Learn” curriculum at home. “Ready to Learn” is directly accessible from the web for parents to utilize in reinforcing their child’s appreciation of educational televsion programs.

- Expanded national programming such as Mr. Rogers and Sesame Street.

- Formalized and expanded “Ready to Learn” initiative.

- Expanded “Ready to Learn” resources.

- Expanded “Ready to Learn” programming.

- Expanded “Ready to Learn” initiatives.

- Expanded “Ready to Learn” support services.

- Expanded “Ready to Learn” training.

- Expanded “Ready to Learn” certification.

- Expanded “Ready to Learn” accreditation.


- Expanded caregiver/parent training which would include workshops, distribution of materials, and broadcasting of educational video vignettes regarding developmentally appropriate activities for young children.

- Deployment of a 24-hour channel of “Ready to Learn”-based children’s programming and parent training through digital technology.

Our bill also includes the Temporary Assistance for Needy Families (TANF) program to serve young children in a more effective manner by allowing states the ability to transfer up to 10 percent of a state’s TANF grant to the Social Services Block Grant (SSSBG). Originally, the 1996 welfare reform allowed for a 15 percent transfer of TANF, however, this was restricted in 1998 to allow states to transfer just 4.25 percent of their TANF grant as an offset to help pay for new highway investments in TEA–21. Social Services Block Grants (Title XX of the Social Security Act) are a flexible source of funds that states may use to support a wide variety of social services for children and families, including child day care, protective services for children, foster care, and home-based services.

The bill would also allow an additional 15 percent transfer of TANF money to the Child Care and Development Block Grant (CCDBG) for expenditures under a state early childhood collaborative program. Currently, states are permitted to transfer up to 30 percent of TANF to a combination of the CCDBG and SSSBG. The Welfare Reform Act restructured federal childcare programs, repealed three welfare-related childcare programs, and amended the Child Care Development Block Grant (CCDBG). Under current law, states receive a combination of mandatory and discretionary grants, part of which is subject to a state match. These funds would allow states to create or expand early childhood development coordination councils (10 percent of the transfer authority), or to enhance child care quality in existing programs (5 percent of the transfer authority).

Using these new resources, states can implement coordinated programs at the local level, such as “one-stop shopping” for parents with young children. Under this particular program, parents could have a well-baby care visit, meet with a child care advocate, and discuss questions and concerns about the baby’s development or receive referrals for help in enrollment in child care.

Further, the legislation would alter the high performance bonus fund within TANF to include criteria related to child welfare. The current criteria are based upon the recommendations of the National Governors’ Association (NGA) high performance bonus fund work group. The bonus fund currently provides $200 million annually to states for meeting certain work-related performance targets, such as improvement of long-term self-sufficiency rates by current and former TANF recipients. The performance targets should be expanded to include family- and child-related criteria, such as increases in immunization rates, literacy and preschool participation.

Finally, our bill encourages states to use their Maternal and Child Health Services Block Grant to target activities that address the needs of children from prenatal to three. The Maternal and Child Health Services Block Grant funds a broad range of health services...
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S. 1154

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 "Prenatal, Infant, and Child Development Act of 1999".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Findings.
Sec. 3. Satellite television network.
Sec. 401. Block grants to States for healthy early childhood development systems of care.
Sec. 501. Definitions.
Sec. 502. Authorization of appropriation.
Sec. 503. State allotments.
Sec. 504. Application.
Sec. 505. State child care credentialing and accreditation incentive program.
Sec. 506. Administration.
Sec. 507. Credentialing, accreditation, and retention of qualified child care workers.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Babies are born with all of the 100,000,000,000 brain cells, or neurons, that the babies will need as adults.

(2) By age 3, children have nearly all of the necessary connections, or synapses, between brain cells that cause the brain to function properly.

(3) The pace at which children grow and learn during the first years of life makes that period the most critical in their overall development.

(4) Children who lack proper nutrition, health care, and nurturing during their first three years tend to also lack adequate social, motor and language skills needed to perform well in school.

(5) All young children, and parents and caregivers of these children, should have access to coordinated information and support services appropriate for healthy early childhood development in the first three years of life. The changing structure of the family and the demands that arise during this period make it critical that States streamline and coordinate healthy early childhood development systems of care to meet the needs of parents and children in the 21st century.

The Federal Government’s role in the development of these systems of care is minimal; it must give states the flexibility to implement programs that respond to local needs and conditions.

The Federal Government must give states the flexibility to implement systems involving programs that respond to local needs and conditions.

TITLE I—FUNDS PROVIDED UNDER THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAM

SEC. 101. AUTHORITY TO TRANSFER FUNDS FOR OTHER PURPOSES.

(a) Transfer of Funds for Block Grants for Social Services.—

(1) Elimination of Reduction in Amount Transferrable for Fiscal Year 2001 and Thereafter.—Section 404(d)(2) of the Social Security Act (42 U.S.C. 604(d)(2)) is amended to read as follows:

"(2) Limitation on Amount Transferrable to Title XX Programs.—A State may use not more than 10 percent of the amount of any grant made to the State under section 406(a) for a fiscal year to carry out State programs pursuant to title XX."

(2) Effective Date.—The amendment made by paragraph (1) takes effect on October 1, 1999.

(b) Transfer of Funds for Early Childhood Collaborative Efforts Under the CCDBG.—

(1) In General.—Section 404(d) of the Social Security Act (42 U.S.C. 606(d)) is amended—

(A) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2), the following:

"(3) Additional amounts transferrable to early childhood collaborative councils.—The percentage described in paragraph (1) may be increased by up to 10 percentage points if the additional funds resulting from that increase are provided to local early childhood development coordinating councils described in section 659H of the Child Care and Development Block Grant Act of 1990 to carry out activities described in section 658J of that Act."

(2) Effective Date.—The amendments made by paragraph (1) take effect on October 1, 1999.

(c) Transfer of Funds To Enhance Child Care Quality Under the CCDBG.—

(1) In General.—Section 406(d) of the Social Security Act (42 U.S.C. 606(d)), as amended by subsection (b), is amended—

(A) in paragraph (1), by striking "and (3)" and inserting "(3), and (4)";

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3), the following:

"(4) Additional amounts transferrable for the enhancement of child care quality.—The percentage described in paragraph (1) determined without regard to any increase in that percentage as a result of the application of paragraph (3) may be increased by up to 5 percentage points if the additional funds resulting from that increase are used to enhance child care quality under a State program pursuant to the Child Care and Development Block Grant Act of 1990."

(2) Effective Date.—The amendments made by paragraph (1) take effect on October 1, 1999.

SEC. 102. BONUS TO REWARD HIGH PERFORMANCE STATES.

(a) Additional Measures of State Performance.—Section 406(a)(4)(C) of the Social Security Act (42 U.S.C. 606(a)(4)(C)) is amended—

(1) by striking "Not later" and inserting the following:
SEC. 201. AUTHORITY TO PROVIDE STATE PROGRAMS FOR THE DEVELOPMENT OF CHILDREN UNDER AGE 5.

(a) In General.—Section 501(a)(1) of the Social Security Act (42 U.S.C. 705(a)(1)) is amended—

(1) by redesigning subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(2) by inserting after subparagraph (A), the following:

"(B) The amendments made by this section shall apply to each of fiscal years 2000 through 2005.

TITLE III—EXPANSION OF THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT

SEC. 201. SHORT TITLE.

This title may be cited as the "Digital Television Act of 1999."
*SEC. 3302. READY-TO-LEARN.*—The Secretary is authorized to award grants to or enter into contracts or cooperative agreements with eligible entities described in section 3303(b) to develop, distribute, or use television programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

"(b) AVAILABILITY.—In making such grants, contracts, or cooperative agreements the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

*SEC. 3303. EDUCATIONAL PROGRAMMING.*

"(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under section 3302 to eligible entities to—

"(1) facilitate the development directly, or through collaboration with producers of children and family educational television programming, of—

"(A) educational programming for preschool and elementary school children; and

"(B) accompanying support materials and services that promote the effective use of such programming;

"(2) facilitate the development of programming and digital content especially designed for nationwide distribution over public television stations' digital broadcasting channels and cable companies or through the Ready to Learn-based children's programming and resources for parents and caregivers; and

"(3) enable eligible entities to contract with state educational agencies, local educational agencies, or public television stations under the Start Schools Act so that programs developed under this section are disseminated and distributed,

"(A) to the widest possible audience appropriate to be served by the programming; and

"(B) by the most appropriate distribution technologies.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall—

"(1) a public telecommunications entity that is able to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality for preschool and elementary school children and their parents and caregivers; and

"(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children and their parents and caregivers.

"(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

*SEC. 3304. DUTIES OF SECRETARY.*—The Secretary is authorized—

"(1) to award grants, contracts, or cooperative agreements to eligible entities described in section 3303(b), local public television stations, or such public television stations that are part of a consortium with 1 or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purposes of acquiring and using the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(2) to establish within the Department a partnership to secure non-Federal support for the development, distribution and broadcast of educational and instructional programming

"(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

"(1) a summary of activities assisted under section 3303(a); and

"(2) a description of the training materials made available under section 3304(1)(D), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the amount of funding made available under such section in accordance with such section.

*SEC. 3307. ADMINISTRATIVE COSTS.*—With respect to the implementation of section 3303, eligible entities receiving a grant, contract, or cooperative agreement from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the grant, contract, or cooperative agreement.

*SEC. 3308. DEFINITION.*—"Distance learning" means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications (including through the Internet).

*SEC. 3309. AUTHORIZATION OF APPROPRIATIONS.*

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part—

"(1) $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) FUNDING RULE.—Not less than 60 percent of the amounts appropriated under subsection (a) for each fiscal year shall be used to carry out section 3303.

*SEC. 3310. SATELLITE TELEVISION NETWORK.*—Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

PART G—SATELLITE TELEVISION NETWORK

*SEC. 3701. NETWORK.*—"(a) IN GENERAL.—The Secretary of Education and the Secretary of Health and Human Services shall award a grant to or enter into a contract with an eligible organization to establish and operate a satellite television network to provide training for providers of Head Start programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.) and other child care providers, who serve children under age 5.

"(b) ELIGIBLE ORGANIZATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall—

"(1) administer a centralized child development and national assessment program leading to recognized credentials for personnel

"(2) the support materials that have been developed under the program and the method by which such materials are distributed to consumers and users of the programming; and

"(3) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution and broadcast of educational and instructional programming.

"(c) REPORT TO CONGRESS.—The Secretary shall submit to the Senate and the House of Representatives a report annually regarding the availability and utilization of materials developed under this section.

"(1) the programming that has been developed under the program and the method by which such materials are distributed to consumers and users of the programming; and

"(2) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution and broadcast of educational and instructional programming.

"(3) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution and broadcast of educational and instructional programming.

"(4) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution and broadcast of educational and instructional programming.
The term 'early childhood development of children; and
(2) demonstrate that the organization has entered into a partnership, to establish and operate the training network, that includes—
(A) a nonprofit organization; and
(B) a public or private entity that specializes in providing broadcast programs for parents and professionals in fields relating to early childhood.

Early ince—to be eligible to receive a grant or contract under subsection (a), an organization shall submit an application to the Secretary of Education and the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretaries may require.

(c) COOPERATIVE AGREEMENT.—The Secretary of Education and the Secretary of Health and Human Services shall enter into a cooperative agreement to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this part $200,000,000 for each fiscal year 2000 and such sums as may be necessary for each agency with such fiscal year.

TITLE IV—HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEMS OF CARE

SEC. 401. BLOCK GRANTS TO STATES FOR HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEMS OF CARE.

(a) Block Grant.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9804 et seq.) is amended—
(1) by inserting after the subchapter heading the following:

"PART 1—CHILD CARE ACTIVITIES; AND"

(2) by adding at the end the following:

"PART 2—HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEMS OF CARE"

SEC. 659. PURPOSE.

The purposes of this part are—
(1) to help families seeking government assistance for their children, in a manner that does not usurp the role of parents, but streamlines and coordinates government services;
(2) to establish a framework of support for local early childhood development coordinating councils that—
(A) develop comprehensive, long-range strategic plans for early childhood education, development, and support services; and
(B) provide, through public and private means, high-quality early childhood education, development, and support services for children and families; and
(3) to support family environments conducive to the growth and healthy development of children; and
(4) to ensure that children under age 5 have access to quality child care and early intervention services when necessary.

SEC. 659A. DEFINITIONS.

In this part:

(1) CHILD IN POVERTY.—The term 'child in poverty' means a young child who is an eligible child described in section 658P(f)(1).
(2) HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEM OF CARE.—The term 'healthy early childhood development system of care' means a system of programs that provides coordinated early childhood development services.
(3) EARLY CHILDHOOD DEVELOPMENT SERVICES.—The term 'early childhood development services' means education, development, and support services, such as all-day kindergarten, parenting education and services, child care and other child development services, and health services (including prenatal care), for young children.

SEC. 659B. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this part $200,000,000 for each of fiscal years 2001 through 2004.

(b) AVAILABILITY OF FUNDS.—Funds appropriated for a fiscal year under subsection (a) shall remain available for the succeeding 2 fiscal years.

SEC. 659C. ALLOTMENT TO STATES.

(a) RESERVATION.—The Secretary shall reserve not less than 1 percent, and not more than 2 percent, of the funds appropriated under this section for each fiscal year for payments to Indian tribes and tribal organizations to assist the tribes and organizations in supporting healthy early childhood development systems of care under this part. The Secretary shall by regulation issue requirements concerning the eligibility of Indian tribes and tribal organizations to receive funds under this subsection, and the use of funds made available under this subsection.

(b) ALLOTMENT.—From the funds appropriated under this section, the Secretary shall allot to each eligible State, to pay for the Federal share of the cost of supporting healthy early childhood development systems of care under this part, the sum of—

(1) an amount that bears the same ratio to 50 percent of such funds as the number of young children in the State bears to the number of such children in all eligible States; and
(2) an amount that bears the same ratio to 50 percent of such funds as the number of children in poverty in the State bears to the number of such children in all eligible States.

(c) FEDERAL SHARE.—The Federal share of the cost described in subsection (b) shall be 75 percent. The Non-Federal share of the cost may be provided in cash or in kind, fairly valued, including plant, equipment or services provided from State or local public sources or through donations from private entities.

SEC. 659D. STATE COUNCIL.

(a) IN GENERAL.—The Governor of a State seeking an allotment under section 659C may, at the election of the Governor—
(1) establish and appoint the members of a State early childhood development coordinating council, as described in subsection (b); or
(2) designate an entity to serve as such a council, as described in subsection (c).

(b) APPOINTED STATE COUNCIL.—The Governor may establish and appoint the members of a State council that—
(1) may include—
(A) the State superintendent of schools, or the designee of the superintendent;
(B) the chief State budget officer or the designee of the officer; and
(C) the head of the State health department or the designee of the head;
(2) the heads of the State agencies with primary responsibility for child welfare, child care, and the Medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or the designees of the heads;
(3) the heads of other State agencies with primary responsibility for services for young children or pregnant women, which may be agencies with primary responsibility for alcohol and drug addiction services, mental health services, mental retardation services, food assistance services, and juvenile justice services, or the designees of the heads;
(4) a representative of providers; and
(5) representatives of early childhood development agencies; and
(6) the Governor; and
(7) may, in the discretion of the Governor, include other members, including representatives of providers.

(c) DESIGNATED STATE COUNCIL.—The Governor may designate an entity to serve as the State council if the entity—
(1) includes members that are substantially similar to the members described in subsection (b); and
(2) provides integrated and coordinated early childhood development services.

(d) CHAIRPERSON.—The Governor shall serve as the chairperson of the State council.

SEC. 659E. STATE PLAN.

(1) may include—
(A) a description of the Indian tribes and tribal organizations to assist the tribes and organizations in supporting healthy early childhood development systems of care under this part,
(B) provisions concerning the eligibility of Indian tribes and tribal organizations to receive funds under this subsection, and the use of funds made available under this subsection;
(C) the head of the State health department or the designee of the head;
(2) shall make the allocation described in section 659F(b); and
(3) may carry out activities described in section 659F(c); and
(4) shall prepare and submit the report described in section 659F(e).

SEC. 659E. STATE PLAN.

(a) IN GENERAL.—To be eligible to receive an allotment under section 659C, a State shall submit a State plan to the Secretary at such time, and in such manner, as the Secretary may require, including—
(1) in the case of a State in which the Governor elects to establish or designate a State council, sufficient information about the entity established or designated under section 659D to enable the Secretary to determine whether the entity establishes or designates the State council, and applies with the requirements of such section; and
(2) a description of the political subdivisions designated by the State to receive funds under section 659F and how political subdivisions in the State will carry out activities described in section 659F; and

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“(B) State goals for the activities described in subsection (A); and

“(4) such information as the Secretary shall by regulation require on the amount and source of State and local public funds, and donations, expended in the State to provide for the health and welfare of children born during the pregnancy, and the costs of supporting healthy early childhood development systems of care under this part; and

“(5) an assurance that the State shall annually submit the report described in section 659F(e),

“(b) SUBMISSION.—At the election of the State, the State shall submit the State plan as a portion of the State plan submitted under section 658E. With respect to that State, references to a State plan—

“(1) in this part shall be considered to refer to the portions of the plan described in this section; and

“(2) in part I shall be considered to refer to the portions of the plan described in section 658E.

“(c) CERTIFICATION.—The Secretary shall certify any State plan that meets the broad goals of this part.

SEC. 650F. STATE ACTIVITIES.

“(a) IN GENERAL.—A State that receives an allotment under section 659C shall use the funds made available through the allotment to support healthy early childhood development systems of care by—

“(1) making allocations to political subdivisions under section 659G; and

“(2) carrying out State activities described in subsection (c).

“(b) MANDATORY RESERVATION FOR LOCAL ALLOCATIONS.—The State shall reserve 85 percent of the funds made available through the allotment to make allocations to political subdivisions under section 659G.

“(c) STATE ACTIVITIES.—The State may use the remainder of the funds made available through the allotment to support healthy early childhood development systems of care by—

“(1) entering into interagency agreements with appropriate entities to encourage coordinated efforts at the State and local levels to improve the State delivery system for early childhood development services;

“(2) advising local councils on the coordination of delivery of early childhood development services to eligible children;

“(3) developing programs and projects, including pilot projects, to encourage coordinated efforts at the State and local levels to improve the State delivery system for early childhood development services;

“(4) providing technical support for local councils and development of educational materials;

“(5) providing education and training for child care providers; and

“(6) supporting research and development of best practices for healthy early childhood development systems of care, establishing standards for such systems, and carrying out program evaluations for such systems.

“(d) ADMINISTRATION.—A State that receives an allotment under section 659C may use not more than 5 percent of the funds made available through the allotment to pay for the cost of administering the activities carried out under this part.

“(e) REPORT.—The State shall annually prepare and submit to the Secretary a report on the activities carried out under this part in the State, which shall include details of the use of Federal funds to carry out the activities and the extent to which the States and political subdivisions are making progress on State or local goals in carrying out the activities. In preparing the report, a State may require political subdivisions in the State to submit information to the State, and may compile the information.

SEC. 650G. ALLOCATION TO POLITICAL SUBDIVISIONS.

From the funds reserved by a State under section 659F(b) for a fiscal year, the State shall allot to each eligible political subdivision in the State the sum of—

“(1) an amount that bears the same ratio to 50 percent of such funds as the number of young children in the political subdivision bears to the number of such children in all eligible political subdivisions in the State; and

“(2) an amount that bears the same ratio to 50 percent of such funds as the number of children in poverty in the political subdivision bears to the number of such children in all eligible political subdivisions in the State.

SEC. 659H. LOCAL COUNCILS.

“(a) IN GENERAL.—The chief executive officer of a political subdivision that is located in a State with a State council and that seeks an allocation under section 659G may, at the election of the officer—

“(1) establish and appoint the members of a local early childhood development coordinating council, as described in subsection (b); or

“(2) designate an entity to serve as such a council, as described in subsection (c).

“(b) APPOINTED LOCAL COUNCIL.—If an officer may designate an entity to serve as such a council, the officer may appoint—

“(1) representatives of any public or private agency that funds, advocates the provision of, or provides services to children and families;

“(2) representatives of schools;

“(3) members of families that have received services from an agency represented on the council;

“(4) representatives of courts; and

“(5) private providers of social services for families and children.

“(c) DESIGNATED LOCAL COUNCIL.—The officer may designate an entity to serve as the local council if the entity—

“(1) includes members that are substantially similar to the members described in subsection (b); and

“(2) provides integrated and coordinated early childhood development services.

“(d) DUTIES.—In a political subdivision with a local council, the local council—

“(1) shall submit the local plan described in section 659I;

“(2) shall carry out activities described in section 659J(a);

“(3) may carry out activities described in section 659J(b); and

“(4) shall submit such information as a State council may require under section 659F(e).

SEC. 659I. LOCAL PLAN.

“To be eligible to receive an allocation under section 659G, a political subdivision shall submit a local plan to the State at such time, in such manner, and containing such information as the State may require.

SEC. 659J. LOCAL ACTIVITIES.

“(a) MANDATORY ACTIVITIES.—A political subdivision that receives an allocation under section 659G shall—

“(1) to provide assistance to entities carrying out early childhood development services through a healthy early childhood development system of care, in order to meet as nearly as possible the needs of eligible children in the political subdivision as may be identified and the number of children receiving the services, and improve the quality of the services, both for young children who remain in the home and young children that require services in child care services provided by the State in accordance with such Act for Head Start programs; or

“(2) to develop and implement a process that annually evaluates and prioritizes services provided through the Healthy Start program for children, fills service gaps in the system where possible, and invests in new approaches to achieve better results for families and children through that system.

“(b) PERMISSIBLE ACTIVITIES.—A political subdivision that receives an allocation under section 659G may use the funds made available through the allocation—

“(1) to improve the healthy early childhood development system of care by enhancing efforts and building new opportunities for—

“(A) innovation in early childhood development services; and

“(B) development of partnerships with businesses, associations, churches or other religious entities, and philanthropic organizations to provide early childhood development services on behalf of young children; and

“(2) to develop and implement a process

Title V—Credentialed and Accredited Child Care

SEC. 501. DEFINITIONS.

In this title:

(1) ACCREDITED CHILD CARE FACILITY.—The term ‘‘accredited child care facility’’ means—

(A) a facility that is accredited, by a child care credentialing or accreditation entity recognized by a State or national organization described in paragraph (2)(A), to provide care to children, and

(B) a facility that is accredited, by a child care credentialing or accreditation entity recognized by a tribal organization, to provide care for children served by the tribal organization.

(C) a facility that is used as a Head Start center under the Head Start Act (42 U.S.C. 9801 et seq.) and is in compliance with applicable performance standards established by regulation under such Act for Head Start programs; or

(D) a military child development center (as defined in section 1798(b)(1) of title 10, United States Code) that is in a facility owned or
SEC. 502. AUTHORIZATION OF APPROPRIATION.

There is authorized to be appropriated to carry out this title, $20,000,000 for each of fiscal years 2000 through 2004.

SEC. 503. STATE ALLOTMENTS.

From the funds appropriated under section 502 for a fiscal year, the Secretary shall allot to each eligible State, to pay for the cost of establishing and carrying out State child care credentialing and accreditation incentive programs, an amount that bears the same ratio to such funds as the number of children in poverty under age 5 in the State bears to the number of such children in all States.

SEC. 504. APPLICATION.

To be eligible to receive an allotment under section 503, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

SEC. 505. STATE CHILD CARE CREDENTIALING AND ACCREDITATION INCENTIVE PROGRAM.

(a) In General.—A State that receives an allotment under subsection (a), a child care provider shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum—

(1) information demonstrating that an employee of the provider is pursuing skills-based training to enable the employee or the facility involved to obtain a professional certification as described in subparagraph (A); and

(b) Application.—To be eligible to receive a payment under subsection (a), a child care provider shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require including, at a minimum—

(1) (I) compliance with age-appropriate health and safety standards at the facility or by the individual;

(II) use of ongoing staff development or training activities for the staff of the facility or individual; and

(iii) outside monitoring of the facility or individual; and

(iv) criteria that provide assurances of—

(1) the development of age-appropriate developmental and educational activities, as an integral part of the child care program carried out at the facility or by the individual; and

(2) standards and procedures of public and private child care or school accrediting bodies; or

(3) standards and procedures of public and private child care or school accrediting bodies; or

(4) a nonprofit private organization or public agency that—

(A) is recognized by a State agency, a tribal organization, or a national organization that serves as a peer review panel on the standards and procedures of public and private child care or school accrediting bodies; and

(B) accredits or certifies an individual to provide child care on the basis of—

(i) an individual credentialing or credentialing instrument based on peer-validated research;

(ii) standards and procedures of public and private child care or school accrediting bodies; or

(iii) outside monitoring of the facility or individual; and

(iv) criteria that provide assurances of—

(A) in an individual who—

(i) is credentialed, by a child care credentialing or accreditation entity recognized by a State or a national organization described in paragraph (2)(A), to provide child care (except children who a tribal organization or any other tribal entity described in paragraph (2)(A) is recognized by a State or a national organization, or both); and

(ii) successfully completes a 4-year or graduate degree in a relevant academic field (such as early childhood education, education, or recreation services);

(B) an individual who is credentialed, by a child care credentialing or accreditation entity recognized by a State or a national organization described in paragraph (2)(A), to provide child care for children served by the tribal organization; or

(C) an individual certified by the Armed Forces of the United States to provide child care as a family child care provider (as defined in section 658E(o)(2)(E)(i) of the Child Care and Development Block Grant Act (42 U.S.C. 9858n)) in military family housing appropriate for the facility or individual;

(D) a private child care or school accrediting body, or a nonprofit private organization or public agency that—

(1) enables the employees to obtain a professional certification as described in paragraph (3)(A); and

(2) enable the facility involved to obtain a professional certification as described in paragraph (3)(A).

(b) APPLICATION.—To be eligible to receive a payment under subsection (a), a child care provider shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum—

(1) (I) compliance with age-appropriate health and safety standards at the facility or by the individual; and

(II) use of ongoing staff development or training activities for the staff of the facility or individual, including related skills-based testing.

(3) CREDENTIALED CHILD CARE PROFESSIONAL.—The term ‘‘credentialled child care professional’’ means—

(A) an individual who—

(i) is credentialed, by a child care credentialing or accreditation entity recognized by a State or a national organization, or both, to provide child care (except children who a tribal organization or any other tribal entity described in paragraph (2)(A) is recognized by a State or a national organization, or both); and

(ii) successfully completes a 4-year or graduate degree in a relevant academic field (such as early childhood education, education, or recreation services);

(B) an individual who is credentialed, by a child care credentialing or accreditation entity recognized by a State or a national organization described in paragraph (2)(A), to provide child care for children served by the tribal organization; or

(C) an individual certified by the Armed Forces of the United States to provide child care as a family child care provider (as defined in section 658P of the Child Care and Development Block Grant Act (42 U.S.C. 9858n));

(4) CHILD IN POVERTY.—The term ‘‘child in poverty’’ means a child that is a member of a family with an income that does not exceed 200 percent of the poverty line.

(5) POVERTY LINE.—The term ‘‘poverty line’’ means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(6) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Health and Human Services.

(7) STATE; TRIBAL ORGANIZATION.—The terms ‘‘State’’ and ‘‘tribal organization’’ have the meanings given in the term in section 658P of the Child Care and Development Block Grant Act (42 U.S.C. 9858n).

SEC. 506. ADMINISTRATION.

A State that receives an allotment under section 503 may use not more than 5 percent of the funds made available through the allotment to pay for the costs of administering the program described in section 505.

SEC. 507. CREDENTIALING, ACCREDITATION, AND RETENTION OF QUALIFIED CHILD CARE WORKERS.

Section 658E of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended—

(1) by inserting ‘‘and payments to encourage child care providers who serve children under age 5 to obtain credentialing as credentialled child care providers or accreditation for their facilities as accredited child care facilities or to encourage retention of child care providers who serve children under age 5 to obtain credentialing as credentialled child care providers or accreditation for their facilities as accredited child care facilities’’ after ‘‘referral services’’; and

(2) by adding at the end the following: ‘‘In this section, the terms ‘credentialed child care provider’ and ‘credentialled child care professional’ have the meanings given in section 501 of the Prenatal, Infant, and Child Development Act of 1999.’’.

Mr. BAYH. Mr. President, today I arise as an original co-sponsor of the Prenatal Child and Infant Development Act, a bipartisan bill to provide states with the flexibility they need to address the needs of children during their formative years.

Children are born into this world with all the potential they need to make their dreams come true. The ages birth to 3 are the most critical for a child’s development both mentally and socially. They have all the 100 billion brains cells they will need as adults. By age three, children have nearly all the necessary connections between the understanding of the brain needed for the brain to function fully and properly. It is up to us, families, teachers, childcare providers, and communities to help our children live up to their potential. It is important that our children are ready to learn and we allow them the opportunities to maximize their potential.

What income bracket a child is born into should not determine that child’s future. If a child is not provided with proper health care, nutritional food, and a nurturing environment to grow in, we are leading down a very dark path.

Sadly, it has been confirmed that children who lack proper nutrition, health care, and nurturing during their first years also lack the adequate social, motor, and language skills needed to perform well in school and in life. That is why I have joined efforts with Senator Voinovich and Senator Graham and support the Prenatal Child and Infant Development Act. This is an important bill to support because it is important legislation that addresses something we should all have in common, helping our children prepare for the future. A child birth to 3 years old that is in need of assistance can not do it on their own.

Specifically, this bill will allow States to transfer up to 45% of the money they receive for Temporary Assistance for Needy Families to the Child Care Development Block Grant Program. The 15% increase in transferability will go towards increasing local early childhood development coordination councils and to enhance child care quality under the existing Child Care Development Block Grant. This new flexibility will allow states to spend the money needed to ensure our children are not sentenced to unfulfillment of their dreams just because they were denied the flexibility they needed to address the needs of children during their formative years.

In Indiana, there are over 488,000 children under the age of six. 70% of those children are in child care. Indiana is one of those states that has transferred the entire amount currently allowed...
from Temporary Assistance for Needy Families funds to the Child Care Development Block Grant for child care services, and will encourage States to increase direct child care and health services, and will encourage States to increase direct child care and health services for 65,185 children, there still remains a need to help at least an additional 267,500 children. There is a need in my State to have the flexibility to transfer and utilize funds that otherwise are not being spent so these children can be served.

One of the programs this new flexibility will allow to expand in Indiana is the Building Bright Beginnings Coalition. This coalition is focused on assisting children that are prenatal to four years old. They have reached over 150,000 parents of newborns through their publication “A Parent’s Guide to Raising Healthy, Happy Babies.” The coalition has implemented the “See and Demand Quality Child Care” campaign consisting of public service announcements, billboards, pamphlets, and a toll-free telephone line for parent information in cooperation with local resources and referral agencies. It also makes loans available to child care providers who are considered non-traditional borrowers, and it has formed an institute that creates a public private partnership with higher education as well as the health, education, and early childhood communities. In the short time this program has been in place, it has helped over 100,000 parents of newborns be better informed, over 10,000 new public private partnerships have been formed, and it has directly impacted the lives of over 15,000 children. We need more programs like this and in order for them to exist States need more flexibility with their funding streams.

These quality initiatives are administered by Indiana’s Step Ahead Councils. Step Ahead Councils are the types of councils this bill hopes to promote. Indiana has had a council in each of its 92 counties since 1991. These councils allow for locally based solutions and initiatives to locally based challenges with child care, parent information, early intervention, child nutrition and health screening. Local responses to local problems can create better solutions. This bill encourages such local involvement.

In addition, there are several other important goals this bill helps to accomplish. It will allow more programs to address the needs of prenatal to three year olds, it will increase satellite training for Head Start and other childhood program staff, it will increase direct child care and health services, and will encourage States to implement training programs for childcare providers.

As a Senator and a father of two 3½ year old boys, I am proud to support this bill and publically voice the need to invest in all children. There is no better way to utilize a dollar than to invest it in our future. Thank you Senator Voinovich and Senator Graham for initiating this legislation, I urge my colleagues who have the time or can, to support this bill and the message behind it.

By Mr. BOND (for himself and Mr. KERRY):
S. 1156. A bill to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies and for other purposes; to the Committee on Small Business.

SMALL BUSINESS ADVOCACY REVIEW PANEL TECHNICAL AMENDMENTS ACT OF 1999

Mr. BOND. Mr. President, I rise today to introduce the Small Business Advocacy Review Panel Technical Amendments Act of 1999.

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Flexibility, it would have learned of the enormous problems surrounding its limited partner regulations prior to issuing the proposal in January 1997. These regulations, which became known as the “stealth tax regulations,” would have raised self-employment taxes on countless small businesses operated as limited partnerships or limited liability companies, and also would have imposed burdensome new recordkeeping and collection of information requirements.

Specifically, the bill strikes the language in section 603 of title 5 that included IRS interpretive rules under the Regulatory Flexibility Act, “but only to the extent that such interpretative rules impose on small entities a collection of information requirement.” The Treasury Department has misconstrued this language in two ways. First, it incorrectly assumed that the IRS imposes a requirement on small businesses to complete a new OMB-approved form, the Treasury says Reg Flex does not apply. Second, in the limited circumstances where the IRS has accepted a requirement as a new requirement, the Treasury has limited its analysis of the impact on small businesses to the burden imposed by the form. As a result, the Treasury Department and the IRS have turned Reg Flex compliance into an unnecessary, second Paperwork Reduction Act.

To address this problem, our bill revises the critical sentence in Section 603 to read as follows:

In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules (including proposed, temporary and final regulations) published in the Federal Register or in the Code of Federal Regulations.

Coverage of the IRS under the Panel process and the technical changes I have just described are strongly supported by the Small Business Legislative Council, the National Association for the Self-Employed, and many other organizations representing small businesses. Even more significantly, these changes have the support of the Chief Counsel for Advocacy. I ask unanimous consent to include in the RECORD following this statement copies of letters and statements from these small business advocates.

The remaining provisions of our bill address the mechanics of convening a Panel and the selection of the small entity representatives invited to submit advice and recommendations to the Panel. While these provisions are very similar to the legislation introduced in the other body (H.R. 1882) by our colleagues Representatives TALENT, VELÁZQUEZ, KELLY, BARTLETT, and EWING, I have expressed some specific concerns regarding the potential for certain provisions to be misconstrued. I have agreed to work with him to address his concerns in respect language and, if necessary, with minor revisions to the bill text.

Our mutual goal is to ensure that the views of small entities can be brought forth through the Panel process and taken to heart by the “covered agency” and other federal agencies represented on the Panel—in short, to continue the success that EPA and OSHA have shown this process has for small businesses. I thank the Senator from Massachusetts for his support, and ask unanimous consent that the Small Business Advocacy Review Panel Technical Amendments Act of 1999 be printed, following this statement.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

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

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 “Small Business Advocacy Review Panel Technical Amendments Act of 1999.”

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds the following:

(1) A vibrant and growing small business sector is critical to creating jobs in a dynamic economy.

(2) Small businesses bear a disproportionate share of regulatory costs and burdens.

(3) Federal agencies must consider the impact of their regulations on small businesses early in the rulemaking process.

(4) The Small Business Advocacy Review Panel process that was established by the Small Business Regulatory Enforcement Fairness Act of 1996 has been effective in allowing small businesses to participate in rules that are finalized.

(b) Purposes.—The purposes of this Act are as follows:

(1) To provide for a forum for the effective participation of small businesses in the Federal regulatory process.

(2) To clarify and strengthen the Small Business Advocacy Review Panel process.

(3) To expand the number of Federal agencies that are required to convene Small Business Advocacy Review Panels.

SEC. 3. ENSURING FULL ANALYSIS OF POTENTIAL IMPACTS ON SMALL ENTITIES OF RULES PROPOSED BY CERTAIN AGENCIES.

Section 609(b) of title 5, United States Code, is amended to read as follows:

“(iv) Before the publication of an initial regulatory flexibility analysis that a covered agency is required to conduct under this chapter, the head of the covered agency shall:

“(A) notify the Chief Counsel for Advocacy of the Small Business Administration (in this subsection referred to as the ‘Chief Counsel’) of the covered agency proposal;

“(B) provide the Chief Counsel with information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected; and

“(C) not later than 30 days after complying with subparagraphs (A) and (B)—

“(i) with the concurrence of the Chief Counsel, identify affected small entity representatives; and

“(ii) transmit to the identified small entity representatives a detailed summary of the information referred to in subparagraph (B) and information obtained by the small entity representative, for the purposes of obtaining advice and recommendations about the potential impacts of the draft proposed rule.

“(2)(A) Not earlier than 30 days after the covered agency transmits information pursuant to paragraph (1), the review panel of the covered agency shall convene a review panel for the draft proposed rule. The panel shall consist solely of full-time Federal employees of the office within the covered agency that will be responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs of the Office of Management and Budget, and the Chief Counsel.

“(B) The review panel shall—

“(i) review any material the covered agency has prepared in connection with this chapter, including any drafts of the draft proposed rule, and identify any other material that the panel shall consider relevant to the drafting of the draft proposed rule. The panel shall dispose of all material by no later than 60 days after the date the draft proposed rule is received.

“(ii) collect advice and recommendations from the small entity representatives identified under paragraph (1)(C)(i) on issues related to paragraphs (3), (4), and (5) of section 603(b) and section 603(c); and

“(iii) allow any small entity representative identified under paragraph (1)(C)(i) to make an oral presentation to the panel, if requested.

“(C) Not later than 60 days after the date the draft proposed rule is received, the review panel shall report to the head of the covered agency on—

“(i) the comments received from the small entity representatives identified under paragraph (1)(C)(i); and

“(ii) its findings regarding issues related to paragraphs (3), (4), and (5) of section 603(b) and section 603(c).

“(3)(A) Except as provided in subparagraph (B), the head of the covered agency shall print in the Federal Register the report of the review panel under paragraph (1), including any written comments submitted by the small entity representatives and any appendices cited in the report, as soon as practicable, but not later than—

“(i) 180 days after the date the head of the covered agency receives the report; or

“(ii) the date of the publication of the notice of proposed rulemaking for the proposed rule.

“(B) The report of the review panel printed in the Federal Register shall not include any confidential business information submitted by any small entity representative.

“(4) Where appropriate, the covered agency shall modify the draft proposed rule, the initial regulatory flexibility analysis for the draft proposed rule, or the decision on whether an initial regulatory flexibility analysis is required for the draft proposed rule.

SEC. 4. DEFINITIONS.

Section 609(d) of title 5, United States Code, is amended to read as follows:

“(A) the term ‘covered agency’ means the Environmental Protection Agency, the Occupational Safety and Health Administration of the Department of Labor, and the Internal Revenue Service of the Department of the Treasury; and

“(B) the term ‘small entity representative’ means a small entity, or an individual or organization that represents the interests of 1 or more small entities.”
SEC. 5. COLLECTION OF INFORMATION REQUIREMENT.

(a) DEFINITION.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (5) by inserting “and” after the semicolon;

(2) in paragraph (6) by striking “; and” and inserting a period; and

(3) by striking paragraphs (7) and (8).

(b) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—The fourth sentence of section 603 of title 5, United States Code, is amended to read as follows: “In the case of an interpretative rule, the Office of Management and Budget, the Office of Information and Regulatory Affairs of the United States, this chapter applies to the initial regulatory flexibility analysis, proposed, temporary, and final regulations published in the Federal Register for codification in the Code of Federal Regulations.’’

SEC. 6. EFFECTIVE DATE.

This Act shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

Sincerely,

[Signature]

Chairman.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

[Names and titles of members]

OFFICE OF ADVOCACY,

WASHINGTON, DC, May 24, 1999.

Hon. Kit Bond,
Chairman, Committee on Small Business, U.S. Senate, Washington, DC.

Dear Mr. Chairman: On behalf of the Small Business Legislative Council (SBLC), I would like to offer our strong support for your legislation to expand the Small Business Regulatory Enforcement Fairness Act (SBREFA) to encompass more of the activities of the Internal Revenue Service (IRS).

As you know, there is nothing more annoying to the small business community than when the IRS issues a proposed rule and it is obvious the authors have little or no understanding of the business practices of the small businesses covered by the rule.

OSHA and the EPA have also been identified in the past as agencies guilty of acting without a solid understanding of an industry. Thanks to your leadership, the 104th Congress fixed the problem in the case of EPA and OSHA by enacting SBREFA. Those two agencies must go out and collect information on small entities before they finalize the development of a proposed rule. The law requires the OSHA and EPA to increase small business participation in rulemaking activities through the convening of an independent Small Business Advocacy Review Panel for a proposed rule with a significant economic impact on small entities. For such rules, the agencies must notify SBA’s Chief Counsel of Advocacy that the rule is under development and provide sufficient information so that the Chief Counsel can identify affected small entities and gather advice and comments on the effects of the proposed rule. A Small Business Advocacy Review Panel, comprising Federal government employees from the agency, the Office of Advocacy, and OMB, must be convened to review the proposed rule and to collect comments from small businesses. Within 60 days, the panel must issue a report of the comments received from small entities and the panel’s findings, which become part of the public record.

As we have said many times before, we believe your “red tape cutting” law, SBREFA, is one of the most significant small business laws of all time. As you know first hand, for a variety of reasons, the IRS was not included. This omission should be corrected. It is one agency with ongoing rulemaking responsibilities that have an impact on small business, it is the IRS.

In the case of the other provisions of SBREFA apply only to the IRS when the interpretative rule of the IRS will “impose on small entities a collection of information requirement.” We already know the IRS has embraced an extraordinarily narrow interpretation of that phrase. We should take this opportunity to amend SBREFA to ensure the IRS complies with SBREFA any time it issues an interpretative regulations.

As you know, the SBLC is a permanent, independent coalition of eighty trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as merchandising, distribution, professional and technical services, construction, transportation, tourism and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views. For your information, a list of our members is enclosed.

As always, we appreciate your outstanding leadership on behalf of small business.

Sincerely,

David Goren, Chairman.
Mr. KERRY. Mr. President, as Ranking Democrat on the Committee on Small Business, I join Committee Chairman BOND in introducing the Small Business Advocacy Review Panel Technical Memorandum Act of 1999.

While there are a few minor points that Chairman BOND and I have agreed to work out before the Committee considers the bill, we both agree that this is an important piece of legislation which should be enacted promptly to facilitate the Small Business Enforcement Fairness Act process. This process enables small entity representatives to participate in rulemakings by the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), and, under this bill, the Internal Revenue Service (IRS) of the Department of Treasury.

This bill improves and enhances the Small Business Regulatory Enforcement Fairness Act of 1996, which has not only reduced regulatory burdens that otherwise would have been placed on small businesses, but also has begun to institute a fundamental change in the way Federal agencies promulgate rules that could have “a substantial impact on a substantial number of small businesses.” Federal agencies are required under existing law to form so-called SBREFA panels in conjunction with the Office of Information and Regulatory Affairs in the Office of Management and Budget, and to seek the advice and input of small entities, or their representatives.

These SBREFA panels are charged with creating flexible regulatory options that would allow small businesses to continue to operate without sacrificing the environmental, or health and safety goals of the proposed rule.

These panels have been highly effective in saving small businesses regulatory compliance costs. To date, sev-
the staff needed to comply with Davis-Bacon's complex work rules and reporting requirements.

Congressional leaders held Davis-Bacon during the Great Depression, a period in which work was scarce. In those days, construction workers were willing to take what jobs they could find, regardless of the wage rate; most construction was publicly financed, and there were no other Federal worker protections on the books.

Conditions in the construction industry have changed a lot since then, however. Today, unemployment rates are low, and public works construction makes up only about 20 percent of the construction industry's activity. Also, we now have many Federal laws on the books to protect workers. Such laws include the Fair Labor Standards Act of 1938, which sets a Federal minimum wage, the Occupational Safety and Health Act of 1970, the Miller Act of 1935, the Contract Work House and Safety Standards Act of 1962, and the Social Security Act.

Yet, the construction industry still has to operate under Davis-Bacon's inflexible 1930s work requirements and play by its payroll reporting rules. Under the law's craft-by-craft requirements, for example, contractors must pay Davis-Bacon wages for individuals who perform a given craft's work. In many cases, that means a contractor either must pay a high wage to an unskilled worker for performing menial tasks, or he must pay a high wage to an experienced worker for these menial tasks. These requirements reduce productivity.

A related problem with Davis-Bacon is that it reduces entry-level jobs and training opportunities for the disadvantaged, because the law makes it costly for contractors to hire lower-skilled workers on construction projects, the statute creates a disincentive to hire entry-level workers and provide on-the-job training.

The Congressional Budget Office raised this issue in its analysis, "Modifying the Davis-Bacon Act: Implications for the Labor Market and the Federal Budget." As stated in that 1983 study:

- Although the effect of Davis-Bacon on wages receives the most attention, the Act's largest potential cost impact may derive from its effect on the use of labor. For one thing, DOL wage determinations require that, if an employee does the work of a particular craft, the wage paid should be for the craft.

For example, carpentry work must be paid for at carpenters' wages, even if performed by a general laborer, helper or member of another craft.

Moreover, the General Accounting Office has maintained that the Davis-Bacon Act is no longer needed. GAO began to openly question Davis-Bacon in the 1960s; and in 1979, it issued a report calling for the Act's repeal. Titled "The Davis-Bacon Act Should Be Repealed," the report states: "[o]ther wage legislation and changes in economic conditions and in the construction industry have made the Act's provisions obsolete and obsolete the law is inflationary."

To those who remain unconvinced that Davis-Bacon is bad public policy, I urge a review of the Act's legislative history. Some early supporters of the Davis-Bacon Act advocated its passage as a means to discriminate against minorities. For instance, Clayton Allgood, a member of the 71st Congress, argued on the House floor that Davis-Bacon would keep contractors from employing "cheap colored labor" on construction projects. As stated by Congresswoman Allgood on February 28, 1931, "it is labor of that sort that is in competition with white labor throughout the country."

Unfortunately, Davis-Bacon still has the effect of keeping minority-owned construction firms from competing for Federal construction contracts, because many such firms are small businesses.

Early supporters of Davis-Bacon also believed that the law would prevent outside contractors from undermining local firms in the Federal bidding process. In practice, however, Davis-Bacon wages hurt local businesses and make it more likely that outside contractors will win bids on Federal projects.

Mr. President, for all of the above reasons, I believe that the Davis-Bacon Act should be repealed. I urge my colleagues to support the Davis-Bacon Repeal Act of 1999.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1157
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE 1. DAVIS-BACON ACT.

(a) REPEAL.—The Act of March 3, 1913 (40 U.S.C. 276a et seq.) (commonly referred to as the Davis-Bacon Act) is repealed.

(b) REFERENCES.—Any reference in any law to a wage requirement of the Act of March 3, 1913, shall after the date of the enactment of this Act be null and void.

SEC. 2. COPELAND ACT.

Section 2 of the Act of June 13, 1914 (40 U.S.C. 276b) commonly referred to as the "Copeland Act" is repealed.

SEC. 3. EFFECTIVE DATE.

The amendments made by sections 1 and 2 shall take effect 30 days after the date of the enactment of this Act but shall not affect any contract in existence on such date of enactment or made pursuant to invitation for bids outstanding on such date of enactment.

Mr. NICKLES. Mr. President, I am happy to join Senator Bob Smith as a cosponsor of the Davis-Bacon Repeal Act of 1999.

I believe Davis-Bacon repeal is long overdue. This 68-year-old legislation requires contractors to pay workers on federally-subsidized projects what the Labor Department determines is the local prevailing wage. What Davis-Bacon actually does is cost the Federal Government billions of dollars, divert funds out of vitally important projects, and limit opportunities for employment.

In my own State of Oklahoma, it has been proven that many "prevailing wages" have been calculated using fictitious projects, ghost workers, and companies established to pay artificially high wages. Oklahoma officials have reported that many of the wage survey forms submitted to the U.S. Department of Labor to calculate Federal wage rates in Oklahoma were wrong or fraudulent.

Records showed that an underground storage tank was built using 20 plumbers, reaching even further. Federal billing for a task, because many such firms are small businesses.

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Mr. NICKLES. Mr. President, I am happy to join Senator Bob Smith as a cosponsor of the Davis-Bacon Repeal Act of 1999.

I believe Davis-Bacon repeal is long overdue. This 68-year-old legislation requires contractors to pay workers on
opportunity to learn a trade, and the opportunity to climb the economic ladder.

I applaud Senator Smith for his efforts and appreciate the chance to co-sponsor this bill.

By Mr. HUTCHINSON:  
S. 1158. A bill to allow the recovery of attorney’s fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration; to the Committee on Health, Education, Labor, and Pensions.

FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT ACT

• Mr. HUTCHINSON. Mr. President, it is my honor today to introduce the “FAIR Access to Indemnity and Reimbursement Act” (the “FAIR Act”), which will amend the National Labor Relations Act and the Occupational Safety and Health Act to provide that a small employer prevailing against either of these agencies automatically entitled to recover the attorney’s fees and expenses it incurred to defend itself.

The FAIR Act is necessary because the National Labor Relations Board (“NLRB”) and Occupational Safety and Health Agency (“OSHA”) are two aggressive, well-funded agencies which share a “find and fine” philosophy. The destructive consequences that small businesses suffer as a result of these agencies’ “find and fine” approach are magnified by the abuse of “salting” or the placement of paid union organizers and their agents in non-union workplaces for the sole purpose of disrupting the workforce. “Salting abuse” occurs when union representatives violate workplace rules and then file frivolous claims with the NLRB or OSHA. Businesses are then often forced to spend thousands and sometimes hundreds of thousands of dollars to defend themselves against NLRB or OSHA as these agencies vigorously prosecute these frivolous claims. Accordingly, many businesses, when faced with the cost of a successful defense, make a bottom-line decision to settle these frivolous claims rather than going out of business or laying off employees in order to finace costly litigation.

The “FAIR Act” will allow these employers to defend themselves rather than settling, and, more importantly, it will force the NLRB or OSHA to ensure that the claims they pursue are worthy of their efforts. The FAIR Act will accomplish this by allowing employers with up to 100 employees and a net worth of up to $7,000,000 to recover their attorneys fees and litigation expenses directly from the NLRB or OSHA, regardless of whether those agencies’ decision to pursue the case was “substantially justified” or “special circumstances” make an award of attorneys fees unjust. Thus, the Congressional intent behind the broadly support the Equal Access to Justice Act (“EAJA”) to “level the playing field” for small businesses will finally be realized.

The “FAIR Act” is solid legislation; it is a common sense attempt to give small businesses the opportunity to climb the economic ladder. Indeed, the FAIR Act’s main function is to help small businesses and employers to defend themselves rather than settling, and, more importantly, more importantly, to help our youth establish solid habits of physical activity and eating patterns, which will lead to violence in schools.

Regular physical activity produces short-term health benefits and reduces long-term risks for chronic disease, disability and premature death. Despite the proven benefits of being physically active, more than 60 percent of American adults do not engage in levels of physical activity necessary to provide health benefits.

More than a third of young people in our country aged 12 to 21 years do not regularly engage in vigorous physical activity, and the percentage of overweight children has more than doubled in the past 30 years. Daily participation in high school physical education classes dropped from 42 percent in 1991 to 27 percent in 1997. Right now, only one state in our union—Illinois—currently requires daily physical education for grades K through 12. I think that is a staggering statistic. Only one State requires daily physical education for our children.

The impact of our poor health habits is staggering: obesity-related diseases now cost the Nation more than $100 billion per year, and inactivity and poor diet cause more than 300,000 deaths per year in the United States.

We know from the Centers for Disease Control and others that lifelong habits related to physical activity and eating patterns, are often established in childhood. Because ingrown behaviors are difficult to change as people grow older, we need to reach out to young people early, before health-damaging behaviors are adopted.

To me, schools provide an ideal opportunity to make an enormous, positive impact on the health of our Nation. The PEP Act, to me, is an important step toward improving the health of our Nation. The PEP Act would help schools get regular physical activity back into their programs. We can, and should, help our youth establish healthy habits at an early age.

The incentive grants provided for by my bill could be used to provide physical education equipment and support to students, to enhance physical education curricula, and to train and educate physical education teachers.

The future cost savings in health care for emphasizing the importance of physical activity to a long and healthy life, to me, are immense.

By Mr. GRASSLEY (for himself and Mrs. FEINSTEIN):  
S. 1160. A bill to amend the Internal Revenue Service Code of 1986 to provide marriage penalty relief, incentives to encourage health coverage, and increased child care assistance, to extend certain expiring tax provisions, and for other purposes; to the Committee on Finance.

TAX RELIEF FOR WORKING AMERICANS ACT OF 1999

Mr. GRASSLEY. Mr. President, today I am being joined by Senator Feinstein in introducing the “Tax Relief for Working Americans Act of 1999.” Congresswoman Nancy Johnson is introducing companion legislation in the House. We’re here today to declare victory in the debate over whether or not we should have significant tax relief for the American people. The President and most congressional Democrats have now joined Republicans in support of cutting taxes. The question now is whether there should be tax cuts, but what kind, and how much. I can’t think of a better problem to have.

With our core tax cut plan, we’re proposing a major first step in sending hard-earned dollars out of Washington and back to the taxpayer. I support an across the board tax cut. But, I am afraid that if you do the math, you won’t have any money left over to pay for tax cuts that people are telling me they really want, like addressing the marriage penalty, providing health care
tax relief, and more help for education. They want these problems in the tax code fixed. An across the board cut won’t fix these problems, it’ll only compound them. That isn’t fair. And we’re saying fairness should come first.

The President only offered modest tax cuts, along with a new retirement savings proposal that nobody understands, and many question whether it will work. And then, he wants to raise other taxes to pay for it. The President wants it both ways. He wants to be able to take credit for a tax cut on the one hand, while he’s raising taxes on the other. We deserve what we get, if we let him get away with the double talk we all know so well.

We have two alternatives. One is to push for an across the board tax cut first, and let the President and some in Congress play with our care card they play so well. And in the end, we probably end up with no tax relief. Senator FEINSTEIN and I are saying that we probably end up with no tax relief. Senator FEINSTEIN and I are saying that we probably end up with no tax relief. Sen-

first, and let the President and some in push for an across the board tax cut to take credit for a tax cut on the one hand, while he’s raising taxes on the other. We deserve what we get, if we let him get away with the double talk we all know so well.

We have two alternatives. One is to push for an across the board tax cut first, and let the President and some in Congress play with our care card they play so well. And in the end, we probably end up with no tax relief. Senator FEINSTEIN and I are saying that we should take the initiative and push for major tax relief that people really want and both Republicans and Demo-

crats support. Our package will provide close to $300 billion in tax relief over ten years. I, for one, view this as a very strong starting point in determining how the coming on-budget surplus will be used.

Among other things, our bill will pro-

vide tax relief for senior citizens, those who are married, those who need to buy their own health insurance, and those who purchase long-term care in-

surance. Moreover, it will include pro-

visions to ensure that parents who make use of education or child care tax credits are not hurt by the Alternative Minimum Tax. We also hope to im-

prove the living standards of Ameri-

cans through tax relief for urban revi-

talization, affordable housing, and eco-

nomic growth. We also provide needed tax assistance to farm-

ers by shielding them from the Alter-

native Minimum Tax, and allowing them to set up special tax-deferred sav-

ings accounts to help them weather the ups and downs of farming. And, we help improve the environment by extending the production tax credit for wind en-

ergy and expanding the credit for bio-

mass. I’ve strongly supported both of

these alternative energy sources taking the lead on them back in 1992.

We think this package is a good start in the process of delivering tax relief to the American people, and I urge my colleagues to join us in this effort.

Mrs. FEINSTEIN, Mr. President, I rise, along with my colleague from Iowa, to introduce the Tax Relief for Working Americans Act—what I con-

sider to be a “fair share” tax plan. This bill, while protecting our Social Secu-

rity and Medicare needs, will also allow American families to benefit from our economic prosperity.

The American people are responsible for the more than $4 trillion in budget surpluses over the next 15 years, so it makes sense to give them some needed and deserved tax relief.

The Tax Relief for Working Americans Act is a sensible and moderate bill that provides needed tax relief for working families. It does so, moreover, in a fiscally responsible manner which protects Social Security and Medicare. This tax plan is estimated to provide tax relief of $271 billion over ten years, fitting within the budget framework set out by the President to protect So-

cial Security and Medicare.

The legislation will provide relief to 21 million working couples who incur the marriage penalty by increasing the standard deduction to put them on equal footing with unmarried couples. A married couple in the 28% bracket, for example, will save $392.

It includes tax incentives for the over 30 million Americans who purchase their own health insurance or who pay more than the 16% of hard earned dollars. For a 67 year old secretary who earns $30,000 a year this year this relief would mean she will save nearly $5,000.

Under this legislation, millions of Americans who struggle to afford de-

cent child care, will receive increased benefits from the Dependent Care Tax Credit. The credit will increase from 30% to 50% by 2001 and millions more will qualify for the maximum credit. When fully in effect, a family which earns $30,000 and spends $5,000 a year on child care will receive a $2,400 tax credit which should eliminate any federal tax liability.

This legislation will also help to ex-

pand our economy by making perma-

nent the Research and Development tax credit. Research and development is the backbone of our new technology driven economy. It is creating millions of high wage, high skilled jobs. The R&D credit has been extended 9 times since 1981, but it has been allowed to expire 4 times during that period. Now is the time to make it permanent.

There are also other important provi-

sions in this legislation to promote long-term care, create more affordable housing, make education more affordable, and to help our farmers.

I believe that this tax plan is one which can, and will, receive broad bi-

partisan support in which Congress can pass and the President can sign. I urge my colleagues to work with the Senate from Iowa and my-

self, and to pass the Tax Relief for Working Americans Act.

By Mr. BENNETT (for himself, Mrs. MURRAY, Mr. SCHUMER, and Mr. TORRICELLI):

S. 1163. A bill to amend the Public Health Service Act to provide for re-

search and training with respect to lupus; to the Committee on Health, Education, Labor, and Pensions.

LUPUS RESEARCH AND CARE AMENDMENTS OF 1999

Mrs. FEINSTEIN. Mr. President, I rise
today to introduce the Lupus Research and Care Amendments of 1999. This leg-

islation would authorize additional funds for lupus research and grants for state and local governments to support the delivery of essential services to low-income individuals with lupus and their families. The National Institute of Health (NIH) spent about $42 million less than one half of one percent of its budget on lupus research last year. I believe that we need to increase the funds that are available for research of activities including the demands of a job.

Lupus is not a well-known disease, nor is it well understood. Yet, at least 1,400,000 Americans have been diag-

osed with lupus and many more are either misdiagnosed or not diagnosed at all. More Americans have lupus than AIDS, cerebral palsy, multiple scle-

rosis, sickle-cell anemia or cystic fi-

brosis. Lupus is a disease that attacks and weakens the immune system and is often life-threatening. Lupus is nine times more likely to affect women than men. African-American women are diagnosed with lupus two to three times more often than Caucasian
dwomen. Lupus is also more prevalent among certain minority groups including Latinos, Native Americans and Asians.

Because lupus is not well understood, it is difficult to diagnose, leading to uncertainty on the actual number of patients suffering from lupus. The symptoms of lupus make diagnosis diffi-
cult because they can imitate the symptoms of many other illnesses. If diagnosed early and with proper treatment, the majority of lupus cases can be controlled. Unfortunately, because of the difficulties in diagnosing lupus and inadequate re-

search, many lupus patients suffer de-

bilitating pain and fatigue. The result-

ing effects make it difficult, if not im-

possible, for individuals suffering from lupus to carry on normal everyday ac-

tivities including the demands of a job. Thousands of these debilitating cases needlessly end in death each year.

Title I of the Lupus Research and Care Amendments of 1999 authorizes $75 million in grants starting in fiscal year 2000 to be earmarked for lupus re-

search at NIH. This new authorization would amount to less than one half of one percent of NIH’s total budget but would greatly enhance NIH’s research.

Title II of the Lupus Research and Care Amendments of 1999 authorizes $40 million in grants to state and local governments as well as to nonprofit or-

organizations starting in fiscal year 2000. These funds would support the delivery
of essential services to low-income individuals with lupus and their families. I would urge all my colleagues, Mr. President, to join Senator MICHAY, Senator TORRICELLI, Senator SCHUMER, and myself in sponsoring this legislation to increase funding to fight lupus.

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. MACK)

S. 1164. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Finance.

INTERNATIONAL TAX SIMPLIFICATION FOR AMERICAN COMPETITIVENESS ACT OF 1999

Mr. HATCH. Mr. President, I rise today with my friend and colleagues Senators BAUCUS and MACK to introduce the International Tax Simplification for American Competitiveness Act of 1999. This bill will provide much-needed tax relief from complex and inconsistent tax laws that burden our American companies attempting to complete in the world marketplace.

Our foreign tax code is in desperate need of reform and simplification. The rules in this arena are too complex and, often, their results are perverse.

Mr. President, the American economy has experienced significant growth and prosperity. That success, however, is becoming more and more intertwined with the success of our business in the global marketplace. This has become even more obvious during the recent financial distress in Asia and Latin America. Yet, most people still do not realize the important contributions to our economy from U.S. companies with global operations. We have seen the share of U.S. corporate profits attributed to foreign operations rise from 7.5 percent in the 1960's to 17.7 percent in the 1990's.

As technology blurs traditional boundaries, and as competition continues to increase from previously lesser-developed nations, it is imperative that American-owned businesses be able to compete effectively.

It seems to me that any rule, regulation, requirement, or tax that we can alleviate is a step in the right direction. This bill will inure to the benefit of American companies, their employees, and shareholders.

There are many barriers that the U.S. economy must overcome in order to remain competitive that Congress cannot hurdle by itself. For example, we have international trade negotiators working hard to remove the barriers to foreign markets that discourage and hamper U.S. trade. It is ironic, therefore, that one of the largest trade barriers is imposed by our own tax code on American companies operating abroad. Make no mistake: the complexities and inconsistencies in this section of the Tax Code have an appreciable adverse effect on our domestic economy.

The failure to deal with the barriers in our own backyard will serve only to drive more American companies to other countries with simple, more favorable tax treatment. We just saw this occur with the merger of Daimler Benz and Chrysler. The new corporation will be headquartered in Germany due to the complex international laws of the United States.

The business world is changing at an increasingly rapid pace. Tax laws have failed to keep pace with the rapid changes in the world technology and economy. Too many of the international provisions in the Internal Revenue Code have not been substantially debated and revised in over a decade. Provisions in international markets have changed significantly, and we have seen new markets created. The U.S. Tax Code needs to adapt to the changing times as well. Our current confusing and archaic tax code is woefully out of step with commercial realities as we approach the 21st century.

U.S. businesses frequently find themselves at a competitive disadvantage to their foreign competitors due to the high taxes and stiff regulations they often face. A U.S. company selling products abroad is often charged a higher tax rate by our own government than a foreign company is. For example, when Kodak sells film in the U.K. or Germany, they pay higher taxes than their foreign competitor Fuji does for those same sales.

If we close American companies out of the international arena due to complex and burdensome tax rules on exports and foreign production, then we are denying our ability to compete. Dooming them, and ourselves, to anemic economic growth and all its adverse subsidiary effects.

The bill we are introducing today is not a set of bold new initiatives. Instead, it is a modest, but important package of legal changes that are in dire need of repair, and other provisions that we can alleviate is a step in the right direction. This bill will inure to the benefit of American companies, their employees, and shareholders.

The bill we are introducing today is not comprehensive, but it is a set of bold new initiatives. Instead, it is a modest, but important package of legal changes that are in dire need of repair, and other provisions that we need to face. We cannot limit this debate to the immediate changes such as those in this bill. We must not lose sight of the long term. I intend to urge broader debate about other areas in need of reform such as interest allocation, issues raised by the European Union, and subpart F itself. I believe that we must address these concerns in the next five years if we are to put U.S. corporations and the U.S. economy in a position to maintain economic position in the global economy of tomorrow.

This bill is important to the future of every American citizen. Without these changes, American businesses will see their ability to compete diminished, and the United States will have an uphill battle to remain the preeminent economic force in a changing world. This modest, but important package of international tax reforms will help to keep our businesses and our economy competitive and a driving force in the world economic order.

Mr. President, I ask unanimous consent to print the text of the bill in the RECORD.

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

S. 1164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “International Tax Simplification for American Competitiveness Act of 1999”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act shall be as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.
May 27, 1999

CONGRESSIONAL RECORD—SENATE

11395

TITLE I—TREATMENT OF CONTROLLED FOREIGN CORPORATIONS

SEC. 101. PERMANENT SUBPART F EXEMPTION FOR ACTIVE FINANCING INCOME.

(a) BANKING, FINANCING, OR SIMILAR BUSINESSES.—Section 954(h) (relating to special rule for income derived in the active conduct of banking, financing, or similar businesses) is amended by adding at the end the following new paragraph:

"(b) EXCEPTION FOR INCOME FROM TRANSMISSION OF HIGH VOLTAGE ELECTRICITY.—The term ‘foreign base company services income’ does not include income derived in connection with the performance of services which are related to the transmission of high voltage electricity.
"

(b) INSURANCE BUSINESSES.—Section 953(e) (defining exempt insurance income) is amended by adding at the end the following new paragraph:

"(b) EXCEPTION FOR INCOME FROM TRANSMISSION OF HIGH VOLTAGE ELECTRICITY.—The term ‘foreign base company services income’ does not include income derived in connection with the performance of services which are related to the transmission of high voltage electricity.
"
purposes of this subsection and section 936—

(2) OVERALL DOMESTIC LOSS DEFINED.—For purposes of this subsection and section 936—

(A) IN GENERAL.—The term ‘overall domestic loss’ means—

(i) any domestic loss—

(ii) any amount derived from a United States—

(B) INCOME CATEGORIES.—For purposes of this paragraph, the term ‘income category’ has the meaning given such term by subsection (d)(9)(A)(i).

(4) COORDINATION WITH SUBSECTION (l).—The Secretary shall prescribe such regulations as may be necessary to coordinate the provisions of this subsection with the provisions of subsection (l)."

(b) CONFORMING AMENDMENTS.—

(1) Section 535(d)(2) is amended by striking "subsection (g)(4)" and inserting "subsection (g)(5)(A)".

(2) Subparagraph (A) of section 936(a)(2) is amended by striking "subsection (g)(4)" and inserting "subsection (g)(5)(A)".

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 204. LOOK-THRU RULES TO APPLY TO DIVIDENDS FROM NONCONTROLLED SECTION 902 CORPORATIONS.

(a) IN GENERAL.—Section 904(d)(4) is amended to read as follows:

"(4) LOOK-THRU APPLIES TO DIVIDENDS FROM CONTROLLED SECTION 902 CORPORATIONS.—

"(A) IN GENERAL.—For purposes of this subsection, any dividend from a noncontrolled section 902 corporation with respect to which the taxpayer shall be treated as income from sources within the United States that is allocable to those income categories.

"(B) INCOME CATEGORIES.—For purposes of this paragraph, the term ‘income category’ has the meaning given such term by subsection (d)(9)(A)(i).

"(C) LOOK-THRU RULES.—

"(i) IN GENERAL.—Rules similar to the rules of section 316(c) shall apply in determining the extent such loss offsets taxable income from sources within the United States for the taxable year and to taxable years of foreign corporations beginning after December 31, 1999, and to taxable years of United States shareholders in such corporations with or within which such taxable years of foreign corporations end.

"(ii) the total amount of earnings and profits attributable to income in such category, to a dealer in securities (within the meaning of section 316(c)(2))."

"(D) EFFECTIVE DATE.—

"(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

"(2) DEEMED PAID CREDITS.—In the case of any credit under section 901 of the Internal Revenue Code of 1986 by reason of section 902 or 960 of such Code, the amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 1999, and to taxable years of United States shareholders in such corporations with or within which such taxable years of foreign corporations end.

"(E) CONFORMING AMENDMENT.—The heading of section 904(d)(4), as amended by section 201, is amended to read as follows:

"(4) LOOK-THRU APPLIES TO DIVIDENDS FROM CONTROLLED SECTION 902 CORPORATIONS.—"

"(F) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 205. APPLICATION OF LOOK-THRU RULES TO FOREIGN TAX CREDIT.

(a) INTEREST, RENTS, AND ROYALTIES.—

"(1) NONCONTROLLED SECTION 902 CORPORATIONS.—

"(A) IN GENERAL.—For purposes of this subsection, any interest, rent, or royalty which is received or accrued from a noncontrolled section 902 corporation with respect to the taxpayer shall be treated as income in a separate category in proportion to the ratio of—

"(ii) any applicable dividend shall be treated as income in a separate category in proportion to the ratio of—

"(ii) the total amount of earnings and profits, and

"(iii) the amount of earnings and profits attributable to income in such category, to

"(B) then from credits arising in such taxable years.

"(2) ORDERING RULES.—For purposes of any provision of the title where it is necessary to ascertain the extent to which the credits to which this subsection applies were used in a taxable year or as a carryback or carryforward, such taxes shall be treated as used—

"(A) first from taxable years to which the credits were applied, and then

"(B) then from credits arising in such taxable year, and

"(C) finally from carrybacks to such taxable year.

"(3) LIMITATIONS ON CARRIERS.—

"(A) CREDIT ONLY.—A credit may be carried to a taxable year under this subsection only if the taxpayer claims in the return for such taxable year to have the benefits of this subpart apply to taxes paid or accrued to foreign
countries or any possessions of the United States. Any amount so carried may be availed of only as a credit and not a deduction.

"(B) LIMITATION TO APPLY.—The amount of the credit carryforward or carryback to a taxable year (the "carryover year") from a taxable year under this subsection shall not exceed the excess (if any) of—

"(i) the limitation under subsection (a) for the carryover year, over

"(ii) the sum of—

"(I) the credits arising in the carryover year,

"(II) any credits carryforwards and carrybacks to the carryover year from taxable years earlier than the taxable year from which the credit is being carried (whether or not the taxpayer chooses to have the benefits of this subpart apply with respect to such earlier taxable year).

(c) EFFECTIVE DATE.—The amendment made by this section applies to taxable years beginning after December 31, 1999.

SEC. 207. REPEAL OF LIMITATION OF FOREIGN TAX DEDUCTION UNDER ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 59(a) (relating to alternative minimum tax credit) is amended by redesignating paragraphs (2) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENT.—Section 35(h)(2) is amended by striking (("907,"):

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 208. REPEAL OF SPECIAL RULES FOR APPLYING FOREIGN TAX CREDIT IN CASES OF FOREIGN OIL AND GAS INCOME.

(a) IN GENERAL.—Section 907 (relating to special rules in case of foreign oil and gas income) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Each of the following provisions are amended by striking "907":

(A) Section 245(a)(10).

(B) Section 865(h)(1)(B).

(C) Section 904(d)(1).

(D) Section 904(g)(10)(A).

(2) Section 904(g)(9)(C)(ii)(I) is amended by inserting ", as in effect before its repeal by the International Tax Simplification for American Competitiveness Act of 1999 after "section (g)(9)(C)(i))

(3) Section 904(g)(1) is amended by inserting ", as in effect before its repeal by the International Tax Simplification for American Competitiveness Act of 1999 after "907)"

(4) Section 6501(a) is amended—

(A) by striking ", or under section 907(I) (relating to carryback and carryover of domestic oil and gas extraction taxes)", and

(B) by striking "or 907(I)"

(5) The table of sections for subpart A of part III of chapter N of chapter 1 is amended by striking the item relating to section 907.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

TITLE III—OTHER PROVISIONS

SEC. 301. DEDUCTION FOR DIVIDENDS RECEIVED FROM CERTAIN FOREIGN CORPORATIONS.

(a) CONSTRUCTIVE OWNERSHIP RULES TO APPLY IN DETERMINING 80-PERCENT OWNERSHIP.

(1) The definition of "80-percent owner", in section 956(c)(2), is amended by inserting "(whether or not the taxpayer chooses to have the benefits of this subpart apply with respect to such earlier taxable year)

(2) Paragraphs (3) and (4) of section 956(c) are redesignated as paragraphs (4) and (5), respectively.

(b) DIVIDENDS TO INCLUDE SUBPART F DISTRIBUTIONS.

(1) Section 245(a)(10) is amended—

(A) by striking ", or under section 907(f)" in subsection (b)(3), and

(B) by striking ", or under section 907(f)" in subsection (a)(3).

(2) Section 951(a) is amended by—

(A) striking ", or subsection (h)(5)" in subsection (b)(3), and

(B) inserting "(i), by the beneficial owner of such stock is a United States person, and".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 302. APPLICATION OF UNIFORM CAPITALIZATION RULES TO FOREIGN PERSONS.

(a) IN GENERAL.—Section 263(a)(c) (relating to exceptions) is amended by adding at the end of the following new paragraph:

"(7) FOREIGN PERSONS.—This section shall not apply to any dividend paid to a foreign person with or within a foreign country (or any interest-related dividend payment addressed to, or for the account of, persons within such foreign country) during any period described in subsection (b)(6) with respect to such country.

(b) DIVIDENDS TO INCLUDE SUBPART F DISTRIBUTIONS.

(1) Section 245(a)(10) is amended by adding at the end of the following new paragraph:

"(7) INTEREST-RELATED DIVIDEND.—For purposes of subsection (h), any interest-related dividend is any dividend (or part thereof) which is designated by the regulated investment company as an interest-related dividend in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year.

(2) Clause (ii) of paragraph (6) is amended by striking the period at the end of paragraph (6) and by redesignating the paragraph (6) as paragraph (7).

(3) Clause (ii) is redesignated as clause (i), and the term "interest-related dividend" is defined as follows:

(i) Any amount includible in gross income by a person to the extent such dividend is at least equal to the qualified net interest income bears to the aggregate amount so designated.

(2) QUALIFIED NET INTEREST INCOME.—For purposes of subparagraph (C), the term "qualified net interest income" means the qualified interest income of the regulated investment company reduced by the deduction properly allocable to such income.

(3) QUALIFIED INCOME.—For purposes of subparagraph (D), the term "qualified income" means the sum of the following amounts derived by the regulated investment company from sources within the United States:

(1) Any amount included in gross income as original issue discount (as defined in section 1273) on an obligation payable 183 days or less from the date of original issue (without regard to the period held by the company).

(2) Any interest includible in gross income (including amounts recognized as ordinary income in respect of original issue discount) which is certain to be realized, which is includible under paragraph (a)(1) of subchapter V of chapter 1 or is not subject to section 1248.

SEC. 303. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) TREATMENT OF CERTAIN DIVIDENDS.

(1) NONRESIDENT ALIEN INDIVIDUALS.—Section 871 (relating to tax on nonresident alien individuals) is amended by redesignating subsection (b)(2) as subsection (j) and by inserting after subsection (j) the following new subsection:

"(k) EXEMPTION FOR CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.—

(1) INTEREST-RELATED DIVIDENDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no tax shall be imposed under section 1(h) on any interest-related dividend received by a regulated investment company.

(B) EXCEPTIONS.—Subparagraph (A) shall not apply—

(i) to any interest-related dividend received from a regulated investment company by a person to the extent such dividend is attributable to interest (other than interest described in subparagraph (E)(i) or (ii)) received by such company on indebtedness issued by such person or by any corporation or partnership with respect to which such person is a 10-percent shareholder,

(ii) to any interest-related dividend with respect to stock of a regulated investment company unless the person who would otherwise be required to deduct and withhold tax from such dividend under chapter 3 receives a statement (which meets requirements similar to the requirement described in subparagraph (h)(5)) that the beneficial owner of such stock is not a United States person, and

(iii) to any interest-related dividend paid to a person within a foreign country (or any interest-related dividend payment addressed to, or for the account of, persons within such foreign country) during any period described in subsection (b)(6) with respect to such country.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 304. UNITED STATES PROPERTY NOT TO INCLUDE CERTAIN ASSETS ACQUIRED IN ORDINARY COURSE OF TRADE OR BUSINESS.

(a) IN GENERAL.—Section 956(c)(2) (relating to exceptions from property treated as United States property) is amended by adding at the end of the following new paragraph:

"(h) In the case of a regulated investment company, the term 

"(ii) to any interest-related dividend paid to a person within a foreign country (or any interest-related dividend payment addressed to, or for the account of, persons within such foreign country) during any period described in subsection (b)(6) with respect to such country.

Clause (iii) shall not apply to any dividend with respect to stock which was acquired before the date of the publication of the Secretary's determination under subsection (h)(6).

(b) CONFORMING AMENDMENT.—Section 35(h)(2) is amended by—

(A) redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively.

(B) by striking paragraph (5) and by redesignating the paragraph (5) as paragraph (6).

(c) INTEREST-RELATED DIVIDEND.—For purposes of subparagraph (D), the term "interest-related dividend" is any dividend (or part thereof) which is designated by the regulated investment company as an interest-related dividend in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year.

(2) QUALIFIED NET INTEREST INCOME.—For purposes of subparagraph (C), the term "qualified net interest income" means the qualified interest income of the regulated investment company reduced by the deduction properly allocable to such income.

(3) QUALIFIED INCOME.—For purposes of subparagraph (D), the term "qualified income" means the sum of the following amounts derived by the regulated investment company from sources within the United States:

(1) Any amount included in gross income as original issue discount (as defined in section 1273) on an obligation payable 183 days or less from the date of original issue (without regard to the period held by the company).

(2) Any interest includible in gross income (including amounts recognized as ordinary income in respect of original issue discount) which is certain to be realized, which is includible under paragraph (a)(1) of subchapter V of chapter 1 or is not subject to section 1248.
on an obligation which is in registered form; except that no tax shall be imposed under paragraph (1) of subsection (a) on any short-term capital gain dividend received from a regulated investment company.

(2) SHORT-TERM CAPITAL GAIN DIVIDENDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no tax shall be imposed under paragraph (1)(A) of subsection (a) on any short-term capital gain dividend received from a regulated investment company.

"(B) EXCEPTION FOR ALIENS TAXABLE UNDER SUBCHAPTER B.—Subparagraph (A) shall not apply in the case of any nonresident alien individual subject to tax under subsection (a)(2).

(3) WITHHOLDING TAXES.—

"(A) IN GENERAL.—No tax shall be required to be deducted and withheld under section 1451 with respect to any qualified short-term capital gain dividend described in this subsection.

"(B) INTERNAL REVENUE CODE.—The withholding of Federal income tax under section 1451 with respect to any qualified short-term capital gain dividend described in this subsection shall be required only if the payor fails to withhold the tax required to be withheld on the payment of such dividend as provided in section 1451.

(4) QUALIFIED SHORT-TERM GAIN.—

"(A) QUALIFIED INVESTMENT ENTITY.—The term ‘qualified investment entity’ means—

(i) any interest which is treated as arising on the 1st day of the next taxable year of the company, and any such net capital loss or net short-term capital gain (as defined in section 871(k)(2)) received from a regulated investment company as a short-term capital gain dividend in a written notice mailed to the shareholders not later than 60 days after the close of its taxable year.

(ii) any interest-related dividend (as defined in section 871(k)(2)) received from a regulated investment company that was attributable to interest received by the regulated investment company from a person who is a related person (within the meaning of section 864(d)(4)) with respect to such controlled foreign corporation.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), clause (i) of section 871(k)(2) is amended by striking ‘‘qualified investment entity’’ and inserting ‘‘qualified investment entity not tax-exempt’’.

(5) TREATMENT OF REGULATED INVESTMENT COMPANIES UNDER SECTION 897.—

"(1) Paragraph (1) of section 897(b) is amended by--

(A) adding ''REIT'' and inserting ''qualified investment entity'' after subsection (d) the following new subsection:

"(c) EXEMPTIONS FROM TAXATION.—The term ‘qualified investment entity’ means any real estate investment trust and any regulated investment company.

"(d) ESTATE TAX TREATMENT OF INTEREST IN CERTAIN INVESTMENT ENTITIES.—In the case of a domestically controlled qualified investment entity, the term ‘qualified investment entity’ means any qualified investment entity in which at all times during the testing period less than 50 percent in value of the assets held directly or indirectly by foreign persons.

"(2) Subparagraphs (C) and (D) of section 897(e)(4) are each amended by inserting ''REIT'' and inserting “qualified investment entity” after subsection (d) the following new subsection:

"(1) Dividends of CHARTERED QUALIFIED INVESTMENT ENTITIES.—In the case of a domestic corporation or partnership, the term ‘qualified investment entity’ means any domestic corporation or partnership.

"(2) Dividends of REGULATED INVESTMENT COMPANIES UNDER SECTION 871.—

"(A) The term ‘qualified investment entity’ means any real estate investment trust and any regulated investment company.

"(B) The term ‘domestically controlled qualified investment entity’ means any domestic corporation or partnership.

"(C) The term ‘qualified investment entity not tax-exempt’’ and inserting “qualified investment entity” after subsection (d) the following new subsection:

"(2) SALE OF STOCK IN DOMESTICALLY CONTROLLED QUALIFIED INVESTMENT ENTITIES.—In the case of a domestically controlled qualified investment entity, the term ‘qualified investment entity’ means any real estate investment trust and any regulated investment company.

"(3) DISTRIBUTIONS BY DOMESTICALLY CONTROLLED QUALIFIED INVESTMENT ENTITIES.—The term ‘qualified investment entity’ means any qualified investment entity in which at all times during the testing period less than 50 percent in value of the stock held directly or indirectly by foreign persons.

"(4) Subparagraphs (C) and (D) of section 897(e)(4) are each amended by inserting ''REIT'' and inserting “qualified investment entity” after subsection (d) the following new subsection:

"(5) The subsection heading for subsection (h) of section 897 is amended by striking ''REIT'' and inserting “qualified investment entity”.

"(d) EFFECTIVE DATE.—

"(1) In general.—Except as otherwise provided in this subsection, the amendments made by this section apply to taxable years of regulated investment companies beginning after the date of the enactment of this Act.

"(2) ESTATE TAX TREATMENT.—The amendment made by subsection (b) shall apply to estates of decedents dying after the date of the enactment of this Act.

"(3) CERTAIN INVESTMENT ENTITIES.—The amendments made by subsection (c) (other than paragraph (1) thereof) shall take effect on the date of the enactment of this Act.
SEC. 306. REGULATORY AUTHORITY TO EXCLUDE CERTAIN PRELIMINARY AGREEMENTS FROM DEFINITION OF INTANGIBLE PROPERTY.

(a) In General.—Section 936(h)(3)(B) (defining intangible property) is amended by adding at the end the following new sentence: The Secretary shall by regulation provide such terms and conditions as the Secretary shall determine shall not include any preliminary agreement which is not legally enforceable.

(b) Effective Date.—The amendment made by this section shall apply to agreements entered into after the date of the enactment of this Act.

SEC. 307. AIRCRAFT MILEAGE AWARDS TO CERTAIN FOREIGN PERSONS.

(a) In General.—The last sentence of section 4301(e)(3)(C) (relating to regulations) is amended by inserting “and mileage awards which are issued to individuals whose mailing addresses on record with the person providing the transportation services are outside the United States” before the period at the end thereof.

(b) Effective Date.—The amendment made by this section shall apply to amounts paid and benefits provided, after December 31, 1997.

SEC. 308. REPEAL OF REDUCTION OF SUBPART F INCOME OF EXPORT TRADE CORPORATIONS.

(a) In General.—Subpart G of part III of chapter 1 (relating to export trade corporations) is repealed.

(b) Treatment of Certain Actual Distributions.

(1) In General.—For purposes of applying sections 959 and 960(b) of the Internal Revenue Code of 1986, in the case of any actual distribution of export trade income, the amendments made by this section shall apply to amounts paid and benefits provided, after December 31, 1997.

(2) Exceptions.—(A) Certain Payments.—In the case of payments of interest or dividends paid by a foreign person as a member of a group, to a related person (and any person related to the related person) with respect to any foreign person which is a former export trade corporation (or former export trade income that was included in the gross income of a former export trade corporation (or former export trade income made available to a former export trade corporation) which have been included in the gross income of another foreign person, the taxpayer establishes to the satisfaction of the Secretary that the loan giving rise to the indebtedness would have been made by the unrelated person without regard to the fact that the guarantee resulted in a reduction in the interest payable on the loan.

(B) Effective Date.—The amendments made by this section shall apply to guarantees issued on and after the date of the enactment of this Act.

SEC. 310. INTEREST PAYMENTS DEDUCTIBLE WHERE DISQUALIFIED GUARANTEE HAS ECONOMIC EFFECT.

(a) General.—Section 163(j)(6)(D)(I) (relating to exceptions to disqualified guarantee) is amended by striking “or” at the end thereof.

(b) Effective Date.—The amendment made by this section shall apply to amendments entered into after the date of the enactment of this Act.

(c) Conforming Amendments.—

(1) Section 41(h) (relating to qualified pension plans) is amended by striking the paragraph relating to non-domestic interests.

(2) Section 501(c)(9) (relating to cooperatives) is amended by striking the paragraph relating to non-domestic interests.

(3) Section 501(c)(12) (relating to mutual funds) is amended by striking the paragraph relating to non-domestic interests.

(d) Effective Dates.—

(1) Exception.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1999.

(2) Translations.—Subsection (b) shall apply to requests made by the Internal Revenue Service after December 31, 1999.

By Mr. MACK (for himself, Mrs. Feinstein, Mr. Murkowski, Mr. Breaux, Mr. Gramm, Mr. Robb, Mr. Chafee, Mr. Graham, Mr. Breaux, Mr. Gramm, Mr. Warner, Mr. Thurmond, Mr. Grams, Mr. Kyi, Mr. Helms, Mr. Hutchinson, Mr. Lugar, and Mr. Cochran):

S. 1165. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income; to the Committee on Finance.
amended by striking paragraph (5) and by re-
providing a sufficient definition for the	
treatment of these assets as well as
islation would codify the seven-year
depreciated over seven years. The leg-
ering lines are assets that are properly
members of the natural gas industry.

is having real and adverse impacts on
world markets and our national secu-

Mr. President, I ask unanimous con-
 sent 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. 1165
Be it enacted by the Senate and House of Repre-
sentatives of the United States of America in Congres-
SECTION 1. SHORT TITLE.
This Act may be cited as the "Defense Jobs and Trade Promotion Act of 1999".

SEC. 2. REPEAL OF LIMITATION ON RECEIPTS AT-
TRIBUTABLE TO MILITARY PROP-
ERTY WHICH MAY BE TREATED AS
EXEMPT FOREIGN TRADE INCOME.

(a) IN GENERAL.—Subsection (a) of section
923 of the Internal Revenue Code of 1986 (de-
fining exempt foreign trade income) is amended by striking paragraph (5) and by re-
designating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendment
made by subsection (a) shall apply to taxable
years beginning after the date of the enact-
ment of this Act.

By Mr. NICKLES:
S. 1166. A bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year
property for purposes of depreciation; to the Committee on Finance.

NATURAL GAS CLASSIFICATION LEGISLATION

Mr. NICKLES. Mr. President, today I have introduced legislation to clarify the proper depreciation of natural gas gathering lines. While depreciation is an arcane and technical area of the tax laws, continued uncertainty regarding the proper depreciation of these assets is having real and adverse impacts on members of the natural gas industry.

The purpose of this bill is quite sim-
ple—to clarify that natural gas gath-
ering lines are assets that are properly
depreciated over seven years. The leg-
erislation would codify the seven-year
treatment of these assets as well as provide a sufficient definition for the term "natural gas gathering line" to distinguish these lines from transmission pipelines for depreciation pur-
poses.

I believe that these assets should cur-
rently be depreciated over seven years under existing law, and that this is the long standing practice of members of the industry. However, it has come to my attention that the Internal Re-
venue Service has been asserting both on audits and in litigation that seven-
year depreciation is available only for gathering assets owned by producers. The IRS has asserted that all other gathering equipment is to be depre-
ciated as transmission pipelines over a fifteen-year period. This confounding position ignores not only the plain lan-
guage of the asset class guidelines gov-
erning depreciation, but would result in
disparate treatment of the same as-
sets based upon ownership for no dis-
cernible policy reason. Moreover, this position ignores the fundamental dis-
tinction between gathering and trans-
mision of natural gas long enshrined in
energy regulation and recognized by
the Federal Energy Regulatory Com-
mision as well as other state and fed-
eral regulatory bodies.

Nonetheless, the IRS’ position on this issue has resulted in the past in a division of authority among the lower
courts. Although the United States Court of Appeals for the Tenth Circuit recently held that the seven-year cost recovery period was properly applied to natural gas gathering systems under existing law, this legislation is needed to provide certainty and uniformity re-
garding the proper depreciation of these assets throughout the country.

With extensive gathering systems to-
talizing many thousands of miles, we
cannot afford to allow the proper de-
preciation of these substantial invest-
ments to remain subjects of dispute. I urge my fellow Senators to join me in securing the adoption of this important legislation.

By Mr. McCAIN:
S. 1168. A bill to eliminate the social
security earnings test for individuals who have attained retirement age, to protect and preserve the social security trust funds, and for other purposes; to the Committee on Finance.

PROTECT SOCIAL SECURITY NOW LEGISLATION

Mr. McCAIN: Mr. President, today I
rise to introduce legislation which will
give older Americans the freedom to
work and protect the Social Security system by taxing the "supplemental" income they earn just $15,500 a year should not be
faced with an effective marginal tax rate which exceeds 55 percent.

What is most disturbing about the earnings test is the tremendous burden it places upon low-income senior citi-
zens. Many older Americans need to
work in order to cover their basic ex-
enses: food, housing and health care.
These lower-income seniors are hit
hardest by the earnings test, while
the most wealthy seniors escape un-
scathed. This is because supplemental
tax bite on their total income, and
sometimes it can be even higher. An
individual who is struggling to make
ends meet by holding a job where they
earn just $15,500 a year should not be
forced to make this sacrifice.

The legislation I am introducing
today will finally stop the govern-
ment from stealing money from Social Secu-
urity and keep Americans working and investing in Social Security. It will finally eliminate this ridiculous policy.

In his State of the Union speech, Presi-
dent Clinton indicated that he may fi-
nally be ready to repeal the unfair So-
cial Security earnings test, as origi-
ally $35 earned during his 1992 cam-
paign. However, the President did not
include repeal of the earnings test in his budget proposal for 2000.

Hard-working senior citizens who
need to work to help pay for their food,
prescription drugs, and daily liv-
ing expenses are tired of empty prom-
ises. They are tired of being penalized for working. Repealing the unfair earn-
ings test, as proposed in this legisla-
tion, is the right thing to do.

Second, the bill protects the money in
the Social Security Trust Funds by
taking Social Security “off budget” and
keeping this money out of the hands of politicians. This provision is
similar to other “lock box” proposals, except that it eliminates all the loopholes and exceptions, and truly locks up the money.

I support and applaud the efforts of my Republican colleagues to move forward on the Social Security Lock Box legislation that has been delayed by members of the other party. However, I am concerned that it contains loopholes which would allow Social Security funds to be spent on items other than retirement benefits for seniors. It includes exceptions for emergencies, including economic recession, and allows the surpluses to be used to reduce the public debt. While I understand the intent of these provisions, I believe that we must stop making exceptions and lock up Social Security funds for Social Security purposes only.

For too long, Social Security funds have been used to pay for existing federal programs, create new government programs, and to mask our nation’s deficit. We must stop using Social Security fund for general government activities. We must save Social Security to pay retirement benefits to hardworking Americans, as promised in the law.

The legislation I am introducing puts the Social Security trust fund surpluses safely away in a “lock box” without holes, so that neither we nor our successors can spend the people’s retirement money on anything other than their retirement.

Finally, the legislation requires that 62 percent of the non-Social Security budget surpluses from fiscal year 2001 through 2009 be transferred into the Social Security Trust Funds to strengthen and extend the solvency of the system. This amounts to $514 billion, based on current estimates of the non-Social Security surplus, which would shore up the system and ensure the availability of benefits for today’s seniors and those working and paying into the system today.

Locking up the Social Security Trust Fund and shoring up the fund with $514 billion in new money will extend the solvency of the system until about 2057, more than 20 years beyond the date when the system is currently expected to be bankrupt. This bill will provide senior citizens with the peace of mind that their Social Security checks will continue arriving each and every month. It will provide time for the Administration, the Congress, and the American people to develop and agree upon a structural reform plan which will save Social Security for future generations.

Mr. President, I would like to note that the National Committee to Preserve Social Security and Medicare has reviewed this legislation and has provided a letter in support of it that I would like to insert in the Record at this point.

Mr. President, this legislation that will truly preserve and protect Social Security for the future, and it will remove the unfair tax on working seniors. I urge my colleagues to support the bill and I intend to work for its passage this Congress.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the Record.

The condition for objection, the material was ordered to be printed in the Record, as follows:

S. 1168
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

TITLE I—ELIMINATION OF SOCIAL SECURITY EARNINGS TEST

SEC. 101. SHORT TITLE.
This title may be cited as the “Older Americans Freedom to Work Act”.

SEC. 102. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.
(a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—
(1) in subsection (d), by striking “the age of seventy” and inserting “retirement age (as defined in section 216(l))”;
(2) in paragraphs (1)(A) and (2) of subsection (d), in the place of “seventy,” each place it appears and inserting “retirement age (as defined in section 216(l))”;
(3) in subsection (f)(1)(B), by striking “was at age seventy or over” and inserting “was at or above retirement age (as defined in section 216(l))”;
(4) in subsection (f)(3)—
(A) by striking “33 1/3 percent” and all that follows through “any other individual,” and inserting “50 percent of such individual’s earnings for such year in excess of the product of the exempt amount, as determined under paragraph (8),”;
(B) by striking “age 70” and inserting “retirement age (as defined in section 216(l))”;
(C) in subsection (f)(6)—
(A) in the heading, by striking “Age Seventy” and inserting “Retirement Age”;
(B) by striking “seventy years of age” and inserting “having attained retirement age (as defined in section 216(l))”.
(b) CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.—
(1) UNIFORM EXEMPT AMOUNT.—Section 208(f)(6)(A) of the Social Security Act (42 U.S.C. 403(f)(6)(A)) is amended by striking “the new exempt amount (separately stated for individuals described in subparagraph (D), 50 percent of which is applicable for each year of age the individual is entitled to such benefit) and inserting “the exempt amount which is applicable for each year of a particular taxable year shall be whenever applicable”;
(2) in clauses (i) and (ii), by striking “corresponding” each place it appears; and
(C) in the last sentence, by striking “an exempt amount” and inserting “the exempt amount”.
(3) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 208(f)(6)(B) of the Social Security Act (42 U.S.C. 403(f)(6)(B)) is repealed.
(c) ADDITIONAL CONFORMING AMENDMENTS.—
(1) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—
(A) in subsection (c), in the last sentence, by striking “nor shall any deduction be made under this subsection from any widow’s or widower’s insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60.’’;
(B) in subsection (d)(1), by striking clause (D) and inserting the following: “(D) for which such individual is entitled to widow’s or widower’s insurance benefits if such individual became so entitled prior to attaining age 60.’’;
(2) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(i) of the Social Security Act (42 U.S.C. 423(w)(2)(B)(i)) is amended—
(A) by striking “either”; and
(B) by striking “or suffered deductions under section 202(w)(2)(B)(i)” and inserting “equal to the amount of such benefit or earnings for such year in excess of the product of the exempt amount as determined under paragraph (8),”;
(3) PROVISIONS RELATING TO EARNINGS TAKEN INTO ACCOUNT IN DETERMINING SUBSTANDARD ACHIEVEMENT OF BLIND INDIVIDUALS.—The second sentence of section 223(d)(4)(A) of the Social Security Act (42 U.S.C. 423(d)(4)(A)) is amended by striking “section 102 of the Senior Citizens’ Right to Work Act of 1996 had not been enacted” and inserting the following: “if the amendments to section 203 made by section 102 of the Senior Citizens’ Right to Work Act of 1996 and by the Senior Citizens’ Freedom to Work Act of 1999 had not been enacted”;
(d) EFFECTIVE DATE.—The amendments and repeal made by this section shall apply with respect to taxable years ending after December 31, 1998.

TITLE II—PROTECTING AND PRESERVING THE SOCIAL SECURITY TRUST FUNDS

SEC. 201. SHORT TITLE.
This title may be cited as the “Protecting and Preserving the Social Security Trust Funds Act”.

SEC. 202. FINDINGS.
Congress finds that—

(1) the $69,266,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;
(2) Congress and the President should not use the social security trust funds surpluses to balance the budget or fund existing or new non-social-security programs; and
(3) all surpluses generated by the social security trust funds must go towards saving and strengthening the social security system; and
(d) at least 62 percent of the on-budget (non-social-security) surplus should be reserved and applied to the social security trust funds.

SEC. 203. PROHIBITION OF THE SOCIAL SECURITY TRUST FUNDS.
(a) PROTECTION BY CONGRESS.—
(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of title II of the Soc. Sec. Act of 1990 that provides that the receipts and disbursements of the social security trust fund
funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.  

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—Balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used solely for paying social security benefit payments as promised to be paid by law.  

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding the following:  

"(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.  

(k) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that would cause or increase an on-budget deficit for any fiscal year.  

"(i) SUBSEQUENT LEGISLATION.—  

"(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—  

"(A) the enactment of the bill or resolution as reported;  

"(B) the adoption and enactment of that amendment; or  

"(C) the enactment of the bill or resolution in the form recommended in the conference report;  

would cause or increase an on-budget deficit for any fiscal year.  

"(2) EXCEPTION TO POINT OF ORDER.—This subsection shall not apply to social security reform legislation that would protect the social security system from insolvency and preserve benefits as promised to beneficiaries.".  

(c) SUPERMAJORITY WAIVER AND APPEAL.—  

Subsection (b) of section 201 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(j), 301(k), 301(l), 305(b)(2).

SEC. 204. SEPARATE BUDGET FOR SOCIAL SECURITY.  

(a) EXCLUSION.—The outlays and receipts of the social security program under title II of the Social Security Act, including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund and the related provisions of the Internal Revenue Code of 1986, shall be excluded from—  

(1) any official documents by Federal agencies regarding the surplus or deficit totals of the budget submitted by the President or of the surplus or deficit totals of the congressional budget; and  

(2) any description or reference in any official publication or material issued by any other agency or instrumentality of the Federal Government.  

(b) SEPARATE BUDGET.—The outlays and receipts of the social security program under title II of the Social Security Act, including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund and the related provisions of the Internal Revenue Code of 1986, shall be submitted as a separate budget.  

SEC. 205. PRESIDENT'S BUDGET.  

Section 205 of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance", to address the serious problem of waste, fraud and abuse resulting from the fraud and corruption in international development projects. This legislation will set conditions for U.S. funding through multilateral development banks. These conditions will require the country receiving aid to adopt substantive procurement reforms and independent third-party procurement monitoring of their international development projects.  

During the cold war, banks and governments often looked the other way as pro-western leaders in developing countries treated national treasuries as their personal treasury troves. Today, we cannot afford to look the other way when we see bribery and corruption running rampant in other countries because these practices undermine our goals of promoting democracy and accountability, fostering economic development and trade liberalization, and achieving a level playing field throughout the world for American businesses.  

The United States is increasingly called upon to lead multilateral efforts to provide much-needed economic assistance to developing nations. The American taxpayers make substantial contributions to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, and the African Development Fund.  

However, it is critical that we take steps to ensure that Americans' hard-earned tax dollars are being used appropriately. The Fair Competition in Foreign Commerce Act of 1999 is designed to decrease the stifling effects of bribery and corruption by requiring additional conditions to international development contracts. By doing so, we will (1) enable U.S. businesses to become more competitive when bidding against foreign firms which secure government contracts through bribery and corruption; (2) encourage additional direct investment to developing nations, thus increasing their economic growth, and (3) increase opportunities for U.S. businesses to export to these nations as their economies expand and mature.  

Multilateral lending efforts are only effective in spurring economic development if the funds are used to further the intended development projects, not to enrich the pockets of foreign bureaucrats and their well-connected political allies.  

When used for its intended purpose, foreign aid yields both short- and long-term benefits to U.S. businesses. Direct foreign aid assists developing nations to develop their infrastructure. A developed infrastructure is vital to creating and sustaining a modern dynamic.
Bribery and corruption also harm the country receiving the aid because bribery and corruption often inflate the cost of international development projects. For example, state sponsorship of massive infrastructure projects that are deliberately beyond the required specification needed to meet the objective is a common way of ensuring that the cost of waste, fraud, and abuse inherent in corrupt procurement practices. Here, the cost of corruption is not the amount of the bribe itself, but the inefficient use of resources that the bribes encourage. Bribery and corruption drive up costs. Companies are forced to increase prices to cover the cost of bribes they are forced to pay. A 2% bribe on a contract can raise costs by 15%. Over time, tax revenues will have to be raised or diverted from other more deserving projects to fund these excesses. Higher taxes and the inefficient use of resources both hinder growth.

The U.S. recognizes the damaging effects bribery and corruption have at home and abroad. The U.S. continues to combat foreign corruption, to prevent foreign nationals and corporations from bribing foreign public officials in international and business transactions.

However, we must do more. The Foreign Corrupt Practices Act prevents U.S. nationals and corporations from bribing foreign officials, but does nothing to prevent foreign nationals and corporations from bribing foreign public officials to obtain foreign contracts. Valuable resources are often diverted or siphoned abroad because of officials or the use of non-transparent specifications, contract requirements and the like in international procurements for goods and services. Such corrupt practices also minimize competition and prevent the recipient nation or agency from receiving the full value of the goods and services for which it bargained. In addition, despite the importance of international markets to U.S. economy. Robust new economies create a competitive global economy. Exports will continue to play an important role in expanding global economy. Exports, valued at $15 billion. And since many companies have lost at least 50 of these contracts, valued at $15 billion. And since many of these contracts were for groundbreaking projects—the kind that produce exports for years to come—the ultimate cost could be much higher.

Since then American companies have continued to lose international development contracts because of unfair competition from businesses paying bribes. This terrible trend must be brought to a halt. Exports will continue to play an increasing role in our economic expansion. We can ill afford to allow any artificial impediments to our ability to export. Bribery and corruption significantly hinder American businesses' ability to compete for lucrative overseas government contracts. American businesses are simply not competitive when bidding against foreign firms that have bribed government officials to secure such contracts. Openness and fairness in government contracts will greatly enhance opportunities to compete in the rapidly expanding global economy. Exports equate to jobs. Jobs equate to more money in hard-working Americans' pockets. More money in Americans' pockets means more money for Americans to save and invest in their futures.

The U.S. recognizes the damaging effects of bribery and corruption have at home and abroad. The U.S. continues to combat foreign corruption, to prevent foreign nationals and corporations from bribing foreign public officials in international and business transactions.
This legislation is designed to provide a mechanism to ensure, to the extent possible, the integrity of U.S. contributions to multilateral lending institutions and other non-humanitarian U.S. foreign aid. Corrupt international procurements, often funded by these multilateral banks, weaken democratic institutions and undermine the very opportunities that multilateral lending institutions were founded to promote. This will encourage and support the development of transparent government procurement systems, which are vital for emerging democracies constructing the infrastructure that can sustain market economies.

Mr. President, on behalf of the millions of Americans who will benefit from increased opportunities for U.S. businesses to participate in the global economy, and the billions of people in developing nations throughout the world who are desperate for economic assistance, I urge my colleagues to support this legislation and demonstrate their continued commitment to the orderly evolution of the global economy and the efficient use of American economic assistance.

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. 1169

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 “Fair Competition in Foreign Procurement Act of 1999.”

SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) The United States makes substantial contributions and provides significant funding for major international development projects through the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the African Development Fund, and other multilateral lending institutions.

(2) These international development projects are often plagued with fraud, corruption, waste, inefficiency, and misuse of funding.

(3) Fraud, corruption, waste, inefficiency, misuse, and abuse are major impediments to competition in foreign commerce throughout the world.

(4) Identifying these impediments before they occur is inadequate and meaningless.

(5) Detection of impediments before they occur helps to ensure that valuable United States resources contributed to important international development projects are used appropriately.

(b) S TATEMENT OF PURPOSE.—It is the purpose of Congress to provide—

(1) independent third-party procurement monitoring is an important tool in detecting and preventing such impediments;

(2) independent third-party procurement monitoring includes evaluations of each stage of the procurement process and assures the openness and transparency of the process;

(3) improving transparency and openness in the procurement process helps to minimize fraud, corruption, waste, inefficiency, and other misuse of funding, and promotes competition, thereby strengthening international trade and foreign commerce;

(b) PROCUREMENT.—The term “independent third-party procurement monitoring” means a program to—

(1) eliminate bias;

(2) promote transparency and open competition;

(3) minimize fraud, corruption, waste, inefficiency, and other misuse of funds, in international procurement through independent evaluation of the technical, financial, economic, and legal aspects of the procurement process;

(4) INDEPENDENT.—The term “independent” means that the person monitoring the procurement process does not render any paid services to private industry and is neither owned nor controlled by any government, nor lending institution.

(c) ANNUAL REPORTS.—Not later than June 29 of each year, the Secretary of the Treasury shall report to Congress on the progress in implementing procurement reforms made by each multilateral development bank and lending institution and each country that received assistance from a multilateral development bank or lending institution during the preceding year.

(d) RESTRICTIONS ON ASSISTANCE.—Notwithstanding any other provision of law, no funds appropriated or made available for non-humanitarian foreign assistance programs, including the activities of the Agency for International Development, shall be expended for those programs unless the recipient country, multilateral development bank or lending institution has adopted an anticorruption plan that requires the use of independent third-party procurement monitoring services and ensures openness and transparency in government procurement.

(e) S INCE 1999.—Not later than June 29 of each year, the Secretary of the Treasury shall report to Congress on the progress in implementing procurement reforms made by each multilateral development bank and lending institution and each country that received assistance from a multilateral development bank or lending institution during the preceding year.

(f) REQUIREMENTS FOR FAIR COMPETITION.—In foreign commerce, it is important to the national security interests of the United States to ensure that the fair competition that results from the use of independent third-party procurement monitoring services and ensures openness and transparency in government procurement is in the national interest of the United States.

(g) FUNDING.—If the Secretary determines that it is in the national interest to support the use of independent third-party procurement monitoring services and ensures openness and transparency in government procurement, the Secretary of the Treasury shall include such funding in the budget request of the United States to support the use of funds appropriated or made available by the United States for any non-humanitarian assistance, until—

(1) the recipient international financial institution or lending institution has demonstrated its commitment to anticorruption policies and practices;

(2) the recipient international financial institution or lending institution has adopted an anticorruption plan that requires the use of independent third-party procurement monitoring services and ensures openness and transparency in government procurement; and

(3) the recipient international financial institution or lending institution has adopted an anticorruption plan that requires the use of independent third-party procurement monitoring services and ensures openness and transparency in government procurement.

SEC. 3. DEFINITIONS.

(a) DEFINITIONS.—In this Act:

(1) APPROPRIATE COMMITTEES.—The term “appropriate committees” means the Committee on Commerce, Science, and Technology of the Senate and the Committee on Government Reform and Oversight of the House of Representatives.

(2) INDEPENDENT THIRD-PARTY PROCUREMENT MONITORING.—The term “independent third-party procurement monitoring” means a program to—

(1) The strategic plan includes the following:

(2) STRATEGIC PLAN.—The strategic plan shall include—

(1) INDIVIDUAL PROJECTS.—For each individual international development project, the requirements for fair competition shall be determined by the appropriate committees in consultation with theBarsky or the United States participation in the procurement of goods and services.

SEC. 4. REQUIREMENTS FOR FAIR COMPETITION IN FOREIGN COMMERCE.

(a) IN GENERAL.—No later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall transmit to the Committees of Congress a strategic plan for requiring the use of independent third-party procurement monitoring and other international procurement reform programs that use funds of the United States participation in multilateral development banks.

(b) STRATEGIC PLAN.—The strategic plan shall include—

(1) INDIVIDUAL PROJECTS.—For each individual international development project, the requirements for fair competition shall be determined by the appropriate committees in consultation with the barsky or the United States participation in the procurement of goods and services.

(c) ANNUAL REPORTS.—Not later than June 29 of each year, the Secretary of the Treasury shall report to Congress on the progress in implementing procurement reforms made by each multilateral development bank and lending institution and each country that received assistance from a multilateral development bank or lending institution during the preceding year.

(d) RESTRICTIONS ON ASSISTANCE.—Notwithstanding any other provision of law, no funds appropriated or made available for non-humanitarian foreign assistance programs, including the activities of the Agency for International Development, shall be expended for those programs unless the recipient country, multilateral development bank or lending institution has adopted an anticorruption plan that requires the use of independent third-party procurement monitoring services and ensures openness and transparency in government procurement.

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(g) FUNDING.—If the Secretary determines that it is in the national interest to support the use of independent third-party procurement monitoring services and ensures openness and transparency in government procurement, the Secretary of the Treasury shall include such funding in the budget request of the United States to support the use of funds appropriated or made available by the United States for any non-humanitarian assistance, until—

(1) The recipient international financial institution or lending institution has demonstrated its commitment to anticorruption policies and practices;

(2) The recipient international financial institution or lending institution has adopted an anticorruption plan that requires the use of independent third-party procurement monitoring services and ensures openness and transparency in government procurement; and

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(2) INDEPENDENT THIRD-PARTY PROCUREMENT MONITORING.—The term “independent third-party procurement monitoring” means a program to—

(1) eliminate bias;

(2) promote transparency and open competition;

(3) minimize fraud, corruption, waste, inefficiency, and other misuse of funds, in international procurement through independent evaluation of the technical, financial, economic, and legal aspects of the procurement process.

(3) INDEPENDENT.—The term “independent” means that the person monitoring the procurement process does not render any paid services to private industry and is neither owned nor controlled by any government, nor lending institution.

(a) NATIONAL SECURITY INTEREST.—Section 4 shall not apply with respect to a country if the President determines with respect to such country that making funds available is important to the national security interest of the United States. Any such determination shall cease to be effective 6 months after being made unless the President determines that its continuance is important to the national security interest of the United States.

(b) OTHER EXCEPTIONS.—Section 4 shall not apply with respect to a country that—

(1) meets urgent humanitarian needs (including providing food, medicine, disaster, and refugee relief);

(2) facilitates democratic political reform and rule of law activities;

(3) create private sector and nongovernmental organizations that are independent of government control; and

(4) facilitate development of a free market economic system.

By Mr. TORRICElli.

S. 1170. A bill to provide demonstration grants to local educational agencies to enable the agencies to extend the length of the school year; to the Committee on Health, Education, Labor, and Pensions.

LEGISLATION TO PROVIDE DEMONSTRATION GRANTS TO LOCAL AGENCIES

Mr. TORRICElli. Mr. President, I rise today to introduce legislation authorizing funding for extended school day programs across the country. The continuing gap between American students and those in other countries, combined with the growing needs of working and the
growing popularity of extending both the school day and the school year, have diluted the funding for programs of a valuable one for many school districts.

Students in the United States currently attend school an average of only 180 days per year, compared to 220 days in Japan, and 222 days in both Korea and Taiwan. American students also receive fewer hours of formal instruction per year compared to their counterparts in Taiwan, France, and Germany. We cannot expect our students to remain competitive with those in other industrialized countries if they must learn the same amount of information in less time.

Our school calendar is based on a no longer relevant agricultural cycle that existed when most American families lived in rural areas and depended on their farms for survival. The long summer vacation allowed children to help their parents work in the fields. Today, summer is a time for vacations, summer jobs, and extended-day programs are much more likely to provide the same opportunities while helping students remain competitive with those in other countries. As we debate the need to bring in skilled workers from other countries, the need to improve our system of education has become increasingly important.

In 1994, the Commission on Time and Learning recommended keeping schools open longer in order to meet the needs of both children and communities, and the growing popularity of extended-day programs is significant. Between 1987 and 1993, the availability of extended-day programs in public elementary schools has almost doubled. While school systems have begun to respond to the demand for lengthening the school day, the need for more widespread adoption still exists. Extended-day programs are much more common in private schools than public schools, and only 18 percent of rural schools have reported an extended-day program.

This bill would authorize $25 million per year over the next five years for the Department of Education to administer a demonstration grant program. Local education agencies would then be able to conduct a variety of longer school day and school year programs, such as extending the school year, studying the feasibility of extending the school day, and implementing strategies to maximize the quality of extended time.

The constant changes in technology, and greater international competition, have increased the pressure on American students to meet these challenges. Providing the funding for programs to lengthen the school day and school year would leave American students better prepared to meet the challenges facing them in the next century.

By Mr. COVERDELL, for himself, Mrs. FEINSTEIN, Mr. DEWINE, Mr. HELMS, Mr. LOTT, Mr. TORRICELLI, Mr. SHERMAN, Mr. GRAHAM, and Mr. REID:

S. 1171. A bill to block assets of narcotics traffickers who pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATION TO BLOCK ASSETS OF NARCOTICS TRAFFICKERS

Mr. COVERDELL, Mr. President, I am pleased to join my colleagues from California, Senator FEINSTEIN, in introducing legislation that will intensify our fight against the terrible scourge of drugs. A version of this bill was introduced on March 2. Since then, we have conferred with various agencies, including the Department of the Treasury’s Office of Foreign Assets Control, the Department of Justice, and the Office of National Drug Control Policy to examine the need for this concept. The current bill includes some of their comments and suggestions.

Simply put, Mr. President, this legislation decimates the drug kingpins by preventing them and any of their associates, or associated companies, from conducting business with the United States. The bill codifies and expands a 1995 Executive Order created under the International Emergency Economic Powers Act (IEEPA), which targeted Colombia drug traffickers. The bill expands the existing Executive Order to include other foreign drug traffickers considered a threat to our national security. The bill freezes the assets of the identified drug traffickers and their associates and prohibits these individuals and organizations from conducting any financial or commercial dealings with the United States.

In the case of the Cali cartel in Colombia, drug traffickers are a threat to our national security, and our drug policy needs to be more proactive. The United States targeted over 150 companies and nearly 300 individuals involved in the ownership and management of the Colombian drug cartels’ narcotics business empire. Everything from drugstores to poultry farms. Once labeled as drug-linked businesses, these companies found themselves financially isolated. Banks and legitimate companies chose not to do business with the blacklisted firms, cutting off key revenue flows to the cartels.

The goal is to isolate the leaders of the drug cartels and prevent them from doing business with the United States. Taking legitimate U.S. dollars out of drug dealers’ pockets is a vital step in destroying their ability to traffic narcotics across our borders. This is a bold and necessary new tool to wage war against illegal drugs and to curb the increasing power of the drug cartels.

By Mr. TORRICELLI:

S. 1173. A bill to provide for a teacher quality enhancement and incentive program; to the Committee on Health, Education, Labor, and Pensions.

TEACHER QUALITY ENHANCEMENT INCENTIVE ACT

Mr. TORRICELLI, Mr. President, today I am introducing the Teacher Quality Enhancement and Incentive Act. I rise to focus the nation’s attention on the potentially critical shortage of school teachers we will be facing in upcoming years. While K-12 enrollments are steadily increasing the teacher population is aging. There is a need, now more than ever, to attract competent, capable, and bright college graduates or mid-career professionals to the teaching profession.

The Department of Education projects that 2 million new teachers will have to be hired in the next decade. Shortage, if they occur, will most likely be felt in urban or rural regions of the country where working conditions may be difficult or compensation low. We cannot afford a quality learning environment for our students if they are forced into over-crowded classrooms with under-qualified instructors. If our students are to receive a high quality education and remain competitive in the global market we must attract talented and motivated people to the teaching profession in large numbers.

Law firms, technology firms, and many other industries typically offer signing bonuses in order to attract the best possible candidates to their organizations. Part of making the teaching profession competitive with the private sector is to match these institutional perks.

This bill would authorize $15 million per year over the next five years for the Department of Education to award grants to local educational agencies (LEAs) for the purpose of attracting highly qualified individuals to teaching. These grants will enable LEAs in high poverty and rural areas to award new teachers a $15,000 tax free salary bonus, spread over their first two years of employment, over and above their regular starting salary. These bonuses will attract teachers to districts where they are most needed.

On an annual basis, LEAs will use competitive criteria to select the best and brightest teaching candidates based on objective measures, including test scores, grade point average or class rank and such other criteria as each LEA may determine. The number of bonuses awarded depends upon the number of students enrolled in the LEA.

Teachers who receive the bonus will be required to teach in low income or rural areas for a minimum of four years. If they fail to work the four years they receive the bonus, they will be required to repay the bonus they received.

By making this funding available, America’s schools will better be able to
By Mr. ROBB: (for himself, Mr. WARNER, and Mr. SARBANES):

S. 1176. A bill to provide for greater access to child care services for Federal employees; to the Committee on Governmental Affairs.

CHILD CARE SERVICES FOR FEDERAL EMPLOYEES

Mr. ROBB. Mr. President, today I’m introducing legislation to assist federal workers seeking affordable care for their young children.

Many federal facilities provide child care centers for their employees’ use. But for many lower and middle income employees, these services are simply unaffordable—their costs put them beyond the reach of these families. The bill I am introducing today, along with Senators WARNER and SARBANES, will make this option affordable for these employees.

This legislation authorizes federal agencies to use appropriated funds to help lower costs of child care provided to federal employees. It is a modest, cost-effective solution that will certainly ease the minds of parents who are understandably concerned about their child care needs.

Our federal employees should not have to choose between their desire for public service and their need for child care services.

By Mr. DASCHLE:

S. 1178. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reserve and Pierre Canal features of the
Mr. DASCHLE. Mr. President, I am today introducing the Blunt Reservoir and Pierre Canal Land Conveyance Act of 1999. This proposal is the culmination of more than 2 years of discussion with local landowners, the South Dakota Water Congress, the U.S. Bureau of Reclamation, local legislators, representatives of South Dakota sportsmen groups, and affected citizens. It lays out a plan to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project in South Dakota to the Commission of School and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, and provides the option to preferential leaseholders to purchase their original parcels from the Commission.

In order to more fully understand the issues addressed by the legislation, it is necessary to review some of the history related to the Oahe Unit of the Missouri River Basin project in South Dakota.

The Oahe Unit was originally approved as part of the overall plan for water development in the Missouri River Basin that was incorporated in the Flood Control Act of 1944. Subsequently, Public Law 90–433 authorized construction and operation of the initial stage of the project. The purposes of the Oahe Unit as authorized were to provide for the irrigation of 190,000 acres of farmland, conserve and enhance fish and wildlife habitat, promote recreation and meet other important goals.

The project came to be known as the Oahe Irrigation Project, and the principal features of the initial stage of the project contained the Oahe pumping plant located near Oahe Dam to pump water from the Oahe Reservoir, a system of main canals, including the Pierre Canal, running east from the Oahe Reservoir, and the establishment of regulating reservoirs, including the Blunt Dam and Reservoir located approximately 35 miles east of Pierre, South Dakota.

Under the authorizing legislation, 42,155 acres were to be acquired by the Federal government in order to construct and operate the Blunt Reservoir feature of the Oahe Irrigation Project. Land for the proposed Blunt Reservoir feature began in 1972 and continued through 1977. A total of 17,878 acres actually were acquired from willing sellers.

The first land for the Pierre Canal feature was purchased in July 1975 and included the 1.3 miles of Reach 1B. An additional 4,304 acres were acquired from 1976 through 1977, also from willing sellers.

Organized opposition to the Oahe Irrigation Project surfaced in 1973 and continued to build until a series of public meetings were held in 1977 to determine if the project should continue. In late 1977, the Oahe project was made a part of President Carter's Federal Water Project review process.

The Oahe project construction was then halted on September 30, 1977, when Congress did not include funding in the FY1978 appropriations. Thus, all major construction contract activities ceased and land acquisition was halted. The Oahe Project remained in a status with a bleak future and minimal chances of being completed as authorized. Consequently, the Department of Interior, through the Bureau of Reclamation, gave to those persons who were authorized to hold the lands to the project the right for them and their descendants to lease those lands and use them as they had in the past until needed by the Federal government for project purposes.

As we developed this legislation, many meetings occurred among the local landowners, South Dakota Department of Game, Fish and Parks; Bureau of Reclamation; as well as representatives of the South Dakota Water Congress, the U.S. Bureau of Reclamation, and the South Dakota Department of Game, Fish and Parks. As we developed this legislation, we became apparent that the best solution for the local economy, tax base and wildlife mitigation issues would be to allow the preferential leaseholders (original landowner or descendant or operator of the land at the time of purchase) to have an option to purchase the land from the Commission of School and Public Lands after the preferential lease parcels are conveyed to the Commission. The parcel will be available for a period of 10 years after the date of conveyance to the Commission. During the interim period, the preferential leaseholders shall be entitled to continue to lease from the Commission. If the preferential leaseholds fail to purchase a parcel within the 10-year period, that parcel will be conveyed to the South Dakota Department of Game, Fish and Parks to be used to implement the 27,000-acre habitat mitigation plan.

Under the provisions of the Wildlife Coordination Act of 1958, the State of South Dakota has developed a plan to mitigate lost wildlife habitat as authorized by Section 602 of Title VI of Public Law 105–277, October 21, 1998, known as the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

The State's habitat mitigation plan has received the necessary approval and interim funding authorizations under Sections 602 and 609 of Title VI.

The State's habitat mitigation plan requires the development of approximately 27,000 acres of wildlife habitat in South Dakota. Transferring the 4,304 acres of non-preferential lease lands in the Blunt Reservoir feature to the South Dakota Department of Game, Fish and Parks would constitute a significant step toward satisfying the habitat mitigation obligation owed to the state by the Federal government and as agreed upon by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the South Dakota Department of Game, Fish and Parks.

As we developed this legislation, we became apparent that the best solution for the local economy, tax base and wildlife mitigation issues would be to allow the preferential leaseholders (original landowner or descendant or operator of the land at the time of purchase) to have an option to purchase the land from the Commission of School and Public Lands after the preferential lease parcels are conveyed to the Commission. The parcel will be available for a period of 10 years after the date of conveyance to the Commission. During the interim period, the preferential leaseholders shall be entitled to continue to lease from the Commission. If the preferential leaseholds fail to purchase a parcel within the 10-year period, that parcel will be conveyed to the South Dakota Department of Game, Fish and Parks to be used to implement the 27,000-acre habitat mitigation plan.

The proceeds from these sales will be used to finance the administration of this bill, support public education in the state of South Dakota, and will be added to the South Dakota Wildlife Habitat Mitigation Trust Fund to assist in the payment of local property taxes on lands transferred from the Federal government to the state of South Dakota.
from this bill. It provides for a fair and just resolution to the private property and environmental problems caused by the Oahe Irrigation Project some 25 years ago. We have waited long enough to right some of the wrongs suffered by our landowners and South Dakota’s wildlife resources.

I am hopeful that the Senate will act quickly on this legislation. Our goal is to enacting a bill that will allow meaningful wildlife habitat mitigation to begin, give certainty to local landowners who sacrificed their lands for a defunct federal project they once supported, ensure the viability of the local land base and tax base, and provide well maintained and managed recreation areas for sportsmen. I ask unanimous consent that the bill appear in the RECORD.

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

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 “Blunt Reservoir and Pierre Canal Land Conveyance Act of 1999.”

SEC. 2. FINDINGS. Congress finds that—

(1) under the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 887, chapter 665, 33 U.S.C. 701-1 et seq.), Congress approved the Pick-Sloan Missouri River Basin program—

(A) to provide the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the purpose of the Oahe Irrigation Project was to meet the requirements of that Act by providing irrigation above Sioux City, Iowa;

(3) the principle features of the Oahe Irrigation Project include—

(A) a system of main canals, including the Pierre Canal, running east from the Oahe Reservoir; and

(B) the establishment of regulating reservoirs, including the Blunt Dam and Reservoir, located approximately 35 miles east of Pierre, South Dakota;

(4) land to establish the Pierre Canal and Blunt Reservoir was purchased by willing sellers between 1972 and 1977, when construction on the Oahe Irrigation Project was halted;

(5) since 1978, the Commissioner of Reclamation has administered the land—

(A) on a preferential lease basis to original landowners or their descendants; and

(B) on a nonpreferential lease basis to other persons;

(6) the 2 largest reservoirs created by the Pick-Sloan Missouri River Basin Project, Lake Oahe and Lake Sharpe, caused the loss of approximately 221,000 acres of fertile, wooded bottomland in South Dakota that contains one of the most productive, unique, and irreplaceable wildlife habitat in the State;

(7) the State of South Dakota has developed a plan to meet the Federal obligation under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) to mitigate the loss of wildlife habitat, the implementation of which is authorized by section 602 of title H of Public Law 105-277 (112 Stat. 2861-660); and

(8) it is in the interests of the United States and the State of South Dakota to—

(A) provide original landowners or their descendants with an opportunity to purchase back their land; and

(B) transfer the remaining land to the State of South Dakota to allow implementation of its habitat mitigation plan.

SEC. 3. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR.—The term “Blunt Reservoir feature” means the Blunt Reservoir feature of the Oahe Irrigation Project authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665), as part of the Pick-Sloan Missouri River Basin Program.

(2) COMMISSION.—The term “Commission” means the Commission of Schools and Public Lands of the State of South Dakota.

(3) NONPREFERENTIAL LEASE PARCEL.—The term “nonpreferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is under lease to a person other than a preferential leaseholder as of the date of enactment of this Act.

(4) PIERRE CANAL FEATURE.—The term “Pierre Canal feature” means the Pierre Canal feature of the Oahe Irrigation Project authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665), as part of the Pick-Sloan Missouri River Basin Program.

(b) D EAUTHORIZATION.—The Blunt Reservoir is deauthorized.

(c) CONVEYANCE.—The Secretary shall convey to the State of South Dakota a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is under lease to a preferential leaseholder as of the date of enactment of this Act.

(d) I N GENERAL.—A preferential leaseholder shall have an option to purchase a parcel on 1 of the following terms:

(1) the amount that is equal to—

(A) the value of the parcel determined under paragraph (4); minus

(B) 10 percent of that value.

(2) INSTALLMENT PURCHASE.—With 20 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(3) VALUE UNDER $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(4) OPTION EXERCISE PERIOD.—

(i) the amount of a valuation of the preferential lease parcel for agricultural use made by an independent appraiser.

(ii) the amount of the per-acre assessment of adjacent parcels made by the Director of Equalization of the county in which the preferential lease parcel is situated; or

(iii) the amount of a valuation of the preferential lease parcel for agricultural use made by an independent appraiser.

(5) COST OF APPRAISAL.—If a preferential leaseholder elects to use the method of valuation described in subparagraph (A)(ii), the cost of the valuation shall be paid by the preferential leaseholder.

(6) CONVEYANCE TO THE STATE OF SOUTH DAKOTA.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the time specified in paragraph (3), the Commission shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan Project.

(C) USE OF PROCEEDS.—Of the proceeds of sales of land under this subsection—

(A) not more than $500,000 shall be used to reimburse the Secretary for expenses incurred in implementing this Act;

(B) an amount not exceeding 10 percent of the cost of each transaction conducted under this Act shall be used to reimburse the Commission for expenses incurred implementing this Act;

(C) $3,095,000 shall be deposited in the South Dakota Wildlife Habitat Mitigation Trust Fund established by section 603 of division C of Public Law 105-277 (112 Stat. 2861-660) for the purpose of paying property taxes on land transferred to the State of South Dakota;
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(D) $100,000 shall be provided to Hughes County, South Dakota, for the purpose of supporting public education;
(E) $100,000 shall be provided to Sully County, South Dakota, for the purpose of supporting public education; and
(F) shall be used by the Commission to support public schools in the State of South Dakota.

(4) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—
(1) In general.—The Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.
(2) WILDLIFE HABITAT MITIGATION.—Land conveyed under paragraph (1) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.
(f) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—
(1) Exchanges with current lessees for nonpreferential lease parcels.
(2) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.
(g) EASEMENT FOR IRRIGATION PIPE.—A preferential leaseholder that purchases land at Pierre Canal or exchanges land for land at Pierre Canal shall to allow the State of South Dakota to retain an easement on the land for the irrigation pipe.
(h) FUNDING OF THE SOUTH DAKOTA TERRITORIAL WILDLIFE HABITAT RESTORATION TRUST FUND.—Section 603(b) of title VI of Public Law 101–627 (12 U.S.C. 4819a-66) is amended by striking "$108,000,000" and inserting "$111,095,000".

By Mrs. BOXER.
S. 1179. A bill to amend title 18, United States Code, to prohibit the sale, delivery, or other transfer of any type of firearm to a juvenile, with certain exceptions.

Youth Access to Firearms Act of 1999

Mrs. BOXER. Mr. President, last week during consideration of the juvenile justice bill, the Senate passed some reasonable, common-sense proposals to control the proliferation of guns in this country. I believe the Senate’s action was an important first step. But there is more to be done. And, today, I am introducing legislation to prohibit the sale and transfer of any gun to a juvenile, unless it comes from a parent, grandparent, or legal guardian.

Let me start, Mr. President, with a review of current law. A federally licensed firearms dealer—that is, someone who runs a gun store—cannot sell a handgun to someone under the age of 21 and cannot sell any other type of gun to someone under the age of 18.

The law is different, however, for private transactions. Those are sales or transfers by unlicensed individuals at gun shows, at flea markets, or in a private home. Since 1994, it has been illegal for anyone under the age of 18 to buy a handgun in these cases. But it is not illegal for a juvenile to buy a long-gun—that is, a rifle, a shotgun, or a semiautomatic assault weapon—in a private transaction. And, it is not illegal for a long-gun to be transferred—given—to a juvenile.

This is not right. An 18-year-old cannot buy a can of beer. An 19-year-old cannot buy a bottle of liquor or a bottle of wine. Anyone under 18 cannot buy a pack of cigarettes. And, as I mentioned, since 1994, if you are under 18, you cannot buy a handgun.

There is a reason for this. There is a reason we keep certain things away from juveniles. And, it does not make sense to me to say that it is illegal to sell cigarettes, alcohol, and handguns to a kid, but it is okay to sell them a rifle or a shotgun or a semiautomatic assault weapon.

So, my bill—the Youth Access to Firearms Act—simply says that it would be illegal to sell, deliver, or transfer any firearm to anyone under the age of 18.

Now, in recognition of the culture and circumstances in many areas of this country, my bill does contain some exceptions to this prohibition.

First, the bill would not make possession of a long-gun by a juvenile a crime. It would only make the sale or transfer illegal.

Second, the bill would not apply to a rifle or a shotgun given to a juvenile by that person’s parent, grandparent, or legal guardian.

Third, it would not apply to another family member giving a juvenile a rifle or shotgun with the permission of the juvenile’s parent, grandparent, or legal guardian.

Fourth, it would not apply to a temporary transfer—a loan—of a rifle or shotgun for hunting purposes.

And, fifth, it would not apply to the temporary transfer of a gun to a juvenile for employment, target shooting, or a course of instruction in the safe and lawful use of a firearm, if the juvenile has parental permission.

I have put these exceptions into the bill to make it clear what I am trying to do here. I am not trying to stop teenagers from having or responsibly using a rifle or a shotgun. I am not trying to stop teenagers from going hunting. I am not trying to prevent a parent or grandparent from giving a rifle or a shotgun to a juvenile, however. But, what I am saying is that juveniles should not be able to buy a gun on their own—or be given one without the knowledge of their parents.

This is precisely what happened in Littleton, Colorado. The two teenage boys who shot up Columbine High School were given three guns. Three of those four guns—two shotguns and a rifle—were given to them by an 18-year-old female friend. Under federal law, that was perfectly legal.

I should not be. You should not not be able to sell a gun to a juvenile. And you should not be able to give a gun to a juvenile, unless you are the parent or grandparent.

As I said earlier, there are certain things that are legally off-limits to juveniles. Selling and giving them guns, if you are not their parent, should be one of those things.

I urge my colleagues to support this bill.

By Mr. KENNEDY: S. 1180. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Educational Excellence for All Children Act of 1999

Mr. KENNEDY. Mr. President, it is a privilege to introduce President Clinton’s proposal for reauthorizing the Elementary and Secondary Education Act, the “Educational Excellence for All Children Act of 1999,” along with Senators DODD, DASCHEL, MURRAY, SCHUMER, LEVIN, and DORGAN. This is another strong step by the President to ensure that all children have the benefit of the best possible education.

Since 1993, President Clinton has consistently led the way on improving schools and making sure that all children meet high standards. Today, as a result, almost every state has established high standards for its students. “High standards” is no longer just a term for academics experts and policy makers—it is becoming a reality for the nation’s schools and students.

The recently released National Assessment of Title I shows that student achievement is improving—and that the federal government is an effective partner in that success. This result is good news for schools, good news for parents, and good news for students—and it should be a wake up call to Congress. We need to do more to build on these emerging successes to ensure that every child has the opportunity for an excellent education.

At dinner tables and boardrooms across America, the topic of discussion is education. As a result of the progress we have made the past few years, we can look at the education glass on the table and say it’s “half full”—not “half empty”—and it should be a wake up call to Congress.

Since the reauthorization of Title I in 1994, a non-partisan Independent Review Panel of twenty-two experts from
across the country has been overseeing the evaluation of the program. As the largest federal investment in improving education for the children of poor families, Title I is improving education for 11 million children in 45,000 schools with high concentrations of poverty. It helps schools provide professional development for teachers, improve curricula, and extend learning time, so that students meet high state standards of achievement.

Under the 1994 amendments to Title I, states were no longer allowed to set lower standards for children in the poorest communities than for students in more affluent communities. The results are clear. Students do well when expectations are set high and they are given the support they need and deserve.

Student achievement in reading and math has increased—particularly the achievement of the poorest students. Since 1992, reading achievement for 9-year-olds in the highest poverty schools has increased by one whole grade level nationwide. Between 1990 and 1996, math scores of the poorest students also rose by a grade level.

Students are meeting higher state standards. According to state-reported results, students in the highest poverty elementary schools improved in 5 of 6 states reporting three-year data in reading and in 4 out of 5 states in math. Students in Connecticut, Maryland, North Carolina, and Texas made progress in both subjects.

Many urban school districts report that achievement also improved in their highest-poverty schools. In 10 of 13 large urban districts that report three-year trend data, more elementary students in the highest poverty schools are now meeting district or state standards proficiency in reading or math. Six districts, including Houston, Dade County, New York, Philadelphia, San Antonio, and San Francisco, made progress in both subjects.

Federal funds are increasingly targeted to the poorest schools. The 1994 amendments to Title I shifted funds away from low-poverty schools and into high-poverty schools. Today, 95 percent of the highest-poverty schools receive Title I funds, up from 80 percent in 1993.

In addition, Title I funds help improve teaching and learning in the classroom. Ninety-nine percent of Title I funds go to the local level. Ninety-three percent of those federal dollars are spent directly on instruction, while only 62 percent of all state and local education dollars are spent on instruction.

The best illustrations of these successes are in local districts and schools in Baltimore County, Maryland, all but one of the 19 Title I schools increased student performance between 1993 and 1998. The success has come from Title I support for extended year programs, implementation of effective programs in reading, and intensive professional development for teachers.

At Roosevelt High School in Dallas, Texas, where 80 percent of the students are poor, Title I funds were used to increase parent involvement, train teachers to work more effectively with parents, and make other changes to bring high standards into every classroom. Student reading scores have nearly doubled, from the 40th percentile in 1992 to the 77th percentile in 1996. During the same period, math scores soared from the 16th to the 73rd percentile, and writing scores rose from the 58th to the 84th percentile.

In addition to the successes supported by Title I, other indicators demonstrate that student achievement is improving. Students scored near the top on the latest international assessment of reading. American 4th graders out-performed students from all other nations except Finland.

At Baldwin Elementary School in Boston, Massachusetts, 74% of the students are poor. Performance on the Stanford 9 test rose substantially from 1996 to 1998 because of increases in teacher professional development and implementation of a whole-school reform plan to raise standards and achievement for all children. In 1996, 66 percent of the 3rd grade students scored in the lowest levels in math. In 1998, 100 percent scored in the highest levels. In 1997, 75 percent of 4th graders scored in the lowest levels in reading. In 1998, 90 percent scored at the highest level. In 1997, 60 percent scored in the highest levels.

The combined verbal and math scores on the SAT increased 19 points from 1982 to 1997, with the largest gain of 15 points occurring between 1992 and 1997. The average math score is at its highest level in 26 years.

Students are taking more rigorous subjects than ever—and doing better in them. The proportion of high school graduates taking the core courses recommended in the 1983 report, A Nation At Risk, has increased to 52 percent by 1994, up from 14 percent in 1982 and 40 percent in 1990. Since 1982, the percentage of graduates taking biology, chemistry, and physics has doubled, rising from 10 percent in 1982 to 21 percent in 1994. With increased participation in advanced placement courses, the number of students that scored at 3 or above on the AP exams has risen nearly five-fold since 1982, from 131,871 in that year to 635,922 in 1998.

Clearly, the work is not done. These improvements are gratifying, but there is no cause for complacency. We must do more to ensure that all children have access to a first-rate education. We must do more to increase support for programs like Title I to build on these successes and make them available to all children.

President Clinton’s “Educational Excellence for All Children Act of 1999” builds on the success of the 1994 reauthorization of Title I to ensure that all children are held to the same high academic standards. This bill makes high standards the core of classroom activities in every school across the country—and holds schools and school districts responsible for making sure all children meet those standards. The bill focuses on three fundamental ways to accomplish this goal: improving teacher quality, increasing accountability for results, and creating safe, healthy, and disciplined learning environments for children.

This year, the nation set a new record for elementary and secondary student enrollment. The figure will reach an all-time high of 53 million students—500,000 more students than last year. Communities, states, and Congress must work together to see that these students receive a good education.

Serious teacher shortages are being caused by the rising student enrollments, and also by the growing number of teacher retirements. The nation’s schools need to hire 2.2 million public school teachers over the next ten years, just to hold their own. If we don’t act now, the need for more teachers will put even greater pressure in the future on school districts to lower their standards and hire more unqualified teachers. Too many teachers leave within the first three years of teaching—including 30-50% of teachers in urban areas—because they don’t get the support and mentoring they need.

Veteran teachers need ongoing professional development opportunities to enhance their knowledge and skills, to integrate technology into the curriculum, and to help children meet high state standards.

Many communities are working hard to attract, keep, and support good teachers—and often they’re succeeding. The North Carolina Teaching Fellows Program has recruited 3,600 high-ability high school graduates to go into teaching. The students agree to teach for four years in the state’s public schools, in exchange for a four-year college scholarship. School principals in the state report that the performance of the fellows far exceeds that of other new teachers.

In Chicago, a program called the “Golden Apple Scholars of Illinois” recruits promising young men and women into teaching by selecting them during their junior year of high school, then mentoring them through the rest of high school, college, and five years of actual teaching. 60 Golden Apple Scholars enter the teaching field each year, and 90 percent of them stay in the classroom.

Colorado State University’s “Project Promise” recruits prospective teachers
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It requires schools, school districts, and states to provide parents with report cards that include information on the performance of their children in meeting the standards. The bill requires schools and districts to end the unsound educational practices of socially promoting children or making them repeat a grade. States must collect data on social promotion and retention rates as an indicator of whether children are meeting high standards, and schools must implement responsible promotion policies. The proposal is designed to eliminate the dismal choice between social promotion and repeating a grade. It does so in several ways—by increasing support for early education programs, by improving early reading skills, by improving the quality of the teaching force, by providing extended learning time through after-school and summer-school programs, and by creating safe, disciplined learning environments for children.

Last year in Boston, School Superintendent Tom Payzant ended social promotion and traditional grade retention. With extensive community involvement, Mayor Menino, Superintendant Payzant, and the School Committee implemented a policy to clarify for everyone—schools, teachers, parents, and students—the requirements needed to advance from one grade to the next, and to graduate from a Boston public school.

Repeal of social promotion and retention policy came primarily from middle and high schools, where teachers were facing students who had not mastered the skills they needed in order to go on to a higher grade. Now, all students will have to demonstrate that they have mastered the content and skills in every grade. If they fail to do so, schools and teachers must intervene with proven effective practices to help the students, such as attending before-school programs, after-school programs, providing extra help during the regular school day, and working more closely with parents to ensure better results. In ways like these, schools and teachers are held accountable for results.

The Administration’s proposal gives children who have fallen behind in their school work the opportunities they need to catch up, to meet legitimate requirements for graduation, to improve their classroom, and to have the_REPEAT

from fields such as law, geology, chemistry, stock trading and medicine. Current teachers mentor graduates in their first years of teaching. More than 90 percent of the recruits go into teaching, and 80 percent stay for at least five years.

New York City’s Mentor Teacher Internship Program has increased the retention of new teachers. In Montana, only 4 percent of new teachers in mentoring programs left after their first year of teaching, compared with 28 percent of teachers without the benefit of mentoring.

New York City’s District 2 has made professional development the central component for improving schools. The idea is that student learning will increase as the knowledge of educators grows—and it’s working. In 1996, student math scores were second in the city.

Massachusetts has invested $60 million in the Teacher Quality Endowment Fund to launch the 12-to-62 Plan for Strengthening Massachusetts Future Teaching Force. The program is a comprehensive effort to improve recruitment, retention, and professional development of teachers throughout their careers.

Congress should build on and support these successful efforts across the country to ensure that the nation’s teaching force is strong and successful in the years ahead.

The Administration’s proposal makes a major investment in ensuring quality teachers in every classroom, especially in areas where the needs are greatest. It authorizes funds to help states and communities improve the recruitment, retention, and on-going professional development of teachers. It will provide critical school districts with the support they need to recruit excellent teacher candidates, to retain and support promising beginning teachers through mentoring programs, and to provide veteran teachers with the on-going professional development they need to help all children meet high standards of achievement. It will also support a national effort to recruit and train school principals.

In recognition of the national need to recruit 2.2 million teachers over the next decade, the Administration’s proposal will fund projects to recruit and retain high-quality teachers and school principals in high-need areas. The Transition to Teaching proposal will continue and expand the successful “Troops to Teachers” initiative by recruiting and supporting mid-career professionals in the armed forces as teachers, particularly in high-poverty school districts and high-need subjects.

The proposal holds states accountable for having qualified teachers in the classroom. It requires that within four years, 95 percent of all teachers must be certified, working toward full certification through an alternative route that will lead to full certification within three years, or are fully certified in another state and working toward state-specific requirements. It also requires states to ensure that at least 95 percent of secondary school teachers have academic training or demonstrated competence in the subject area in which they teach.

Parents and educators across the country also say that reducing class size is at the top of their priorities for education reform. It is obvious that smaller class sizes, particularly in the early grades, improve student achievement. We must help states and communities reduce class sizes in the early grades, when individual attention is needed most. Congress made a down-payment last year on helping communities reduce class size, and we can’t walk away from that commitment now.

The Educational Excellence for All Children Act authorizes the full 7 years of this program, so that communities will be able to hire 100,000 teachers across the country. We know qualified teachers in small classes make a difference for students. There is also mounting evidence that the President and Congress took the right step in 1994 by making standards-based reform the centerpiece of the 1994 reauthorization. In schools and school districts across the country that have set high standards and required accountability for results, student performance has risen, and the numbers of failing schools has fallen.

Nevertheless, 10 to 15 percent of high school graduates today—up to 340,000 graduates each year—do not continue their education. Often, they cannot balance a checkbook or write a letter to a credit card company to explain an error or a bill gone wrong. 11 percent of high school students never make it to graduation.

We are not meeting our responsibility to these students—and it is unconscionable to continue to abdicate our responsibility. Every day, children—poor children, minority children, English language learners, children with disabilities—face barriers to a good education, and also face the high-stakes consequences of failing in the future because the system is failing them now.

Schools and communities must do more to see that students obtain the skills and knowledge they need in order to move on to the next grade and to graduate. If students are socially promoted or forced to repeat the same grade without changing the instruction that failed the first time, they are more likely to drop out. Clearly, these practices must end.

The Administration’s proposal makes public schools the centers of opportunity for all children—and holds schools accountability for providing this opportunity.
Finally, the President’s proposal helps create safe, disciplined, and healthy environments for children. Last year, President Clinton led a successful effort to increase funding for after-school programs in the current year. But far more needs to be done.

Effective programs are urgently needed for children of all ages during the many hours they are not in school each day and during the summer. The “Home Alone” problem is serious, and deserves urgent attention. Every day, 5 million children, many as young as 8 or 9 years old, are left alone after school. Juvenile crime peaks in the hours between 3 p.m. and 8 p.m. A recent study of gang crimes by juveniles in Orange County, California, shows that 60 percent of all juvenile gang crimes occur on school days and peak immediately after school dismisses. Children left unsupervised are more likely to be involved in illegal activities and destructive behavior. We need constructive alternatives to keep children off the streets, away from drugs, and out of trouble.

We need to do all we can to encourage communities to develop after-school activities that will engage children. The proposal will triple our investment in after-school programs, so that one million children will have access to worthwhile activities.

The Act also requires school districts and schools to have sound discipline policies that are consistent with the Individual with Disabilities Education Act, are fair, and are developed with the participation of the school community. In addition, the Safe and Drug-Free Schools and Communities Act is strengthened to support research-based prevention programs to address violence and drug-use by youth.

In order to develop a healthy environment for children, local school districts will be able to use 5 percent of their funds to support coordinated services, so that children and their families will have better access to social, health, and educational services necessary for students to do well in school.

In all of these ways and more ways, President Clinton’s proposal will help schools and communities bring high standards of education to all children and ensure that all children meet them. Major new investments are needed to improve teacher quality—hold schools, school districts, and states accountable for results—increase parent involvement—expand after-school programs—raise class size in the early grades—and ensure that schools meet strict discipline standards. With investments like these, we are doing all we can to ensure that the nation’s public schools are the best in the world.

Education must continue to be a top priority in this Congress. We must address the needs of public schools, families, and children so that we ensure that all children have an opportunity to attend an excellent public school now and throughout the 21st Century.

Education must be an excellent series of needed initiatives, and it deserves broad bipartisan support. I look forward to working with my colleagues to make it the heart of this year’s ESEA Reauthorization Bill.

Mr. President, I am unanimous consent that additional material be printed in the RECORD.

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

Section 2. Table of Contents. Section 2 of the bill would set out the table of contents for the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq., hereinafter in the section-by-section analysis referred to as “the ESEA”) as it would be amended by the bill.

Section 3. America’s Education Goals. Section 5 of the bill would rename the National Education Goals (currently in Title I of the Goals 2000: Educate America Act, P.L. 102–227), as “America’s Education Goals” and update the Goals to reflect our Nation’s continuing need for the Goals. Even though all the Goals will not have been reached by the year 2000 as originally hoped, nor accomplished to equal degrees, the Goals were purposely designed to set high expectations for educational performance at every stage of an individual’s life, and there is a continued need to reaffirm these Goals as a benchmark to which all students can strive and attain. With policymakers, educators, and the public united in an effort to achieve America’s Education Goals, the Nation will be able to raise its overall level of educational achievement.

Section 3(a) of the bill would contain findings concerning America’s Education Goals, as well as directions in which the Nation as a whole, as well as individual States, have been successful (or unsuccessful) at making progress toward achieving the various Goals during the past decade.

In order to reflect the overarching importance to America’s Education Goals, section 3(b) of the bill would amend the ESEA to place the Goals in a proposed new section 3 of the ESEA. Proposed new section 3(a) of the ESEA would state the purpose of America’s Education Goals as: setting forth a common set of national goals for the education of our Nation’s students that the Federal Government and all States and local communities will work to achieve; identifying the Nation’s highest education priorities related to preparing students for responsible citizenship, further learning, and the technological, scientific, economic, and social challenges of the 21st century; and establishing a framework for educational excellence at the national, State, and local levels. Proposed new section 3(b) of the ESEA would state the Goals.

Title I of the Goals 2000: Educate America Act, the current authority for the National Education Goals, would be repealed by section 1211 of the bill.

Section 4. Transition. Section 4 of the bill would specify the actions that the Secretary must, and a recipient of ESEA funds may, take in order to meet the requirements of the ESEA as in effect the day before the date of enactment of the Educational Excellence for All Children Act of 1998 and the requirements of the ESEA as amended by the bill.

Under section 4(a) of the bill, the Secretary would be required to take such steps as the Secretary determines to provide for the orderly transition to programs and activities under the ESEA, as amended by the bill, from programs and activities under the ESEA as in effect the date before the date of enactment of the bill.

Under section 4(b) of the bill, a recipient of funds under the ESEA, as it was in effect the date before the date of enactment of the bill, may use such funds to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs and activities under the ESEA, as amended by the bill.

Section 5. Effective Dates. Section 5 of the bill would set out the effective dates for the bill. The bill would take effect July 1, 2000, except for those amendments made by the bill that pertain to programs administered by the Secretary on a competitive basis, and the amendments made by Title VIII of the bill (Impact Aid), which would take effect with respect to appropriations for fiscal years 2001 and subsequent fiscal years, and amendments made by section 3(c) (transition requirements), which would take effect upon enactment.

TITLe 1—HELPING DISADVANTAGED CHILDREN

Chapter 1—Title I—Helping Disadvantaged Children

Section 101, declaration of policy and statement of purpose (ESEA, §1001). Section 101(a) of the bill would amend the statement of policy in section 101(a) of the ESEA by deleting paragraph (2), which called for a fiscal year increase in appropriations of at least $750 million from fiscal year 1998 through 1999.

Section 101(b) would amend the statement of need in section 1001(b) of the ESEA to reflect the bill’s proposal to move the text of the National Education Goals from the Goals 2000: Educate America Act to section 3 of the ESEA, and to add a paragraph (6) noting the benefits of holding local educational agencies (LEAs) and schools accountable for results.

Section 101(c) would update the statement, in section 1001(c), of what has been learned, the experiences and the expectations that this statement was enacted in 1994, including the addition of six new findings.

Section 101(d) would take the list of activities through which Title I’s purpose is to be achieved, promoting comprehensive schoolwide reforms that are based on reliable research and effective practices.

Section 102, authorization of appropriations (ESEA, §1002). Section 102 of the bill would restate, in its entirety, section 1002 of the ESEA, which authorizes the appropriation of funds to carry out the various Title I programs. As revised, section 1002 would authorize the appropriations of “such sums as may be necessary” for fiscal years 2001 through 2005 for grants to LEAs under Part A, the Even Start program under Part B, the education and training programs under Part C, State agency programs for neglected or delinquent children under Part D, the Reading Excellence program for (to be transferred to Part B from Title II) and certain Federal activities under section 1502 (to be redesignated as section 1602).

Funds would no longer be authorized for capital expenses relating to the provision of Title I services to children in private schools. In addition, certain school-improvement activities would be funded by requiring States to dedicate a portion of their Title I funds to such activities, rather than through a separate authorization as in current law.
Section 112, local educational agency plans

Section 112(1) of the bill would amend section 1112(a)(1) of the ESEA, which requires a State to submit a plan to the Secretary of Education (the Secretary). Section 1112(a)(1) would address certain issues related to the development of a State plan to implement the Title I program. The bill would add a reference to accountability for the purpose of a State’s plan to help all children achieve to high standards and to improve teaching and learning in the State. Section 1112(a)(2) would add a reference to accountability to the heading of section 1111(b), to reflect the proposed addition of language on that topic as section 1111(b)(3).

Section 112(2)(B)(i) would streamline section 1112(b)(1)(B), which requires that the challenging content and student-performance standards each State must use in carrying out Part A be the same standards that the State uses for all schools and children in the State, to reflect the progress that States are expected to have made under current law by the effective date of the bill.

Section 112(2)(B)(ii) would delete outdated language from section 1112(b)(1)(C), which provides that, if a State has not adopted content and performance standards for all students, it must have those standards for children served under Part A and subjects determined by the State, which must include at least mathematics and reading or language arts.

Section 112(2)(C) would delete current section 1112(b)(2), which requires States to describe the extent to which their adequate yearly progress by LEAs and schools participating in the Part A program. This requirement would be replaced by the new provision in section 1112(b)(3), described below. Section 1112(c)(2) would also redesignate paragraph (3) of section 1111(b), relating to assessments, as paragraph (2).

Section 1112(c)(1) would clarify that States must start using the yearly assessments described in section 1111(b) (which the bill would redesignate as paragraph (2)) no later than the 2000-2001 school year.

Section 1112(c)(2)(A) would add new paragraph (b)(2)(B), which applies paragraph (A) only if the State determines that the LEAs that have not submitted plans for the first year for which Part A is in effect following the bill’s enactment.

Section 1112(c)(3) would delete section 1111(b)(4), relating to the LEA’s plan to describe any such assessments that it will use to determine the literacy levels of first graders and the need for interventions and how it will ensure that these assessments are developmentally appropriate, use multiple measures to provide information about the variety of relevant skills, and are administered to students in the language most likely to yield valid results.

Section 1112(d)(1)(B) would amend section 1112(d)(1)(B) to remove an obsolete reference; conform that provision to the proposed repeal of Subpart 2 of Part 2 of Title I, relating to professional development grants for substantial improvement and other programs for high-need children, and include Indian children served under Title IX of the ESEA in the categories...
of children for whom an LEA’s plan must describe the coordination of Title I services with other educational services those children receive.

Section 112(2)(F) would amend section 1112(b)(9), relating to preschool programs, to replace that provision with a cross-reference to new language that the bill would add to section 112B.

Section 113(2)(C) would amend section 1112(b) to require LEAs to include two additional items in their plans: (1) a description of the actions it will take to assist its low-performing schools, and (2) a description of the changes needed to educate all children to the State standards; and (2) a description of how the LEA will promote the use of extended learning time, such as an extended school year, before- and after-school programs, and summer programs.

Section 112(3) would amend section 112(c), which describes the assurances that an LEA must include in its application, to conform to other provisions in the bill and to delete obsolete provisions relating to the Head Start program. This provision would be incorporated into proposed section 112B. Section 112(3) would also require that an LEA include new assurances that it will assess the proficiency of all LEP children participating in Part A programs, use the results of those assessments to guide and modify instruction in content areas, and provide those results to the parents of those children; and (2) comply with the requirements of section 119 regarding teacher qualifications and the use of paraprofessionals.

Section 112(4) would amend section 112(d), relating to the development and duration of an LEA’s plan, to require the LEA to submit plans for the planning of small schools through part B. The new language would also require that streamlined standards be incorporated into proposed section 112B. Section 112(3) would also require that an LEA include new assurances that it will assess the proficiency of all LEP children participating in Part A programs, use the results of those assessments to guide and modify instruction in content areas, and provide those results to the parents of those children; and (2) comply with the requirements of section 119 regarding teacher qualifications and the use of paraprofessionals.

Section 112(4) would amend section 112(d), relating to the development and duration of an LEA’s plan, to require the LEA to submit the plan for the plan for small schools through part B. The new language would also require that streamlined standards be incorporated into proposed section 112B. Section 112(3) would also require that an LEA include new assurances that it will assess the proficiency of all LEP children participating in Part A programs, use the results of those assessments to guide and modify instruction in content areas, and provide those results to the parents of those children; and (2) comply with the requirements of section 119 regarding teacher qualifications and the use of paraprofessionals.

Section 113, eligible school attendance areas (ESEA, §1111). Section 113(1) of the bill would amend section 1113, relating to eligible school attendance areas, to clarify that the LEA is required to identify areas that meet the requirements for a school attendance area covered by State-ordered or court-ordered desegregation plans approved by the Secretary.

Section 113(2)(C) would restore to section 1112 the authority for an LEA to continue serving a strategic attendance area for one year after it loses its eligibility. This language, which was removed from the Act in 1994, would give LEAs flexibility to prevent the abrupt loss of services to children who can clearly benefit from them, as individual attendance areas that moved in and out of eligibility from year to year.

Section 113(3)(A) would add, as section 1113(c)(2)(C), language to clarify that an LEA may allocate greater per-child amounts of Title I funds to higher-poverty areas and schools than it provides to lower-poverty areas and schools.

Section 113(3)(B) would amend section 1113(c)(3) to require an LEA to reserve sufficient funds to serve homeless children who do not attend participating schools, and not just when the LEA finds it “appropriate.” Some LEAs have invoked the current language as a justification for failing to provide services that they are required to provide.

Section 114, schoolwide programs (ESEA, §1114). Section 114(a)(1) and (2) of the bill would amend section 1114(a) of the ESEA, as amended by section 114(b), to define the eligibility for, and allow states to reserve a portion of, which eligible services for the schoolwide program under section 1114, by revising the subsection heading to more accurately reflect subsection (a)’s contents, and to delete current paragraph (2), which is obsolete.

Section 114(a)(3)(A) would make a conforming amendment to section 1114(a)(4)(A) to reflect the revised reauthorization of section 1114(b)(2) as section 1114(c)(3).

Section 114(a)(3)(B) would amend the prohibition on using IDEA funds to support a school that loses its eligibility. This fact that section 613(a)(2)(D) of the IDEA, as enacted by the IDEA Amendments of 1997, now permits only the LEA to make a technical amendment to section 1115(c)(1)(F) to emphasize that instructional staff must the standards set out in revised section 1119.

Section 115(2)(E) would make a technical amendment to section 1115(c)(1)(G).

Section 115(2)(F) would correct an error in section 1115(c)(1)(H).

Section 115(3) would delete section 1115(e)(3), relating to professional development, because other provisions of Part A would address that topic.

Section 115A, school choice (ESEA, §1115A). Section 115A of the bill would make a conforming amendment to section 115A(b)(4) of the ESEA.

Section 116, assessment and local educational agency and school improvement (ESEA, §1116). Section 116(a) of the bill would revise subsection (g) of section 1116 of the HSEA, in their entirety, as follows:

Section 116(b), relating to LEA reviews of schools served under Part A, would be removed and moved to section 1111 (State plans), thereby making it consistent with the bill’s overall emphasis on greater accountability. The list would be strengthened, consistent with the bill’s streamlining of that section.

Section 116(c)(1)-(3), relating to an LEA’s obligation to identify participating schools that need improvement, and to take various actions to bring about that improvement, would be broadened, consistent with the bill’s streamlining of that section.

In particular, section 116(c)(3)(A) would require each school so identified by an LEA, within three months of being identified, to develop or revise a school plan, in consultation with parents, school staff, the LEA, and a State school support team or other outside experts. The plan would have to address the extent to which the performance of participating children in meeting the State student performance standards, address the fundamental teaching and learning needs identified by the LEA, and address the need to improve the skills of the State’s staff through effective professional development, identify student performance targets and goals for the next three years, and specify the responsibilities of the LEA and the school under the plan. The LEA would have to submit the plan to a peer-review process, work with the school to develop a plan, and approve it before it is implemented.

Section 116(c)(5)(C) would be revised to make clear that, with limited exceptions, an LEA would have to take at least one of a list of specified corrective actions in the case of a school that fails to make progress within three years of its identification as being in need of improvement. The list would be limited to four possible actions, each of which is intended to have serious consequences for the LEA and the school, to ensure that the LEA takes action that is likely to have a positive effect.

Section 116(d), relating to SEA review of LEA programs, would similarly be revised to make clear that, in order to remove obsolete provisions of the bill relating to accountability for achievement; to remove obsolete provisions; and to require an LEA that has been identified by the SEA as not making adequate progress on revised Part A plan to the SEA for peer review and approval. In addition, the bill would...
The bill would substantially streamline
Section 117 of the bill would substantially streamline section 1117 of the ESEA, relating to State support for LEA and school support and improvement. Much of current section 1117 is needlessly prescriptive and otherwise unnecessary, particularly in light of the strengthened provisions on LEA and school improvement and corrective actions in revised sections 1003(a)(2) and 1116.

Section 1117(a) would retain the requirement of current law that each SEA establish a statewide system of intensive and sustained support and improvement for LEAs and schools, in order to increase the opportunity for all students in those LEAs and schools to meet State standards.

Section 1117(b) would replace the statements in current section 1117(c)(2) and (c)(3) with a 3-step statement of priorities. The SEA would first provide support and assistance to LEAs that it has identified for corrective action, as defined in current section 1116 and individual schools for which an LEA has failed to carry out its responsibilities under that section. The SEA would then support and assist other LEAs that it has identified as in need of improvement under section 1116, but that has not identified as in need of corrective action. Finally, the SEA would support and assist other LEAs and schools that need those services in order to achieve Title I’s purposes.

Section 1117(c) would provide examples of approaches that the SEA could use in providing support and assistance to LEAs and schools.

Section 1117(d) would direct each SEA to use the funds available to it for technical assistance and support under section 1003(a)(1) (other than the 75 percent or more that it reserves for State administration under redesignated section 1703(c) (current section 1603(c)) for that purpose.

Section 1118, parental involvement (ESEA, § 1118). Section 1118. (1), (2), and (3) would make conforming amendments to section 1118, relating to parental involvement in Part A programs.

Section 1118(4) would amend section 1118(4) so that the requirement to provide full opportunities for participation by parents with limited English proficiency and parents with disabilities, to the extent practicable, applies to all Part A activities, not just to the specific provisions relating to parental involvement.

Section 1118(5) would repeal subsection (g) of section 1118, to reflect the bill’s proposed realignment of the Goals 2000: Educate America Act.

Section 1119, teacher qualification and professional development (ESEA, § 1119). Section 1119(1) would change the heading of section 1119 to “Instruction” to reflect amendments made to this section that are designed to ensure that participating children receive high-quality instruction.

Section 1119(2) of the bill would delete subsection (f) of section 1119, which is not needed, and redesignate subsections (b) through (e) and (g) of that section as subsections (d) through (h).

Section 1119(3) would insert a new subsection (a) in section 1119 to require that each participating LEA hire qualified in-service teachers and principals, high-quality professional development to state members, and use at least 5 percent of its Part A grant for fiscal years 2001 and 2002, and 10 percent of its grant for each year thereafter, for that professional development.

Section 1119(4) would insert new subsections (b) and (c) in section 1119 to specify the minimum qualifications for teachers and for paraprofessionals in programs supported with Part A funds. These requirements are designed to ensure that participating children receive high-quality instruction and assistance, so that they can meet challenging State standards.

Section 1119(5)(A) would revise the list of required professional development activities in current section 1119(b), which would be redesignated as section 1119(c), to reflect experience and research on the most effective approaches to professional development.

Section 1119(5)(B)(i) would add child-care providers to those with whom an LEA could choose to conduct joint professional development. Section 1119(5)(B)(ii) would permit the SEA to use the funds available to it for technical assistance and assistance to LEAs and schools.

Section 1119(d) would make a conforming amendment to section 1119(e), which would be redesignated as section 1119(f), to include “professional development” in the combined use of funds from multiple sources to provide professional development.

Section 1119 would make a number of other amendments to Title I provisions in order to achieve Title I’s purposes. Much of current law that each SEA establish an internal cross-reference to the Freely Associated States (FAS) in any given year, particularly in light of the Supreme Court’s 1997 decision in Agostini v. Felton, which allows LEAs to provide Title I services to the premises of parochial schools, this authority is no longer needed. These amendments would create a State assistance grants under section 1125; (3) providing for proportionate reductions in State assistance grants in cases of cross-border participation; (4) retaining the provisions on “hold-harmless” amounts that apply to fiscal year 1999. Most of the substance of law that is currently applicable would be retained, but the section as a whole would be significantly shortened.

Section 120A(c)(1)(B) would redesignate paragraphs (3) and (4) of section 1202(a) as paragraphs (4) and (5).
Section 120C(c)(1)(C) would revise, in their entirety, provisions governing the calculation of LEA basic grants in section 1124(a)(2) and move some of those provisions to section 1124(a)(3) to improve the section's structure and readability. As amended, section 120C(c)(1)(C) would direct the Secretary to make allocations on an LEA-by-LEA basis, unless the Secretary and the Secretary of Commerce (who is responsible for the decennial census and other activities of the Bureau of the Census) determine the LEA-level data on poor children is unreliable or that its use would otherwise be inappropriate. In that case, the two Secretaries would announce the reasons for their determination, and the Secretary would make allocations on the basis of county data, rather than LEA data, in accordance with new paragraph (3).

For any fiscal year for which the Secretary allocates funds to LEAs, rather than to counties, section 1124(a)(2)(B) would clarify that the amount of a grant to any LEA with a population of 20,000 or more is the amount determined by the Secretary. For LEAs with fewer people, the SEA could either allocate the amount determined by the Secretary or use an alternative method, approved by the Secretary, to prevent the distribution of poor families among the State's small LEAs.

For any fiscal year for which the Secretary allocates funds to counties, rather than to LEAs, section 1124(a)(3) would direct the States to suballocate those funds to LEAs, in accordance with the Secretary's regulations. A State could propose to allocate funds directly to LEAs without regard to the county allocations calculated by the Secretary if a large number of its LEAs overlap county boundaries. For LEAs with fewer people, the SEA could either allocate the amount determined by the Secretary or use an alternative method, approved by the Secretary, to prevent the distribution of poor families among the State's small LEAs.

In general, paragraphs (2) and (3) of section 1124(a) would retain current law, while eliminating extraneous or obsolete provisions, and making this portion of the statute much easier to read and understand than current law.

Section 120C(c)(1)(D) would revise language relating to Puerto Rico's Part A allocation (current section 1124(a)(3)), which the bill would section 1124(a)(4), relating to calculation of LEA concentration grant amounts, with a simple cross-reference to the streamlined allocation provisions in section 1124(a)(3) and (4). Since the Secretary may use up to two percent of its allocation for subgrants to LEAs that meet the numerical eligibility thresholds but are located in ineligible areas; specify that the amount reserved each year for the Secretary to reserve 5 percent of each year's Even Start appropriation for certain populations and areas. As revised, section 120C(c)(1)(D) would replace the current 1124(a)(4) with a new subsection (b) that, over a 5-year phase-in period, its allocation would be determined on the same basis as the allocations to the 50 States and the District of Columbia.

Section 120C(c)(2) would amend section 1124(b), relating to the minimum number of poor children needed to qualify for a basic grant, to improve its readability and to delete obsolete language.

Section 120C(c)(3)(A)(i) would amend section 1124(c)(1), which describes the children to be counted in determining an LEA's eligibility for, and the amount of, a basic grant, to delete subparagraph (B), which permits the inclusion of certain children whose families have income above the poverty level. The number of these children is now quite small, and collection of reliable data on them is burdensome.

Section 120C(c)(3)(A)(ii) would amend section 1124(c)(1)(C), relating to counts of certain children who are neglected or delinquent, to give the Secretary the flexibility to use LEA data on these children for the preceding year (required by current law) or for the second preceding year.

Section 120C(c)(3)(B)(ii) would delete the 3rd and 4th sentences of section 1242(c)(2), which provide a special, and unwarranted, benefit to a single LEA.

Section 120C(c)(3)(D) would repeal section 1124(c)(4), relating to the National Academy of Sciences, which has been completed, and redesignate paragraphs (5) and (6) of section 1124(c) as paragraphs (4) and (5).

Section 120C(c)(3)(E)(i) would delete the first sentence of current section 1124(c)(5), which the bill would redesignate as section 1124(c)(4). This language, relating to counts of certain children from families with incomes above the poverty level, would no longer be appropriate. In that case, the two Secretaries would use data from the children from the count of children under section 1124(c)(1), described above.

Section 120C(c)(3)(E)(ii) and (iii) would move, from current section 1124(c)(6) to current section 1124(c)(5) (to be redesignated as section 1124(c)(4)) a sentence about the counting of children in correctional institutions. This provides a more logical location for this provision.

Section 120C(c)(4)(B) would make a conforming amendment to section 1124(d).

Section 120C(c)(5) would retain the available funds would be the total amount available for concentration grants, with a simple cross-reference to the streamlined allocation provisions in section 1124(a)(3) and (4). Since the Secretary may use up to two percent of its allocation for subgrants to LEAs that meet the numerical eligibility thresholds but are located in ineligible areas; specify that the amount reserved each year for the Secretary to reserve 5 percent of each year's Even Start appropriation for certain populations and areas. As revised, section 120C(c)(5) would replace the current 1124(a)(5) with a new subsection (b) that, over a 5-year phase-in period, its allocation would be determined on the same basis as the allocations to the 50 States and the District of Columbia.

Section 120C(d)(1)(A) would replace the lengthy and complicated language in section 1124(a)(4), relating to calculation of LEA concentration grant amounts, with a simple cross-reference to the streamlined allocation provisions in section 1124(a)(3) and (4). Since the Secretary may use up to two percent of its allocation for subgrants to LEAs that meet the numerical eligibility thresholds but are located in ineligible areas; specify that the amount reserved each year for the Secretary to reserve 5 percent of each year's Even Start appropriation for certain populations and areas. As revised, section 120C(d)(1)(A) would replace the current 1124(a)(5) with a new subsection (b) that, over a 5-year phase-in period, its allocation would be determined on the same basis as the allocations to the 50 States and the District of Columbia.

Section 120C(d)(2) would delete subsections (b) and (c) from section 1124A and redesignate subsection (d) as subsection (b). Subsection (a) would retain the maximum set-aside for technical assistance. Because other provisions of the Even Start program would replace the current requirement to award funds in a woman's prison when appropriations for this provision.

Section 120C(d)(3)(A)(i) would make a conforming amendment to section 1125(b) of the ESEA, relating to the calculation of targeted assistance grants under section 1125. Section 120C(d)(3)(A)(ii) would amend section 1125(c), which establishes weighted child counts used to calculate targeted assistance grants for both counties and LEAs, by deleting obsolete provisions and making technical and conforming amendments.

Section 120C(d)(4) would replace the lengthy and complicated language in section 1125(d), relating to calculation of targeted assistance grant amounts, with a simple cross-reference to the streamlined allocation provisions in section 1124(a)(3) and (4). Since the applicable rules are the same, there is no need to repeat them. In addition, the revised section 1124A(a)(4)(B) would retain the authority, unique to the allocation of concentration grants, under which a State may make up to two percent of its allocation for subgrants to LEAs that meet the numerical eligibility thresholds but are located in ineligible areas; specify that the amount reserved each year for the Secretary to reserve 5 percent of each year's Even Start appropriation for certain populations and areas. As revised, section 120C(d)(4)(B) would replace the current 1124A(a)(4)(B) with a new subsection (a) that, over a 5-year phase-in period, its allocation would be determined on the same basis as the allocations to the 50 States and the District of Columbia.

Section 120C(d)(5) would amend section 1126(e), which establishes weighted child counts used to calculate targeted assistance grants for both counties and LEAs, by deleting obsolete provisions and making technical and conforming amendments.

Section 120C(e)(2) would amend the Even Start statement of purposes in section 1201 of the ESEA by requiring that the Even Start programs be based on the best available research on language development, reading instruction, and prevention of reading difficulties, and that they reflect amendments made to other provisions of the Even Start statute in 1998 and enactment of the Reading Excellence Act (Title II, Part C of the ESEA) in that same year.

Section 121, statement of purpose [ESEA, §121]. Section 121 of the bill would amend the Even Start statement of purposes in section 1201 of the ESEA by requiring that the existing community resources on which Even Start programs are built be of high quality, noting a requirement that Even Start programs be based on the best available research on language development, reading instruction, and prevention of reading difficulties, and that they reflect amendments made to other provisions of the Even Start statute in 1998 and enactment of the Reading Excellence Act (Title II, Part C of the ESEA) in that same year.

Section 122, program authorized [ESEA, §122]. Section 122(1) of the bill would amend section 122(1) of the ESEA, which directs the Secretary to reserve 5 percent of each year's Even Start appropriation for certain populations and areas. As revised, section 122(1) would emphasize that funds reserved under the 5-percent reservation are meant to serve as national models; retain the current requirement to award grants in a woman's prison when appropriations for this provision.

Section 122(2) of the bill would amend section 122(2)(b) of the ESEA, which authorizes the Secretary to reserve up to 3 percent of each year's appropriation for evaluation and technical assistance. Because other provisions of the bill would provide a new authority to fund evaluations across the entire range of ESEA programs, the specific reference to evaluations would be deleted here, and the maximum set-aside for technical assistance (the remaining activity under this provision) would be one percent. In addition, section 122(2)(b) would permit the Secretary to provide technical assistance directly, as well as through grants and contracts.

Section 122(3) of the bill would amend section 122(3) of the ESEA, which specifies that the Secretary to spend $10 million each year on competitive grants for interagency coordination of statewide family literacy initiatives, to ensure such these awards are mandatory, and to remove the specific dollar amount that must be devoted to these awards each year. The Secretary should have the flexibility to determine the makeup and amount for these awards, as well as the amount devoted to them, and whether program funds...
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should be devoted instead to services to children aged participating in Early Start programs. This restatement would provide helpful clarification and greater readability for some of these elements; reorder the elements in a more logical sequence; add some descriptive language; and move some requirements that now apply to local applications and State award of subgrants (under sections 1207(c)(1) and 1208(a)(1)) to the list of program elements, where they more logically belong.

In particular, career counseling and job-placement services would be added to the examples of services that can be offered as a way to accommodate participants’ work schedules and other responsibilities under section 123(h). Paragraph (3) would be revised to require that instructional programs integrate all the elements of family literacy services and use instructional approaches that, according to the best available research, will be most effective. Paragraph (5) would contain new requirements relating to the qualifications of instructional staff and para-professionals that parallel the requirements of section 1115. Paragraph (6) of section 123(h)(B) and that are designed to ensure that Early Start participants receive high-quality services. Paragraph (6) currently (b) would add a new requirement that staff training be aligned with the standards for programs for young children that are more appropriately addressed in section 1205(c), which describes certain technical assistance activities that are to develop, indicators relating to the levels of intensity of services and the duration of participation in programs, including the requirement of current section 1207(c)(1)(E)(iii) about encouraging participating families to remain in the program for a sufficient period of time to meet their program goals.

This updated statement of program elements reflects experience and research over the past several years. It will promote better program planning and higher quality programs, with better results for participating families.

Section 126, eligible participants [ESEA, §1209]. Section 126 of the bill would amend section 1208(a)(1)(B) of the ESEA to require participating families to benefit from Early Start services.

Section 127, applications [ESEA, §1207]. Section 127(b) of the bill would add a new requirement that, according to the best available research, the current statute terminates a parent’s eligibility when he or she is no longer within the State’s age range for school attendance. As amended in 1994, the current statute terminates a parent’s eligibility who are attending school, but who are above the State’s age range for school attendance. As amended in 1994, the current statute terminates a parent’s eligibility when he or she is no longer within the State’s age range for school attendance. As amended in 1994, the current statute terminates a parent’s eligibility when he or she is no longer within the State’s age range for school attendance. As amended in 1994, the current statute terminates a parent’s eligibility when he or she is no longer within the State’s age range for school attendance.

Section 130, uses of funds [ESEA, §1204]. Section 130(1) of the bill would amend section 1204(a) of the ESEA, relating to the limits on and amount of funds that can be allotted to States. The double weight given to children served in summer or intersession programs for Each Start subgrants, by deleting subparagraph (C), which refers to a three-year age range for providing services, because that provision would be converted to a program element under section 1205.

Section 131, award of subgrants [ESEA, §1208]. Section 131(a) of the bill would amend section 1208(a)(1) of the ESEA, to establish minimum and maximums for annual allocations to States and localities to learn valuable lessons from well-tested, proven programs.

Section 132, evaluation [ESEA, §1209]. Section 132 of the bill would amend section 1209 of the ESEA, to ensure that the national evaluation provisions in section 1209 of the ESEA. That paragraph describes certain technical assistance activities that are more appropriately addressed under section 1208(a)(1).
eligible children and encouraging them to participate.

Section 131(2) would revise subsection (b), which describes the computation of Puerto Rico’s allocation, so that, over a 5-year phase-in period beginning in the year following enactment, the Secretary would be required to reduce the maximum amount that could be reserved for grants that are made to more than a token number of States, to $1.5 million instead of $2 million. Deleting this requirement would unduly burden States.

Section 132(1)(B) would amend section 1304(b)(1) to require that the multiple measures of student achievement are to be considered when making subgrants to States, rather than in its application. These provisions would authorize grants under section 1308(d).

Section 132(2)(B) would require the Secretary to remove obsolete provisions relating to the proposed deletion of the authority for local programs in Subpart 2 of Part D. This conforms to the bill’s proposal to delete Subpart 2. Section 142 would also make other conforming amendments to sections 141(2) and 144(3).

Section 144, allocation of funds [ESEA, § 1414].

Section 144 of the bill would amend section 1414(a)(2) of the ESEA, which authorizes various activities to support the interstate and intrastate coordination of migrant-education activities. Section 134(1)(A) would make for profit entities eligible for awards under section 1308(a). The current restriction to nonprofit entities has made it difficult to find organizations with the necessary technical expertise and experience in limited migration important activities, such as the 1-800 help line and the program support center.

Section 134(1)(B) would amend section 1308(b) to remove obsolete provisions relating to the records of migratory children and to conform to the proposed deletion of references in section 1303 to the “full-time equivalent” numbers of students in determining child counts. Section 134(3) would increase, from $6,000,000 to $10,000,000, the maximum amount that the Secretary could reserve each year from the appropriation for the Migrant Education program, to cover the cost of coordination activities under section 1308. This increase would be consistent with the Department’s appropriations Act for the two most recent years, based on the current amount available for State incentive grants under section 1308(d), and makes funds available to assist States and LEAs in transferring the school records of migratory students.

Section 134(4) would amend section 1308(d), which authorizes incentive grants to States that form consortia to improve the delivery of services to migratory children whose education is interrupted. These grants would be permitted, rather than required as under current law, so that the Secretary would have the flexibility to determine, from year to year, whether funds ought to be devoted to other activities under section 1308. The maximum amount that could be reserved for these grants would be increased from $1.5 million to $3 million so that, in years when these grants are warranted, they can be made to more than a token number of States. The requirement to make these awards on a competitive basis would be deleted because it is needlessly restrictive and results in an unduly complicated process of determining the merits of applications in relation to each other in years when all applications warrant approval and sufficient funds are available. The requirement would provide the Secretary with flexibility to, for example, award equal amounts to each consortium with an approvable application, or to provide larger awards to consortia including States that receive relatively small allocations under section 1303.

Section 135, definitions [ESEA, § 1309]. Section 135 of the bill would delete two references to a child’s guardian in the definition of “migratory child” in section 1309(2) of the ESEA, because the term “parent” which is in the definition, is defined in section 1410(22) of the ESEA (which the bill would redesignate as section 1101(22)) to include “a legal guardian or other person standing in loco parentis.”

Part D—Neglected and delinquent

Title D of Part D of the bill would amend Part D of Title I of the ESEA, which authorizes assistance to States and, through the related consortia, to provide educational services to children and youth who are neglected or delinquent. Section 141, program name. Section 141 of the bill would amend the name of Part D of Title I of the ESEA to read, “State Agency Programs for Children and Youth Who Are Neglected or Delinquent”. This name would more accurately reflect the bill’s proposed deletion of the authority for local programs in Subpart 2 of Part D. Section 142, findings; purpose; program authorities [ESEA, § 1414]. Section 142(a) of the bill would update the findings in section 1401(a) of the ESEA, and shorten them to reflect the proposed deletion of Subpart 2.

Section 142(b) would amend the statement of program authorization in section 1401(b) to reflect the proposed deletion of Subpart 2.

Section 143, payments for programs under Part D [ESEA, § 1414]. Section 143 of the bill would delete section 1402(b) of the ESEA, which requires that States retain funds generated throughout the State under Part A of Title I (Basic Grants) on the basis of youth residing in local correctional facilities or attending community day programs for delinquent children and youth, and use those Part A funds to provide local programs under Part D. This conforms to the bill’s proposal to delete Subpart 2. Section 142 would also make other conforming amendments to sections 141(2) and 144(3).

Section 144, allocation of funds [ESEA, § 1412].

Section 144 of the bill would amend section 1412(b) of the ESEA, which describes the computation of Puerto Rico’s allocation under Part D, so that, over a 5-year phase-in period, its allocation would be determined on the same basis as are the allocations of the 50 States. Section 144 on the bill also makes other conforming and technical amendments to section 1412(a).

Section 145, State plan and State agency applications [ESEA, § 1414]. Section 145 of the bill would amend section 1414(a)(2) of the Act, relating to the contents of a State’s plan, to require the plan to provide that participating children will be held to the same challenging academic standards, as well as given the same opportunity to learn, as they would if they were attending local public schools.

Section 146, use of funds [ESEA, § 1415].

Section 146 of the bill would correct an erroneous computation of Puerto Rico’s allocation in an earlier version of the bill, relating to the permissible use of Part D funds.

Section 147, local agency programs [ESEA, §§ 1412–1426]. Section 147 of the bill would repeal Subpart 2 (Local Agency Programs) of Part D and redesignate Subpart 3 (General Provisions) as Subpart 2. The local agency program is unduly complicated for States to administer and does not promote effective services for children who are, or have been, neglected or delinquent. Those services are better provided through other local, State, and Federal programs, including other ESEA programs, such as Basic Grants under Part A.

Section 148, program evaluations [ESEA, § 1431].

Section 148(e) of the bill would amend section 1431(a) of the ESEA, relating to the scope of evaluations under Part D, to conform to the proposed removal of the requirement for evaluations.

Section 148(d) would amend section 1431(b) to require that the multiple measures of student progress that a State agency must use in conducting program evaluations, while consistent with section 1414’s requirement to provide participating children the same opportunities to learn and to hold them to the same standards that would apply if they were attending local public schools, must be appropriate for the students and feasible for
the agency. This modification would recognize the variety of reasons it may not be appropriate to administer the same tests to students who are, or have been, neglected or delinquent, as are given to children of the same age who are in traditional public schools.

Section 148(3) of the bill would amend section 1431(c), relating to the results of evaluations, to reflect the proposed repeal of Subpart 2.

Section 149, definitions [ESEA, §1432]. Section 149 of the bill would delete the definition of "section 148(3)" in paragraph (c) of section 1432, and renumber the remaining paragraphs. The deleted term is used only in Subpart 2, which would be repealed.

Part E—Federal evaluations, demonstrations, and transition projects

Section 151, evaluations, management information, and other Federal activities [ESEA, §1501]. Section 151 of the bill would amend, in its entirety in section 1501 of the ESEA, which authorizes the Secretary to conduct evaluations and assessments, collect data, and carry out other activities that support the Title I programs, to provide information useful to those who authorize and administer that title. As revised, section 1501 would support the activities that are essential for the Secretary to carry out over the next several years: evaluating Title I programs; helping States, LEAs, and schools develop management-information systems; carrying out applied research on the fiscal and nonfiscal aspects of the ESEA; the Secretary to administer the program of Title I programs; and the Secretary to conduct and carry out other activities that support the Title I programs.

Section 152, demonstrations of innovative practices. Section 152 of the bill would make conforming amendments to section 1502 of the ESEA.

Part F—General provisions

Section 161, general provisions [ESEA, §§1601–1604]. Section 161(1) of the bill would repeal sections 1601 and 1602 of the ESEA. Section 1601 of the ESEA provides: (a) that the Secretary shall issue a program assistance manual to explain the major provisions of the Act; (b) that the Secretary shall publish and make available to the public an index of all funds provided by the Act; (c) that the Secretary shall provide the notice described in this section to all entities that it formed before enactment of the ESEA in its entirety, as follows:

Paragraph (2) would add, to the State application for the program, a clause (1x) to require an LEA's application to include the process and criteria it will use to review and approve LEA applications for the two types of subgrants available under Part E—Title I schools.

Section 178, transfer and redesignations. Section 178 of the bill would amend section 178(a)(3)(B)(1) of the bill to require that the Secretary, to give priority to States that have modified, are modifying, or will modify their teacher certification requirements to require effective training of prospective teachers in methods of reading instruction that reflect scientifically based reading research.

Paragraph (4) would make a technical amendment to section 2253(d)(3), which permits States to use certain consortia or similar entities that the Secretary establishes as a reading improvement zone or enterprise community under section 2256(a)(1)(A) for the purpose of carrying out the Reading Excellence program on October 21, 1998, in lieu of a partnership that meets that State's requirements.

Section 177, authorization of appropriations [ESEA, §2254]. Section 177 of the bill would amend section 2254 of the ESEA so that the Secretary of education could make grants to States only for the purpose of administering the Reading Excellence program. The bill would make amendments to section 2254 to reflect the proposed deletion of subsection (a)(3)(B)(1) of the bill, which the Secretary would redesignate as section 2256(a)(3)(B)(1), language conditioning the receipt of all Title I funds by each LEA that is currently eligible under section 2256 on its providing public notice of the availability of the Reading Excellence program to parents and possible providers of tutoring services. This provision is grossly disproportionate in its severity and is not logically related to the large amounts of funds it affects under the other Title I programs. Any failure to comply with the notice requirements in this section should be subject to the same range of consequences that attach to possible noncompliance with any other requirement of the statute.

Paragraph (6) would make conforming amendments to current subsection (a)(3)(B), which the Secretary would redesignate as section 2256(a)(3)(B)(1), to allow the Secretary to provide notice to LEAs of the availability of funds for a national evaluation of the program under this part, to remove a cross-reference to a provision of the ESEA that provides for the administration of the evaluation. The Secretary should use the notice to explain the availability of funds for the evaluation. Other provisions of the bill would provide the Secretary with authority to pay for evaluations of all ESEA programs, removing the need for notice described in this section.

Section 176, information dissemination [ESEA, §2258]. Section 176 of the bill would amend section 2258 of the ESEA, which provides for the dissemination of program information, to reflect the transfer of the program's authorization to appropriations to section 1002(e) of the ESEA. The bill would repeal section 2258 of the ESEA, which provides for the dissemination of program information, to reflect the proposed deletion of subsection (a)(2)(B), which the Secretary would redesignate as subsection (a)(5).

Paragraph (7) would make technical and conforming amendments to current subsection (a)(4), which the Secretary would redesignate as subsection (a)(5).

Section 175, national evaluation [ESEA, §2257]. Section 175 of the bill would amend section 2257 of the ESEA, which provides for a national evaluation of the program under this part, to remove a cross-reference to a provision of the ESEA that provides for the administration of the evaluation. Other provisions of the bill would provide the Secretary with authority to conduct evaluations of all ESEA programs, removing the need for individual evaluation earmarks.

Section 174, local reading improvement subgrants [ESEA, §2255]. Section 174 of the bill would amend section 2255(a) of the ESEA, which describes the LEAs that are eligible to apply for a local reading improvement subgrant under section 2255, to limit eligibility to LEAs that serve at least one elementary school and one middle and/or high school student should be sufficient for the Secretary to pay for evaluations of all ESEA programs, removing the need for individual evaluation earmarks.

Section 177, authorization of appropriations [ESEA, §2259]. Section 177 of the bill would amend section 2259 of the ESEA, which provides for the dissemination of program information, to reflect the transfer of the program's authorization to appropriations to section 1002(e) of the ESEA. The bill would repeal section 2259 of the ESEA, which provides for the dissemination of program information, to reflect the proposed deletion of subsection (a)(2)(B), which the Secretary would redesignate as subsection (a)(5).

Section 178, transfer and redesignations. Section 178 of the bill would transfer the authority for the Reading Excellence program, currently held by Part E of Title I of the ESEA to Part F of Title I, redesignate current Parts E and F of Title I as Parts F and G, and make other technical and conforming amendments.

TITLE II—HIGH STANDARDS IN THE CLASSROOM

Section 201 of the bill would amend Title II of the ESEA in its entirety, as follows:
Part A—Teaching to high standards

Part A of Title II would authorize a new program in the ESEA by consolidating the existing Eisenhower State Grants (Title II) and Innovative Education Program Strategies (Title VI) programs in the ESEA and Title III of the Goals 2000: Educate America Act.

Subpart 1—Findings, purposes and Authorization of appropriations

Section 2111, findings. Section 2111 would set out findings for Part A.

Section 2112, purpose. Section 2112 would state that the purpose of Part A is to: (1) Support States and LEAs in continuing the task of developing challenging content and student performance standards and aligned assessments, revising curricula and teacher certification requirements, and using challenging content and student performance standards to improve teaching and learning; (2) ensure that teachers and administrators have access to professional development that is aligned with challenging content and student performance standards in the core academic subjects; (3) provide assistance to new teachers during their first three years of teaching; and (4) support the development and acquisition of curricular materials and other instructional aids that are not normally provided as part of the regular instructional program and that will advance local standards-based school reform efforts.

Section 2113, authorizations of appropriations. Section 2113 would authorize the appropriation of such sums as may be necessary for each of the two operational subparts of Part A for fiscal years 2001, through 2006.

Subpart 2—State and local activities.

Section 2121, allocations to States. Section 2121 would provide for allocations to the States, including the District of Columbia and Puerto Rico; the outlying areas; and schools operated or funded by the Bureau of Indian Affairs (BIA). The Secretary would reserve a total of one percent for the outlying areas and the BIA. The remaining funds would be allocated to States, based on each State’s share of funds under Part A of Title I for the previous fiscal year and one-half on each State’s relative share of the population age 5 to 17. No State would receive a grant that is less than one-half of one percent of the amount available for State grants.

Section 2122, priority for professional development in mathematics and science. Section 2122(a) would establish rules for the use of Part A funds for professional development in mathematics and science at various appropriations levels. A key priority of the Teaching to High Standards proposal is directing Federal sources to support professional development that strengthens instruction in core academic subjects, including mathematics and science. Subsection (b) would require that funds retained at the State level and those distributed by the SEA and the State agency for higher education (SAHE) as grants to LEAs. For years in which the appropriation is higher than $300 million, each State would be required to allocate a percentage of its funding toward mathematics and science professional development that is at least as high as the rate that each State received had the appropriation been $300 million. The SEA and the SAHE would jointly determine how the State would structure the use of State-level funding and grants to LEAs to meet this requirement.

Section 2122(b) would provide that, for purposes of subsection (a), professional development in mathematics and science may include interdisciplinary activities, as long as these activities include a strong focus on mathematics and science. Subsection (c) would require that funds in excess of the $300 million appropriation be used in one or more of the core academic subjects, including mathematics and science.

Section 2123, State application. Section 2123 would require each State to submit an application to the Secretary in consultation with the SAHE, community-based and other nonprofit organizations with experience in providing professional development, State educational agencies (SEAs), and Interstate compact educational agencies (IEHs). This section would also describe what States must include in their applications. The Secretary would have to approve a State application if a peer-review panel determines that it satisfactorily addresses the application requirements and holds reasonable promise of achieving the purposes of the program.

Section 2124, annual State reports. Section 2124 would require a State to submit annual reports to the Secretary that describe its activities and progress in complying with the purposes of the program. The reports would be required to describe: (1) the progress of subgrant recipients against program performance indicators that the Secretary identifies and any other indicators that the State requires, and contain other information that the Secretary requires.

Section 2125, within-State allocations. Section 2125 would allow an SEA to reserve up to 5 percent of the amount available for State-level activities, program evaluations, and administration. Not more than one third of this reservation could be used for administration.

Section 2126, State-level activities. Section 2126 would require an SEA to make formula and competitive subgrant awards to LEAs. The SEA would have to make the determination that includes reviewers who are knowledgeable about the academic content areas. SEAs would also have to include in their applications the progress of subgrant recipients against program performance indicators that the Secretary identifies and any other indicators that the State requires, and contain other information that the Secretary requires.

Section 2127, local applications. Section 2127 would require LEAs to submit applications for the purpose of receiving a formula or competitive subgrant. The application would include a district-wide plan that describes how the LEA would carry out activities to assist new teachers during their first three years in the classroom; and (4) ensuring that teachers employed by the LEA are proficient in teaching skills and content knowledge.

In addition, the LEA application would: (1) identify specific goals for achieving the purposes of the program; (2) describe how the LEA will address the needs of high-poverty, low-performing schools; (3) describe how the LEA will address the needs of students with limited English proficiency and other students with special needs; (4) include an assurance that the LEA will collect data on the progress of subgrantees in terms of indicators of program performance that the Secretary identifies; (5) describe how the LEA will coordinate funds under this subpart with funds received from the State and from other Federal programs; (6) describe how the LEA will use its subgrant funds awarded by formula to administer, plan, and operate subgrantee activities; (7) contain a plan for the sustainability of activities (including all funds retained at the State level and those distributed by the SEA and the State agency for higher education (SAHE) as grants to LEAs). For years in which the appropriation is higher than $300 million, each State would be required to allocate a percentage of its funding toward mathematics and science professional development that is at least as high as the rate that each State received had the appropriation been $300 million. The SEA and the SAHE would jointly determine how the State would structure the use of State-level funding and grants to LEAs to meet this requirement.

Section 2127 would also describe the activities that award recipients must carry out and require them to submit an annual report to the SAHE, beginning with fiscal year 2002, on their progress against indicators of program performance that the Secretary may establish. The SAHE would provide the SEA with copies of these reports.

Section 2128, competitive local awards. Section 2128 would require SEAs to award competitive subgrants to LEAs from the funds available in the State allocation and set aside for competitive subgrants under Title II of the Higher Education Act of 1965 (if the LEA or IHE is participating in that program) or under subpart 2 of Part A of Title II. The SEA would use a peer-review process that includes reviewers who are knowledgeable about the academic content areas. SEAs would also have to include in their applications the progress of the applicants’ proposals and their likelihood of success, and on the demonstrated need of applicants, based on specified criteria.

Section 2129 would also require SEAs to adopt strategies to ensure that LEAs with the greatest need are provided a reasonable opportunity to receive an award. Subgrants would be for a three-year period, which the SEA would extend for an additional two years if it determines that the LEA is making significant progress toward meeting the goals in the LEA’s district-wide plan for raising student achievement against State standards and against the performance indicators identified by the Secretary under section 2136.
subgrant, if it is applying for one, to implement the program with the Secretary of Transportation with respect to the appropriate amount of funding necessary to continue and enhance the Troops to Teachers Program. Additionally, section 2213(b)(2) would provide that, upon agreement, the Secretary would transfer the amount under section 2213(b)(1)(A) to the Department of Transportation in order to carry out the Troops to Teachers Program. Further, section 2213(b)(2) would allow the Secretary to enter into a written agreement with the Department of Defense and Transportation, in such cases as the Secretary determines are appropriate to ensure effective continuation of the Troops to Teachers program.

Finally, section 2213(c) would authorize the appropriation of such sums as may be necessary to carry out Part B for fiscal years 2001 through 2004.

Section 2214, application. Section 2214 of the ESEA would establish the application requirements. Section 2214 would provide that applicants for Part B must submit to the Secretary an application containing such information as the Secretary may require. Applicants would be required to: (1) include an analysis of the target group of career-changing professionals on which they would focus in carrying out their programs under this part, including a description of the characteristics of the target group that shows how the knowledge and experience of its members is relevant to meeting the purpose of this part; (2) describe how it plans to identify and recruit program participants; (3) include a description of the training program participants would receive and how that training would relate to their certification as teachers; (4) describe how it would ensure that program participants were placed and would teach in high-poverty LEAs; (5) include a description of the teacher induction services that program participants would receive throughout at least their first year of teaching; (6) include a description of how the applicant would collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this part, including evidence of the existence of the institutions, agencies, or organizations to the applicant’s program; (7) include a description of how the applicant would evaluate the program’s effectiveness; and (8) submit an assurance that the applicant would provide to the Secretary such information as the Secretary determines necessary to determine the overall effectiveness of programs under this part.

Section 2215, uses of funds and period of service. Section 2215 of the ESEA would describe the activities authorized under Part B. Under section 2215(a), Part B funds could be used to: (1) recruit program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would support them; (2) authorize training stipends and other financial incentives for program participants, not to exceed $5,000, in the aggregate, per program year; (3) enter into cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized under this part.

Finally, section 2215(b)(1)(A) would provide that, before making any awards under section 2213(a), the Secretary would be required to consult with the Secretary of Transportation.
and characteristics of the newly trained program participants to obtain employment in those LEAs; and (5) authorize post-placement induction or support activities for program participants.

Section 2215(b) would establish the required period of service for program participants. Under section 2215(b), a program participant who completes his or her training would be required to teach in a high-poverty LEA for at least three years. Section 2215(c) would allow the Secretary to establish appropriate requirements to ensure that program participants who receive a training stipend or other financial incentive, but fail to complete their service obligation, repay all or a portion of such stipend or other incentive.

Section 2216, equitable distribution. Section 2216 of the ESEA would require the Secretary, to the extent practical, to make awards under Part B that support programs in different geographic regions of the Nation. Section 2217, definitions. Section 2217 of the ESEA would define the terms used to describe the program. Section 2217(1) would define the term “high-poverty local educational agency” as an LEA in which the percentage of children in poverty as defined in section 2217(2) (as determined by the Secretary) is 40 percent or greater, or the number of such children exceeds 10,000. Section 2217(2) would define the term “program participants” as career-changing professionals who hold at least a baccalaureate degree, demonstrate interest in, and commitment to, becoming a teacher, and have at least two years of relevant experience relevant to teaching a high-need subject area in a high-poverty LEA.

Part C—Early childhood educator professional development

Section 2301, purpose. Section 2301 of the ESEA would establish the purpose of the new Part C program, which is to support the national effort to attain the first of America’s Education Goals by enhancing school readiness and preventing reading difficulties in young children, through early childhood education programs that improve the knowledge and skills of early childhood educators working in high-poverty communities. The program would help meet the need for early childhood educators in high-poverty communities with limited access to early childhood education and to high-quality early childhood education professionals.

Section 2302, program authorized. Section 2302(a) of the ESEA would authorize the Secretary to make competitive grants to eligible partnerships. An eligible partnership would consist of: (1) at least one institution of higher education that provides professional development for early childhood educators who work with children from low-income families in high-need communities, or another public or private, nonprofit entity that provides that professionals development; and (2) at least one other public or private nonprofit agency or organization, such as an LEA, an SEA, a State human services agency, a State or local agency administering programs under the Child Care and Development Block Grant Act of 1990, or a Head Start agency.

Section 2302(b) would direct the Secretary to give a priority to applications from partnerships that at least one participant operates early childhood programs for children from low-income families in high-need communities.

Section 2302(c) would authorize grants for up to four years, and limit each grantee to one grant under this program.

Section 2303, applications. Section 2303 of the ESEA would authorize the Secretary to receive applications for appropriations for funds. Among other information, each application would include a description of the high-need community to be served; a description of the early childhood educator professional development program currently being conducted by a member of the partnership; the results of the partnerships assessment of the professional development needs of early childhood education providers to be served by the partnership and in the broader community and how the proposed project would address those needs; a description of how the proposed project would be carried out; descriptions of the project’s specific objectives and how progress toward their accomplishment will be measured; the expected professional development activities for early childhood educators with recent research on child development and early childhood pedagogy; train them to use appropriate professional development on the early childhood educators professional development; and reporting activities necessary to meet program accountability requirements.

Section 2304, selection of grantees. Section 2304 of the ESEA would require the Secretary to enter into contracts with relevant agencies and organizations that are not members of the partnership. Section 2305, uses of funds. Section 2305 of the ESEA would require that, in general, grant recipients use grant funds to carry out activities that will improve the knowledge and skills of educators who are working in early childhood programs, serving concentrations of poor children in high-need neighborhoods. Allowable professional development activities for early childhood educators include, but would not be limited to, activities that: familiarize early childhood educators with recent research on child development and early childhood pedagogy; train them to work with parents, and with children with limited English proficiency, disabilities, and other special needs; and activities during the first three years in the field: development and implementation of professional development programs for early childhood educators, including the use of other technologies; and data collection, evaluation, and reporting activities necessary to meet program accountability requirements.

Section 2306(b) of the ESEA would require the Secretary to announce performance indicators, designed to measure the quality of the professional development on the early childhood education provided by the individuals trained, and such other measures of program impact as the Secretary determines. Section 2306(b) would require projects to report annually on their progress in meeting these performance indicators. The Secretary could terminate a grant if the grantees are not making satisfactory progress toward the Secretary’s indicators.

Section 2307, cost-sharing. Section 2307 of the ESEA would require participants to contribute at least half of the overall cost of its project, including at least 20 percent in each year, from other sources, which may include other Federal, State, and local resources. The Secretary could waive or modify this requirement in the case of demonstrated financial hardship.

Section 2308, definitions. Section 2308 of the ESEA would define terms such as “high-quality technical assistance,” “high-quality early childhood educator,” “low-income family,” and “early childhood educator.”

Section 2309, Federal coordination. Section 2309 of the ESEA would require the Secretary to coordinate the activities of Education and Health and Human Services to coordinate activities of this program and other early childhood programs that the Secretary administers.

Section 2310, authorization of appropriations. Section 2310 of the ESEA would authorize the appropriation of such sums as may be necessary for fiscal years of the four succeeding fiscal years to carry out Part C.

Part D—Technical assistance programs

Section 2401, findings. Section 2401 of the ESEA would state the Congress’ findings for Part D as follows: (1) sustained, high-quality technical assistance that responds to State and local demand supported by widely disseminated, research-based information on what constitutes high-quality technical assistance and how to identify high-quality technical assistance providers, can enhance the opportunity for all children to achieve to challenging State academic content and student performance standards; (2) an integrated system for acquiring, using, and supporting technical assistance essential to improving programs and affording all children this opportunity; (3) States, LEAs, tribes, and schools serving students in special education, such as educationally disadvantaged students and students with limited English proficiency, have clear needs for technical assistance in order to use funds under the ESEA to provide those students with opportunities to achieve to challenging State academic content standards and student performance standards; (4) current technical assistance resources and efforts are insufficiently responsive to the needs of States, LEAs, schools, and tribes for help in developing and supporting their partnerships for technical assistance and developing and implementing their own integrated systems for using the various sources of funding for technical assistance activities under the ESEA (as well as other Federal, State, and local resources) to improve teaching and learning and implement them more effectively. Therefore, the Secretary, in consultation with the States, LEAs, and other entities, should develop a set of criteria to identify high-quality technical assistance activities and dissemination that are based on market principles in responding to the demand for, and expanding the supply of, high-quality technical assistance. This system would support States, LEAs, tribes, schools, and grantees of funds under the ESEA in implementing standards-based reform and improving student performance through: (1) the provision of financial support and impact, research-based information designed to assist States and high-need LEAs to develop and improve their own systems of technical assistance and select high-quality technical assistance activities and disseminate them to users; (2) the establishment of technical assistance centers that reflect identified national needs, in order to ensure the availability of strong technical assistance in those areas; (3) the implementation of all technical assistance and information dissemination activities carried out or supported by the Department of Education in order to ensure comprehensive support systems for all high-need LEAs.
May 27, 1999

CONGRESSIONAL RECORD—SENATE

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eductional practices throughout the Na-
tion, including input from, students, teachers, administrators, and other individuals who participate in, or may be affected by, the Nation’s educational system; and (5) national evaluations of effective technical assistance.

Subpart 1—Strengthening the capacity of State and local educational agencies to become effective, informed consumers of technical assistance

Section 2411. purpose. Section 2411 of the ESEA would state the purposes of Subpart 1 of Part D of Title II. Section 2411(1) would state that the goal is being to provide grants to SEAs and LEAs in order to: (1) respond to the growing demand for increased local decisionmaking in determining technical assistance needs and appropriate technical assistance services; (2) encourage SEAs and LEAs to assess their technical assistance needs and how their various sources of funding for technical assistance under the ESEA and from other sources can best be coordinated to meet those needs (including their needs to collect and analyze data); (3) build a common infrastructure of technical assistance effectively and thereby improve their ability to provide the opportunity for all children to achieve to challenging State academic content standards and student performance standards; and (4) assist SEAs and LEAs in acquiring high-quality technical assistance.

Section 2411. allocation of funds. Section 2412 of the ESEA would describe how funds appropriated to carry out Subpart 1 would be allocated. From those appropriations for any fiscal year, the Secretary would first allocate one percent of the funds to the Bureau of Indian Education and the Bureau of Indian Affairs in accordance with their respective needs for such funds (as determined by the Secretary) to carry out activities that meet the purposes of Subpart 1. The Secretary would allocate the two-thirds of the remaining funds to SEAs in accordance with the formula described in section 2413 and allocate one-third of the remaining funds to the 100 LEAs with the largest number of children counted under section 112(c) of the ESEA, in accordance with the formula described in section 2416.

Section 2413, formula grants to State educational agencies. Section 2413 of the ESEA would set out the formula for awarding grants to States. The Secretary would allocate funds, among the States in proportion to the relative amounts each State would have received for Basic Grants under Subpart 2 of Part A of Title I of the ESEA for the most recent fiscal year. The Secretary would be required to take into consideration the advice of peer reviewers and could not disapprove any application without giving the State notice and opportunity for a hearing.

Section 2414, State application. Section 2414 of the ESEA would describe the application requirements that SEAs would have to meet in order to receive direct grants under Subpart 1. Each SEA would be required to submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Each application would be required to describe: (1) the SEA’s plan for using funds from all sources under the ESEA to build its capacity to provide outside technical assistance and other means, to provide technical assistance to LEAs and other recipients within the State; (4) how, in carrying out technical assistance activities using funds provided from all sources under the ESEA, the State will assist LEAs and schools in building high-quality education for all children served under the ESEA to achieve to challenging academic standards, give the highest priority to meeting the needs of LEAs (taking into consideration any assistance that the LEAs may be receiving under section 2416), and give special consideration to LEAs and other recipients of funds under the ESEA serving rural and isolated areas. The Secretary would be required to approve a State’s application for funds if it meets these requirements and is of sufficient quality to meet the purposes of Subpart 1. In determining whether to approve a State’s application, the Secretary would be required to take into consideration the advice of peer reviewers, and could not disapprove any application without giving the State notice and opportunity for a hearing.

Section 2415, uses of funds. Section 2415 of the ESEA would describe the permissible uses of State formula grant funds under Subpart 1. The SEA could use these funds to: (1) build its capacity (and the capacity of other State agencies that implement ESEA programs) to use ESEA technical assistance funds effectively through the acquisition of high-quality technical assistance, and the selection of high-quality technical assistance activities and providers, that meet the technical assistance needs identified by the State; (2) develop, coordinate, and implement an integrated system that provides technical assistance to LEAs and other recipients of funds, for activities that meet the purposes of Subpart 1; (3) acquire technical assistance, including all ESEA sources; and (3) acquire the technical assistance and other means that it needs to increase opportunities for all children served under the ESEA to achieve to challenging State academic content standards and student performance standards, and to implement the State’s plan or policies for comprehensive standards-based education reform; and (5) improving the quality of teaching and the ability of teachers to serve students with special needs (including educationally disadvantaged and English proficiency); and (6) planning and implementing strategies to meet the purposes of Subpart 1 to the 100 largest, high-need LEAs. Under section 2416, the Secretary would allocate funds among the LEAs described in section 2415(b) in proportion to the relative amounts allocated to each such LEA for Basic Grants under Subpart 2 of Part A of Title I for the most recent fiscal year. As a condition for receiving funds under section 2416, the Secretary would be required to reallocate unused LEA allocations.

Section 2417, local application. Section 2417 of the ESEA would detail the application requirements that the LEAs must meet to receive direct grants under Subpart 1. Each LEA would be required to submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Each LEA would be required to describe: (1) the LEA’s need for technical assistance in implementing ESEA programs (including assistance on the use and analysis of data) and in implementing the State’s, or its own plan, or policies, for comprehensive standards-based education reform; and (2) the LEA’s plan for using funds provided from all sources under the ESEA to build its capacity to provide outside technical assistance and other means, to provide technical assistance to LEAs and schools in building high-quality education for all children served under the ESEA to achieve to challenging academic standards.

Section 2418, local uses of funds. Section 2418 of the ESEA would describe the ways in which an LEA could use direct grant funds under Subpart 1. Each LEA would use those funds to: (1) build its capacity to use ESEA technical assistance funds through the acquisition of high-quality technical assistance and the selection of high-quality technical assistance activities and providers that meet its technical assistance needs; (2) develop, coordinate, and implement an integrated system of providing technical assistance to LEAs and other recipients of funds under the ESEA that meet the purposes of Subpart 1 to the 100 largest, high-need LEAs; (3) collect, disaggregate, and use data to improve the impact of, programs of educational services; (4) conducting needs assessments and planning in implementing strategies with State goals and accountability systems; (5) planning and implementing effective, research-based reform strategies, including school reforms, making schools safe, disciplined, and drug-free; (6) improving the quality of teaching and the ability of teachers to serve children served under the ESEA; and (7) planning and implementing strategies to meet the purposes of Subpart 1 to the 100 largest, high-need LEAs.
aligned with State and local education resources; (2) ensure that services and resources; the SEA or LEA would be required to provide for professional development for teachers and school administrators, the SEA or LEA would be required to provide that information, upon request to private schools located in the same geographic area. However, if an SEA or LEA is provided by the center, the Secretary shall waive the requirements and arrange for the provision of professional development services for the private school teachers or school administrators, consistent with applicable State goals and standards and section 11806 of the ESEA.

Section 2419a, consumer information. Section 2419a would require the Secretary to establish, through one or more contracts, an independent source of consumer information regarding the quality and effectiveness of technical assistance activities and providers available to States, LEAs, and other recipients of funds under the ESEA, in selecting technical assistance activities and providers for their use. Such a contract could be awarded for a period of up to five years, and the Secretary could reserve, from the funds appropriated to carry out Subpart 1 for each of the four succeeding fiscal years to carry out Subpart 1.

Subpart 2—Technical assistance centers serving special needs

Section 2421, general provisions. Section 2421 of the ESEA would set out the general provisions applicable to all technical assistance providers that receive funds under Subpart 2, all consortia that receive funds under proposed Subpart 2 of Part B of Title III of the ESEA (the assistance network with the Department and other federally funded technical assistance providers in order to coordinate services and resources; (2) ensure that the services provided are high-quality, cost-effective, reflect the best information available from research and practice, and are are designed to ensure the quality and effectiveness of the proposed centers.

Section 2422(c) would require the appropriation of such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to carry out the purposes of this section.

Section 2423, parental information and resource centers. Section 2423 of the ESEA would authorize Parental Information and Resource Centers (PIRCs), which are currently authorized under Title IV of the Goals 2000: Educate America Act.

Section 2423(b) would authorize the Secretary to award grants, contracts, or cooperative agreements to nonprofit organizations that serve parents (particularly those organizations that make substantial efforts to reach low-income, minority, or limited English proficient parents) to establish PIRC. The PIRC would coordinate the efforts of Federal, State, and local parent education and family involvement initiatives. In addition, the PIRC would provide training, information, and support to SEAs, LEAs and other ESEA funding recipients in meeting the needs of the students in these special populations, (particularly LEAs with high-poverty and low-performing schools, schools (particularly high-poverty and low-performing schools), and organizations that support parent educator organizations). In making awards, the Secretary would be required to give priority to applicants who have demonstrated success in such efforts in the past or at least one award recipient. Currently, there are PIRC in all 50 States. The District of Columbia, Puerto Rico, and each territory.

Section 2423(b) would establish the application requirements for the PIRC. Applicants desiring assistance under section 2423 would be required to submit an application at such time, place, and in such form as the Secretary shall determine. At a minimum, the application would include: a description of the applicant’s capacity and expertise to implement a grant under section 2423; a description of how the applicant would use its award to help SEAs and LEAs, schools, and non-profit organizations in the State desire to meet the needs of the students in these special populations, the extent to which the applicant’s plan to disseminate information on high-quality parent education and family involvement programs to LEAs, schools, and non-profit organizations that serve parents in the State; a description of how the applicant would coordinate its activities with the activities of other Federal, State, and local parent education and family involvement programs and with national, State and local organizations that provide families and children in poverty and the lowest student achievement levels.

Under section 2422(d), the Secretary would be required to: (1) develop a set of performance indicators that assess whether the work of the centers assists in improving teaching and learning under the ESEA for students in the special populations described; (2) conduct surveys every two years of the entities to be served under this section to determine if they are satisfied with the access to, and quality of, the services provided; (3) conduct periodic reviews of ESEA programs, information about the availability and quality of services provided by the centers, and share that information with the Department and other federal agencies; (4) ensure that each center performs its responsibilities in a satisfactory manner, which may include the following: (a) performs its grant, the collection of a new center, and any necessary interim arrangements. All of these activities
each of the goals, a timeline for achieving the goals, and measures of success toward achieving the goals.

Section 2423(c) would limit the Federal share to not more than 75 percent of the cost of a PIRC. The non-Federal share must be in cash or in kind. Under current law, a grant recipient must provide a match in each fiscal year after the first year of the grant, but does not specify the amount of the match.

Section 2423(d)(1) would establish the allowable uses for program funds. Recipients would be required to use their awards to support parent and family involvement programs that provide parents with training, information, and support on how to help their children achieve high academic standards. Such activities could include: assistance in the implementation of programs that support parents and families; in promoting early language and literacy development and preparing children to enter school; in developing networks and strategies to support the use of evidence-based practices for prekindergarten education and family involvement; including the “Parents as Teachers” and “Home Instruction Program for Preschool Youngsters” (Home Instruction for Preschool Youngsters) programs; and individual and group learning experiences for the parent and child; provision of resource materials on child development and parent-child learning activities; and other activities that enable the parent to improve learning in the home.

Section 2423(d)(2) would require that each recipient use at least 75 percent of its award to support activities that serve areas with large numbers or concentrations of low-income families; and local levels that support parent and family involvement in the education of their school-age children.

Section 2423(d)(3) would require that the Secretary, in making awards, coordinate their activities in order to ensure the continuing input of students, teachers, administrators, and other individuals who are affected by, or may be affected by, the Nation’s educational system.

The proposed new information dissemination would include information on: (1) stimulating instruction, that is, instruction aligned with challenging content standards; and (2) successful and innovative practices in instruction, professional development, challenging academic content and student performance standards, assessments, effective school management, and other such areas as the Secretary determines are appropriate.

Section 2423(e) would require that the Secretary could require the technical assistance providers funded under proposed Part D of Title II of the ESEA as amended by Title III of the bill, or the educational laboratories and clearinghouses of the Educational Resources Information Center supported under the Educational Research, Development, Dissemination, and Improvement Act, to: (1) provide information (including information on practices employed in the regions or States served by the providers) for use in the proposed information dissemination system; (2) coordinate their activities in order to ensure a unified system of technical assistance; and (3) otherwise participate in the proposed information dissemination system.

Section 2423(f) of the ESEA would set out necessary provisions and making structural changes, and (3) increase the effectiveness of the technical assistance and dissemination activities of the Office of Educational Research and Improvement (OERI), and that the public has access, through this system, to the latest research, statistics, and other information supported by, or available from, OERI.

Section 2423(h) would authorize the Secretary, in carrying out technical assistance activities, to provide, through grants, contracts, or cooperative agreements, such activities as the Secretary determines necessary to: (1) determine what constitutes effective technical assistance; (2) evaluate the effectiveness of the technical assistance and dissemination activities authorized by, or assisted under, Part E of Title II of the ESEA, and the educational laboratories, and clearinghouses of the Educational Resources Information Center, supported under the Educational Research, Development, Dissemination, and Improvement Act, (notwithstanding any other provision of such Act); and (3) increase the effectiveness of those programs.

TITLE III—TECHNOLOGY FOR EDUCATION

Section 301. Short Title. Section 301 of the bill would amend section 301 of the ESEA to change the short title for Title III of the ESEA to the “Technology for Education Act.”

Section 302. Findings. Section 302 of the bill would update the findings in section 311 of the ESEA to reflect progress that has been made in achieving the technology goals and identify those areas in which progress still needs to be made.
Section 303. Statement of Purpose. Section 303 of the bill would amend section 3113 of the ESEA to better align the purposes of Title III of the ESEA to the national technology goals and the Department's goals for the use of educational technology to improve teaching and learning. This title is to: (1) help provide all classrooms with access to educational technology through support for the acquisition of advanced multimedia computers, Internet connections, and other technologies; (2) help ensure access to, and effective use of, educational technology in all classrooms through the provision of sustained and intensive, high-quality professional development that improves teachers' capability to integrate educational technology effectively into their classrooms by actively engaging students and teachers in the use of technology; (3) help improve the capability of teachers to design and construct new learning experiences using technology, and actively engage students in that design and construction; (4) support efforts by SEAs and LEAs to create learning opportunities designed to help students achieve to challenging State academic content and performance standards through the use of research-based teaching practices and technologies; (5) continue to provide technical assistance to State educational agencies, local educational agencies, and communities to help them use technology to increase their efficiency; (6) reduce the cost of technology, and improve systems to support school reform and meet the needs of students and teachers; (6) support the development of applications that make use of such technologies as advanced telecommunications, hand-held devices, web-based learning resources, distance learning networks, and modeling and simulation software; (7) work with business and industry to realize more rapidly the potential of digital communications to expand the scope of, and opportunities for, learning; (8) support evaluation and research on the effective use of technology in preparing all students to achieve to challenging State academic content and performance standards through the use of research-based teaching practices and technologies; (9) improve the effectiveness of projects that are funded under existing programs; (10) help increase the capacity of State and local educational agencies to improve student achievement, particularly that of students in high-poverty, low-performing schools; (11) promote the formation of partnerships and consortia to stimulate the development of, and new uses for, technology in teaching and learning; (12) support the creation or expansion of community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities access to technological and related training; and (13) help to ensure that technology is accessible to, and usable by, all students, particularly students with disabilities or limited English proficiency.

Section 304. Prohibition Against Supplanting. Section 304 of the bill would repeal section 3113 of the ESEA. This change would clarify the definitions applicable to Title III of the ESEA. Definitions would instead be placed in the part of the title to which they apply. In addition, section 3115 of the bill would add new section 3113 to the ESEA that would require a recipient of funds awarded under this title to use that award only to supplement the amount of funds or resources that would, in the absence of the Federal funds, be made available from non-Federal sources for the purposes of the programs authorized or required to be carried out by the bill. In addition, the appropriation section of the bill would also include in the part of Title III of the ESEA to which it applies. These changes would also eliminate the current statutory provision that requires that funds be used for a discretionary grant program when appropriations for current Title III of the ESEA are less than $75 million, and for a State formula grant program when the appropriation exceeds that amount. This provision must currently be overridden in appropriation language each year in order to operate both the Technology Innovative Challenge Grants program.

Section 308. Repeals; Redesignations; Authorization of Appropriations. Section 308 of the bill would repeal sections 3101 and 3104 of the ESEA. This authorized appropriations for a Technology Literacy Challenge Fund and the Technology Innovation Challenge Grants program.

Section 309. Statement of Purpose. Section 309 of the bill would add new sections 3101 and 3104 of the ESEA. This new sections 3101 and 3104 of the ESEA ("National Evaluation of Education Technology" Plan) would require the Secretary to develop and carry out a strategy for an ongoing evaluation of existing and anticipated future uses of educational technology. This national evaluation strategy would be designed to better inform the Federal role in supporting the use of educational technology, in stimulating reform and innovation in teaching and learning with technology, and in advancing the development of more advanced and new types and applications of such technology. As part of this evaluation strategy, the Secretary would be authorized to conduct long-term controlled studies on the effectiveness of the uses of educational technology; convene panels of experts to identify uses of educational technology that hold the greatest promise for improving teaching and learning, assist the Secretary with the review of assessments and effectiveness of projects that are funded under this title, and identify barriers to the commercial development of effective, high-quality, cost-competitive educational technology and software; conduct evaluations and applied research studies that examine how students learn using educational technology, with single or in several age groups, student populations (including students with special needs, such as students with limited English proficiency and students with disabilities) and settings, and the characteristics of classrooms and other educational settings that use educational technology effectively; collaborate with other Federal agencies that support research on, and evaluation of, the use of network technology in educational settings; and carry out such other activities as the Secretary determines appropriate. There would be authorized to use up to 4 percent of the funds appropriated to carry out Title III of the ESEA for any fiscal year to carry out national evaluation strategy activities.

Proposed new section 3101 of the ESEA ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to implement the national evaluation strategy, national plan, and Federal Leadership activities for fiscal years 2001 through 2005.
Title III of the ESEA. Section 321(a) of the bill would rezone current section 321 of the ESEA; (2) projects that develop innovative models that serve traditionally underserved populations, including low-income students, students whose first language is limited English proficiency; (3) projects in which applicants provide substantial financial and other resources to achieve the goals of the project; and (4) projects that develop innovative models for using electronic networks to provide challenging courses, such as Advanced Placement courses.

Proposed new section 3213 of the ESEA ("Uses of Funds") would require award recipients to use their program funds to develop new applications of educational technologies and telecommunications to support school reform efforts, such as wireless and web-based telecommunications, hand-held devices, web-based learning resources, distributed learning environments (including distance learning networks), and the development of educational software and other applications.

Further, the purposes would also be required to use program funds to carry out activities consistent with the purposes of the proposed new subpart, such as: (1) developing, implementing, and improving teachers' ability to integrate technology effectively into course curriculum, through sustained and intensive, high-quality professional development; (2) high-quality, standards-based, digital content, including multimedia software, digital video, and web-based resources; (3) using telecommunications technologies to make programs accessible to students with special needs (such as low-income students, students with disabilities, students in extreme areas, and students with limited English proficiency) through such activities as using technology to support mentoring; (4) providing classroom and extracurricular opportunities for female students to explore the different uses of technology; (5) promoting school-family partnerships, which may include services for adults and families, particularly parent education programs that provide parents with training, information, and support on how to help their children achieve academic success; (6) acquiring connectivity linkages, resources, distance learning networks, and services, including hardware and software, as needed to implement projects; and (7) collaborating with other Department of Education and Federal information technology research and development programs.

Proposed new section 3214 of the ESEA ("Evaluations") would authorize the Secretary to: (1) develop tools and provide resources for recipients of funds under the proposed new subpart to evaluate their activities; (2) provide technical assistance to assist recipients in evaluating their projects; (3) conduct independent evaluations of the activities assisted under the proposed new subpart; and (4) disseminate findings and methodologies from evaluations assisted under the proposed new subpart, or other information obtained from such projects that would promote the design and implementation of effective models for evaluating the impact of educational technology and learning. This evaluation authority would enable the Department to provide projects with tools for evaluation and disseminate findings from the individual project evaluations.

Proposed new section 3215 of the ESEA ("Authorization of Appropriations") would authorize such sums as may be necessary to carry out this part of fiscal years 2001 through 2005.

Section 322, Ready To Learn Digital Television. Section 322 of the bill would amend the subpart heading for Subpart 2 of Part B of Title III of the ESEA (as redesignated by section 321(b) of the bill) to reflect advances that have occurred since "television" with a reference to "digital television.

In addition, section 322 of the bill would amend the provisions of this subpart to reflect the redesignations made by this section to the appropria'tion of such sums as may be necessary to carry out this subpart for fiscal years 2001 through 2005.

Section 323, Telecommunications Program for Professional Development in the Core Content Areas. Section 323(a) of the bill would amend the heading for Subpart 3 of Part B of Title III (as redesignated by section 321(b) of the bill) from the current "Telecommunications Demonstration Project for Mathematics" to "Telecommunications Program for Professional Development in the Core Content Areas.

Section 323(b) of the bill would amend section 3231 of the ESEA (as redesignated by section 321(c) of the bill), which currently states the purposes of the project, to carry out a national telecommunications-based demonstration project to improve the teaching of mathematics and to assist elementary and secondary school teachers in preparing all students for achieving State content standards. As amended by section 323(b) of the bill, this program would no longer be limited to demonstrating project purposes and its purposes would be expanded to assist elementary and secondary school teachers in preparing all students to achieve challenging State academic content standards through a national telecommunications-based demonstration program to improve teaching in all core content areas, not just mathematics.

Section 323(c) of the bill would amend the application requirements in section 3232 of the ESEA (as redesignated by section 321(c) of the bill) to eliminate references to the program as a demonstration project, update the references to technology, expand the types of entities that may apply, and specify that proposals would be required to coordinate their efforts, and make conforming changes.

Section 323(d) of the bill would amend section 3233 of the ESEA (as redesignated by section 321(c) of the bill) to authorize the appropriation of such sums as may be necessary to carry out this subpart for fiscal years 2001 through 2005.

Section 324, Community Technology Centers. Section 324 of the bill would add a new Subpart 4, Community Technology Centers, to Part B of Title III of the ESEA.

Proposed new section 3241 of the ESEA ("Purpose; Program Authority") would state in subsection (a), that the purpose of this proposed new subpart is to assist eligible applicants to create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training and provide technical assistance and support to community technology centers.

Proposed new section 3241(b) of the ESEA would authorize the Secretary, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants to carry out the purposes of the proposed new subpart. The Secretary would make these awards for a period of not more than three years.
Proposed new section 3242 of the ESEA (‘‘Eligibility, Application Requirements, and Eligible Programs’’) would set out the eligibility and application requirements for the proposed new subpart. Under proposed new section 3242(a) of the ESEA, an applicant must include: (1) a description of the proposed new part, including the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of economically distressed urban or rural community; (2) a demonstration of the commitment, including the financial commitment, of entities such as institutions, organizations, businesses and other groups in the community that will provide support for the creation, expansion, and continuation of the proposed project, and the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community; (3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and (4) a plan for the evaluation of the program, including benchmarks to monitor progress toward specific project objectives.

Under proposed new section 3242(c) of the ESEA, the Federal share of the cost of any project funded under the proposed new subpart could not exceed 50 percent, and the non-Federal share of the costs would be in cash or in kind, fairly evaluated, including services.

Proposed new section 3243 of the ESEA (‘‘Uses of Funds’’) would describe the required and permissible uses of funds awarded under the proposed new subpart. Under proposed new section 3243(a) of the ESEA, a recipient would be required to use these funds for creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities, and evaluating the effectiveness of the project.

Under proposed new section 3243(b) of the ESEA, a recipient could use funds awarded under the proposed new subpart for activities that it described in its application that carry out the purposes of this subpart such as: (1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships; (2) acquiring equipment, networking capabilities or infrastructure to carry out the project; and (3) developing and providing services and activities for community residents that provide access to computers and technology, and the development of such technology in support of pre-school preparation, academic achievement, lifelong learning, and workforce development job preparation.

Proposed new section 3244 of the Act (‘‘Authorization of Appropriations’’) would authorize the appropriation of such sums as may be necessary to carry out the purposes of any project funded under this subpart to no more than 50 percent of the cost of the project. The non-Federal share may be in cash or in kind, except as required by proposed new section 3242(c)(2) of the ESEA, which would limit, to not more than 10 percent of the funds awarded for a project under this part, the amount that may be used to acquire equipment, networking capabilities or infrastructure, and would require that the non-Federal share of the cost of any such acquisition be in cash.

Proposed new section 3303 of the ESEA (‘‘Uses of Funds’’) would establish the required and permissible uses of funds awarded under the proposed new part. Under proposed new section 3303(a) of the ESEA, recipients would be required to: create programs that enable prospective teachers to use advanced technology to create learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards.

Proposed new section 3303(b) of the ESEA would authorize the Secretary, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to applicants in order to assist them in developing or redesigning teacher preparation programs to enable prospective teachers to use technology effectively to prepare for teaching, and at least one SEA or LEA. Under proposed new section 3303(c), each consortium must include at least one of the following entities: an institution of higher education; a school or college of arts and sciences; a school or college of education at an institution of higher education; or a school of arts and sciences at an institution of higher education that offers a baccalaureate degree and prepares teachers for beginning teaching, and at least one SEA or LEA. In addition, each consortium must include at least one of the following entities: an institution of higher education (other than the institution described above); a school or department of education at an institution of higher education; a school or college of arts and sciences, or an institution of higher education; a school or college of education at an institution of higher education; or an association, foundation, business, public or private nonprofit organization, or community-based organization, or other entity with the capacity to contribute to the technology-reform effort of reform teacher preparation programs.

The application requirements in proposed new section 3303(b) of the ESEA would require an applicant to submit an application to the Secretary at such time, and containing such information, as the Secretary may require, and that application would be required to include: a description of the proposed project, including how the project would ensure that individuals participating in the project would be prepared to use technology to create learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards; a demonstration of the commitment, including the financial commitment, of each of the members of the consortium to the proposed project; a description of how each member of the consortium would be involved in the development and implementation of the project; a description of how the project would be sustained once the Federal funds awarded under this part end; and a plan for the evaluation of the project.

Proposed new section 3304 of the ESEA (‘‘Authorization of Appropriations’’) would authorize the appropriation of such sums as may be necessary to carry out the proposed new part for each of the fiscal years 2001 through 2005.

Part D—Regional, State, and local educational technology resources

Section 341. Repeal; New Part. Section 341 of the bill would add a new Part D, Regional, State, and Local Educational Technology Resources, to Title III of the ESEA that would consist of two subparts: Subpart 1, the Technology Literacy Challenge Fund (TLCF), and Subpart 2, Regional Technology Consortia (RTECs).

Proposed new section 3411 of the ESEA (‘‘Purpose’’) would state that it is the purpose of the TLCF to increase the capacity of States, Regions, or other local education agencies to address, particularly that of students in high-poverty, low-performing schools, by supporting and local efforts to: (1) make effective use of new educational technology, including technology applications, networks, and electronic resources; and (2) utilize research-based teaching practices that are linked to advanced technology to foster learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards; and evaluating the effectiveness of programs that enable educators to learn the full range of resources that can be accessed through the use of technology, integrate a variety of technologies into the classroom in order to expand students‘ knowledge, evaluate educational technologies and their potential for use in instruction, and help students develop their own digital learning environments; developing alternative teacher development paths that provide elementary and secondary schools with well-prepared, technology-proficient educators; developing performance-based standards and aligned assessments to measure the capacity of prospective teachers to use technology effectively in their classrooms; providing technical assistance to other teacher preparation programs; developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms; and acquiring equipment, networking capabilities or infrastructure to carry out the project.

Proposed new section 3304 of the ESEA (‘‘Authorization of Appropriations’’) would authorize the appropriation of such sums as may be necessary to carry out the proposed new part for each of the fiscal years 2001 through 2005.
capacity to create improved learning environments through integrating educational technology into instruction. These purposes would focus program efforts on activities that have been proven to improve teaching and learning.

Section 341. State Application. Section 341 of the bill would completely revise the application requirements for the State formula grant program in section 3133 of the ESEA. As revised, section 3133 of the ESEA would require an SEA to: (1) provide a new or updated State technology plan that is aligned with the State plan or policies for comprehensive standards-based education reform; (2) give priority to States立志于 achieving additional technology goals; (3) describe its long-term strategies for financing educational technology, including how it would use other Federal and non-Federal funds, including E-Rate funds; (4) describe and explain its criteria for identifying an LEA as high-poverty and having a substantial need for technical assistance; (5) determine the roles and contributions of the partnership; and (6) establish performance indicators for each of its goals described in the plan, based on performance data, and interim measures of success toward achieving the goals; (7) describe how it would ensure that grants awarded under this subpart are of sufficient size, scope, and quality to meet the purposes of this subpart effectively; (8) describe how it would provide technical assistance to eligible local applicants and its capacity for providing that assistance; (9) how it would ensure that educational technology is accessible to, and usable by, students with special needs, such as students who have disabilities or limited English proficiency; and (10) how it would evaluate its activities under the plan. The application requirements would better align the information required from States with the purposes for the program.

Section 344. Local Technology Innovation Awards. Proposed new section 3417 of the ESEA would authorize the appropriation of such sums as necessary to carry out this subpart. An SEA could use its funds to improve student achievement; its plan for ensuring that all LEAs that need assistance in developing local technology plans. An SEA could use the remainder of its allocation for administrative costs and technical assistance. This change is necessary because section 3133 of the bill currently allocates funds to LEAs, which limited the amount of any grant that could be used for administrative expenses.

Section 344 of the bill would also provide for an LEA to provide a priority for eligible local applicants that are partnerships. (“Eligible local applicant” is defined in proposed new section 3132 of the ESEA, as added by section 346 of the bill.)

Section 343(c) of the bill would amend section 3132(b)(2) of the ESEA, which currently requires an LEA to provide technical assistance to local applicants (from which up to 2 percent of its total allocation could be used for planning subgrants to LEAs that need assistance in developing local technology plans). An SEA could use the remainder of its allocation for administrative costs and technical assistance. This change is necessary because section 3134 of the ESEA contains now outdated evaluation requirements. Section 347 of the bill would also make several conforming changes to, and renotations of, provisions in Title III of the ESEA.
Section 340(c) of the bill would add a new section 3414(a)(2)(D) of the ESEA to require the RTCEs to provide teachers, administrators, school librarians, and other educators professional development to teachers, administrators, school librarians, and other education personnel.

Section 340(b)(2)(B)(v) of the bill would amend section 3414(b)(2)(C) of the ESEA, which currently requires RTCEs to assist college and university students in developing effective preservice training programs for students enrolled in teacher education programs. As amended, this provision would require the RTCEs to coordinate their activities with other programs to ensure that programs are effective developers, users, and evaluators of educational technology. As amended, the ESEA would require that the professional development is to be provided to teachers, administrators, school librarians, and other education personnel.

Section 340(b)(2)(B)(i) of the bill would amend section 3314(b)(2)(A) of the ESEA, which currently requires RTCEs, to the extent possible, to develop and implement technology-specific, ongoing professional development. As amended, the provision would allow the RTCEs to develop and implement technology programs that prepare educators to be effective developers, users, and evaluators of educational technology. As amended, the ESEA would require that the professional development is to be provided to teachers, administrators, school librarians, and other education personnel.

Section 340(b)(2)(B)(i) of the bill would amend section 3314(b)(2)(F) of the ESEA, which currently requires RTCEs to assist college and university students in developing effective preservice training programs for students enrolled in teacher education programs. As amended, this provision would require the RTCEs to coordinate their activities with other programs to ensure that programs are effective developers, users, and evaluators of educational technology. As amended, the ESEA would require that the professional development is to be provided to teachers, administrators, school librarians, and other education personnel.

Section 340(b)(2)(B)(i) of the bill would amend section 3314(b)(2)(G) of the ESEA, which currently requires RTCEs to work with local districts and schools to develop support from parents and community members for educational technology programs. The amendments made by section 340(b)(2)(B)(v) of the bill would require the RTCEs to work with districts and schools to increase the involvement and support of parents and community members for educational technology programs.
Proposed new section 4111(b) of the ESEA would retain the provisions in current law; (1) requiring the Secretary to allow LEAs no more than 10 percent of the amount of State grant funds the Secretary determines a State will be unable to use within two years of the initial award; and (4) defining “State” and “local educational agency.”

Proposed new section 4112 (“State Application Requirements”) of the ESEA would set forth the State grant application procedure for this title. Proposed new section 4112(a) of the ESEA would change the current State grant application requirements. Proposed new section 4117(a) of the ESEA would require the Governor and SEA to use a peer review process in reviewing SDFSC State grant applications.

Proposed new section 4113(b) of the ESEA would depart from the current statute by establishing a new authority requiring SEAs to provide emergency intervention services to schools and communities following a traumatic crisis, such as a shooting or major accident that has disrupted the learning environment.

Proposed new section 4113(b)(4)(C) of the ESEA would require SEAs to use at least 70 percent of their total SDFSC State grant funding for competitive awards to LEAs that the SEA determines need for assistance, rather than the current law approach of awarding at least 91 percent of their funding to LEAs in the State by formula, based on enrollment (70 percent) and “greatest need” (30 percent).

Proposed new section 4113(c)(2)(B) of the ESEA would depart from the current statute by establishing a new authority requiring SEAs to use at least 20 percent of their allocations under proposed new section 4113(a) for State-level activities. Under this new authority, SEAs may use the reserved funds to plan, develop, and implement, jointly with the Governor, capacity building and technical assistance and accountability services to support the effective implementation of local drug and violence prevention activities throughout the State and promote program accountability and improvement. Within this 20 percent cap, but in addition to the 10 percent minimum for State-level activities, SEAs may also use up to 5 percent of their funding (i.e., up to 25 percent of the amount they reserve for LEAs as Federal administrative costs) for Federal administrative costs. This increased allowance for SEA State administrative costs is provided to accommodate the increased administrative requirements of an increased competition under proposed new section 4113(c) of the ESEA, and would provide greater assistance to LEAs for program improvement than under current law.

Proposed new section 4113(b)(4)(A) of the ESEA would require SEAs and Governors to jointly use the amount reserved under sections 4113(c)(3) to develop, implement capacity building and technical assistance and accountability services designed to support the effective implementation of local drug and violence prevention activities throughout the State, as well as promote program accountability and prevention.

Proposed new section 4113(b)(4)(B)(i) of the ESEA would add new language to the statute clarifying that the SEA and Governor may carry out the services and activities required under proposed new sections 4113(b)(4)(A) directly, or through subgrants or contracts with public and private organizations, as well as individuals.
Proposed new section 4114(a) of the ESEA would require SEAs to make competitive awards under proposed new section 4113(c)(2)(A) to no more than 50 percent of the LEAs in the State, unless the State demonstrated in its application that the SEA can make subgrants to more than 50 percent of the LEAs in the State and still comply with proposed new subparagraph (E) of this section.

Proposed new section 4114(b)(1) of the ESEA would allow an LEA that receives a subgrant to use those funds for activities other than research-based programming, so long as the LEA meets the requirements in proposed new section 4113(c)(3)(A) of the ESEA. This proposal would also make technical changes to the local allocation formula in section 4112.

Proposed new section 4114(b)(2) of the ESEA would retain the 20 percent cap on SDFSC subgrant funds that LEAs may spend for the acquisition or use of metal detectors and security personnel, but would permit LEAs to demonstrate to the satisfaction of its SEA, in its application for funding under proposed new section 4116 of the ESEA, that it has a compelling need to address the safety, security, and discipline concerns of its LEAs and still comply with such other information, as the SEA may require, and (2) add a corresponding requirement in the current law that 20 percent of the funds allocated to each State under proposed new section 4111(b) be awarded to the Governor, but require the Governor to use these funds to support community efforts that directly complement the efforts of LEAs to foster drug-free, safe, and orderly learning environments for schools and students.

Proposed new section 4115 of the ESEA would establish the Governor’s Program. Proposed new section 4115(a) of the ESEA would require the Governor to use these funds to support community efforts that directly complement the efforts of LEAs to foster drug-free, safe, and orderly learning environments for schools and students. Proposed new section 4115(b) of the ESEA would establish a new authority requiring Governors to reserve between 10 percent and 20 percent of their allocations under proposed new section 4115(a) for State-level activities to plan, develop, and implement, jointly with the SEA, capacity building, technical assistance, project funding, and activities to support the effective implementation of local drug and violence prevention activities throughout the State and promote local drug and violence prevention, as described in proposed new section 4113(b)(4) of the ESEA. Within this 20 percent cap, but in addition to the 10 percent minimum for State-level activities, the Governors could use up to 5 percent of their total funding (i.e., up to 25 percent of the amount they reserve for State-level activities) for direct or in direct administrative costs.

Proposed new section 4115(c) of the ESEA would specify that a Governor must use at least 60 percent of SDFSC State grant funding under proposed new section 4115(b) to make competitive subgrants to community-based organizations, LEAs, and other public entities and private non-profit organizations to support community efforts that directly complement the efforts of LEAs to foster drug-free, safe, and orderly learning environments in and around schools. Proposed new section 4115(c)(3) of the ESEA would require that, to be eligible for a subgrant, an applicant (other than a LEA applying on its own behalf) must include in its application, for State or the non-competitive subgrant authority in proposed new section 4115(c)(3) of the ESEA, as well as to LEAs that apply to Governors under the subgrant authority in proposed new section 4115(c) of the ESEA.

Proposed new section 4115(a) of the ESEA would retain the current law requirement that LEAs applying for SEA subgrants under proposed new section 4113(c)(2), 4113(c)(3), or 4115(c) of the ESEA develop their applications in consultation with a local or regional advisory council that includes, to the extent possible, representatives from local government, business, parents, students, teachers, public school personnel, mental health service providers, appropriate State agencies, private schools, law enforcement organizations, and other groups interested in, and knowledgeable about, drug and violence prevention. Proposed new section 4115(a)(2)(B) of the ESEA would add similar consultation requirements for the development of applications by entities other than LEAs seeking subgrants, under the Governor’s program authorized by proposed new section 4115(c) of the ESEA.
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new section 4113(c)(2) of the ESEA, or the non-current, non-emergency programs of pro-
posed new section 4113(c)(3) of the ESEA, in-
clude in its application assurances that it: (1) has a policy, consistent with State law, that requires the expulsion of students who possess or use drugs; (2) will comply with the Gun-Free Schools Act; (2) has, or will have, a full- or part-time program coordina-
tion whose primary responsibility is plan-
ing, implementing, and evaluating the pro-
gram’s programs (unless the applicant demonstrates in its application, to the satis-
faction of the SEA, that a program coordinator is not needed); (3) will evaluate its program every two years to as-
sess its progress toward meeting its goals and objectives, and will use the results of its evaluation to improve its program and refine its goals and objectives, as needed; and (4) has, or the schools to be served have, a com-
prehensive Safe and Drug-Free Schools plan that includes: (a) appropriate and effective discipline policies that prohibit disorderly conduct, the possession of firearms and other weapons, unlawful use, possession, and distribution, and sale of tobacco, alcohol, and other drugs by students, and that mandates predetermined consequences, sanctions, or interventions for illegal offenses; (b) security procedures at school and while stu-
dents are on the way to and from school which may include the use of metal detec-
tors and the development and implementa-
tion of formal agreements with law enforce-
ment officials; (c) early intervention and prevention activities of demonstrated effec-
tiveness designed to create and maintain safe, disciplined, and drug-free environ-
ments; (d) school readiness and family in-
volvement activities; (e) improvements to classroom and school safety equip-
ment, such as efforts to reduce class size or improve classroom discipline; (f) procedures to identify and intervene with troubled stu-
dents, including establishing linkages with, and referring students to, juvenile justice, community mental health, and other service providers; (g) activities that connect stu-
dents (or their families) in school with pro-
grams, including activities such as after-
school or mentoring programs; and (h) a cri-
sis management plan for responding to vio-
 lent and traumatic incidents on school-
grounds which provides for addressing the needs of victims, and communicating with parents, the media, law enforcement offi-
cials, and mental health service providers.

Proposed new section 416(a)(5) of the ESEA would add a requirement that any eligi-
ble entity that applies to the Governor for a subgrant under proposed new section 415(c) include in its application: (1) a de-
scription of how the services and activities to be supported will be coordinated with rele-
vant SDFSC State grant programs that are supported by SEAs, including how recipients will share resources, services, and data; (2) a description of how the applicant will coordi-
late its activities under this part with those implemented under the Drug-Free Commu-
ities Act, if any; and (3) an assurance that it will evaluate its program every two years to assess its progress toward meeting its goals and objectives, and will use the results of its evaluation to improve its program and refine its goals and objectives as needed (if the SEA determine the LEA is not meeting its objectives).

Proposed new section 416(b) of the ESEA would add a requirement that Governors use a peer review process in re-
viewing local applications for SDFSC sub-

Proposed new section 417 (“National Eval-
uations and Data Collections”) of the ESEA would authorize the Secretary to provide for national evaluations and im-
prove the use of the results it will evaluate its program every two years

Proposed new section 4117(b) of the ESEA would make minor technical changes to the current law to refocus the State reports re-
quired by this section on the State’s progress toward attaining its performance indicators for achieving drug-free, safe, and orderly learning environments in its schools, con-
sistent with the changes proposed through-
out proposed new Part A of Title IV of the ESEA. The section adopts a new re-
requirement for States to report, in such form as the Secretary, in consultation with the Secretary of Health and Human Services, may require, to school-related suicides and homicides within the State, whether at school or at a school sponsored function, or on the way to or from school or a school sponsored function, within 30 days of the in-
incident. This requirement will enable the Federal Government to collect longitudinal data on this statistic more cost-effectively, and will impose little administrative burden on the States.

Proposed new section 4117(c)(1)(A) of the ESEA would make minor technical changes to the current law to refocus the local re-
ports required by this section on the LEA’s progress toward attaining its performance indicators for achieving drug-free, safe, and orderly learning environments in its schools, consistent with the changes proposed for the LEA’s reports under the new provisions of proposed new section 4117(a) of the ESEA, would add a new requirement that the LEA include in the annual report to the ESEA in implementing its program that warrant the provision of tech-

Proposed new section 4117(c)(1)(B) of the ESEA would add a new requirement that SEAs review the annual LEA reports, and terminate funding for the second or third year of an LEA’s program unless the SEA de-
termines that the LEA is making reasonable progress toward meeting its objectives.

Proposed new section 4117(c)(2) of the ESEA would add new language to the ESEA requiring that Governors use annual LEA progress reports for programs funded under proposed new section 4115(c) of the ESEA, would be required to review the annual LEA progress reports required for the second or third year of a grantee’s programs in implementing its program that warrant the provision of technical assistance for the LEA in implementing its activities. These changes would apply to LEAs that receive SDFSC subgrants through their LEA under proposed new sections 413(c)(2) or 413(c)(3).

Proposed new section 4117(c)(2) of the ESEA would authorize the Secretary to use national programs funds for programs to pro-
mote lifelong physical activity directly, or through grants, contracts, or cooperative

Proposed new section 4211(b)(2) of the ESEA would streamline the list of author-
ized national programs activities to the fol-
loowing examples: (1) one or more centers to provide training and technical assistance for teachers, school administrators and staff, and others on the identification and im-
plementation of effective strategies to promote drug-free, safe, and orderly learning environ-
ments; (2) programs to train teachers in in-

Proposed new section 4211(a) directly, or through grants, contracts, or cooperative agreements with Federal agencies, and to coordinate with other Federal agencies as appropriate.

Proposed new section 4211(b)(2) of the ESEA would authorize the Secretary to use national programs funds for programs to promote drug-free, safe, and orderly learning en-
vironments for students at all educational levels, at the pre-school and pre-kindergarten level and for programs that promote lifelong physical activity. The Secretary would be authorized to carry out the na-
tional programs authorized under proposed new section 4211(a) directly, or through grants, contracts, or cooperative agreements with Federal agencies, and to coordinate with other Federal agencies as appropriate.

Proposed new section 4211(b)(2) of the ESEA would authorize the Secretary to use national programs funds for programs to pro-
mote lifelong physical activity directly, or through grants, contracts, or cooperative
agreements with public and private organizations to improve information sharing with other Federal agencies, and to coordinate with the Centers for Disease Control and Prevention, the President’s Council on Physical Fitness, and other Federal agencies as appropriate. Such programs could include conducting demonstrations of school-based programs that promote lifelong physical activity; training, technical assistance, and other activities to LEAs and LEAs that support school-based programs that promote lifelong physical activity; and activities designed to build capacity to provide leadership and strengthen schools’ capabilities to provide school-based programs that promote lifelong physical activity.

Proposed new section 4211(d) of the ESEA would retain the requirement in the current statute that the Secretary use a peer review process in reviewing applications for funds under proposed new section 4211(a) of the ESEA.

Part C—School emergency response to violence

Proposed new section 4311 ("Project SERV") of the ESEA would authorize Project SERV, a program designed to provide school services to students in which the learning environment has been disrupted due to a violent or traumatic crisis, such as a shooting or major accident. The Secretary would be authorized to carry out Project SERV directly, through contracts, grants, or cooperative agreements with public and private organizations, agencies, or through agreements with other Federal agencies.

Under proposed new section 4311(b) of the ESEA, Project SERV would provide: (1) assistance to school personnel in assessing a crisis situation, including assessing the resources available to the LEA and community in response to the situation, and developing a response plan to coordinate services provided at the Federal, State, and local level; (2) mental health crisis counseling to students and their families with this disruption in need of such services; (3) increased school security; (4) training and technical assistance for SEAs and LEAs, State and local mental health agencies, law enforcement agencies, and communities to enhance their capacity to develop and implement crisis intervention plans; (5) services and activities designed to identify and disseminate the best practices of school- and community-related plans for responding to crises; and (6) other needed services and activities that are consistent with the purposes of Project SERV.

Proposed new section 4311(b) of the ESEA would require the Secretary of Education, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Federal Emergency Management Agency, to establish criteria and application requirements as may be needed to select which LEAs are assisted under Project SERV, and permit the Secretary to establish reporting requirements for under such information from all LEAs assisted under Project SERV.

Proposed new section 4311(c) of the ESEA would require the establishment of a Federal Coordinating Committee on school safety, comprised of the Secretary (who shall serve as chair of the Committee), the Attorney General, the Secretary of Health and Human Services, and the Director of the Federal Emergency Management Agency, the Director of the Office of National Drug Control Policy, and such other members as the Secretary deems appropriate. The Committee shall be charged with coordinating the Federal responses to crises that occur in schools or directly affect the learning environment in schools.

Part D—Related provisions

Proposed new section 4411 ("Gun-Free Schools Act") of the ESEA would authorize the Gun-Free Schools Act as proposed new Part D of Title XII because of its close relationship with the SDPFS program. The Gun-Free Schools Act is currently authorized under Part F of Title XIV of the ESEA.

Proposed new section 4411(b) of the ESEA would continue, with minor technical changes, the current requirement that each State receiving Federal funds under the ESEA have in effect a State law requiring LEAs to expel from school, for a period of not less than one year, a student who is determined by a mental health professional to possess a firearm at school who has been determined by a mental health professional to possess a firearm at school; and (2) it has a policy that a student who possesses a firearm at school who has been determined by a mental health professional to possess a firearm at school.

Proposed new section 4411(c) of the ESEA would continue, with minor changes, the current law provision that the Secretary shall prescribe the use of particular curricula for programs under Title IV of the ESEA, but may evaluate and disseminate information about the effectiveness of such curricula and programs.

Proposed new section 4414 ("Prohibited Uses of Funds") of the ESEA would restate the current prohibition on the use of Title IV ESEA funds for: (1) construction (except for minor remodeling needed to accomplish the purposes of this part; and (2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, crime or who use alcohol, tobacco, or drugs.

Proposed new section 4415 ("Drug-Free, Alcohol-Free, and Tobacco-Free Schools") of the ESEA would add a new requirement that each SEA and LEA that receives Title IV ESEA funds have a policy that prohibits possession or use of tobacco, and the illegal use of drugs or alcohol, in any form, at any time, and by any person, in school buildings, on school grounds, or at any school-sponsored event. Each LEA requesting assistance under the ESEA must include in its application for funds an assurance of compliance with this new requirement, and each SEA would be required to report annually to the Secretary if any of its LEAs is not in compliance with this new requirement.

Proposed new section 4416 ("Prohibition on Supplanting") of the ESEA would require that funds under this title be used to increase the level of funding from other non-Federal funds that would, in the absence of funds under this title, be made available for programs and activities authorized under this title, and in no case to supplant such State, local, and other non-Federal funds.

Proposed new section 4417 ("Definitions of Terms") of the ESEA would restate the current law definitions for the terms “drug and violence prevention” and “hate crime,” and definitions for the terms “drug treatment” and “drug rehabilitation” and medical services.

TITLE V—PROMOTING EQUITY, EXCELLENCE, AND PUBLIC SCHOOL CHOICE

Among other things, proposed new Title V of the Educational Excellence for All Children Act would authorize the Elementary and Secondary Education Act and the Magnet Schools Assistance program by adding emphasis on projects that consider the diversity of the student populations and that have the potential to continue after the Federal grant has run out; (2) reauthorize the Women’s Educational Equity program, currently in Part B of Title V of the ESEA, but move it to Part D of Title V of the ESEA; and (3) reauthorize the Assistance to Address School Drop-Out Problems program, currently in Part C
Section 501. Renaming the Title.
Section 501 of the bill would change the name of Title V of the ESEA to “Promoting Equity, Excellence, and Success in Public School Choice.”

Section 502. Findings.
Section 502 of the bill would amend Part A (Magnet School Assistance) of Title V of the ESEA, Section 502(a) of the bill would make editorial changes to, and update, section 5101 of the ESEA, the findings for the Magnet School Assistance Program.

Section 502(b) of the bill would amend section 5102(3) of the ESEA (Statement of Purpose) to clarify that the purpose of providing financial assistance to develop and design innovative programs and methods is to promote diversity and increase choices in public elementary and secondary schools and educational programs.

Section 502(c) of the bill would amend section 5106(b)(1)(D) of the ESEA (Information and Assurances), a part of the application requirements, to eliminate reference to the Goals 2000: Educate America Act and to make an editorial change.

Section 502(d) of the bill would amend section 5107 of the ESEA (Priority) to eliminate the current priorities for greatest need and new, or significantly revised, projects. These priorities are not well defined and have not helped to determine which grant applications are most deserving. Section 502(d) would also add a new priority for projects that propose activities, which may include professional development, that will build local capacity to operate the magnet program once Federal assistance has ended.

Section 502(e) of the bill would amend section 5108 of the ESEA (Uses of Funds) to: (1) revise paragraph (3) to allow for the payment, or subsidization of the compensation, of elementary and secondary school teachers who are licensed by the State, and instructional staff who have expertise and professional skills necessary for the conduct of programs in magnet schools or who demonstrate knowledge, experience, or skills in the relevant field of expertise; and (2) allow grants to use funds for activities, including professional development, that will build the applicants’ capacity to operate the magnet program once Federal assistance has ended.

Section 502(f) of the bill would repeal section 5211 of the ESEA (Innovative Programs). Activities are subsumed under the new Public School Choice program.

Section 502(g) of the bill would redesignate current section 5211 of the ESEA (Evaluation, Technical Assistance, and Dissemination) as section 5111, and incorporate its requirements into new proposed section 5111 (‘‘Evaluation Assistance and Dissemination’’) that would authorize the Secretary to reserve not more than five percent (rather than two percent) of appropriated funds for the purpose of evaluation of schools programs, as well as provide technical assistance to applicants and grantees and collect and disseminate information on successful school programs.

Section 502(g) of the bill would also require each evaluation, in addition to current items, to address the extent to which magnet school programs once grant assistance under this part ends.

Section 502(h) of the bill would amend section 5113(a) of the ESEA (Authorization) to authorize appropriations necessary for the fiscal year 2001 and for each of the four succeeding fiscal years to be appropriated to carry out the part. Section 501(h) of the bill would redesignate section 5113 as section 5112.

WOMEN’S EDUCATIONAL EQUITY

Section 503. Amendments to the Women’s Educational Equity Program.
Section 503(a)(1)(A) of the bill would amend section 5201(a) of the ESEA (Short Title) to update and change the short title from the “Women’s Educational Equity Act of 1994” to the “Women’s Educational Equity Act.”

Section 503(a)(1)(B) of the bill would amend section 5201(b) of the ESEA (Findings) to make it clear, in paragraph (3)(B), that classroom-based professional development materials continue not to reflect sufficiently the experiences, achievements, or concerns of women and girls. Little progress has been made toward ensuring that of the $50 million authorized under section 5201(b) of the ESEA would also be amended by slightly editing paragraph (3)(C) and adding a recent finding to that paragraph that girls are dramatically underrepresented in higher-level computer science courses.

Section 503(a)(2)(A) of the bill would amend section 5204 of the ESEA (Applications) to change references to a section that has been redesignated.

Section 503(a)(2)(B) of the bill would amend section 5204(b)(2) of the ESEA to change a reference to the “National Education Goals” to “America’s Education Goals.”

Section 503(a)(2)(C) of the bill would eliminate section 5204(b)(4) of the ESEA, which requires an application description of how program funds would be used in a consistent manner with the School-to-Work Opportunities Act of 1994. The School-to-Work Opportunities Act sunsets in 2001, and this reference will be obsolete. Paragraph (7) in the section would be redesignated.

Section 503(a)(3) of the bill would conform a section reference to a later redesignation.

Section 503(a)(4) of the bill would repeal section 5206 of the ESEA (Report). The report required by this section will be subsumed, satisfying the requirement and making it obsolete.

Section 503(a)(5) of the bill would amend section 5207 of the ESEA (Administration) by eliminating subsection (a), requiring the Secretary to conduct an evaluation of materials and programs developed under the program and to submit a report to Congress by January 1, 1998. Congress did not provide funding for the mandated evaluation, and the report was not done.

Section 503(a)(6) of the bill would amend section 5208 of the ESEA to authorize appropriations of such sums as may be necessary for the fiscal year 2001 and for each of the four succeeding fiscal years to carry out this part. For the purpose of the Women’s Educational Equity Program, which is currently Part C of Title V of the ESEA, Section 503(b) of the bill will also make necessary conforming changes to carry out the redesignation.

Options: Opportunities to Improve Our Nation’s Schools

Section 505. Redesignation of the Public Charter Schools Program.
Section 505 of the bill would redesignate the Public Charter Schools Program, which is currently Part C of Title V of the ESEA, as Part D of Title V of the ESEA.
be used for transportation; and (3) not be used for activities that are specifically authorized under Part A or B of the title.

Proposed new section 5004(a) of the ESEA would require a SEA or LEA desiring to receive funding in this part to submit an application to the Secretary, in such form and containing such information, as the Secretary may require. Each application would be required to describe a program for which funds are sought and the goals for such program, a description of how the program funded under this part will be coordinated with and will complement and enhance, programs under other related Federal and non-federal projects, and, if the program includes partners, the name of each partner and a description of its responsibilities. Also, each application would be required to include a description of the policies and procedures the applicant will use to ensure its accountability for results, including its goals and performance indicators, and that the program is open and accessible to, and will promote high-academic standards for, all students. Each applicant would help ensure access to high-quality schools, while allowing, for example, public-private partnerships to create public worksite schools that allow children to work at the workplace and attend such a school. The Secretary would be required to give a priority to applications for projects that would serve high-poverty LEAs, and would be authorized to give a priority to applications demonstrating that the applicant will carry out its project in partnership with one or more public and private agencies, organizations, and institutions, including institutions of higher education and public and private employers.

Proposed new section 5005(a) of the ESEA would authorize such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to carry out the part. Proposed new section 5005(b) of the ESEA would, from amounts appropriated for any fiscal year, authorize the Secretary to reserve not more than five percent to carry out evaluations, provide technical assistance, and other assistance. Proposed new section 5005(c) of the ESEA would authorize the Secretary to use funds reserved under subsection (b) to carry out or for more evaluations of programs assisted under this part. Those evaluations would, at a minimum, address: (1) how and the extent to which the required goals were achieved; (2) the extent to which public schools of choice supported with funds under the part are held accountable to the public, effective in improving public education, and open and accessible to all students.

TITLE VI—CLASS-SIZE REDUCTION

Section 601, class-size (ESEA, Title VI), section 6001 of the bill would replace Title VI of the ESEA with a multi-year extension of the 1-year initiative, enacted in the Department’s appropriation Act for fiscal year 1999, to help States and LEAs improve educational outcomes through reducing class sizes in the early grades, as follows:

ESEA, § 6001, purpose. Section 6001 of the ESEA would set out 8 findings in support of the new Title VI.

ESEA, § 6002, uses of funds. Section 6001 of the ESEA would require each participating LEA to use up to 3 percent of its subgrant for the costs of administering its Title VI program.

Subsection (b) would permit each LEA to use up to a total of 15 percent of each year’s Title VI funds to provide professional development to teachers.

Subsection (c) would require each LEA to use the rest of its Title IV funds to recruit, hire, and train certified teachers for the purpose of reducing class size in grades 1 through 3 to 18 children.

Subsection (d) would prohibit an LEA from using its Title VI funds to increase the salary of, or to provide benefits to, a teacher who it already employs (or has employed).

Subsection (e) would permit an LEA that has increased or reduced class size in grades 1 through 3 by more than 10,000 students to use its Title VI funds to make further class-size reductions in grades 1 through 3, reduce class sizes in other grades, or for activities, including professional development, to improve teacher quality.

Subsection (f) would permit and LEA whose subgrant is too small to pay the starting salary for a new teacher to use its subgrant funds to form a consortium with one or more other LEAs for the purpose of paying the remaining part of the starting salary for a full-time or part-time teacher hired to reduce class size; or, if the subgrant is less than $10,000, for professional development.

ESEA, § 6009, cost-sharing requirement. Section 6009(a) of the ESEA would allow program funds to pay the full cost of local programs under the Act in LEAs with child-poverty rates greater than 50 percent. The maximum Federal share for LEAs with child-poverty rates below 50 percent would be 65 percent.

Proposed new section 5005(a) of the ESEA would authorize such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to carry out the part.

Proposed new section 5005(b) of the ESEA would, from amounts appropriated for any fiscal year, authorize the Secretary to reserve not more than five percent to carry out evaluations, provide technical assistance, and other assistance. Proposed new section 5005(c) of the ESEA would authorize the Secretary to use funds reserved under subsection (b) to carry out or for more evaluations of programs assisted under this part. Those evaluations would, at a minimum, address: (1) how and the extent to which the required goals were achieved; (2) the extent to which public schools of choice supported with funds under the part are held accountable to the public, effective in improving public education, and open and accessible to all students.

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current §14101(27) (to be redesignated as §14101(27)), for five-year grants under the ESEA that authorizes five-year grants under section 6004(a), rather than through the formula allocations to States in section 6004(b).

Title VII—Bilingual Education, Language Enhancement, and Language Acquisition Programs

Title VII of the bill would revise Title VII (Bilingual Education, Language Enhancement, and Language Acquisition Programs) of the ESEA to incorporate recent research findings and to add the policy that limited English proficient students be tested in English after three consecutive years in United States schools. This requirement is consistent with the school accountability requirements associated with limited English proficient students in title I of the ESEA. Section 701 of the bill would also amend section 701(b)(2)(P)(v) of the ESEA to authorize the appropriation of such sums as may be necessary to carry out programs under Part A of the Title from fiscal year 2001 through 2005.

Section 701. Findings, Policy, and Purpose. Section 701 of the bill would amend sections 702(a) and 702(b) of the ESEA to incorporate recent research findings and to add the policy that limited English proficient students be tested in English, that are aligned with standards-based State and local school reform efforts and coordinated with other relevant programs and services, and that annual assessment of student progress in learning English be required. Section 701(c) of the bill would also amend section 7102(c) (Purpose) of the ESEA to help to ensure that limited English proficient students master English as a stated purpose and to make minor editorial changes.

Section 702. Authorization of Appropriations for Part A. Section 702 of the bill would amend section 703(a) of the ESEA to authorize the appropriation of such sums as may be necessary to carry out programs under Part A of the Title from fiscal year 2001 through 2005.

Section 703. Program Development and Enhancement Grants. In order to simplify and improve the ESEA to incorporate recent research findings and to add the policy that limited English proficient students be tested in English, that are aligned with standards-based State and local school reform efforts and coordinated with other relevant programs and services, and that annual assessment of student progress in learning English be required. Section 703(c) of the bill would also amend section 7113 of the ESEA (Enhancement Grants) to consolidate the activities of the Program and Improvement Grants program (currently in section 7112 of the ESEA and repealed in section 730 of the bill) and the Enhancement Grants program into a new one-year program, "Program Development and Enhancement Grants."

Section 703(d) of the bill would require grants to be used to: (1) develop and implement comprehensive, preschool, elementary, or secondary education programs for children and youth with limited English proficiency that are aligned with standards-based State and local school reform efforts and coordinated with other relevant programs and services; (2) provide high-quality professional development; and (3) require an annual assessment of student progress in learning English. Section 703(d) of the bill would also amend section 7113 of the ESEA to authorize the appropriation of such sums as may be necessary to carry out programs under Part A of the Title from fiscal year 2001 through 2005.

Section 704. Comprehensive School Grants. Section 704 of the bill would amend section 7114 of the ESEA that authorizes five-year Comprehensive School Grants for school districts already collecting and using data to measure student progress in learning English. The bill would revise the purpose of the program. The purpose would be to implement school-wide education programs, in coordination with Title I of the ESEA, for children and youth with limited English proficiency to assist such children and youth to learn English and achieve to challenging State content and performance standards and to meet continuous and substantial progress, and to improve, reform, and upgrade relevant programs and operations in schools with significant concentrations of such students or that serve significant numbers of such students. Section 704(2) of the bill would amend section 7114(b) (2)(a) of the ESEA to replace the termination provisions with a clearer system of accountability requiring the Secretary, before making a continuation award for the fourth year of a program under this section, to determine if the program is making continuous and substantial progress in assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance standards. If the Secretary determines that the recipient is not making substantial progress in implementing the program improvement plan, the Secretary would be required to deny a continuation award.

Section 704(3) of the bill would establish re-required activities, including: (1) the recipient is not making continuous and substantial progress in assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance standards, the Secretary would be required to promptly develop and submit to the Secretary a program improvement plan for the program that the Secretary would be required to approve a program improvement plan only if he or she determines that it and substantial progress, the recipient would be required to promptly develop and submit to the Secretary a program improvement plan; and (2) other activities (such as Title I), and annually assessing student progress in learning English and achieve to challenging State content and performance standards. If the Secretary determines that the recipient is not making substantial progress in implementing the program improvement plan, the Secretary would be required to deny a continuation award.

Section 705. Systemwide Improvement Grants. Section 705 of the bill would amend section 7116 of the ESEA (Applicants) to make changes designed to increase program accountability. Section 705(1) of the bill would amend section 7116(b) of the ESEA (State Review and Comments) to clarify that SEAs must not only review the plan, but also transmit that review in writing to the Department.

Section 706. Applications for Awards under Subpart 1. Section 706 of the bill would amend section 7116 of the ESEA (Applications) to make changes designed to increase program accountability. Section 706(1) of the bill would amend section 7116(g) of the ESEA (Contents) to reorganize paragraph (A) and to add to the list of data to be included in the application, data on: (1) current achievement data of the limited English proficient students served by the program (and in comparison to their English proficient peers) in reading or language arts (in English and in the native language if applicable) and in math; (2) reclassification rates for limited English proficient students in the district; (3) the previous school experiences of participating students; and (4) the professional development activities designed to provide services for limited English proficient students, including the need for certified teachers; and (5) how the grant would be used to assist limited English proficient students. Many school districts already collect such data and its collection would help ensure that data collection was consistent with the application data format, which would be used to establish a baseline against which instructional progress could be measured.
Section 706(3) of the bill would also make editorial changes. Section 716(c)(2)(E) of the ESEA and require, in section 716(e)(3)(E) of the ESEA, an assurance that the applicant will employ teachers in the proposed program who individually, or in combination, are proficient in the language of the majority of students they teach, if instruction in the program is also in the native language. Section 706(4) of the bill would amend section 716(1) of the ESEA (Priorities and Special Rules) to add two new priorities for applications for grants under Subparts 1 and 2: (1) a moratorium on the use of large class sizes for serving limited English proficient students enrolled and demonstrate that they have a proven record of success in helping children and youth with limited English proficiency learn English and achieve to high academic standards and make editorial revisions.

Section 707. Evaluations under Subpart 1. Section 707(1) of the bill would amend current section 7123(a) of the ESEA (Evaluation) to require that grantees conduct an annual, rather than a biennial, evaluation. Section 707(2) of the bill would revise the list of evaluation components (in section 7124(c) of the ESEA), to require a recipient to: (1) data from the data provided in the application as baseline data against which to report academic achievement and gains in English proficiency for students in the program; (2) report on the validity and reliability of all instruments used to measure student progress; and (3) design a rigorous longitudinal study by such relevant factors as a student’s grade, gender, and language group and whether the student has a disability. Evaluations would be required to include: (1) data on the project’s progress in achieving its objectives; (2) data showing the extent to which all students served by the program are achieving to challenging State standards; (3) program implementation indicators that address each of the program’s objectives and components, including the extent to which professional development activities have resulted in improved classroom practices and improved student achievement; (4) a description of how the activities funded under the grant are coordinated and integrated with the overall school program and other Federal, State, or local programs serving limited English proficient children and youth; and (5) such other information as the Secretary may require. This revision is necessary to ensure that grantees submit data needed to make a determination on whether the project should be continued at the end of the third year or at the end of the fourth year, and also provide the Department with data needed to assess grantee progress toward meeting goals established for the Bilingual Education program under the Government Performance and Results Act (GPRA).

Section 707(3) of the bill would add a new subsection (d) (Performance Measures) that would require the Secretary to establish performance indicators to determine if programs under section 7118 and 7118A (as redesignated) are making continuous and substantial progress, and allow the Secretary to establish such indicators to determine if programs are making continuous and substantial progress toward assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance standards. Section 708. Research. Section 708 of the bill would amend current section 7231 of the ESEA (Research) to support the use of the research conducted as required by the Department of Education to assess the Department’s progress in meeting goals established for the Bilingual Education program under GPRA. Section 708(1) of the bill would amend sections 7132 (a) (Administration) and (b) (Requirements) of the ESEA to eliminate the requirement that research be conducted through the Office of Educational Research and Improvement in collaboration with the Office of Bilingual Education and Minority Language Affairs and also to provide a list of allowable research activities (including data collection needed for compliance with GPRA and identifying technology-based approaches that show effectiveness in helping limited English proficient students reach challenging State standards).

Section 708(3) of the bill would make changes in section 7135(a) of the ESEA and eliminate the authorization for grantees under Subparts 1 and 2 to submit research applications at the same time as their grant applications and (2) and (3) of the bill would eliminate section 7135(b) (Data Collection) since data collection is an activity authorized in subsection (a).

Section 709. Academic Excellence Awards. Section 709 of the bill would replace current section 7133 of the ESEA (Academic Excellence) that authorizes grants, contracts, and cooperative agreements to promote the adoption of challenging standards and test materials in the program, and that materials may be needed to prepare parents to become more involved in the education of their children.

Section 712 of the bill would also require the Secretary to give priority to applications for developing instructional materials in languages indigenous to the United States or to the outlying territories and for developing and evaluating instructional materials that reflect challenging State and local content standards, in collaboration with LEAs and other recipient agencies under Subpart 1 and section 7124.

Section 713. Purpose of Subpart 3. Section 713 of the bill would amend section 7141 (Purpose) of Subpart 3 (Professional Development and Personnel Grants). Section 715. Bilingual Education Teachers and Personnel Grants. Section 715 of the bill with Limited English Proficiency”, and to make grants under Subpart 3 (Professional Development and Personnel Grants) of the bill to LEAs, States, and other eligible entities that meet the requirements that the Clearinghouse be administered as an adjunct to the Educational Resources Information Center Clearinghouse system, to develop a data and monitoring system, and develop, maintain, and disseminate a listing of bilingual education professionals.

Section 712. Instructional Materials Development. Section 712 of the bill would amend section 7136 of the ESEA (Instructional Materials) to expand the current authorization to include all children and youth with limited English proficiency who are making continuous and substantial progress under section 7112 (as redesignated) of the ESEA, an assurance that the applicant will employ teachers in the proposed program who individually, or in combination, are proficient in the language of the majority of students they teach, if instruction in the program is also in the native language. And (2) and (3) of the bill would eliminate the authorization for grantees under Subparts 1 and 2 to submit research applications at the same time as their grant applications and (2) and (3) of the bill would eliminate section 7135(b) (Data Collection) since data collection is an activity authorized in subsection (a).

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Section 713. Purpose of Subpart 3. Section 713 of the bill would amend section 7141 (Purpose) of Subpart 3 (Professional Development and Personnel Grants) of the bill to the title to eliminate a reference to dissemination of information. This activity is not directly related to professional development.

Section 714. Training for all Teachers Program. Section 714 of the bill would amend section 7142 of the ESEA (Training for All Teachers Program) to exempt professional development. This change would provide greater focus to the activity since the current statute covers both inservice and preservice professional development. The Secretary would be authorized to award grants to LEAs or to one or more LEAs in consortium with one or more institutions of higher education, SEAs, or nonprofit organizations. This change would help ensure that the professional development supported by the grant directly addresses the staffing needs of one or more LEAs.

Section 712 of the ESEA would be further amended to reduce the grant period from 5 to 3 years, thus easing the program’s requirements that the Clearinghouse be administered as an adjunct to the Educational Resources Information Center Clearinghouse system, to develop a data and monitoring system, and develop, maintain, and disseminate a listing of bilingual education professionals.

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would amend section 7143 of the ESEA (Bilingual Education Grants) to limit grants to institutions of higher education for preservice professional development. This change would provide greater flexibility. Since the current statute covers both inservice and preservice professional development.

Also, section 7143(c) of the bill would add a new subsection. This section requires that funds be used to put in place a course of study that prepares teachers to serve limited English proficient students, integrate course content reflecting the needs of limited English proficient students into all programs for prospective teachers, assign tenure or faculty to train teachers to serve limited English proficient students, incorporate State content and performance standards into the institution’s coursework, and expand clinical experiences for participants.

The new subsection would also authorize grantees to use funds for such activities as supporting partnerships with LEAs, restructuring existing education systems to eliminate other institutions of higher education to improve the quality of relevant professional development programs and expanding recruitment efforts for students who will participate in relevant professional development programs.

The proposed amendments recognize that all prospective teachers should have a basic understanding of effective methods for serving limited English proficient students. Because of the rapid growth in this population, all teachers can expect to have limited English proficient students in their classrooms at some point in their teaching career. The bill also recognizes the importance of creating a closer link between schools of education that produce new teachers and the schools that hire them.

Section 716. Bilingual Education Career Ladder Program. Section 716 of the bill would amend section 7144 of the ESEA (Bilingual Education Career Ladder Program) to authorize grants to a consortia of one or more institutions of higher education and one or more institutions of higher education and one or more SEAs or LEAs to develop and implement education career ladder programs. A bilingual education career ladder program would be a program designed to provide high-quality, pre-baccalaureate coursework, post-baccalaureate coursework, and training to paraprofessional personnel who do not have a baccalaureate degree and that would lead to timely receipt of a baccalaureate degree and certification or licensure of program participants as bilingual education teachers or other educational personnel who serve limited English proficient students. Recipients of grants would be required to coordinate with programs under title II of the Higher Education Act of 1965, and other relevant programs, for the recruitment of bilingual students and personnel to train them as bilingual educators, and make use of all existing sources of student financial aid before using grants funds to pay tuition and stipends for participating students.

Also, section 716(b) of the bill would amend section 7144(a) of the ESEA (Special Considerations) to eliminate the current special considerations and require the Secretary, instead, to give special consideration to applicants that are implementing an education career ladder program in a second language, including developing proficiency in the instructional use of English and, as appropriate, a second language in classroom instruction.

Section 717. Graduate Fellowships in Bilingual Education Program. Section 717 of the bill would amend section 7149(a) of the ESEA (American Graduate Fellowship in the Graduate Fellowships in Bilingual Education Program, to eliminate the authorization for fellowships at the post-doctoral level and the requirement that the Secretary make a specific number of fellowships. Masters and doctoral level fellowships are more likely to provide a direct benefit to classroom instruction than fellowships at the post-doctoral level.

Section 718. Applications for Awards under Subpart 3. Section 718 of the bill would amend section 7146 of the ESEA (Application for Awards) to remove the condition that the applicant must review and submit written comments on all applications for professional development grants, with the exception of those for fellowships, to the Secretary.

Section 719. Evaluations under Subpart 3. Section 719 of the bill would amend section 7149 of the ESEA (Program Evaluations) to require an annual evaluation and to clarify evaluation requirements. The purpose of these proposed amendments is to increase project accountability and ensure that the professional development programs that are funded is required to address performance goals established under the GPRA.

Section 720. Transition. Section 720 of the bill would amend section 7149 of the ESEA (Transition) to provide that a recipient of a grant under subpart 1 of Part A of this title that is in its third or fourth year of the grant period on the date of the enactment of the Educational Excellence for All Children Act of 1999 shall be eligible to receive continuation funding under the terms and conditions of the original grant.

Section 721. Findings of the emergency Immigrant Education Program. Section 721 of the bill would amend section 7301 (Findings and Purpose) of Part C (Emergency Immigrant Education Program) of Title VII of the ESEA to add an additional finding to better justify the program.

Section 722. State Administrative Costs. Section 722 of the bill would amend section 7302 of the ESEA (State Administrative Costs) to authorize States to use up to 2 percent of their grants to provide administrative costs if they distribute funds to LEAs within the State on a competitive basis. The current provision caps State administrative costs at 1.5 percent, which is insufficient to cover the costs of holding a State discretionary grant competition.

Section 723. Competitive State Grants to Local Educational Agencies. Section 723 of the bill would amend section 7304(e)(1) of the ESEA to eliminate the $50 million appropriations trigger on, and the 20 percent cap for, allowing States each year to reserve funds from their program allotments and award grants, on a competitive basis, to LEAs with the State. This change reflects current budgetary policy and provides States and LEAs the opportunity to allow LEAs to compete for funds.

Section 724. Authorization of Appropriations for Part C. Section 724 of the bill would amend section 7309 of the ESEA (Authorizations of Appropriations) to authorize the appropriation of such sums as may be necessary for each of fiscal years 1999 through 2005 to carry out Part C of Title VII.

Section 725. Definitions. Section 725 of the bill would amend section 7501 (Definitions; Regulations) of Part E (General provisions) of the ESEA (Special Considerations) to add a definition of “reclassification rate,” a term used in the proposed amendments to the Applications and Evaluations sections of Subpart 1 of Part A of the ESEA. The term would mean the annual percentage of limited English proficient students who have met the State criteria for no longer being considered limited English proficient. Also, the definition of “Bilingual Education Career Ladder Program,” would be eliminated.

Part B of Title VII of the ESEA would be moved to new Part I of Title X of the ESEA.

Section 729. Redesignations and Conforming Amendments. Section 731 of the bill would
provide for the redesignation of various sections of the ESEA and for conforming references to those sections to other sections of the ESEA that have been changed.

Title VIII—Impact Aid

Title VIII of the bill would amend Title VIII of the ESEA, which authorizes the Impact Aid program.

Section 801, purpose [ESEA, § 8001]. Section 801 of the bill would amend section 8001 of the ESEA, which authorizes the purpose of the Impact Aid program is to provide assistance to certain LEAs that are financially burdened as a result of activities of the Federal Government or another Federal agency. In their jurisdictions, in order to help those LEAs provide educational services to their children, including federally connected children, so that they can meet challenging State standards. This will provide a succinct statement of the program’s purpose, as is typical of other programs, in place of the statement in the current statute, which is overly long and which refers to certain categories of eligibility that other provisions of the bill would repeal.

Section 802, payments relating to Federal ac- quaintanceship [ESEA, § 8002]. Section 802 of the bill would amend section 8002 of the ESEA, which authorizes the Secretary to partially compensate certain LEAs for revenue lost due to the presence of non-assessable Federal property, such as a military base or a national park, in their jurisdictions. The amendments made by section 802 would better target funds on the LEAs most burdened by the presence of Federal property, so that appropriations for section 8002, which are not warranted under current law, may be justified in the future.

Section 802(a)(1) of the bill would delete unneeded language in section 8002(a) of the ESEA that refers to the fiscal years for which payments under section 8002 are authorized. That issue is fully covered by the authorization of appropriations in section 8014 of the ESEA.

Section 802(a)(2) would delete an alternative eligibility criterion (current section 8002(a)(1)(C)(ii)), which was enacted to benefit a small number of LEAs. The bill would add a requirement that the Federal property claimed as Federal property; (2) children of military personnel (and other members of the uniformed services) living on Federal property; (3) children of Indian lands; and (4) children of foreign military officers living on Federal property.

Section 803(a)(2) would conform the statement of requirements for an LEA to meet the 400 eligible students under section 8003(a)(2) to reflect the elimination of “(b)” students from eligibility.

Section 803(a)(3) would delete section 8003(a)(3), which relates to the categories of children whose eligibility would be ended under paragraph (1).

Section 803(b)(1)(B) would delete the requirement that an LEA have at least 400 eligible students or that those students constitute at least three percent of their average daily attendance in order to receive a payment.

Section 803(b)(1)(D) would amend section 8003(b)(1)(C)(ii) to delete two of the four options for determining an LEA’s local contribution rate (LCHR), which is used to compute its maximum payment, and to add a third method to the remaining two. These amendments would make payments more closely reflect the actual local cost of educating students because each of the three options, understood to apply to these LEAs. The bill would also include a measure of the amount or proportion of funds that are provided at the local level.

Section 803(b)(1)(E) would add a new subparagraph (B) to section 8003(b)(1) to provide that, generally, local contribution rates would be determined using data from the third preceding fiscal year. This is the most recent fiscal year for which satisfactory data on average per-pupil expenditures are usually available.

Section 803(b)(2)(B) would amend section 8003(b)(2)(B), which describes how the Secretary computes each LEA’s “learning opportunity threshold” (LOT), a factor used in determining actual payment amounts when sufficient funds are not available, as is the norm, to pay the maximum statutory amounts. Under current law, an LEA’s LOT is calculated to exceed 100, computed by adding the percentage of its students who are federally connected and the percentage that its maximum payment is of the total amount of funds available. Under the amendments, an LEA’s LOT would be 50 percent plus one-half of the percentage of its students who are federally connected. The bill would also delete section 8003(b)(3), which provides an unwarranted benefit to a particular State in which there is only one LEA by requiring the Secretary to treat each of the districts within that State as if they were individual LEAs.

As with other LEAs (many of which have more students than the State in question and that also have internal administrative districts), this LEA’s eligibility for a payment, and the amount of any payment, should be determined with regard to the entire LEA, not its administrative districts.

Section 803(c) would make a technical amendment to section 8003(c) of the ESEA, which generally requires the use of data from the previous fiscal year in making determinations under section 8003, to reflect the addition of section 8003(b)(1)(C), which provides for the use of data from the third preceding fiscal year in determining LEA local contribution rates.

Section 803(d) would amend section 8003(d) of the ESEA, which authorizes additional payments to LEAs on the basis of students with disabilities, to conform to the deletion of “(b)” children from eligibility for basic support payments, and to reflect the fact that such students are now eligible for early intervention services, rather than a free appropriate public education, under the Individuals with Disabilities Education Act (IDEA).

Section 803(e) would delete the “hold-harmless” provisions relating to basic support payments in section 8003(e) of the ESEA. By guaranteeing that certain LEAs continue to receive a high percentage of the amounts they received in prior years, without regard to current circumstances, these provisions inappropriately divert a substantial amount of funds from LEAs that have a greater need, based on the statutory criteria.

Section 803(f) of the bill would amend section 8003(f) of the ESEA, which authorizes additional payments to LEAs that are heavily impacted by the presence of federally connected children in their schools. In general, the amendments to this provision are designed to ensure that the addition of these additional payments is restricted to those relatively few LEAs for whom it is warranted, and that the amounts of those payments are “reasonable and necessary.” The current law “hold-harmless” provision protects LEAs with high concentrations of federally connected students, which face a disproportionately high burden as a result of Federal activities, from experiencing an unrealistically low LOT to reach a LOT of 100 percent even though the federally connected students constitute considerably less than 100 percent of their total student body. The revised provision would also remove the “hold harmless” incentive for LEAs to reduce their local tax effort in order to earn a higher LOT.

Section 803(b)(2)(C) would amend section 8003(b)(2)(C) to clarify that payments that are proportionately increased from the amounts determined under the LOT provisions (but not to exceed the statutory maximums) when available funds are sufficient to make payments above the LOT-based amounts. Thus, the amendments would make section 8003(b)(3), which provides an unwarranted benefit to a particular State in which there is only one LEA by requiring the Secretary to treat each of the districts within that State as if they were individual LEAs.

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constitute at least 40 percent of the LEA’s enrollment would have to have a tax rate for general-fund purposes that is at least 100 percent of the average tax rate of comparable LEAs in the State. Any LEA whose boundaries are the same as those of a military installation would also qualify. Second, the LEA would have to be exercising due diligence to obtain financial assistance from the State and from other sources. Third, the State would have to make State aid available to the LEA on at least as favorable a basis as it does to other LEAs.

Section 808 of the bill would authorize payments to LEAs with sudden and substantial increases in their educational costs because of a child’s attendance at a military installation. Section 808(a) would extend the authority for the Impact Aid program, which is intended to help LEAs offset the costs of providing basic educational services, or to benefit children with special needs. Section 808(a) would authorize payments under section 8002 and in which children residing on Indian lands make up at least half of the average daily attendance (one of the current eligibility requirements). This provision would authorize payments to LEAs with substantial school-construction needs and severely limited ability to meet those needs.

Subsection (b) of section 8007 would require an interested LEA to submit an application to the Secretary, including an assessment of its school-construction needs.

Subsection (c) would provide that available funds would be allocated to qualifying LEAs in proportion to their respective numbers of children residing on Indian lands.

Subsection (d) would set the maximum payment portion of the Impact Aid payment formula. Section 8008 of the ESEA, relating to certain school buildings that are owned by the Department but used by LEAs to serve dependent military personnel, would reflect the revised authorization of appropriations in section 8014.

Section 809, State consideration of payments in providing State aid [ESEA, § 8009]. Section 809 of the bill would amend section 8009 of the ESEA, which generally provides a State from taking an LEA’s Impact Aid payments into account in determining the LEA’s eligibility for State aid (or the amount of that aid) unless the Secretary certifies that the State has in effect a state-superintendence plan that meets certain criteria.

Section 809(2) would add to section 8009(b)(1) a statement of preconditions for State consideration of Impact Aid payments, a requirement that the average per-pupil expenditure (APPE) in the State be at least 80 percent of the APPE in the 50 States and the District of Columbia. This would help ensure that LEAs in States with comparatively low expenditures for education receive adequate funds before the State reduces State aid on account of Impact Aid payments.

Section 809 would also make technical and conforming amendments to section 8009.

Section 810, Federal administration [ESEA, § 8010]. Section 810 of the bill would repeal subsection (c) of section 8010 of the ESEA.

Section 811, administrative hearings and judicial review [ESEA, § 8011]. Section 811 of the bill would make a technical amendment to section 811(a) to streamline that provision.

Section 812, Federal administration [ESEA, § 8012]. Section 812 of the bill makes a technical amendment to section 812 to streamline that provision.
§ 9101 and 9102].

Section 1153(2) would amend section 9101 of the ESEA to authorize the implementation of the program.

Section 1153(3) through (7) would make technical and conforming amendments to other definitions in section 9103, and delete the definitions of “low-rent housing” and “revenue derived from local sources”, which are respectively, no longer needed and an unwarranted special-interest provision.

Section 1153, authorization of appropriations [ESEA, § 9104]. Section 1154 of the bill would amend section 9114 of the ESEA to authorize the implementation of the program.

Section 1154 would provide funds appropriated for section 9101 of the bill under section 9101(b) and for facilities maintenance under section 9107 would be available to the Secretary until expended. However, if appropriations acts, which normally contain provisions governing the applicability of the funds they appropriate, provide a different rule than the one in proposed section 9101(b), the appropriations acts would govern.

TITLE I—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Part A—Indian Education

Part A of Title IX of the bill would make various amendments to Part A of Title IX of the ESEA, which authorizes a program of formula grants to LEAs, as well as certain demonstration programs and related activities, to increase educational achievement of American Indian and Alaskan Native students.

Section 901, findings and purpose [ESEA, § 9101]. Section 901 of the bill would amend the statements of findings and purpose in sections 9101 and 9102 of the ESEA by changing references to the “special educational, social, and cultural needs” of American Indian and Alaskan Native students to refer instead to their “unique educational and culturally related academic needs.”

Section 902, grants to local educational agencies [ESEA, § 9112]. Section 902 of the bill would amend section 9112 of the ESEA, which authorizes formula grants to certain LEAs educating Indian children. Current section 9112(b) provides that when an eligible LEA does not establish the Indian parent committee required by section 9112(a), the Secretary will appoint a LEA that represents at least half of the LEA’s Indian students may apply for the LEA’s grant and is to be treated by the Secretary as if it were an LEA. The amendment would codify the Department’s interpretation that, in that situation, the tribe is not subject to the statutory requirements relating to the LEA, but is subject to the deliberative, as opposed to the deliberative, maintenance of effort, or submission of its grant application to the State educational agency for review. These requirements would be inappropriate to apply to a tribe, as the primary purpose of the tribe, as the tribe, is to provide education to its own children. This provision would be similar to the provisions in sections 9113(d), for schools operated or supported by the Bureau of Indian Affairs (BIA).

Section 903, amount of grants [ESEA, § 9113]. Section 903(1) of the bill would make a technical amendment to section 9113(b)(2) of the ESEA, which allows consortia of eligible LEAs to apply for grants.

Section 903(2) would revise section 9113(c), relating to grants to schools operated or supported by the BIA, to clarify that those schools must submit an application to the Secretary that is generally to be treated as LEAs for the purpose of the formula grant program, except that they are not subject to the statutory requirements relating to parent committees, maintenance of effort, or submission of grant applications to the SEA for review. These requirements would be inappropriate to apply to these schools, as they would be for Indian tribes that receive grants (in place of an eligible LEA) under section 9121(b). Section 904, applications [ESEA, § 9114]. Section 904(1) of the bill would amend section 9114(b)(2)(A) of the ESEA, relating to the consistency of an LEA’s comprehensive program to meet the needs of its Indian children with certain other plans, to remove a reference to the Goals 2000: Educate America Act (which would be consolidated into the new Title I) and to require that the LEA’s plan be consistent with State and local plans under other provisions of the ESEA, not just plans under Title I.

Section 905, authorized services and activities [ESEA, § 9115]. Section 905 of the bill would make a conforming amendment to section 9115(b)(5) of the ESEA to reflect the renaming of the Perkins Act by P.L. 105–332.

Section 906 would add four activities to the examples of authorized activities in section 9115(b). These additions would encourage LEAs to address the needs of American Indian and Alaskan Native students in the areas of curriculum development, creating and implementing standards, improving student achievement, and gifted and talented education.

Section 906, student eligibility forms [ESEA, § 9116]. Section 906(1) of the bill would make technical amendments to section 9116(1) of the ESEA.

Section 906(2) would amend section 9116(c) to permit tribal schools operating under grants or contracts from the BIA to use either the criteria set forth in the BIA for purposes of receiving funds from the Bureau or to use a count of children for whom the school has eligibility forms (even if the school is not identified as being a BIA school) and for facilities maintenance under section 9107 would be available to the Secretary until expended. However, if appropriations acts, which normally contain provisions governing the applicability of the funds they appropriate, provide a different rule than the one in proposed section 9101(b), the appropriations acts would govern.

Section 909, improvement of educational opportunities for Indian children [ESEA, § 9121]. Section 909 of the bill would amend section 9121 of the ESEA, which authorizes demonstration projects to support a variety of projects, on a competitive basis, to develop, test, and demonstrate the effectiveness of programs and opportunities for Indian children. In particular, the bill would amend section 9121(d)(2), relating to project applications, to: (1) clarify that the applications must include a demonstration project that is not applied in the case of applicants for disbursement grants under subsection (d)(1)(D); and (2) require applications for planning, pilot, and demonstration projects to include information demonstrating that the program is either a research-based program or that it is a research-based program that has been modified to be culturally relevant to the students who will be served, as well as a description of how the applicant will incorporate the proposed services into the ongoing school program once the grant period is over.

Section 910, professional development [ESEA, § 9122]. Section 910 of the bill would amend section 9122 of the ESEA, which authorizes demonstration projects to provide training to Indian teachers in the areas in which they can serve Indian peoples. Section 910(1) of the bill would repeal section; 9122(b)(2) of the Act, which authorizes demonstration projects to provide professional development to Indian individuals. This provision, which was carried over from a related program authorized before the 1994 amendments, has no practical effect, since the only projects that have been eligible since 1994 are those that train Indians.

Section 910(1) would amend section 9122(b)(1), which requires individuals who receive training under section 9122 to perform related work that benefits Indian people or repay the assistance they received, so that it would continue to apply to preserve training, but would not apply to in-service training. Individuals receiving in-service training are already serving Indian people, and that training is relatively inexpensive to the taxpayers, is generally of short duration, and frequently does not involve an established per-person cost of participating, such as the substantial tuition and fees that are charged for demonstration projects for preservice degree courses and programs.

Section 910(3) of the bill would add to section 9122 a new authority for grants to consortia of LEAs to provide training to teachers in LEAs with substantial numbers of Indian children in their schools, so that these teachers can better meet the needs of Indian children in those schools. The eligible consortium would consist of a tribal college and an institution of higher education
that awards a degree in education, or either or both degrees, to professionals for more tribal schools, tribal educational agencies, or LEAs serving Indian children. This new authority will help ensure that classroom teachers are aware of, and responsive to, the unique needs of the Indian children they teach.

Section 911, repeal of authorities [ESEA, §§912, 9124, 9125, and 9131]. Section 911 of the bill would repeal various sections of Part A of Title IX of the ESEA that have not been recently funded and for which the Administration is not requesting funds for fiscal year 2000. The goals of these provisions (fellowships for Indian students, gifted and talented education, tribal administration planning, and adult education) are more effectively addressed through other programs. Because Subpart 3 of Part A would be repealed, section 911 would also redesignate the remaining subparts.

Section 912, Federal administration [ESEA, §§9152 and 9153]. Section 912 of the bill would make technical amendments to sections 9152 and 9153 of the ESEA. In place of the repealed sections, section 912 would amend section 9152 to authorize the Secretary to make grants to, or enter into contracts with, Native Hawaiian organizations, agencies, or institutions for the design and implementation of plans, methods, and strategies to improve the education of Native Hawaiian children and adults.

Proposed new section 9162 of the ESEA would authorize the Secretary to make grants to, or enter into contracts with, Native Hawaiian organizations, agencies, or institutions for the design and implementation of plans, methods, and strategies to improve the education of Native Hawaiian children and adults.

Section 913, Native Hawaiian Education. Section 913 of the bill would amend section 913 of the ESEA in order to replace a series of categorical programs serving Native Hawaiian children and adults with a single, more flexible authority to accomplish those purposes. To accommodate technical and conforming changes, section 901 of the bill would repeal sections 9204 through 9210 of the ESEA. In place of the repealed sections, section 913 of the bill would insert a new section 9204 of the ESEA that would permit all of the types of activities currently carried out under the program to continue. However, it would also provide the flexibility necessary for operating the program in a manner that meets the educational needs of Native Hawaiian children and adults.

Proposed new section 9301 ("Program Authorized") of the ESEA would authorize the new Native Hawaiian Education program. Proposed new section 9304(a) would authorize the Secretary to make grants or enter into contracts with, Native Hawaiian educational organizations, Native Hawaiian community-based organizations, public and private nonprofit organizations, agencies, or institutions that have experience in developing Native Hawaiian programs of instruction in the Native Hawaiian language, and consortium of these organizations, agencies, or institutions in order to carry out Native Hawaiian Education programs.

Permissible Native Hawaiian Education programs under Part B of Title IX of the ESEA would include: (1) the operation of one or more councils to coordinate the provisions of education and related services and programs for Native Hawaiian children and adults; (2) the operation of family-based education centers; (3) activities to enable Native Hawaiian students to enter and complete programs of postsecondary education; (4) activities that address the special needs of gifted and talented Native Hawaiian students; (5) activities to meet the special needs of Native Hawaiian students; (6) the development, implementation, and evaluation of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture; (7) the operation of community-based learning centers that address the needs of Native Hawaiian children and adults; (8) other activities consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

Proposed new section 9304(b) of the ESEA would authorize the appropriation of such sums as may be necessary to carry out Part B of Title IX of the ESEA.

Part C—Alaska Native Education

Section 931, Alaska Native Education. Section 931 of the bill would amend Part C of Title IX of the ESEA in order to replace a series of categorical programs serving Alaska Native students with a single, more flexible authority to accomplish those purposes. In addition to technical and conforming changes, section 902 of the bill would repeal sections 9304 through 9306 of the ESEA. In place of the repealed sections, section 9301 of the bill would insert a new section 9304 of the ESEA that would permit all of the types of activities currently carried out under the program to continue. However, it would give the Department more flexibility in operating the program in a manner that meets the educational needs of Alaska Native children and adults.

Proposed new section 9304 ("Program Authorized") of the ESEA would authorize the new Alaska Native Education program. Proposed new section 9304(a) would authorize the Secretary to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, and to consortia of these organizations and entities in order to carry out programs that meet the purposes of this part.

The activities that would be carried out under this section, the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives; (2) development of curricula and educational programs to address the educational needs of Alaska Native students; (3) professional development activities for educators; (4) the development and operation of home instruction programs for Alaska Native preschool children; (5) the development and operation of student enrichment programs in science and mathematics; (6) research and data-collection activities to determine the educational status and needs of Alaska Native children and adults; and (7) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

Proposed new section 9304(b) of the ESEA would authorize the appropriation of such sums as may be necessary to carry out Part C of Title IX of the ESEA.

Title X—Programs of National Significance

Section 1001, Fund for the Improvement of Education. Section 1001 of the bill would amend Part A of Title X of the ESEA, which authorizes funds to support nationally significant programs and projects to improve secondary and postsecondary education, to assist students to meet challenging State content standards and to encourage the achievement of America’s Education Goals.

Section 1001(1)(a) of the bill would amend section 1001(a) of the ESEA to emphasize that the Fund for the Improvement of Education (FIE) is a program intended to improve elementary and secondary education.

Section 1001(b) of the bill would amend section 1001(b) of the ESEA to strengthen the program by focusing the authorized use of funds more narrowly. Authorized activities would include: (1) development, evaluation, and implementation of plans, methods, and strategies to improve the quality of elementary and secondary education; (2) the development, implementation, and evaluation of programs designed to foster student community service, encourage responsible citizenship; and improve academic learning; (3) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; (4) activities to study and implement strategies for creating smaller learning communities; (5) programs under section 1002 to encourage the promotion of family involvement in education; and (7) other programs that meet the purposes of this section.

Section 1001(c) of the bill would amend section 1001(c) of the ESEA to require an applicant for an award to establish clear goals and objectives for its project and describe the activities it will carry out in order to meet these goals and objectives. It would also require recipients of funds to report to the Secretary such information as may be required, including evidence of its progress towards meeting the goals and objectives of its project, in order to determine the project’s effectiveness. This change would ensure that the Secretary have the ability to ensure that the effectiveness of all funded projects can be fully assessed. This language is also aligned with the performance indicators in the FIE plan under GPRA.

This section of the bill would also allow the Secretary to require recipients of awards under this part to provide matching funds for their projects, and to limit competitions to particular types of entities, such as State or local educational agencies.

Section 1001(d) of the bill would amend section 1001(d) of the ESEA to authorize such sums as may be necessary to carry out this part through fiscal year 2005.

Section 1001(e) of the bill would redesignate section 1001(d) of the ESEA as section 1001(e) and add a new requirement that each recipient of a grant under this section to submit a comprehensive evaluation of the effectiveness of its program in achieving its goals and objectives, including the impact of the program on students, teachers, administrators, and parents, to the Secretary by the mid-point of the program, and no later than one year after completion of the program.

Section 1001(f) of the bill would repeal section 1001(e) of the ESEA.

Section 1001(g) of the bill would make substantial changes to section 1003 of the ESEA, relating to Character Education. It would provide for matching funds for all grants under section 1003, and to limit competitions to particular types of entities, such as SEAs, LEAs, or consortia of educational agencies for the design and implementation of character education programs. These programs would strengthen the applicant’s overall reform efforts, performance standards, and activities to improve
Section 1002 of the bill would amend section 10204(c) of the ESEA to require the Secretary to use a peer review process in reviewing applications under this part, and ensure that the information on the activities and results of programs and projects funded under this part is made available to appropriate State and local agencies and other appropriate organizations.

Section 1003, International Education Exchange, Section 1003 of the bill would: (1) move the International Education Exchange program from Title VI of the Goals 2000: Educate America Act (P.L. 103–227) to Part C of Title X of the ESEA; (2) authorize the appropriation of such sums as may be necessary to carry out the Gifted and Talented Children program through fiscal year 2005; and (3) add the Republic of Ireland, Northern Ireland, and any other emerging democracy in a developing country to the definition of "emerging democracy".

Section 1004, Arts in Education. Section 1004 of the bill would authorize the appropriation of such sums as may be necessary to carry out the Arts in Education program for each fiscal year from 2005 to 2008.

Section 1005, Inexpensive Book Distribution. Section 1005 of the bill would authorize the appropriation of such sums as may be necessary to carry out the Inexpensive Book Distribution program for each fiscal year from 2005 to 2008.

Section 1006, Civic Education. Section 1006 of the bill would authorize the appropriation of such sums as may be necessary to carry out the Civic Education program for each fiscal year from 2005 to 2008.

Section 1007, All Children Reading. Section 1007 of the bill would authorize the appropriation of such sums as may be necessary to carry out the All Children Reading program for each fiscal year from 2005 to 2008.

Section 1008, 21st Century Community Learning Centers. Section 1008 of the bill would authorize the appropriation of such sums as may be necessary to carry out the 21st Century Community Learning Centers program for each fiscal year from 2005 to 2008.

Section 1009, Character Education. Section 1009 of the bill would authorize the appropriation of such sums as may be necessary to carry out the Character Education program for each fiscal year from 2005 to 2008.

Section 1010, 21st Century Youth Empowerment. Section 1010 of the bill would authorize the appropriation of such sums as may be necessary to carry out the 21st Century Youth Empowerment program for each fiscal year from 2005 to 2008.

Section 1011, High Technology Schools. Section 1011 of the bill would authorize the appropriation of such sums as may be necessary to carry out the High Technology Schools program for each fiscal year from 2005 to 2008.
that address health, social service, cultural, and recreational needs of the community. It would also add a special rule to require that a community learning center operated by a local educational agency (but not a CBO) to be located within a public elementary or secondary school building.

Section 1008 (6) of the bill would amend section 10907 of the ESEA to authorize the appropriation of such sums as may be necessary to carry out this part through fiscal year 2005.

Section 1008(7) of the bill would add a proposed new section 10906 ("Continuing Awards") to the ESEA that would allow the Secretary to use funds appropriated under this part to make continuation awards for projects that were funded with fiscal year 1999 and 2000 funds, under the terms and conditions that applied to the original awards. This provision would have the effect of allowing the Department to provide continuing funding for the last year of 3-year grants made in fiscal year 1998 under the provisions of current law.

Section 1008 (8) of the bill would redesignate Part I of Title X of the ESEA as Part G of that title and make conforming changes.

Section 1009, "Urban and Rural Education Assistance Programs," would authorize Part H of the bill to repeal Part J of Title X of the ESEA.

Section 1010, "High School Reform. Section 1010 of the bill would add a new Part H, "High School Reform, to Title X of the ESEA. Proposed new section 10801 ("Purpose") of the ESEA would state the congressional findings that support this new program. Subsection (b) would provide that the purposes of Part H are to: (1) support the planning and implementation of educational reforms in high schools, particularly in urban and rural high schools; (2) encourage the involvement of students from low-income families; (2) support the further development of educational reforms, designed specifically for high schools, that help students meet challenging State standards, and that increase connections between students and adults and provide safe learning environments; (3) create positions of professional development for high schools, by offering rewards to participating schools that achieve significant improvements in student achievement; (4) increase the number of programs that support high school reforms by identifying the most effective approaches and disseminating information on those approaches so that they can be adopted nationally; and (5) support the implementation of reforms in at least 5,000 American high schools by the year 2007.

Proposed new section 10802 ("Grants to Local Education Agencies") of the ESEA would authorize the Secretary to make competitive grants to LEAs to carry out the program's purposes in their high schools. Subsection (1) would establish a maximum grant period of three years for each grant. Subsection (c) would provide that a particular high school could not be assisted by more than one grant. An LEA could thus serve one or more of its high schools with one grant and one or more different high schools with a subsequent grant.

Proposed new section 10803 ("Application") of the ESEA would require an LEA that desires a grant to submit an application and describe the information that must be included in the application.

Proposed new section 10804 ("Selection of Grantees") of the ESEA would establish the procedures and criteria the Secretary would use in selecting the grants.

Proposed new section 10805 ("Principles and Components of Educational Reforms") of the ESEA would describe the outcomes that participating LEAs are expected to achieve, and would identify the components of the educational reforms that would have to be carried out in those schools in order to achieve those outcomes.

Proposed new section 10806 ("Private Schools") of the ESEA would provide for the equitable participation of personnel from private schools in any professional development carried out with Part H funds. A grantee that uses Part H funds to develop curricular materials would also be required to make those materials available to private schools at their request.

Proposed new section 10807 ("Additional Activities") of the ESEA would direct the Secretary to reserve funds from each year's appropriation for Part H to carry out certain activities relating to the program's purpose, including testing the effect of offering financial rewards to teachers and administrators in high schools if their students demonstrate significant gains in educational outcomes.

Proposed new section 10808 ("Definition") of the ESEA would define the term "high school" as used in part H.

Finally, proposed new section 10809 ("Authorization of Appropriations") of the ESEA would authorize the appropriation of such sums as may be necessary for fiscal years 2001 through 2005 to carry out Part H.

Section 1011, "Elementary School Foreign Language Assistance Program," would authorize part I of the bill to revise and move the "Foreign Language Assistance Program", currently in Part B of Title VII of the ESEA, to Title X of the ESEA. Proposed new section 1011 of the bill would authorize the appropriation of such sums as may be necessary for fiscal years 2001 through 2005 to carry out Part H.

Proposed new section 10902 of the ESEA ("Grants to LEAs") would authorize the Secretary to make grants to LEAs to carry out the program's purposes. Proposed new section 10902(b)(3) would require that grants to LEAs under this section be used for activities to develop and implement high-quality, standards-based elementary school foreign language programs, which may include: (1) curriculum development and implementation; (2) professional development for teachers and other staff; (3) partnerships with institutions of higher education to provide for the preparation of the teachers needed to implement programs under this section; (4) adapting elementary school foreign language instruction with secondary-level foreign language instruction, and to provide students with a smooth transition from elementary to secondary programs; (5) implementation of instructional approaches that make use of advanced educational technologies; and (6) collection of data on, and evaluation of, the activities carried out under the grant, including assessment, at regular intervals, of participation by students of limited English proficiency in the foreign language programs studied. Proposed new section 10902(b)(3) would authorize the appropriation of such sums as may be necessary for fiscal years 2001 through 2005 to carry out Part H.

Proposed new section 10906 ("Private Schools") of the ESEA would provide for the equitable participation of personnel from private schools in any professional development carried out with Part H funds. A grantee that uses Part H funds to develop curricular materials would also be required to make those materials available to private schools at their request.
Title XI—GENERAL PROVISIONS, DEFINITIONS, AND ACCOUNTABILITY

Title XI of the bill would amend Title XIV of the ESEA containing general provisions relating to the ESEA.

Section 1101. Definitions. Section 1101 of the bill would amend various provisions of Part A of Title XIV of the ESEA to: (1) amend the definition of the term the ESEA (Consolidation of Funds for Local Administration) to make clear that an LEA may use local consolidated funds at the school district and school levels; and (2) clarify the circumstances under which an LEA may carry out its program through fiscal year 2001 and for each of the four succeeding fiscal years for the purpose of carrying out this section. Proposed new section 1101B(1) of the bill would add a new definition for the term "family literacy services"; and (3) make a number of cross-reference changes from provisions and parts in Title XI of the ESEA to reflect the redesignation of Title XIV as Title XI by section 1109 of the bill. As amended, covered programs under Part A of Title I; Part A of Title II; Subpart 1 of Part D of Title III; Part A of Title IV (other than section 4115), the Comprehensive School Reform Demonstration Program, Title VI of the ESEA (Family Literacy Services) and information that must be included in the plan. Proposed new section 1101B(1) of the bill would authorize appropriations of such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years for the purpose of carrying out this section.

Title XI—GENERAL PROVISIONS, DEFINITIONS, AND ACCOUNTABILITY

Title XI of the bill would amend Title XIV of the ESEA containing general provisions relating to the ESEA.

Section 1101. Definitions. Section 1101 of the bill would amend various provisions of Part A of Title XIV of the ESEA to: (1) amend the definition of the term the ESEA (Consolidation of Funds for Local Administration) to make clear that an LEA may use local consolidated funds at the school district and school levels; and (2) clarify the circumstances under which an LEA may carry out its program through fiscal year 2001 and for each of the four succeeding fiscal years for the purpose of carrying out this section. Proposed new section 1101B(1) of the bill would add a new definition for the term "family literacy services"; and (3) make a number of cross-reference changes from provisions and parts in Title XI of the ESEA to reflect the redesignation of Title XIV as Title XI by section 1109 of the bill. As amended, covered programs under Part A of Title I; Part A of Title II; Subpart 1 of Part D of Title III; Part A of Title IV (other than section 4115), the Comprehensive School Reform Demonstration Program, Title VI of the ESEA (Family Literacy Services) and information that must be included in the plan. Proposed new section 1101B(1) of the bill would authorize appropriations of such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years for the purpose of carrying out this section. Proposed new section 1101B(2) of the bill would require that the Federal share of a program under this section for each fiscal year be not more than 50 percent. The Secretary would be authorized to waive the requirement of cost sharing if the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this section.

Proposed new section 1101B(3) of the bill would authorize appropriations of such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years for the purpose of carrying out this section. Proposed new section 1101B(4) of the bill would require that the Federal share of a program under this section for each fiscal year be not more than 50 percent. The Secretary would be authorized to waive the requirement of cost sharing if the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this section.
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the descriptions and information needed to ensure the effective administration of each program that is to be administered in accordance with its purposes. This provision is designed to strengthen the consolidation of the plan as an instrument of effective administration of each program included.

Proposed new section 14302(b)(2) of the ESEA would require an SEA to describe in its plan how funds under the included programs will be integrated to best serve the needs of the students and teachers intended to benefit and how such funds will be coordinated with the programs included in the plan and related programs.

Proposed new section 14302(c) of the ESEA would require an SEA to include in its consolidated State plan any information required by the Secretary under proposed new section 11912 of the ESEA regarding performance indicators, benchmarks and targets and any other indicators or measures that the State determines are appropriate for evaluating its performance.

Proposed new section 14302(d) would require the Secretary to approve a consolidated State plan a description of the strategies it will use under proposed new sections 11503(a) and (b) (relating to State monitoring and data collection).

Proposed new section 14302(e) of the ESEA would establish procedures for peer review and Secretarial approval. The Secretary would be required to establish a process to assist in the review of consolidated State plans and provide recommendations for revision. To the extent practicable, the Secretary would be directed by proposed new section 14302(e)(1) to appoint individuals who: (1) are knowledgeable about the programs and target populations; (2) are representatives of SEAs, LEAs, and teachers and parents of students served under the programs, and (3) have expertise on educational standards, assessment, and accountability.

Proposed new section 14302(f) of the ESEA would direct the Secretary to approve a plan if it meets the requirements of the section and would authorize the Secretary to accept incomplete plans if the Secretary determines that the plans do not meet those requirements. Proposed new section 14302(g) would require the Secretary to notify the State of that determination and the reasons for it. Proposed new section 14302(h) of the ESEA would require the Secretary, before disapproving a plan, to offer the State an opportunity to revise the plan, provide technical assistance, and provide a hearing.

Proposed new section 14302(i) of the ESEA would provide for revision and amendment of a consolidated State plan.

Section 1105(3) of the bill would amend section 14401(a) of the ESEA to provide for uniform State assurances regarding monitoring and data integrity. Paragraph (3)(B) of section 1107 of the bill would insert a new paragraph (4) in section 14303(a) of the ESEA, requiring the State to assure that it will monitor performance by LEAs to ensure compliance with the requirements of the ESEA and, in so doing, maintain proper documentation of monitoring activities; (2) provide technical assistance when appropriate and undertake enforcement activities when needed; (3) include results of audits and other monitoring activities to identify trends in funding and develop strategies to correct problems.

Paragraph (4) in section 1103 of the bill would further amend section 14303(a) of the ESEA by adding a new paragraph (5) requiring the State to assure that the data the State collects make complete and accurate information that its LEAs under the ESEA are complete, reliable, an accurate, or, if not, the State will take such steps as are necessary to make those data complete, reliable and accurate.

Section 1103(4) of the bill would repeal section 14304 of the ESEA (Additional Coordination). Section 1103(5) of the bill would amend section 14305 of the ESEA (Consolidated Local Plans). Proposed new sections 14305(a) through (d) of the ESEA would clarify and modify proposed section 14305(a), and LEA receiving funds under more than one covered program may submit plans to the SEA under such programs on a consolidated basis. Proposed new section 14305(b) of the ESEA would authorize an SEA that has an approved consolidated State plan to require its LEAs that receive funds under more than one program included in the consolidated State plan to submit consolidated local plans for such programs.

Proposed new section 14306(c)(c) of the ESEA would require the Secretary to work with LEAs in the State in establishing criteria and procedures for the submission of the consolidated local plans. For each program included in a local consolidated plan, proposed new section 14306(d) of the ESEA would authorize the Secretary to designate the descriptions and information that must be included in a local consolidated plan to ensure that each program is administered in a proper and effective manner in accordance with its purposes.

Section 1103(6) of the bill would make conforming amendments to section 14306 of the ESEA (General Assurances), and section 1107 of the bill would amend section 14306 of the ESEA (Relationship of State and Local Plans to Plans under the Goals 2000: Educate America Act).

Section 1103(8) of the bill would amend Part C of Title XIV of the ESEA by adding a new section 14307 ("Consolidated Reporting") authorizing the Secretary to establish procedures for the submission of consolidated annual performance reports. Proposed new section 14307 of the ESEA would require that the report include the results of evaluations under all programs included in the report, including the State’s performance under those programs, and other matters, as the Secretary determines. Submission of a consolidated performance report would take the place of individual performance reports for the programs subject to its. Section 1104, Waverers. Section 1104 of the bill would amend section 14401 of the ESEA (Wavers).

Section 1106, Gun Possession. Section 1106 of the bill would repeal Part F of Title XIV of the ESEA, the Gun-Free Schools Act. These provisions, in modified form, would be included in proposed new title IV of the ESEA.

Section 1107, Evaluation and Indicators. Section 1107 of the bill would amend Part G of Title XIV to revise section 14701 of the ESEA (Evaluation and Indicators) and to add a new section 14702 of the ESEA ("Performance Measures"), authorizing the Secretary to establish performance indicators for each program under the ESEA and Title VII-B of the Stewart B. McKinney Homeless Assistance Act.
to carry out the purposes of the Government and Part G of Title XI of the ESEA, in cooperation with the States to develop information relating to program performance that can be used to help achieve continuous improvement at the State, school district, and school level. Proposed new section 14701(b) of the ESEA would direct the Secretary to use reserved funds to conduct independent studies of programs under the ESEA and the effectiveness of those programs in achieving their purposes, to determine whether the programs are achieving the desired results. In the event of such studies, the Secretary would ensure that the studies would be consistent with the terms and conditions of the grant and report the findings to the appropriate SEA. Proposed new section 14701(c) of the ESEA would direct the Secretary to establish an independent panel to review these studies, to advise the Secretary on their progress, and to comment, if it so chooses, on the final report under proposed new section 14701(d).

Proposed new section 14701(d) would direct the Secretary to submit an interim report on the evaluations within three years of enactment of the Education Excellence for All Children Act of 1999 and a final report with four years of enactment of the Act and the Workforce of the House of Representatives and to the Committee on Health, Education, Labor and Pensions of the Senate. Proposed new section 14 of the ESEA would authorize the Secretary to provide technical assistance to recipients under the ESEA to enhance the ability of the recipient to use performance indicators, within and across programs, with technical assistance to SEAs, LEAs and other recipients under the ESEA to strengthen the collection and dissemination of information relating to program performance and quality assurance at State and local levels. This proposed new subsection would require that the technical assistance be designed to promote the development, use and reporting of data on valid, reliable, timely, and consistent performance indicators, within and across programs, with the help of recipients in making continuous program improvement.

Section 1107(3) would add proposed new section 14702 (“Performance Measures”) to the ESEA. Proposed new section 14702(a) of the ESEA would authorize the Secretary to establish performance indicators, benchmarks, and targets for each program under the Act and section 1 of the Stewart B. McKinney Homeless Assistance Act, to assist in measuring program performance. It would further require that the indicators, benchmarks, and targets be consistent with Government Performance and Results Act of 1993, strategic plans adopted by the Secretary under that Act, and section 1105(d) of the ESEA.

Proposed new section 14702(b) of the ESEA would direct the Secretary to collaborate with SEAs, LEAs and other recipients under the ESEA in establishing performance indicators, benchmarks, and targets. Proposed new section 14702(c) of the ESEA would authorize the Secretary to require an applicant for funds for programs under the ESEA or the McKinney Homeless Assistance Act, to assist in measuring program performance. The ESEA would also require the indicators, benchmarks, and targets to be consistent with Government Performance and Results Act of 1993, strategic plans adopted by the Secretary under that Act, and section 1105(d) of the ESEA.

Section 1108. Coordinated Services. Section 1108 of the bill will transfer Title XI of the ESEA, relating to coordinated services, to Part I of Title XI and would make conforming amendments to its terms and conditions. Paragraph (5) of section 1110(a) of the bill would make minor changes to the short title, findings, and definitions of the Education Flexibility Partnership Act of 1999 to reflect its incorporation into the ESEA. Paragraph (5) of section 1110(a) would, in addition to making minor editorial revisions, make State eligibility for ED-Flex status turn, in part, on whether the State has an approved accountability plan under proposed new section 11208 of the ESEA and is making satisfactory progress, as determined by the Secretary, in implementing its policies under proposed new sections 11204 (Student Progress and Promotion Policy) and 11205 (Ensuring Teacher Quality) of the ESEA. (A State would also have to be in compliance with various Title I accountability requirements and waive State statutory provisions to the contrary). Paragraph (5) of section 1110(a) would also revise the conditions under which the Secretary may grant an extension of ED-Flex status and its provisions. In part, it is designed to end the practices of social promotion and retention. Proposed new section 1111(b) would outline specific requirements for the State’s
policy under subsection (a). Under proposed new subsection (b), a State would have to require its LEAs to include in their accountability plans the performance indicators set forth on an aggregated basis, in both the State and its LEAs.

Finally, proposed new subsection (b) of section 11204 of the ESEA would require a State to ensure that all students can meet the challenging academic standards required under section 1111(b)(A) of the ESEA, and, in particular, to have in effect, under its State accountability plans, a policy designated to ensure that there are, in the schools in the State, and that meets the requirements of proposed new subsection (b) of section 11205(b)(2) of the ESEA.

Proposed new section 11205(b) of the ESEA would establish requirements for the content of the State’s policy on teacher quality. Under proposed new section 11205(b), a policy to ensure teacher quality must include the strategies that the State will carry out to ensure that, within four years from the date it submits its accountability plan, certain goals are met. Proposed new section 11205(b)(1) would require that a State include strategies to ensure that not less than 95 percent of the students in the State are either certified, have a baccalaureate degree and are enrolled in a program, such as an alternative certification program, leading to full certification in their field within three years, or have full certification in another State and are establishing certification where they are teaching. Proposed new section 11205(b)(2) would require the State to include strategies to ensure that not less than 95 percent of the students in public secondary schools in the State have academic majors or minors in the subject area in which they teach. A State would also have to include strategies to ensure that there is no disproportionate concentration in particular subject areas of teachers who are not described in paragraphs (1) and (2) of proposed new section 11205(b). Additionally, a State would be required to ensure its policy strategies to ensure that its certification process for new teachers includes an assessment of content knowledge and teaching skills allowing for people who are not certified in another State.

Proposed new section 11205(c) of the ESEA would require a State to include in its accountability plan the performance indicators set forth in paragraphs (1) and (2) of proposed new section 11205(c)(1)(A), a State would be required to include the benchmarks by which it will measure the percentage of teachers in the State teaching without full licenses or credentials. Proposed new section 11205(c)(1)(B) would require a State to include the benchmarks by which it will measure the percentage of secondary school classes in core academic subject areas taught by teachers who either have a postsecondary-level academic major or minor in the subject area they teach or a related field, or otherwise demonstrate a high level of competence in teaching through rigorous tests in their academic subject.

Finally, proposed new section 11205(c)(2) of the ESEA would require a State to assure in its accountability plan that in carrying out its teacher quality policy, it would not decrease the rigor or quality of its teacher certification policies.

Subsection (a) of proposed new section 11206 (“Sound Discipline Policy”) of the ESEA would require a State that receives assistance under the ESEA; to have in effect, under its State accountability plan, a policy that would require its LEAs and schools to have in place and implement sound and equitable discipline policies, to ensure that students are provided an appropriate learning environment in every school. A State would also be required under section 11206(c) to include in its accountability plan evidence that it has in effect a policy that meets the requirements of this section.

Under proposed new section 11206(b) of the ESEA, the required disciplinary policy would require LEAs and schools to implement disciplinary policies that focus on prevention and are coordinated with prevention strategies and programs under Title IV of the ESEA. Additionally, LEA and school policies would have to: apply to all students; be enforced consistently and equitably; be clear and understandable; be developed with the participation of school staff, students, and parents; be broadly disseminated; ensure that due process is provided; be consistent with applicable Federal, State and local laws; be consistent with applicable Federal, State and local laws; be consistent with applicable Federal, State and local laws; and, in case of students suspended or expelled from school, provide for appropriate transitional and alternative educational services that will help those students continue to meet the State’s challenging standards.

Subsection (a) of proposed new section 11207 (“Education Report Cards”) of the ESEA would require a State that receives assistance under the ESEA, to have in effect, under its State accountability plan, a policy that requires the development and dissemination of annual report cards regarding the status of education and educational progress in the State and in its LEAs and schools. Under proposed new section 11207(a), report cards would have to be concise and disseminated in a format and manner that parents could understand, and focus on educational results.

Proposed new section 11207(b) of the ESEA would establish the information that, at a minimum, would be set forth on an aggregated basis, in both reading (or language arts) and mathematics, as well as any other subject area for which the State determines to be appropriate. A State would also be required under proposed new section 11207(b)(1) to include in its report...
 cards would have to be disseminated to all parents of students attending school and made available to the public. School report cards would have to be disseminated to all parents of students attending that school and made broadly available to the public.

Under proposed new section 11207(e) of the ESEA, a State would be required to include in its accountability plan an assurance that it has in effect an education report card policy that meets the requirements of proposed new section 11207.

Proposed new section 11208(c) of the ESEA would require a State to report annually to the Secretary, in such form and containing such information as the Secretary may require, on its progress in carrying out the requirements of this section. The Secretary would require the Secretary to establish, in implementing this part, a separate accountability plan for each of the State's school districts. A State would be required to assess the effect of the State's accountability plan on the achievement and social promotion policy under proposed new section 11506 of the ESEA. Additionally, in reporting on its progress in implementing its student progress and social promotion policy under proposed new section 11204 of the ESEA, a State would be required to include in this report the consolidated State plan performance report required under proposed new section 110208(e) of the ESEA.

Proposed new section 11203(d) of the ESEA would require a State that submits a consolidated State plan under section 11502 to include in that plan its accountability plan under this section. If a State does not submit a consolidated State plan, a State must submit a separate accountability plan.

Under proposed new section 11208(e) of the ESEA, the Secretary would approve an accountability plan under this section if the Secretary determines that it substantially complies with the requirements of this part. Additionally, the Secretary would have the authority to accompany the approval of a plan with conditions consistent with the purpose of this part. In reviewing accountability plans under this part, the Secretary would require the Secretary to establish, in implementing this part, a separate accountability plan for each of the State's school districts. A State would be required to assess the effect of the State's accountability plan on the achievement and social promotion policy under proposed new section 11506 of the ESEA.

Finally, under proposed new section 11208(e) of the ESEA, if a State does not submit a consolidated State plan under section 11502 of the ESEA, the Secretary would, in considering the State's separate accountability plan under this section, use procedures comparable to those outlined in the accountability plan proposed new section 11208(a) of the ESEA would authorize the Secretary to take one or more of the following steps to ensure prompt compliance: (1) providing, or arranging for, technical assistance to the State educational agency; (2) taking other actions under section 4101 of the Gun-Free Schools Act; (3) providing financial assistance to the State educational agency; (4) suspending or terminating authority to grant waivers under applicable ED-Flex authority; (5) withholding, in whole or in part, State administrative funds under the ESEA; (6) withholding, in whole or in part, program funds under the ESEA; (7) imposing one or more conditions upon the Secretary's approval of a State plan or application under the ESEA; (8) taking other actions under section 4101 of the Gun-Free Schools Act; and (9) taking other appropriate steps, including referral to the Department of Justice for enforcement.

Proposed new section 11209(b)(2) of the ESEA would require the Secretary to take one or more additional steps under proposed new section 11209(a) of the ESEA to bring the State into compliance if he determines that previous steps under that provision have failed to correct the State's non-compliance.

Proposed new section 11210 (“Recognition and Rewards”) of the ESEA would require the Secretary to recognize and reward States that the Secretary determines have demonstrated significant, statewide achievement in meeting the purposes of this part, as measured by the National Assessment of Educational Progress for three consecutive years, are closing the achievement gap between low- and high-performing students, and have in place strategies for continuous improvement in reducing the practices of social promotion and retention. Such recognition and rewards would provide States with increased flexibility in administering programs under the ESEA (consistent with maintaining accountability), and supplement grants or administrative funds to carry out the purposes of the ESEA. Proposed new section 11210(c)(1) of the ESEA would authorize, for fiscal years 2000 and each of the four succeeding fiscal years, the appropriation of whatever sums are necessary to provide such supplementary funds.

Proposed new section 11211 (“Best Practices Model”) of the ESEA would require the Secretary, in implementing this part, to disseminate information regarding best practices, and provide technical assistance, after consulting with State and LEAs and other agencies, institutions, and organizations with experience or information relevant to the purposes of this part.

Finally, proposed new section 11212 (“Construction”) of the ESEA would provide that nothing in this Part shall be construed as affecting any obligation of the civil rights laws or the Individuals with Disabilities.
Section 1112. America's Education Goals Panel. Section 1112 of the bill would move the authority for the National Education Goals Panel from Title II of the Goals 2000: Educate America Act to a new Part C of Title XI of the ESEA, and rename the panel the American Educational Development Panel. This conformance to the renaming of the National Education Goals as “America’s Education Goals” would provide, in a separate program within a school, based on that child or youth’s status as homeless, training to create separate, generally inferior, local actions being taken around the country segregating homeless children on the basis of language, which is reflected in amendments to section 2(b) of the bill. Section 722(g)(1)(H) of the Act to require LEAs and school districts to adopt policies and practices to ensure that homeless children and youth are not segregated or stigmatized and that LEAs in which homeless children and youth reside or attend school will: (1) post public notice of the educational rights of such children and youth in their home and youth receive services under this Act; and (2) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth. Section 722(g)(6) of the Act would amend section 722(g)(6) of the Act to make editorial changes and require the Coordinator to collaborate, to the extent feasible, to keep a homeless child or youth in his or her school of origin, except when doing so is contrary to the wishes of the child or youth. Section 722(g)(7) of the Act would amend section 722(g)(7) of the Act to require LEAs, in determining the best interest of the homeless child or youth, to provide a written explanation to the homeless child’s or youth’s parent or guardian when the child or youth is sent to a school other than the school of origin or a school requested by the parent or guardian.

Section 1113. Repeal. Section 1112 of the bill would repeal Title XII of the ESEA.

TITLE XII—AMENDMENTS TO OTHER LAWS; FY 2000 GRANTS

Part A—Amendments to other laws

Section 1201. Amendments to the Stewart B. McKinney Homeless Assistance Act. Section 1201 of the bill would set forth amendments to the Stewart B. McKinney Homeless Assistance Act. Section 1201(b)(2) of the bill would amend section 722 of the Act to require LEAs and school districts to adopt policies and practices to ensure that homeless children and youth are not segregated or stigmatized and that LEAs in which homeless children and youth reside or attend school will: (1) post public notice of the educational rights of such children and youth in their home and youth receive services under this Act; and (2) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth. Section 1201(b)(4)(B) of the bill would amend section 722(g)(3) of the Act to require LEAs, in determining the best interest of the homeless child or youth, to provide a written explanation to the homeless child’s or youth’s parent or guardian when the child or youth is sent to a school other than the school of origin or a school requested by the parent or guardian.

Section 1201(b)(3) of the bill would amend section 722(g)(6) of the Act to amplify the coordination requirements currently in paragraphs (6) and (9) and require that the mandated coordination be designed to: (1) ensure that homeless children and youth have access to available education and related support services, and (2) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homeless children and youth. Section 1201(b)(4)(D) of the bill would amend section 722(g)(7) of the Act to require each LEA, in preparing the annual report, to consider: (1) the applicant’s needs assessment and the likelihood that the project would assist in meeting those needs; (2) the types, intensity, and coordination of the services to be provided under the grant; and the involvement of parents or guardians; (4) the extent to which homeless children and youth will be integrated within the regular education program; the quality of the local application for a subgrant, to consider: (1) the applicant’s needs assessment and the likelihood that the project would assist in meeting those needs; (2) the types, intensity, and coordination of the services to be provided under the grant; and the involvement of parents or guardians; (4) the extent to which homeless children and youth will be integrated within the regular education program; the quality of the local application for a subgrant, to consider: (1) the applicant’s needs assessment and the likelihood that the project would assist in meeting those needs; (2) the types, intensity, and coordination of the services to be provided under the grant; and the involvement of parents or guardians; (5) the quality of the applicant’s evaluations and the quality of the local application for a subgrant, to consider: (1) the applicant’s needs assessment and the likelihood that the project would assist in meeting those needs; (2) the types, intensity, and coordination of the services to be provided under the grant; and the involvement of parents or guardians; and (6) the extent to which services provided under the Act will be coordinated with other available services; and (7) such other measures as the Secretary deems indicative of a high-quality program.
would also be repealed by section 1211 of the bill.

By Mr. LEAHY:

S. 1181. A bill to appropriate funds to carry out the commodity supplemental food program and the emergency food assistance program fiscal year 2000 to the Committee on Agriculture, Nutrition, and Forestry.

**COMMODITY SUPPLEMENTAL FOOD PROGRAM**

Mr. LEAHY. Mr. President, I am proud to introduce a bill to increase funding for the Commodity Supplemental Food Program for Fiscal Year 2000. I look forward to working with Appropriative Committee members on this and other important matters through the appropriations process.

The Commodity Supplemental Food Program does exactly what its name suggests—it provides supplemental foods to states who distribute them to low-income postpartum, pregnant and breastfeeding women, infants, children up to age six, as well as senior citizens. People participating in CSFP receive healthy packages of food including items such as infant formula juice, rice, pasta, and canned fruits and vegetables.

The Commodity Supplemental Food Program currently operates in twenty states and last year, more than 370,000 people participated in it every month. There still remains a great need to expand this program, as there is a waiting list of states—including my state of Vermont—who want to participate, but are not able to because of lack of funding. The bill I am introducing would fix this problem, by increasing the funding so that more women, children and seniors in need could participate. I look forward to working with the Vermont Congressional delegation on this matter.

The Commodity Supplemental Food Program has proven itself to be vitally important to senior citizens, as 243,000 of the 370,000 people who participate every month are seniors. There continues to be a great need for our seniors in Vermont, and in the rest of the nation.

This has been true for sometime, and still is the case. I successfully fought efforts a few years ago to terminate the Meals on Wheels Program. Ending that program would have been a disaster for our seniors.

According to an evaluation of the Elderly Nutrition Program of the Older Americans Act, approximately 67% to 90% of the participants are at moderate to high nutritional risk. It is further estimated that 40% of older adults have inappropriate intakes of three or more nutrients in their diets. And the results of nutritional programs on the health of seniors are amazing—for instance, it was estimated in a report that for every $1 spent on Senior Nutrition Programs, more than $3 is saved in hospital costs.

This Congress, I have taken a number of steps to address the nutritional problems facing our seniors, and have made some success. In response to a budget request that I submitted last year, the Administration increased their funding request for the Elderly Nutrition Program by $10 million to $150 million for fiscal year 2000. I will continue to work to see that the full $150 million is included in the final budget.

By Mr. DOMENICI:

S. 1182. A bill to authorize the use of flat grave markers to extend the useful life of the Santa Fe National Cemetery, New Mexico, and to allow more veterans the honor and choice of being buried in the cemetery; to the Committee on Veterans' Affairs.

**SANTA FE NATIONAL CEMETARY LEGISLATION**

Mr. DOMENICI. It is with great pleasure and honor that I rise today to introduce a bill to extend the useful life of the Santa Fe National Cemetery in New Mexico.

The men and women who have served in the United States Armed Forces have made immeasurable sacrifices for the principles of freedom and liberty that make this Nation unique throughout civilization. The service of veterans has been vital to the history of this Nation, and the sacrifices made by veterans and their families should not be forgotten.

These veterans at the very least deserve every opportunity to be buried at a National Cemetery of their choosing. However, unless Congressional action is taken the Santa Fe National Cemetery will run out of space to provide casketed burials for our veterans at the conclusion of 2000.

I believe all New Mexicans can be proud of the Santa Fe National Cemetery that has grown from 39,100 of an acre to its current 77 acres. The cemetery first opened in 1868 and within several years was designated a National Cemetery in April of 1875.

Many of America's best fought in all of nation's wars hold an honored spot within the hallowed ground of the cemetery. Today the Santa Fe National Cemetery contains almost 27,000 graves that are mostly marked by upright headstones.

However, as I have already stated, unless Congress acts the Santa Fe National Cemetery will be forced to close.
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S. 1183. A bill to direct the Secretary of Energy to convey to the city of Bartlesville, Oklahoma, the former site of the National Institute for Petroleum and Energy Research (NIPER) to the City of Bartlesville for business and educational purposes.

The NIPER facility was originally established in 1918 as the Petroleum Experiment Station by the U.S. Bureau of Mines. Its purpose was to provide research targeted to oil and gas field problems. In 1936, as World War II approached, additions to the Work Project Administration building were erected. Its research was expanded to help the war effort. During the 1973–1974 energy crisis, the center was renamed the Bartlesville Energy Research Center. When the Center privatized in 1983, it was renamed the National Institute for Petroleum and Energy Research (NIPER). NIPER closed its operations on December 22, 1998.

According to the Surplus Property Act of 1949, excess federal property is screened for use for the following: Housing and Urban Development, Health and Human Services, and local and state organizations including non-profit organizations. At the conclusion of the screening process, a negotiated sale is conducted. If no other casketed sites are developed, then we would exhaust this inventory in 2001. Based on our understanding that future flat marker grave sites at the east side of the cemetery are acceptable to veterans and the neighboring community, an additional seven-year inventory of sites can be developed in that portion of the cemetery. This would extend the useful life of the cemetery for casketed burials to the year 2008. While I wish the practice of utilizing upright marble headstones which are provided with the 5x10 grave site, we found it more important to extend the life of the National Cemetery therefore we support your recommendation and the recommended 4x8 grave sites. We are in agreement with your recommendations for a columbarium for the burial of our cremated comrades.

Please thank your staff for the outstanding work and service which they provide to the Veterans of Foreign Wars.

Let me also thank you for providing us with the specific information needed to come to our decision.

As State Commander of the Veterans of Foreign Wars of the United States of America Department of New Mexico I pledge our full support of your recommendation and would ask that you forward this letter of support to your Washington Office.

May God Bless America and our men and women who served and serve in our military armed forces.

Yours in comradeship,

ROBERT O. PEREA, State Commander.

DEPARTMENT OF VETERANS AFFAIRS,
DIRECTOR NATIONAL CEMETARY SYSTEM,

MICHAEL C. D'ARCO,
Director, New Mexico Veterans Services Commission
Santa Fe, NM.

DEAR MR. D'ARCO, I know that you are completing your study on the issue of veterans cemeteries in New Mexico. Following is information on the Santa Fe National Cemetery.

There is approximately a three-year inventory of casketed sites readily available for immediate use in the recently developed sections of the cemetery, sections 10, 11, and 12.

If no other casketed sites are developed, then we would exhaust this inventory in 2001. Based on our understanding that future flat marker grave sites on the east side of the cemetery are acceptable to veterans and the neighboring community, an additional seven-year inventory of sites can be developed in that portion of the cemetery. This would extend the useful life of the cemetery for casketed burials to the year 2008. While I wish the practice of utilizing upright marble headstones which are provided with the 5x10 grave site, we found it more important to extend the life of the National Cemetery therefore we support your recommendation and the recommended 4x8 grave sites. We are in agreement with your recommendations for a columbarium for the burial of our cremated comrades.

Please thank your staff for the outstanding work and service which they provide to the Veterans of Foreign Wars.

Let me also thank you for providing us with the specific information needed to come to our decision.

As State Commander of the Veterans of Foreign Wars of the United States of America Department of New Mexico I pledge our full support of your recommendation and would ask that you forward this letter of support to your Washington Office.

May God Bless America and our men and women who served and serve in our military armed forces.

Yours in comradeship,

ROBERT O. PEREA, State Commander.

DEPARTMENT OF VETERANS AFFAIRS,
DIRECTOR NATIONAL CEMETARY SYSTEM,

MICHAEL C. D'ARCO,
Director, New Mexico Veterans Services Commission
Santa Fe, NM.

DEAR MR. D'ARCO, I know that you are completing your study on the issue of veterans cemeteries in New Mexico. Following is information on the Santa Fe National Cemetery.
of Bartlesville from realizing any near-term economic boost from NIPER’s re-development. Consequently, this legislation is needed to ensure that the NIPER facilities are redeveloped as quickly as possible in order to provide a prompt economic boost to the community. This legislation also will ensure that the NIPER facilities do not deteriorate while the property is being processed through the lengthy steps of the Surplus Property Act and therefore make re-use impossible.

The City of Bartlesville intends to provide an educational facility and a place for business and industry that would facilitate job creation through technology and investment. The NIPER facility will also provide housing for administrative services for community development organization such as United Way, Women and Children’s Aid, and various homeless programs. This project enjoys the strong support of the Mayor of Bartlesville and other locally elected officials.

By Mr. DOMENICI (for himself and Mr. KYL):

S. 1184. A bill to authorize the Secretary of Agriculture to dispose of land for recreation or other public purposes; to the Committee on Energy and Natural Resources.

NATIONAL FOREST SYSTEM COMMUNITY PURPOSES ACT

Mr. DOMENICI. Mr. President, I rise to introduce important legislation, co-sponsored by Senator Kyi, that would allow the Forest Service to convey parcels of land to States and local governments, on the condition that it be used for a specific recreational or local public purpose. The National Forest System Community Purposes Act is patterned after an existing law that set in place one of the most successful local community assistance programs under the Bureau of Land Management (BLM).

That law, the Recreation and Public Purposes Act, was enacted in 1926. Under its authority, the BLM has been able to work cooperatively with States and communities to provide land needed for recreational areas and other public projects to benefit local communities in areas where Federal land dominates the landscape. With skyrocketing demands on the Forest Service and local communities to provide accommodations and other services for an ever-increasing number of Americans who take advantage of all the opportunities available in the national forests, I believe the time has come to provide this ability to the Forest Service.

In the 1996 Omnibus Parks and Public Lands Management Act, there were no fewer than 31 boundary adjustments, land conveyances, and exchanges authorized, many of which dealt with national forests. Had this legislation been enacted at that time, I cannot say for sure how many of these provisions would have been unnecessary, but I expect that they have been reduced by at least one-third.

During the 105th Congress, I sponsored three bills that directed the Secretary of Agriculture to convey small tracts Forest Service land to communities in New Mexico. All three bills were subsequently passed in the Senate unanimously, but two of these bills were not enacted last year, and the Senate has once again seen fit to pass them in the 106th Congress. We now await action in the House. I know that other Senators are faced with a similar situation of having to shepherd bills through the legislative process simply to give the Forest Service the authority to cooperate with local communities for local needs.

Over one-third of the land in New Mexico is owned by the federal government, and therefore finding appropriate sites for community and educational purposes can be difficult. Communities adjacent and surrounded by National Forest System land have limited opportunities to acquire land for certain recreational and other local public purposes. In many cases, these recreational and other local needs are not within the mission of the Forest Service, but would not be inconsistent with forest plans developed for the adjacent national forest.

To compound the problem, small communities are often unable to acquire land due to its extremely high market value resulting from the predominance of Federal land in the local area.

The subject of one of the bills I just alluded to provides an excellent example of the problem. That bill provided for a one-acre conveyance to the Village of Jemez Springs, New Mexico. The land is to be used for a desperately needed fire substation, which will obviously benefit public safety for the local community. Since over 70 percent of the emergency calls in this particular community are for assistance on the Santa Fe National Forest, however, the Forest Service would also benefit greatly from this new station.

In fairness, the Forest Service was very willing to sell this land to the village but constrained by current law to charge the appraised fair market value. Herein lies the biggest problem for small communities like Jemez Springs. In this case, the appraised value of an acre of land along the highway, obviously necessary for this kind of a facility, was estimated to be around $50,000. Combined with the cost of building the station itself, this additional cost put the project out of reach of the community’s 400 residents.

The story of Bartlesville is somewhat similar. The time has come for this legislation. In fact, during a recent discussion I had with Forest Service Chief Dombek, he was somewhat surprised to learn that the agency did not already have this authority. I would urge the Senate to provide this needed assistance to local communities around the country.

By Mr. ABRAHAM (for himself, Mr. LIEBERMAN, Mr. MCCAIN, Mr. McCONNELL, Mr. LOTT, Mr. BOND, Mr. ASHCROFT, Mr. COVERDELL, Mr. NICKLES, Mr. BROWNBACK, Mr. GORTON, Mr. GRASSLEY, Mr. SESSIONS, Mr. BURNS, Mr. INHOFE, Mr. HOLS, Mr. ALLARD, Mr. HAGEL, Mr. MACK, Mr. BUNNING, Mr. JEFFORDS, Mr. DEWINE, Mr. CRAIG, Mr. HUTCHINSON, and Mr. ENZI):

S. 1183. A bill to provide small business certain protections from litigation excesses and to limit the product liability of non-manufacturer product sellers; to the Committee on the Judiciary.

THE SMALL BUSINESS LIABILITY REFORM ACT OF 1999

Mr. ABRAHAM. Mr. President, I rise today to introduce the Small Business Liability Reform Act of 1999, legislation that will provide targeted relief to small businesses nationwide.

Small businesses in Michigan and across this nation are faced with a daily threat of burdensome litigation, a circumstance which has created a desperate need for relief from unwarranted and costly lawsuits. While other sectors of our society and our economy also need relief from litigation excesses, small businesses by their very nature are particularly vulnerable to lawsuit abuse, and find it particularly difficult to bear the high cost of defending themselves against unjustified and unfair litigation.

Small businesses represent the engine of our growing economy and provide countless benefits across America. The Research Institute for Small and Emerging Business, for example, has estimated that there are over 20 million small businesses in America, and that these small businesses generate over 50 percent of our country’s private sector output.

My small business constituents relate story after story describing the
constraining, limitations and fear posed by the very real threat of abusive and unwarranted litigation. The real world impact of punitive damages is high on the conscience of many entrepreneurs and small businesses. They are faced with the very real threat of being sued for product liability and doing nothing wrong. The fear of being dragged into the court system is so overwhelming that they choose not to innovate, engage in the sort of egregious misconduct that would warrant a claim of punitive damages. Similarly, the National Federal of Independent Business reports that 34 percent of Texas small business owners are sued or threatened with court action seeking punitive damages; again, the outrageous high rate of prayer for punitive damages simply cannot have anything to do with actual wrongdoing by the defendant.

First, the bill limits punitive damages that may be awarded against a small business. In most civil lawsuits against small businesses punitive damages would be available against the small business only if the claimant proves by clear and convincing evidence that the harm was caused by the small business through at least a conscious, fragrant indifference to the rights and safety of the claimant. Punitive damages would also be limited in amount to the lesser of $250,000 or two times the compensatory damages awarded for the harm. That formulation is exactly the same as that in the small business protection provision that was included in the Product Liability Conference Report passed in the 104th Congress.

Second, joint and several liability reforms for small businesses are included under the exact same formulation used in the Volunteer Protection Act, which was passed in the 105th Congress and in the Protection Liability Conference Report passed in the 104th Congress. Joint and several liability would be limited such that a small business would be liable for damages in proportion to its economic impact on the business. The Volunteer Protection Act passed by the Senate in the 105th Congress provides specific protections from abusive litigation to volunteers. The Volunteer Protection Act provides limits on liability and provides a defense for anyone acting in good faith and with reasonable care.

The limitations on liability would not apply to any misconduct that constitutes a crime of violence, act of international terrorism, hate crime, sexual offense, civil rights law violation, or natural resource damages, or

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section contains two principal reforms.

Second, joint and several liability reforms for small businesses are included under the exact same formulation used in the Volunteer Protection Act, which was passed in the 105th Congress and in the Protection Liability Conference Report passed in the 104th Congress. Joint and several liability would be limited such that a small business would be liable for damages in proportion to its economic impact on the business. The Volunteer Protection Act passed by the Senate in the 105th Congress provides specific protections from abusive litigation to volunteers. The Volunteer Protection Act provides limits on liability and provides a defense for anyone acting in good faith and with reasonable care.

The limitations on liability would not apply to any misconduct that constitutes a crime of violence, act of international terrorism, hate crime, sexual offense, civil rights law violation, or natural resource damages, or
Title II of the Act addresses liability reform for non-culpable product sellers, commonly small businesses, who have long sought help in gaining a degree of protection from unwarranted lawsuits. Product sellers, like your corner grocery store, provide a crucial service to all of us by offering a convenient source for a wide assortment of goods. Unfortunately, current law subjects them to harassment and unnecessary litigation; in about twenty-nine states, product sellers are drawn into the overwhelming majority of product liability cases even though they play no part in the designing and manufacturing process, and are not to blame in any way for the harm. It is pointless to haul a product seller into the litigation when everyone in the system knows that the seller is not at fault. Dragging in the neighborhood convenience store helps no one, not the claimant, not the product seller, and certainly not the consumer. All it does is increase the cost to product sellers of doing business in our neighborhoods, because these businesses are unnecessarily forced to bear the cost of court expenses in their defense.

Again, the real-world background presents a compelling case. In one instance, a product seller was dragged into a product liability suit even though the product it sold was shipped directly from the manufacturer to the plaintiff. In the end, the manufacturer—not the product seller—had to pay the resulting expenses. For example, an individual in a rented auto struck a pedestrian at an intersection in a suburban commercial area on Long Island. The pedestrian, who was intoxicated, was jay-walking on her way from one bar to another. The driver was also intoxicated. The pedestrian unfortunately sustained a traumatic injury and was left in a permanent vegetative state. Although the auto rental company was clearly not at fault in this case, the result is predictable: the rental company was forced to settle for $8.5 million out of fear of a much larger jury award, who was not wearing a seat belt. The car rental company, which holds these companies responsible for acts committed by an individual rentee or lessee. In several states, these companies are subject to liability for the negligent tortious acts of their customers even if the rental company is not negligent and the product is not defective. This type of fault-ignorant liability is detrimental to the economy because it increases non-culpable companies’ costs, costs which are ultimately passed along to the rental customers.

Settlements and judgements from vicarious liability claims against auto rental companies cost the industry approximately $100 million annually. In Michigan, for example, a renter lost control of a car and drove off the highway. The care flipped over several times. A law enforcement officer who was not wearing a seat belt. The car rental company, which was not at fault, nevertheless settled for $1.226 million out of fear of being held vicariously liable for the passenger’s death. In another case, four British sailors rented a car from Alamo to drive from Fort Lauderdale to Naples. The driver fell asleep at the wheel, and his car left the road and ended up in a canal. The driver and two passengers were killed, while the fourth passenger was seriously injured. Although the Court found Alamo not to have acted negligently, Alamo was ordered by a jury to pay the plaintiffs $7.7 million solely due to Alamo’s ownership of the vehicle. Often even when the injured party and the driver are both at fault, it is the innocent rental company that has to bear the resulting expenses. For example, an individual in a rented auto struck a pedestrian at an intersection in a suburban commercial area on Long Island. The pedestrian, who was intoxicated, was jay-walking on her way from one bar to another. The driver was also intoxicated. The pedestrian unfortunately sustained a traumatic injury and was left in a permanent vegetative state. Although the auto rental company was clearly not at fault in this case, the result is predictable: the rental company was forced to settle for $8.5 million out of fear of a much larger jury award.

We believe that subjecting product renters and lessors to vicarious liability is not only unfair, but also increases the cost to all consumers. Title II resolves this problem by providing that product renters and lessors shall not be liable for the wrongful acts of another solely by reason of product ownership—product renters and lessors would only be responsible for their own acts. I am pleased to have Senators Lieberman, Hatch, McCain, McConnell, Lott, Bond, Ashcroft, Coverdell, Nickles, Brownback, Gorton, Grassley, Sessions, Burns, Inhofe, Helms, Allard, Hagel, Mack, Bunning, Jeffords, DeWine, Craig, Hutchison, and Enzi as original cosponsors of the legislation, and very much appreciate their support for our small businesses and for meaningful litigation reform. The list of business organizations supporting this bill is also impressive, and includes the following: National Federation of Independent Business, the National Restaurant Association, the National Association of Wholesalers, the National Retail Federation, the American Auto Leasing Association, the American Consulting Engineers Council, the Small Business Legislative Council, the National Small Business United, the National Association of Convenience Stores, the American Car Rental Association, the International Mass Retail Association, the Associated Builders and Contractors, and the National Equipment Leasing Association.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

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

S. 1185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the “Small Business Liability Reform Act of 1999.”

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Title.

Sec. 101. Findings.

Sec. 102. Definitions.

Sec. 103. Limitation on punitive damages for small businesses.

Sec. 104. Limitation on several liability for noneconomic loss for small businesses.

Sec. 105. Exceptions to limitations on liability.

Sec. 106. Preemption and election of State nonapplicability.

Sec. 107. Effective date.

TITLe II—PRODUCT SELLER FAIR TREATMENT

Sec. 201. Findings.


Sec. 203. Applicability; preemption.

Sec. 204. Liability rules applicable to product sellers; renters, and lessors.

Sec. 205. Federal cause of action precluded.

Sec. 206. Effective date.

TITLe III—SMALL BUSINESS LAWSUIT ABUSE PROTECTION

Sec. 301. Findings.

Congress finds that—

(1) the United States civil justice system is inefficient, unpredictable, unfair, costly, and impedes competitiveness in the marketplace for goods, services, business, and employees;

(2) the defects in the civil justice system have a direct and undesirable effect on interstate commerce by decreasing the availability of goods and services in commerce;

(3) there is a need to restore rationality, certainty, and fairness to the legal system;
In this title:

(1) ACT OF INTERNATIONAL TERRORISM.—The term "act of international terrorism" has the same meaning as in section 2331 of title 18, United States Code.

(2) CRIME OF VIOLENCE.—The term "crime of violence" has the same meaning as in section 16 of title 18, United States Code.

(3) DRUG.—The term "drug" means any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802(b))) that was not legally prescribed (as defined in section 102(b)(2)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)(A)); or (B) a violation of a Federal or State civil law concerning the acquisition, possession, manufacture, sale, or transportation of any narcotic drug, or any other provision for which the term "drug" is used in section 107(a)(1)(A) of this title).

(4) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm, including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent permitted by applicable State law, are not legally prescribed (as defined in section 102(b)(2)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)(A)); or (B) a violation of a Federal or State civil law concerning the acquisition, possession, manufacture, sale, or transportation of any narcotic drug, or any other provision for which the term "drug" is used in section 107(a)(1)(A) of this title).

(5) HUMAN TERRORIST.—The term "human terrorist" means any person who is a member of a group or organization that has engaged in acts of international terrorism.

(6) HUMAN TERRORIST ORGANIZATION.—The term "human terrorist organization" means any group or organization that has engaged in acts of international terrorism.

(7) NONECONOMIC LOSS.—The term "noneconomic loss" means any unquantifiable pecuniary loss that is not compensable by money damages.

(8) SMALL BUSINESS.—(A) In general.—The term "small business" means an unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has less than 100 employees.

(b) Limitation on amount.—In any civil action against a small business, punitive damages shall not exceed the lesser of—

(1) 2 times the total amount awarded to the claimant for economic and noneconomic losses; or

(2) $500,000.

(c) Application by court.—This section shall be applied by the court and shall not be disclosed to the jury.

(9) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

SEC. 104. LIMITATION ON PUNITIVE DAMAGES FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, punitive damages shall not exceed the lesser of—

(1) 2 times the total amount awarded to the claimant for economic and noneconomic losses; or

(2) $500,000.

(b) AMOUNT OF LIABILITY.—(1) In general.—In any civil action described in subsection (a), the court shall render a separate judgment against each defendant described in that subsection in an amount determined under subparagraph (A).

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the fact that the defendant was the cause of any harm alleged by the plaintiff in the subject action.

(3) Limitation on amount.—In any civil action against a small business, punitive damages shall not exceed the lesser of—

(a) 2 times the total amount awarded to the claimant for economic and noneconomic losses; or

(b) $500,000.

SEC. 105. EXCEPTIONS TO LIMITATION ON LIABILITY.

The limitations on liability under sections 106 and 107 do not apply to any misconduct of a defendant—

(1) that constitutes—

(A) a crime of violence; (B) an act of international terrorism; or (C) a hate crime;

(2) that results in liability for damages relating to the injury to, destruction of, loss of, or loss of use of, natural resources described in—

(A) section 1002(b)(2)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)(A)); or


(3) that involves—

(A) a sexual offense, as defined by applicable State law; or

(B) a violation of a Federal or State civil rights law;

(4) if the defendant was under the influence (as determined under applicable State law) of intoxicating alcohol or a drug at the time of the violations, and the defendant was the cause of any harm alleged by the claimant.

SEC. 106. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—Subject to subsection (b), this title preempts the laws of any State to the extent that State laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protections from liability for small businesses.

(b) ELECTION OF STATE REGARDING NON-APPLICABILITY.—This title does not apply to any action in a State court against a small business in which all parties are citizens of the State, if the State elects to be inconsistent with this title that this title does not apply as of a date certain to such actions in the State.

SEC. 107. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a small business. If the claim is filed on or after the effective date of this title, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

TITLE II—PRODUCT SELLER FAIR TREATMENT

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) although damage awards in product liability actions may encourage the production of safer products, they may also have a direct effect on interstate commerce and consumers of the United States by increasing the cost of, and decreasing the availability of, products;

(2) some of the rules of law governing product liability actions are inconsistent within and among the States, resulting in different results in State courts that may be inequitable with respect to plaintiffs and defendants and may impose burdens on interstate commerce.

(3) product liability awards may jeopardize the financial well-being of individuals and industries, particularly the small businesses of the United States;

(4) because the product liability laws of a State may have adverse effects on consumers...
and businesses in many other States, it is appropriate for the Federal Government to enact national, uniform product liability laws that preempt State laws; and

(5) under clause 3 of section 8 of article I of the United States Constitution, it is the constitutional role of the Federal Government to remove barriers to interstate commerce. (b) PURPOSES.—The purposes of this Act, based on each of the United States under clause 3 of section 8 of article I of the United States Constitution, are to promote the free flow of goods and services and lessen the burdens on interstate commerce by—

(1) establishing certain uniform legal principles of product liability that provide a fair balance among the interests of all parties in the chain of production, distribution, and use of products; and

(2) reducing the unacceptable costs and delays in product liability actions caused by excessive litigation that harms both plaintiffs and defendants.

SEC. 202. DEFINITIONS. In this title—

(1) ALCOHOL PRODUCT.—The term "alcohol product" includes any product that contains not less than 1/2 of 1 percent of alcohol by volume and is intended for human consumption.

(2) CLAIMANT.—The term "claimant" means any person who brings an action covered under this Act on behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(3) COMMERCIAL LOSS.—The term "commercial loss" means—

(A) any loss or damage solely to a product itself;

(B) loss relating to a dispute over the value of a product; or

(C) consequential economic loss, the recovery of which is governed by applicable State commercial or contract laws that are similar to the Uniform Commercial Code.

(4) COMPENSATORY DAMAGES.—The term "compensatory damages" means damages awarded for economic and noneconomic losses.

(5) DRAM-SHOP.—The term "drum-shop" means a drinking establishment where alcoholic beverages are sold to be consumed on the premises.

(6) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for that loss is allowed under applicable State law.

(7) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic loss.

(8) MANUFACTURER.—The term "manufacturer" means—

(A) any person who—

(i) is engaged in a business to produce, create, make, or construct any product (or component part of the product); and

(ii) designs or formulates the product (or component part of the product); or

(B) a product seller, but only with respect to those aspects of a product (or component part of the product) that are created or affected when, before placing the product in the stream of commerce, the product seller—

(i) produces, creates, makes, constructs, or changes the aspect of a product (or component part of the product) made by another person; or

(ii) has engaged another person to design or formulate an aspect of the product (or component part of the product) made by another person; or

(C) any product seller not described in subparagraph (B) that holds itself out as a manufacturer to the user of the product.

(9) NONECONOMIC LOSS.—The term "noneconomic loss" means—

(A) injury to reputation, or any other nonpecuniary loss of any kind or nature;

(B) loss relating to a dispute over the value of a product (or component part of the product); and

(C) intrinsic economic value; and

(iv) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is produced for introduction into trade or commerce;

(ii) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(iii) is produced for introduction into trade or commerce;

(iv) is produced for introduction into trade or commerce; and

(b) EFFECT ON OTHER LAW.—Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of chapter 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8));

(2) preempt any State law concerning the use of a firearm or ammunition; or

(3) preempt State choice-of-law rules with respect to claims brought by a foreign nation on the ground of inconvenient forum; or

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code; or

(5) preempt State choice-of-law rules concerning the use of a firearm or ammunition; or

(6) preempt State choice-of-law rules with respect to claims brought by a foreign nation on the ground of inconvenient forum; or

(7) supersede or alter any Federal law; or

(8) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation.

SEC. 204. LIABILITY RULES APPLICABLE TO PRODUCT LIABILITY ACTIONS BROUGHT IN FEDERAL OR STATE COURT. (a) PREEMPTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this title governs any product liability action brought in any Federal or State court.

(2) ACTIONS EXCLUDED.—

(A) ACTIONS FOR COMMERCIAL LOSS.—A civil action brought for commercial loss shall not be governed by any applicable Federal or State contract laws that are similar to the Uniform Commercial Code.

(B) NEGLIGENCE PER SE CONCERNING FIREARMS AND AMMUNITION; DRAM-SHOP.—

(i) NEGLIGENCE ENTRUSTMENT.—A civil action brought in any Federal or State court shall not be governed by any applicable Federal or State law.

(ii) NEGLIGENCE PER SE CONCERNING FIREARMS AND AMMUNITION.—A civil action brought under a theory of negligence per se concerning the use of a firearm or ammunition shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(iii) DRAM-SHOP.—A civil action brought under a theory of dram-shop or third-party liability arising out of the sale or providing of an alcoholic product to an intoxicated person or minor shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(C) EFFECT ON OTHER LAW.—Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of chapter 97 of title 28, United States Code; or

(2) supersede or alter any Federal law; or

(3) waive or affect any defense of sovereign immunity asserted by the United States; or

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code; or

(5) preempt any State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation.

SEC. 205. LIABILITY RULES APPLICABLE TO PRODUCT SELLER, RENTERS, AND LESSORS. (a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action covered under this Act, a product seller other than a manufacturer shall be liable
to a claimant only if the claimant establishes—
(A)(i) the product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller; or
(ii) the product seller failed to exercise reasonable care with respect to the product; and
(iii) the failure to exercise reasonable care was a proximate cause of the harm to the claimant;
(B)(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;
(ii) the product failed to conform to the warranty; and
(iii) the failure of the product to conform to the warranty caused the harm to the claimant; or
(C)(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law;
(ii) the intentional wrongdoing caused the harm that is the subject of the complaint.

(2) Reasonable opportunity for inspection.—For purposes of paragraph (1)(A), a product shall not be considered to have failed to exercise reasonable care with repect to a product based upon an alleged failure to inspect the product, if—
(A) the failure occurred because there was no reasonable opportunity to inspect the product; or
(B) the inspection, in the exercise of reasonable care, would not have revealed the aspect of the product that allegedly caused the claimant's harm.

(b) Statutory rule.—

(1) In general.—A product shall be deemed to be liable as a manufacturer of a product for harm caused by the product, if—
(A) the manufacturer is subject to service of process under the laws of any State in which the action may be brought; or
(B) the court determines that the claimant is or would be unable to enforce a judgment against the manufacturer.

(2) Statute of limitations.—For purposes of this subsection only, the statute of limitations applicable to claims asserting liability for harm that is the subject of the complaint for harm caused by a product shall be tolled from the date of filing of a complaint against the manufacturer to the date that judgment is entered against the manufacturer.

(c) Rented or leased products.—

(1) Definition.—For purposes of paragraph (2), and for determining the applicability of this title to any person subject to that paragraph, the term 'product liability action' means a civil action brought on any theory for harm caused by a product or product use.

(2) Liability.—Notwithstanding any other provision of law, any person engaged in the business of renting or leasing a product (other than a person excluded from the definition of product seller under section 202(13)(B)) shall—
(A) be subject to liability in a product liability action under subsection (a), but only if the accident occurred in the business of renting or leasing a product shall not be liable to a claimant for the tortious act of another solely by reason of ownership of that product; and

SEC. 205. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction under this title based on section 1331 or 1337 of title 28, United States Code.
In product liability lawsuits, the bill would limit the liability of non-manufacturer sellers, such as wholesalers-distributors, retailers, lessors and renters to harms caused by their own negligence or intentional wrongdoing, the product’s breach of the product’s express and implied warranty and for the product manufacturer’s responsibility when the manufacturer is judgment-proof.

"The product liability laws of a majority of states do not make the distinction between the differing roles of manufacturers and non-manufacturer product sellers. As a result, small wholesaler-distributors who were routinely joined in product liability lawsuits simply because they are in the product’s chain of distribution,” explained George Keesey, NAW general counsel and senior partner in the firm of Keeley, Kuenne & Reid.

“In the end, the staggering legal fees which cost the seller dearly do not benefit the claimant in any way. These costs will be significantly reduced if the Abraham-Lieberman bill is enacted.”

“For too long, wholesaler-distributors have been victims of a product liability system that serves the interests of trial lawyers very well, at everyone else’s expense,” said Dirk Van Dongen, NAW’s president. “For nearly two decades, NAW has vigorously advocated Federal legislation to rein-in these abuses. Enactment of the Small Business Liability Reform Act of 1999 is at the very top of our agenda for the 106th Congress and I commend Senators Abraham and Lieberman for their continuing, tireless leadership of this important effort.”

NFIB Backs New Legal Reform Initiative

WASHINGTON, D.C.—The National Federation of Independent Business (NFIB) will champion a new legal reform proposal that aims to protect small-business owners from frivolous lawsuits and the threat of “stuck with the whole tab” for damage awards arising from incidents in which they were only “bit players.”

The nation’s leading small-business advocacy group, NFIB hailed today’s introduction of the Small Business Liability Reform Act of 1999. Sponsoring the bill is a virtual all-90 percent favor capping punitive damages. “Small-business owners support any measures that will restore fairness, balance and common sense to our civil justice system.”

“Senators Abraham and Lieberman have introduced today the legislation that will have a significant impact on small business and the legal system,” said David Gorin, Chairman of the Small Business Legislative Council (SBLC), Inc. Mr. Gorin’s remarks refer to the Small Business Liability Reform Act of 1999, which Senators Abraham and Senator Joseph Lieberman have introduced today. The legislation proposes a $250,000 limit on punitive damages for small business as well as provide protection from product-related injuries for non-manufacturing product sellers.

Gorin continued, “For far too long, small businesses have been the losers in ‘litigation lottery.’ As our civil justice system has moved farther and farther away from common sense, small businesses have had to absorb an increasing hidden cost of doing business. That hidden cost is the result of making decisions and undertaking actions, not on the basis of what makes good business sense, but rather on the basis of ‘will I be sued’.”

Gorin concluded, “The Small Business Legislative Council strongly supports Senator Abraham’s legislation. SBLC believes the Small Business Liability Reform Act will restore common sense to the civil justice system and allow small businesses to make decisions on the basis of what’s best for the economy, not the trial lawyers.”

The SBLC is a permanent, independent coalition of nearly eighty trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation, and agriculture.
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National Electrical Contractors Association.
National Electrical Manufacturers Rep-
resentatives Association.
National Funeral Directors Association, Inc.
National Lumber & Building Material
Dealers Association.
National Moving and Storage Association.
National Restaurant Association.
National Shoe Retailers Association.
National Small Business Association.
National Tooling and Machining Associ-
ation.
National Tour Association.
Opticians Association of America.
Organization for the Promotion and Ad-
ancement of Small Telephone Companies.
Petroleum Marketers Association of Amer-
ica.
Powers Transmission Representatives Asso-
ciation.
Printing Industries of America, Inc.
Professional Lawn Care Association of Amer-
ica.
Promotional Products Association Inter-
national.
The Retailer's Bakery Association.
Small Business Council of America, Inc.
Small Business Exporters Association.
SMC Business Councils.
Small Business Technology Coalition.
Society of Florists and Florists.
TurfGrass Producers International.
Tire Association of North America.
United Motorcoach Association.

NSBU ENTHUSIASTICALLY SUPPORTS SMALL-
BUSINESS LIABILITY BILL

WASHINGTON, D.C.—National Small Business
United (NSBU), the nation's oldest biparti-
san small business advocacy organization, is
pleased to announce their support for the Small
Business Liability Reform Act of 1999. The Small
Business Association of Michigan (SBAM), one of NSBU's affiliate groups, has also
announced their support for the legisla-
tion which will provide protections to small
business from frivolous and excessive litiga-
tion as well as limiting the product liability
of non-manufacturer product sellers.

Senators Spencer Abraham (R-Mich.) and
Joseph Lieberman (D-Connecticut), both of whom sit on the Senate Committee on Small
Business, will introduce this measure which pro-
vides critical and necessary restrictions
upon litigation, while not prohibiting legiti-
mate litigation.

"In today's litigious environment, small
businesses are often used as a scapegoat. Ev-
evday, small businesses are forced to shut
down and close because of these frivolous,
and often times, unnecessary lawsuits," said
Tom Farrell, NSBU Chair and owner of
Farrell Consulting, Inc. in Pittsburgh, PA.
"The Small Business Liability Reform Act
will finally place some common sense limita-
tions on these unfounded lawsuits."

NSBU joins SBAM in applauding Senators
Abraham and Lieberman for their pragmatic
leadership on such an important issue for the
small business community.

NRF SUPPORTS BILL TO PROTECT SMALL-
BUSINESSES FROM UNNECESSARY LITIGATION

WASHINGTON, D.C.—The National Retail
Federation voiced its support for the Small
Business Liability Reform Act of 1999. The
bill, which is sponsored by Senators Spencer
Abraham (R-MI) and Joseph Lieberman (D-
CT), would help protect small businesses
from frivolous litigation and exorbitant legal
fees. Of particular interest to the retail
industry are the bill's provisions to exclude
small businesses from liability stemming
from products they sell.

"Retailers often find themselves party to
product liability lawsuits where there is no
direct liability. Small manufacturers, par-
ticularly small businesses, often times are
used as a scapegoat. Even if they are not at
fault, legal fees can often times bankrupt
the company," said Lyle Beckwith, Direc-
tor of Governmental Relations for the
National Retail Federation.

The Small Business Liability Reform Act
of 1999 would apply to businesses with 25
or fewer employees. In its role as the retail
industry's umbrella group, NRF also repre-
sents that the threat of litigation stifles the
confidence to manage their business
without undue fear of financial ruin."

"The National Retail Federation (NRF) is
the world's largest retail trade association
with membership that comprises all retail
categories, from the top 1% to the smallest
businesses. NRF members represent an
industry that employs more than 14 million
people—about 1 in 5 American workers—and
registered 1998 sales of $2.7 trillion. NRF's
international members operate stores in
more than 50 nations. In its role as the retail
industry's umbrella group, NRF also rep-
resents 32 national associations in the U.S.
as well as 36 international associations
representing retailers abroad.

NATIONAL RESTAURANT ASSOCIATION BACKS
ABRAHAM/LIEBERMAN EFFORT TO CRACK
DOWN ON FRIVOLOUS LAWSUITS

SAYS SMALL RESTAURANTS NEED PROTECTION
FROM COSTLY LITIGATION

WASHINGTON, DC—Saying that just one
costly lawsuit is enough to put a restaurant
out of business, the National Restaurant
Association today strongly endorsed a bill
sponsored by Senes Spencer Abraham (R-MI)
and Joseph Lieberman (D-CT) to protect
small businesses from frivolous lawsuits.

The tendency for people today to sue for
outlandish reasons is out of control," said
Association Senior Vice President of Govern-
ment and Corporate Affairs Elaine Z.
Graham. In recent years, many restaurants
unfortunately have become targets for frivo-
ulous lawsuits. The reality is that it only
takes one such lawsuit to drive a restaurant
out of business. To help restaurants pay for
high-priced liability insurance in an ef-
fort to arm themselves against the prospects
of being sued.

"Our legal system needs to be reformed.
We strongly support the Abraham/Lieberman
bill and believe it will go a long way toward
protecting smaller restaurants and curbing
litigation and exorbitant legal fees."

The bill, the Small Business Lawsuit
Protection Act, limits the amount of
punitive damages that may be awarded
businesses with 25 or fewer employ-
ees. Currently, many small businesses settle
out of court and pay hefty awards—even if
the claim is unfounded—because they are
fearful of being hit with punitive damages.
By putting a cap on punitive dam-
ages, the Abraham/Lieberman bill helps elimi-
nate needless lawsuits and makes it
more feasible for small business Presid-
ents and owners to settle meritless settle-
ments, avoiding excessive legal fees.

The Association is urging members of
Congress to support the Abraham/Lieberman
bill.

NACS SUPPORTS SMALL BUSINESS LAWSUIT
PROTECTION ACT

ALEXANDRIA, Virginia—The National Asso-
ciation of Convenience Stores (NACS) is
pleased to endorse legislation authored by
Senators Spencer Abraham (R-MI) and Joe
Lieberman (D-CT) that would limit small
businesses' exposure to damages and liability
in civil cases.

The "Small Business Liability Reform Act
of 1999" is broken into two sections: "Small
Business Lawsuit Abuse Protection" and "The
Product Seller Fair Treatment Act." The Small
Business Lawsuit Abuse Protection section
would limit small business exposure to puni-
tive damages and joint liability for non-eco-
nomic damages, in almost every instance (with
some exceptions). The damages would be
limited to a maximum of $250,000. Under the
bill, small businesses, including those with
under 25 employees, The Product Seller Fair
Treatment section would hold non-manufac-
turing product sellers (local wholesaler-dis-
tributors and retailers) liable only for prod-
uct-related injuries only when the seller is
directly responsible for the harm.

"More than 70 percent of the over 77,000
stores operated by NACS members are either
one-store operations or part of a chain of 10
or fewer stores. These small business owners
provide an essential service to their commu-
nities, contribute significantly to local
economies and employ hundreds of thou-
sands of people," said Lyle Beckwith, Direc-
tor of Government Relations at NACS. "Be-
cause this bill protects those small business
people from rising liability insurance costs
and frivolous lawsuits, NACS will work
aggressively for its passage and encourage
other senators to follow the leadership
of Senators Abraham and Lieberman."

ACEC SUPPORTS "SMALL BUSINESS LIABILITY
REFORM ACT"

WASHINGTON, D.C.—The American Con-
structing Engineers Council (ACEC) strongly
supports the "Small Business Liability Re-
form Act of 1999" which was introduced
today by Senators Spencer Abraham (R-MI)
and Joseph Lieberman (D-CT). The legisla-
tion, which builds on proposals that have
earned strong bipartisan support in recent
Congress, will improve our nation's civil
justice system through a package of care-
fully-targeted reforms—reforms that will
stop unwarranted, frivolous, and needlessly
wasteful litigation against employers, and
particularly small businesses.

The threat of litigation and frivolous law-
suits continues to be a primary concern
for construction companies, ACEC said in
its recent Professional Liability Survey
report. Fully 75% of survey respondents indi-
cated that the threat of litigation stifled the
use of innovative techniques and technologies
while working on projects. Over one-third
of all claims filed against ACEC member firms
resulted in no payment of any kind to the
plaintiffs, a fact which makes "frivo-
rous" litigation remains a problem for the industry.
Mr. MConnell. Mr. President, I rise today to join my esteemed colleagues in the introduction of the Small Business Liability Reform Act of 1999.

Over the last 30 years, the American civil justice system has become inefficient, unpredictable and costly. Consequently, I have spent a great deal of my time in the United States Senate working to reform the legal system. I went to the small businesses. These businesses are often dragged into product liability cases even though they did not produce, design or manufacture the product, and are not in any way to blame for the harm that the product is alleged to cause.

Mr. President, this bill is a sensible, narrowly-tailored piece of legislation that is greatly needed to free up the enterprising spirit of our small businesses. I look forward to the Senate's consideration of this important legislation.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. Daschle, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 10, a bill to provide health protection and needed assistance for older Americans, including access to health insurance for 55 to 65 year olds, assistance for individuals with long-term care needs, and social services for older Americans.

S. 13

At the request of Mr. Robb, his name was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.
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S. 42

At the request of Mr. HELMS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 42, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 51

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 97

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 97, a bill to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.

S. 216

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. CHafee) was added as a cosponsor of S. 216, 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.

S. 288

At the request of Mr. ROBB, his name was added as a cosponsor of S. 288, a bill to amend the Internal Revenue Code of 1986 to exclude from income certain amounts received under the National Health Service Corps Scholarship Program and F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.

S. 317

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 317, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 494

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 444, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 495

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARRANES) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 496

At the request of Mr. ROBB, his name was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 510

At the request of Mr. CAMPBELL, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 510, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 514

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 521

At the request of Mr. COTTON, the names of the Senators from Texas (Mr. GRAMM) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, identification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 541

At the request of Mr. COCHRAN, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 546

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 546, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Indiana (Mr. BAYH) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, live-stock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 593

At the request of Mr. COVERDELL, the names of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes.

S. 607

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 607, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 620

At the request of Mr. SARRANES, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.
At the request of Mr. Hutchinson, the name of the Senator from Arizona (Mr. Kyl) was added as a cosponsor of S. 627, a bill to terminate the Internal Revenue Code of 1986.

At the request of Mr. DeWine, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after Medicare benefits end, and to extend certain Medicare secondary payer requirements.

At the request of Mr. Robb, his name was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

At the request of Mr. Grassley, the name of the Senator from Washington (Mr. Gorton) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

At the request of Mr. Frist, his name was added as a cosponsor of S. 657, a bill to amend the Internal Revenue Code of 1986 to provide for access to health care services in rural areas.

At the request of Mr. Bingaman, the name of the Senator from Arizona (Mrs. Lincoln) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

At the request of Mr. Abraham, the name of the Senator from Missouri (Mr. Bond) was added as a cosponsor of S. 661, a bill to amend title II of the United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

At the request of Mr. Chaffee, the name of the Senator from Iowa (Mr. Grassley) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

At the request of Mr. Robb, his name was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

At the request of Mr. Chaffee, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 664, supra.

At the request of Mr. Lott, the name of the Senator from Illinois (Mr. Fitzgerald) was added as a cosponsor of S. 712, a bill to amend title III of the United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

At the request of Mr. Craig, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

At the request of Mr. Kennedy, the name of the Senator from Alaska (Mr. Murkowski) was added as a cosponsor of S. 749, a bill to establish a program to provide financial assistance to States and local entities to support early learning programs for prekindergarten children, and for other purposes.

At the request of Mr. Rockefeller, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

At the request of Mr. Moynihan, the name of the Senator from New Jersey (Mr. Launtenberg) was added as a cosponsor of S. 792, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the medicare program, and for other purposes.

At the request of Mr. Chaffee, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3 cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

At the request of Mr. Conrad, the name of the Senator from Rhode Island (Mr. Chafee) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists’ services to make the regulations consistent with State supervision requirements.

At the request of Mr. Conrad, the name of the Senator from North Dakota (Mr. Dorgan) was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements.

At the request of Mr. Kerry, the names of the Senator from Maryland (Ms. Mikulski), the Senator from Maryland (Mr. Sarbanes), and the Senator from Oregon (Mr. Smith) were added as cosponsors of 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.

At the request of Mr. Dodd, the names of the Senator from Illinois (Mr. Durbin) and the Senator from Minnesota (Mr. Wlestone) were added as cosponsors of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

At the request of Mr. Baucus, the names of the Senator from Hawaii (Mr. Inouye) and the Senator from Mississippi (Mr. Cochran) were added as cosponsors of S. 980, a bill to promote access to health care services in rural areas.

At the request of Mr. Mack, the names of the Senator from South Carolina (Mr. Thurmond) and the Senator from Maine (Ms. Collins) were added as cosponsors of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

At the request of Mr. Bond, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

At the request of Ms. Collins, the names of the Senator from Texas (Mrs. Hutchison), the Senator from Ohio (Mr. DeWine), and the Senator from Missouri (Mr. Bond) were added as cosponsors of S. 1124, a bill to amend the...
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Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers.

3. 1129

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1129, a bill to facilitate the acquisition of improvements in Federal land management units and the disposal of surplus public land, and for other purposes.

SENATE CONCURRENT RESOLUTION 19

At the request of Mr. CAMPBELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Concurrent Resolution 19, a concurrent resolution concerning anti-Semitic statements made by members of the Duma of the Russian Federation.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. DODD, the name of the Senator from New Hampshire (Mr. SLOWITT) was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE RESOLUTION 31

At the request of Mr. TорNерEEL, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of Senate Resolution 31, a resolution designating both July 2, 1999, and July 2, 2000, as "National Youth Fitness Week."

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

AMENDMENT NO. 394

At the request of Mr. LOTT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of amendment No. 394 proposed to S. 1069, an original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. LEVIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 394 proposed to S. 1069, supra.

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 394 proposed to S. 1069, supra.


Mr. SCHUMER (for himself, Mr. MOYNIHAN, Mr. BROWNBACK, Mr. MACK, and Mr. LIEBERMAN) submitted the following concurrent resolution; which was withdrawn from the Committee on Foreign Relations:

S. CON. RES. 36

Whereas United Nations General Assembly Resolution 181, which called for the partition of the British-ruled Palestine Mandate into a Jewish state and an Arab state, was declared null and void on November 29, 1947, by the Arab states and the Palestinians, who included the rejection of Resolution 181 as a formal justification; whereas, on May 14, 1948, invasion of the newly declared State of Israel by the armies of five Arab states;


Whereas in 1967 and 1973 the United Nations adopted Security Council Resolutions 242 and 338, respectively, which call for the withdrawal of Israel from territory occupied in 1967 and in 1973 in exchange for the creation of secure and recognized boundaries for Israel and for political recognition of Israel’s sovereignty;

Whereas Security Council Resolutions 242 and 338 have served as the framework for all negotiations between Israel, Palestinian representatives, as well as international representatives and organizations, including the 1991 Madrid Peace Conference and the ongoing Oslo peace process, and serve as the agreed basis for impending Final Status Negotiations;

Whereas senior Palestinian officials have recently resurrected United Nations General Assembly Resolution 181 through official statements and a March 25, 1999, letter from the Palestine Liberation Organization Permanent Observer to the United Nations Secretary-General contending that the State of Israel must withdraw to the borders outlined in United Nations General Assembly Resolution 181, and accept Jerusalem as a “corpus separatum” to be placed under United Nations control as outlined in United Nations General Assembly Resolution 181; and

Whereas in its April 27, 1999, resolution, the United Nations Commission on Human Rights reiterated that the Israeli-Palestinian peace negotiations be based on United Nations General Assembly Resolution 181; and

Whereas in its April 27, 1999, resolution, the United Nations Commission on Human Rights reiterated that the Israeli-Palestinian peace negotiations be based on United Nations General Assembly Resolution 181; and

Whereas in its April 27, 1999, resolution, the United Nations Commission on Human Rights reiterated that the Israeli-Palestinian peace negotiations be based on United Nations General Assembly Resolution 181; and

Whereas in its April 27, 1999, resolution, the United Nations Commission on Human Rights reiterated that the Israeli-Palestinian peace negotiations be based on United Nations General Assembly Resolution 181; and

Whereas the Declaration of Principles put forth by Inter-governmental Authority for

(1) condemns Palestinian efforts to circumvent United Nations Security Council Resolution 242 and 338, respectively, which call for the withdrawal of Israel from territory occupied in 1967 and in 1973 in exchange for the creation of secure and recognized boundaries for Israel and for political recognition of Israel’s sovereignty;

(2) condemns the United Nations Commission on Human Rights for voting to formally endorse United Nations General Assembly Resolution 181 as the basis for the future of Palestinian self-determination;

(3) reiterates that any just and final peace agreement regarding the final status of the territory controlled by the Palestinians can only be determined through direct negotiations and agreement between the State of Israel and the Palestinian Liberation Organization;

(4) reiterates its continued unequivocal support for the security and well-being of the State of Israel, and of the Oslo peace process based on United Nations Security Council Resolutions 242 and 338; and

(5) calls for the President of the United States to declare that—

(A) it is the policy of the United States that United Nations General Assembly Resolution 181 of 1947 is null and void;

(B) all negotiations between Israel and the Palestinians must be based on United Nations Security Council Resolutions 242 and 338; and

(C) the United States regards any attempt by the Palestinians, the United Nations, or any entity to resurrect United Nations General Assembly Resolution 181 as a basis for negotiations, or for final deci-

sion, as an attempt to sabotage the prospects for a successful peace agreement in the Middle East.

SENATE RESOLUTION 109—RELATING TO THE ACTIVITIES OF THE NATIONAL ISLAMIC FRONT GOVERNMENT IN SUDAN

Mr. BROWNBACK (for himself, Mr. FRIST, Mr. HUTCHINSON, Mr. LAUTENBERG, Mr. MACK, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 109

Whereas according to the United States Committee for Refugees (USCR), approxi-

mately 1,900,000 people have died in Sudan over the past decade due to war-related causes and famine, and millions more people in Sudan have been displaced from their homes and separated from their fami-

lies, making this the deadliest war in the last decade in terms of mortality rates;

Whereas the war policy of the National Islamic Front government in southern Sudan and the Nuba Mountains has brought untold suffering to innocent civilians and threatens the very survival of a whole generation of southern Sudanese;

Whereas the people of the Nuba Mountains are at particular risk from this policy be-

cause they have been the specific target of a deliberate prohibition on international food aid, which has helped induce a man-made famine, and have been subject to the routine bombing of their civilian centers, including religious facilities, schools, and hospita-

les; and

Whereas the United Nations, the National Islamic Front government is deliberately and systematically committing crimes against humanity in southern Sudan and the Nuba Mountains; the National Islamic Front government has systematically and repeatedly obstructed the peace efforts of the Inter-gov-

ernmental Authority for Development (IGAD) in Sudan over the past several years;

Whereas the National Islamic Front government has systematically and repeatedly obstructed the peace efforts of the Inter-governmental Authority for Development (IGAD) in Sudan over the past several years;
CONGRESSIONAL RECORD—SENATE  May 27, 1999

MACK, Mr. DOMENICI, Mr. ABRAHAM, Mr. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BURTON, Ms. MURKOWSKI, Mrs. MURRAY, Mr. MURPHY, Mrs. MOYNIHAN, Mr. MURkowski, Mrs. MURRAY,

Resolved, That the Senate—

(A) to condemn such slave raids and bring to justice those responsible for the crimes against humanity which such slave raids entail;

(B) to implement the existing air embargo, and impose an arms embargo, on the National Islamic Front government;

(C) to swiftly implement reforms of Operation Lifeline Sudan in order to enhance the independence of that operation from the National Islamic Front government; and

(D) to determine whether or not the war policy of the National Islamic Front government in southern Sudan and the Nuba Moun-
tains constitutes genocide; and

(E) to implement the recommendations of the United Nations Special Rapporteur for Sudan, Leonardo Franco, who has called for the posting of human rights monitors throughout Sudan; and

(F) to instruct the President to take leadership on policies—

(1) to promote the end of slavery in Sudan,

(2) strongly deplores the slave raids in Sudan, Leonardo Franco, who has called for the posting of human rights monitors throughout Sudan; and

(3) calls on the United Nations Security Council—

(a) to condemn such slave raids and bring to justice those responsible for the crimes against humanity which such slave raids entail;

(b) to implement the existing air embargo, and impose an arms embargo, on the National Islamic Front government;

(E) to implement the recommendations of the United Nations Special Rapporteur for Sudan, Leonardo Franco, who has called for the posting of human rights monitors throughout Sudan; and

(F) to instruct the President to take leadership on policies—

(1) to promote the end of slavery in Sudan, Leonardo Franco, who has called for the posting of human rights monitors throughout Sudan; and

(2) strongly deplores the slave raids in Sudan, Leonardo Franco, who has called for the posting of human rights monitors throughout Sudan; and

(3) calls on the United Nations Security Council—

(a) to condemn such slave raids and bring to justice those responsible for the crimes against humanity which such slave raids entail;

(b) to implement the existing air embargo, and impose an arms embargo, on the National Islamic Front government;
Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Mr. Smith of Oregon, Ms. BOWEN, Mr. STEVENS, Mr. THOMSON, Mr. THOMPSON, Ms. TORRICELLI, Mr. WARNER, Mr. WYDEN, Mr. BAUCUS, Mr. BROWNBACK, Mr. DURBIN, Mr. ROTH, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. ALLARD, Mr. BIDEN, and Mr. EDWARDS) submitted the following resolution, which was considered and agreed to:

S. Res. 110

Whereas breast cancer is the leading cause of death for women between the ages of 35 and 54:

Whereas every 3 minutes a woman will be diagnosed with breast cancer and every 12 minutes a woman will die of breast cancer:

Whereas the Komen National Race for the Cure is celebrating its 10th Anniversary during 1999:

Whereas the Susan G. Komen Breast Cancer Foundation is the largest supporter of breast cancer research and has raised over $136,000,000 to further the mission of the Susan G. Komen National Race for the Cure Series, an event of the Susan G. Komen Breast Cancer Foundation, is the largest series of 5 kilometer races in the world:

Whereas there will be 98 Komen National Race for the Cure events throughout the United States during 1999:

Whereas the Susan G. Komen Breast Cancer Foundation and the Komen National Race for the Cure events throughout the United States during 1999:

Whereas the Komen National Race for the Cure celebrates its 10th Anniversary; and

Whereas the Susan G. Komen Breast Cancer Foundation is the largest supporter of breast cancer research and has raised over $136,000,000 to further the mission of eradicating breast cancer as a life-threatening disease by advancing research, education, screening, and treatment:

Now, therefore, be it

Resolved,

SECTION 1. COMMEMORATION AND DESIGNATION.

The Senate—

(1) commemorates the 10th Anniversary of the National Race for the Cure;

(2) designates June 5, 1999, as “National Race for the Cure Day”; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

SENATE RESOLUTION 111—DESIGNATING JUNE 6, 1999, AS “NATIONAL CHILD’S DAY”

Mr. GRAHAM (for himself, Mr. BURNS, Mr. SARBANES, Mr. SMITH of Oregon, Mrs. MURRAY, Mr. BOND, Mr. DASCHLE, Mr. DEWINE, Mr. ROBERTS, Mr. SPEFFER, Ms. MIKULSKI, Mr. MACK, Mr. THURMOND, Mr. EDWARDS, Mr. VINOVICH, Mr. TORRICELLI, Mr. CRAIG, Mr. JOHNSON, Mr. GRASSLEY, Ms. LANDRINE, Ms. SNOWE, Mr. LEVIN, Mr. WARNER, Mr. ROBB, Mr. ENZI, Mr. LATHENBERG, Mr. CRAPO, Mr. AKAKA, Mr. GORTON, Mr. DODD, Mr. DOMENICI, Mr. BREAUX, Mr. STEVENS, Mr. CLELAND, Mr. HAGEL, Mr. KENNEDY, Mr. ABRHAM, Mr. DORGAN, Mrs. FEINSTEIN, Mr. KEHRER, Mrs. BOXER, Mr. REID, Mr. DURBIN, Mr. CONRAD, Mr. BYRD, Mr. INOUYE, Mr. BAYH, Mr. BINGAMAN, Mr. BRYAN, Mr. LIEBERMAN, Mr. WYDEN, Mr. HOLINGS, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. Res. 111

Whereas June 6, 1999, the first Sunday in the month, falls between Mother’s Day and Father’s Day;

Whereas each child is a unique, a blessing, and holds a special place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they approach their adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas, whenever practicable, it is important for both parents to be involved in their child’s life;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and security that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impro priety and to contribute to their communities;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities;

Whereas because children are the responsibility of all people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

Whereas the designation of a day to commemorate the children will emphasize to the people of the United States the importance of the role of the child within the family and society; Now, therefore, be it

Resolved, That—

(1) designates June 6, 1999, as “National Child’s Day”; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 112—TO DESIGNATE JUNE 5, 1999, AS “SAFE NIGHT USA”

Mr. FINGOLD submitted the following resolution; which was considered and agreed to:

S. Res. 112

Whereas Safe Night involved over 10,000 Wisconsin participants and included over 100 individual Safe Nights throughout Wisconsin in 1996;

Whereas Safe Night has been credited as a factor in reducing the teenage homicide rate in Milwaukee by 90 percent in just the first 3 years of the program:

Whereas Wisconsin Public Television, the Public Broadcasting Service, Black Entertainment Television, the National Latino Children’s Institute, the National Civics League, 100 Black Men of America, the Resolving Conflict Creatively Center and Educators for Social Responsibility, the Boys and Girls Club of America, the Community Anti-Drug Coalitions of America, the National 4-H Youth Council, Public Television Outreach, and the American Academy of Pediatrics have joined with Safe Night USA to lead this major violence prevention initiative:

Whereas community leaders, including parents, teachers, doctors, religious officials, and business leaders, will enter into partnership with youth to foster a drug-free and violence-free environment on June 5, 1999;

Whereas this partnership combines stress and anger management programs with drug abuse prevention and other recreational activities, operating on only 3 basic rules: no weapons, no alcohol, and no arguments;

Whereas Safe Night USA helps youth avoid the most common factors that precede acts of violence, provides children with the tools to resolve conflict and manage anger without violence, encourages communities to work together to identify key issues affecting teenagers, and creates local partnerships with youth that will continue beyond the expiration of the project; and

Whereas June 5, 1999, will witness over 10,000 local Safe Night activities joined together in one nationwide effort to combat youth violence and substance abuse: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION.

The Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Safe Night USA.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT OF FISCAL YEAR 2000

WARNER (AND OTHERS)

AMENDMENT NO. 411

Mr. WARNER (for himself, Mr. ROBB, Mr. INHOFE, and Mr. LEVIN) proposed an amendment to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:
On page 238, after line 13, insert the following:

SEC. 349. MODIFICATION OF LIMITATION ON FUNDING ASSURANCE FOR PRO-CUREMENT OF EQUIPMENT FOR THE NATIONAL GUARD FOR DRUG INTERDiction and COUNTER-DRUG ACTIVITIES.

Section 112a(3) of title 32, United States Code, is amended by striking "per purchase order" in the second sentence and inserting "per item".

TORRICELLI AMENDMENT NO. 416

Mr. LEVIN (for Mr. TORRICELLI) proposed an amendment to the bill, S. 1059, supra, as follows:

On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REVIEW OF INCIDENCE OF STATE MOTOR VEHICLE VIOLATIONS BY ARMY PERSONNEL.

(a) REVIEW AND REPORT REQUIRED.—The Secretary of the Army shall review the incidence of violations of State and local motor vehicle laws applicable to the operation and parking of Army motor vehicles by Army personnel during fiscal year 1999, and, not later than March 31, 2000, submit a report on the results of that review to Congress.

(b) CONTENT OF REPORT.—The report under subsection (a) shall include the following:

(1) A quantitative description of the extent of the violations described in subsection (a).

(2) An estimate of the total amount of the fines that are associated with citations issued for the violations.

(3) Any recommendations that the Inspector General considers appropriate to curtail the incidence of the violations.

HATCH AMENDMENT NO. 419

Mr. WARNER (for Mr. HATCH) proposed an amendment to the bill, S. 1059, supra, as follows:

On page 54, after line 24, insert the following:

Subtitle E—Other Matters

SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

(a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2000, a report on the Air Force Distributed Mission Training program.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity simulators to provide a mission rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the formulation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

REED (AND CHAFEE) AMENDMENT NO. 420

Mr. LEVIN (for Mr. REED, for himself and Mr. CHAFEE) proposed an amendment to the bill, S. 1059, supra, as follows:

On page 38, line 5, after "laboratory", insert the following: "and the director of one test and evaluation laboratory."

On page 48, between lines 11 and 12, insert the following:

(B) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including to carry out such initiatives as focusing on the development, testing, and evaluation of core functions and adopting more business-like practices.

On page 48, line 12, strike "(B)" and insert "(C)".

On page 48, beginning on line 14, strike "subparagraph (A)" and insert "subparagraphs (A) and (B)".

SEC. 1061. MULTINATIONAL ECONOMIC EMBARGOES AGAINST GOVERNMENTS IN ARMED CONFLICT WITH THE UNITED STATES.

(a) POLICY ON THE ESTABLISHMENT OF EMBARGOES.—

(1) IN GENERAL.—It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage in hostilities, not later than January 31, the President shall as appropriate—

(A) seek the establishment of a multinational economic embargo against such country; and

(B) seek the seizure of its foreign financial assets.

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra, as follows:

On page 29, after line 13, strike the amount by $1,838,426,000.

On page 29, line 12, increase the amount by $6,000,000.

Mr. WARNER (for Mr. ALLARD, for himself and Mr. GRAHAM) proposed an amendment to the bill, S. 1059, supra, as follows:

In title VII, at the end of subtitle B, add the following:

SEC. 717. ENHANCEMENT OF DENTAL BENEFITS FOR RETIREEs.

Subsection (d) of section 1076c of title 10, United States Code, is amended to read as follows:

"(d) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan established under subsection (a) shall provide benefits for dental care and treatment which may be comparable to the benefits authorized under section 1076a of this title for plans established under that section and shall include diagnostic services, preventative services, endodontics and other basic restorative services, surgical services, and emergency services."
GRAMS AMENDMENT NO. 421
Mr. WARNER (for Mr. GRAMS) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 453, between lines 10 and 11, insert the following:

SEC. 2832. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) CONVEYANCE TO MILITARY AUTHORIZED.—The Secretary of the Army may convey to the Minnesota National Guard, for the purpose of permitting the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard, to use the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary, in addition to any terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States, may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

Graham (and Mack) Amendment No. 422
Mr. LEVIN (for Mr. Graham, for himself and Mr. Mack) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 495, between lines 17 and 18, insert the following:

SEC. 2844. LAND CONVEYANCE, NAVAL TRAINING CENTER, ORLANDO, FLORIDA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey all right, title, and interest of the United States in and to the land comprising the main base portion of the Naval Training Center and the McCoy Annex Areas, Orlando, Florida, to the City of Orlando, Florida, in accordance with the terms and conditions set forth in the Memorandum of Agreement by and between the United States of America and the City of Orlando for the conveyance of Property on the Main Base and McCoy Annex Areas of the Naval Training Center, Orlando, executed by the Parties on December 9, 1997, as amended.

SESSIONS AMENDMENT NO. 423
Mr. WARNER (for Mr. Sessions) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. CONDITIONS FOR LENDING OBSOLETE OR CONDEMNED RIFLES FOR FUNERAL CEREMONIES.

Section 4683(a)(7) of title 10, United States Code, is amended to read as follows:

“(2) issue and deliver those rifles, together with blank ammunition, to those units without charge if the rifles and ammunition are to be used for ceremonies and funerals in honor of veterans at national or other cemeteries.”.

Snoe Amendment No. 424
Mr. WARNER (for Ms. Snowe) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 25, between lines 17 and 18, insert the following:

(c) OTHER FUNDS FOR ADVANCE PROCUREMENT.—Notwithstanding any other provision of this Act, of the funds authorized to be appropriated under section 102(a) for procurement programs, projects, and activities of the Navy, up to $190,000,000 may be made available, as the Secretary of the Navy may direct, for advance procurement for the Arleigh Burke class destroyer program. Authority to make transfers under this subsection is in addition to the transfer authority provided in section 1001.

SHELBY (AND SESSIONS) AMENDMENT NO. 425
Mr. WARNER (for Mr. Shelby, for himself and Mr. Sessions) proposed an amendment to the bill, S. 1059, supra; as follows:

In title I, at the end of subtitle B, add the following:

SEC. 114. MULTIPLE LAUNCH ROCKET SYSTEM.

Of the funds authorized to be appropriated under section 101(2), $500,000 may be made available, as the Secretary of the Navy may direct, for advance procurement for the Army MLRS inventory.

Gramm Amendment No. 426
Mr. WARNER (for Mr. Gramm, for himself and Mrs. Hutchison) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 446, between lines 6 and 7, insert the following:

SEC. 2867. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IM- PROVEMENT OF MILITARY HOUSING.

(a) DEFINITION OF ELIGIBLE ENTITY.—Section 2871 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

“(5) The term ‘eligible entity’ means any individual, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.”.

Sec. 717. MEDICAL AND DENTAL CARE FOR CERTAIN MEMBERS INCURRING INJURIES ON ACTIVE-DUTY TRAINING.

(a) ORDER TO ACTIVE DUTY AUTHORIZED.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following:

“§ 12322. Active duty for health care

“12322. Active duty for health care

“A member of a uniformed service described in paragraph (1)(B) or (2)(B) of section 1074a(a) of this title may be ordered to active duty, and a member of a uniformed service described in paragraph (1)(A) or (2)(A) of such section may be continued on active duty, and a member of a uniformed service described in paragraph (1)(B) or (2)(B) of such section may be continued on active duty, for a period of more than 30 days while the member is being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty as described in such paragraph.

(b) Table of sections. The table of sections at the beginning of such chapter is amended by adding at the end the following:

“§ 12322. Active duty for health care.”.
(b) MEDICAL AND DENTAL CARE FOR MEMBERS.—Subsection (e) in section 1074(a) of such title is amended to read as follows:

“(e)(1) A member of a unified service on active duty for health care or recuperation reasons, or in paragraph (1) entitled to medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title while the member remains on active duty.

“(2) Paragraph (1) applies to a member described in paragraph (1) or (2) of subsection (a) who, while being treated for (or recovering from) illness, or disease incurred or aggravated in the line of duty, is continued on active duty pursuant to a modification or extension of orders, or is ordered active duty, so as to result in active duty for a period of more than 30 days.”.

(c) MEDICAL AND DENTAL CARE FOR DEPENDENTS.—Subparagraph (d) of section 1074(a)(2) of such title is amended to read as follows:

“(D) A member on active duty who is entitled to benefits under subsection (e) of section 1074(a) of this title by reason of paragraph (1), (2), or (3) of subsection (a) of such section.”.

THOMPSON (AND OTHERS) AMENDMENT NO. 428
Mr. WARNER (for Mr. THOMPSON for himself, Mr. LEVIN, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra, as follows:

At the end of title VIII, add the following:

SEC. 807. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS

(a) APPLICABILITY.—Paragraph (2) of section 2304a of the Office of Federal Procurement Policy Act (41 U.S.C. 422(g)(2)) is amended to read as follows:

“(2) By striking subparagraph (C) as subparagraph (D):

“(B) Striking subparagraph (B) and inserting the following:

“(B) The cost accounting standards shall not apply to a contractor or subcontractor for a fiscal year or any other one-year period used for any purpose by the contractor or subcontractor if the total value of all of the contracts and subcontracts covered by the cost accounting standards described in paragraph (2) were entered into by the contractor or subcontractor, respectively, in the previous or current fiscal year (or other one-year cost accounting period) was less than $50,000,000.

“(C) Subparagraph (A) does not apply to the following contracts or subcontracts for the purpose of determining whether the contractor or subcontractor is subject to the cost accounting standards:

“(i) Contracts or subcontracts for the acquisition of commercial items.

“(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

“(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

“(iv) Contracts or subcontracts with a value of $5,000,000 or less.

(b) WAIVER.—Such section is further amended by adding at the end the following:

“(g)(A) The head of an executive agency may waive the applicability of cost accounting standards for a contract or subcontract with a value less than $10,000,000 if that official determines in writing that—

“(i) the contractor or subcontractor is primarily engaged in the sale of commercial items; and

“(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

“(B) The head of an executive agency may also waive the applicability of cost accounting standards for a contract or subcontract under extraordinary circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of cost accounting standards under this subparagraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.

“(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency policymaking level in the executive agency.

“(D) The Federal Acquisition Regulation shall include the following:

“(i) Criteria for issuing an official to be delegated authority to grant waivers under subparagraph (A) or (B).

“(ii) The specific circumstances under which such a waiver may be granted.

“(E) The head of each executive agency shall report the waivers granted under subparagraph (A) or (B) to that agency to the Board on an annual basis.”.

(c) CONSTRUCTION REGARDING CERTAIN NOT-FOR-PROFIT ENTITIES.—The amendments made by this section are not intended as modifying or superseding, nor as intended to impair or restrict, the applicability of the cost accounting standards to—

“(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Public Law 101–87 and Office of Management and Budget Circular A–21, as in effect on January 1, 1999; or

“(2) any contract with a nonprofit entity that provides research and development and related products or services to the Department of Defense.

SEC. 808. GUIDANCE ON USE OF TASK ORDER AND DELIVERY ORDER CONTRACTS

(a) GUIDANCE IN THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to provide guidance to agencies on the use of task order and delivery order contracts in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act shall be consulted with the Administration of the program by the Comptroller General of the United States to ensure compliance with—

“(1) any educational institution or federally funded research and development center that agency to the Board on an annual basis.

“(D) The Federal Acquisition Regulation shall include the following:

“(i) The services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the personal services referred to in that subparagraph.

“(ii) The source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.”.

(b) CONTENT OF GUIDANCE.—The regulations issued pursuant to subsection (a) shall, at a minimum, provide the following:

“(1) Specific guidance on the appropriate use of government-wide and other multiple award task order contracts in accordance with the provisions of law referred to in that subsection.

“(2) Specific guidance on steps that agencies should take in entering and administering multiple award task order and delivery order contracts to ensure compliance with—

“(A) the requirement in section 5121 of the Clinger-Cohen Act (41 U.S.C. 2303) for capital planning and investment control in purchase of information technology products and services;

“(B) the requirement in section 2304(c) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) to ensure an arm’s-length relationship with the firm or agency in order to ensure a fair opportunity to be considered for the award of task orders and delivery orders; and

“(C) the requirement in section 2304(c) of title 10, United States Code, and section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) for a statement of work in each task order or delivery order issued that clearly specifies all tasks to be performed or property to be delivered under the order.

(c) GSA FEDERAL SUPPLY SCHEDULES PROGRAM.—The Administrator for Federal Procurement Policy shall consult with the Administrator of General Services to assess the effectiveness of the multiple awards schedule program of the General Services Administration referred to in section 2304(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 2304b(3)) that is administered as the Federal Supply Schedules program.

“(D) The Federal Acquisition Regulation shall include examination of the following:

“(1) The administration of the program by the Administrator of General Services.

“(2) The multiple award task order contracts followed by Federal customer agencies in using schedules established under the program.

“(f) GAO REPORT.—Not later than one year after the date of the amendments required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of—

“(1) the services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the personal services referred to in that subparagraph.

“(ii) The source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.”.

SEC. 809. CLARIFICATION OF DEFINITION OF COMMERCIAL ITEMS WITH RESPECT TO ASSOCIATED SERVICES

Section 4(12) (E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(E)) is amended to read as follows:

“(E) Installation services, maintenance services, repair services, training services, and other services.

SEC. 810. USE OF SPECIAL SIMPLIFIED PROCEDURES FOR PURCHASES OF COMMERICAL ITEMS WITH RESPECT TO THE SIMPLIFIED ACQUISITION THRESHOLD.

(a) EXTENSION OF AUTHORITY.—Section 4020(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by—

“(E) Installation services, maintenance services, repair services, training services, and other services; and

“(ii) The services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the personal services referred to in that subparagraph.

“(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

“(iv) Contracts or subcontracts with a value of $5,000,000 or less.

(b) GAO REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to Congress an evaluation of the test program authorized by section 2420 of the Clinger-Cohen Act of 1996, together with any recommendations that the Comptroller General considers appropriate regarding the test program or the use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold.

SEC. 811. EXTENSION OF INTERIM REPORTING RULE FOR CERTAIN PROCUREMENTS LESS THAN $100,000.

Section 400(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(c)) is amended by striking “October 1, 1999” and inserting “October 1, 2004”.

May 27, 1999
LIEBERMAN (AND SANTORUM) AMENDMENT NO. 429

Mr. LEVIN (for Mr. LIEBERMAN, for himself and Mr. SANTORUM) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 17, line 1, strike "$3,689,070,000" and insert "$3,647,370,000".

On page 20, line 10, strike "$4,671,194,000" and insert "$4,692,894,000".

GRASSLEY (AND DOMENICI) AMENDMENT NO. 430

Mr. WARNER (for Mr. GRASSLEY, for himself and Mr. DOMENICI) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 321, line 18, strike out "and". On page 321, after line 24, insert the following:

(iv) obligations and expenditures are recorded contemporaneously with each transaction;

(v) organizational and functional duties are performed at each step in the cycles of transactions (including, in the case of a contract, the specification of requirements, the formation of the contract, the certification of contract performance, receiving and warehousing, accounting, and disbursing); and

(vi) use of progress payment allocation systems results in posting of payments to appropriation accounts consistent with section 3301 of title 31, United States Code.

On page 322, line 4, insert before the semicolon that follows paragraph (a) the following: "that, at a minimum, uses double-entry bookkeeping and complies with the United States Government Standard General Ledger at the transaction level as required under section 3511 and 3512 of title 31, United States Code, is amended—"

On page 322, between lines 17 and 18, insert "and insert "$3,647,370,000".

On page 322, line 4, insert before the semicolon at the end.

In title V, at the end of subtitle F, add the following:

(a) STUDY AND REPORT ON DEPARTMENT OF DEFENSE ELECTRONIC FUND TRANSFERS.—(1) There is a record of all credited card holders that is annotated with the limitations on amounts that are applicable to the use of each card by each credit card holder. (B) The credit card holders and authorizing officials are responsible for reconciling the charges appearing on each statement of account with receipts and other supporting documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

On page 323, line 14, before the period insert "and internal controls to ensure the following:

(1) There is a record of all credited card holders that is annotated with the limitations on amounts that are applicable to the use of each card by each credit card holder. (B) The credit card holders and authorizing officials are responsible for reconciling the charges appearing on each statement of account with receipts and other supporting documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

On page 324, between the matter following line 20 and the matter on line 21, insert the following:

(c) STUDY AND REPORT ON DEPARTMENT OF DEFENSE ELECTRONIC FUND TRANSFERS.—(1) Subject to paragraph (3), the Secretary of Defense shall conduct a feasibility study to determine—

(A) whether all electronic payments issued by the Department of Defense should be routed through the Regional Finance Centers or the Department of the Treasury for verification and reconciliation;

(B) whether all electronic payments made by the Department of Defense should be subject to the same level of reconciliation as United States Treasury checks, including matching each payment issued with each corresponding deposit at financial institutions;

(C) whether the appropriate computer security controls are in place in order to ensure the integrity of electronic payments.

(b) MANAGEMENT OF CREDIT CARDS.—(1) The Under Secretary of Defense (Comptroller) shall prescribe regulations setting forth controls on the use and control of all credit cards and convenience checks that are issued to Department of Defense personnel for official use. The regulations shall ensure that—

(E) the period that would be required to implement the new controls is consistent with standard Federal Government policies on the disposition of records.

(c) REMITTANCE ADDRESS.—The Under Secretary of Defense (Comptroller) shall prescribe regulations setting forth controls on the format of remittance addresses. The regulations shall ensure that—

(1) a remittance address for a disbursement that is provided by an officer or employee of the Department of Defense authorizing or requesting the disbursement is not altered by any officer or employee of the department authorizing or preparing the disbursement; and

On page 326, after line 25, insert the following:

(a) UNDER SECRETARY OF DEFENSE (COMPTROLLER).—(1) Section 356 of title 31, United States Code, is amended—

(E) by redesigning subsections (d) and (e) as subsections (e) and (f), respectively; and

(b) by inserting after subsection (c) the following:

(1) The Under Secretary is responsible for ensuring that the financial statements of the Department of Defense are in a condition to be certified by an independent auditor on the basis that such an opinion is obtained for the statements.

(2) If the Under Secretary delegates the authority to perform a duty, including any duty relating to disbursing or accounting, to another officer, employee, or entity of the United States, the Under Secretary determines after the delegation to be responsible and accountable for the activity, operation, or performance of a system covered by the delegated authority.

(c) Section 356(a)(1) of such section is amended by inserting "and to ensure accountability to the citizens of the United States, Congress, the President, and managers within the Department of Defense before the semicolon at the end.

(b) MANAGEMENT OF CREDIT CARDS.—(1) The Under Secretary of Defense (Comptroller) shall prescribe regulations setting forth controls on the use and control of all credit cards and convenience checks that are issued to Department of Defense personnel for official use. The regulations shall ensure that—

(1) There is a record of all credited card holders that is annotated with the limitations on amounts that are applicable to the use of each card by each credit card holder. (B) The credit card holders and authorizing officials are responsible for reconciling the charges appearing on each statement of account with receipts and other supporting documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

On page 326, between the matter following line 20 and the matter on line 21, insert the following:

(1) There is a record of all credited card holders that is annotated with the limitations on amounts that are applicable to the use of each card by each credit card holder. (B) The credit card holders and authorizing officials are responsible for reconciling the charges appearing on each statement of account with receipts and other supporting documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

(a) STUDY AND REPORT ON DEPARTMENT OF DEFENSE ELECTRONIC FUND TRANSFERS.—(1) There is a record of all credited card holders that is annotated with the limitations on amounts that are applicable to the use of each card by each credit card holder. (B) The credit card holders and authorizing officials are responsible for reconciling the charges appearing on each statement of account with receipts and other supporting documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

(c) DISPUTES AND DISCREPANCIES.—(1) Disputes and discrepancies are resolved in the manner prescribed in the applicable Federal regulations governing the use of credit cards by Federal Government personnel for official purposes.

(b) MANAGEMENT OF CREDIT CARDS.—(1) The Under Secretary of Defense (Comptroller) shall prescribe regulations setting forth controls on the use and control of all credit cards and convenience checks that are issued to Department of Defense personnel for official use. The regulations shall ensure that—

(1) There is a record of all credited card holders that is annotated with the limitations on amounts that are applicable to the use of each card by each credit card holder. (B) The credit card holders and authorizing officials are responsible for reconciling the charges appearing on each statement of account with receipts and other supporting documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

(f) Credit card payments are made promptly within prescribed deadlines to avoid interest penalties.

(c) REMITTANCE ADDRESS.—The Under Secretary of Defense (Comptroller) shall prescribe regulations setting forth controls on the format of remittance addresses. The regulations shall ensure that—

(1) a remittance address for a disbursement that is provided by an officer or employee of the Department of Defense authorizing or requesting the disbursement is not altered by any officer or employee of the department authorizing or preparing the disbursement; and

(2) a remittance address for a disbursement is altered only if the alteration is—

(a) requested by the person to whom the disbursement is authorized to be remitted; and

(b) made by an officer or employee authorized to do so who is not an officer or employee referred to in paragraph (1).

REID AMENDMENT NO. 431

Mr. WARNER (for Mr. REID) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 18, line 13, strike "$1,169,000,000" and insert "$1,164,500,000".

On page 29, line 14, strike "$9,400,081,000" and insert "$9,404,581,000".

COCHRAN AMENDMENT NO. 432

Mr. WARNER (for Mr. COCHRAN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 29, line 11, increase the amount by $3,500,000.

On page 29, line 14, decrease the amount by $3,500,000.

ALLARD AMENDMENT NO. 433

Mr. WARNER (for Mr. ALLARD) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of title XI, add the following:

SEC. 1107. EXTENSION OF CERTAIN TEMPORARY AUTHORITY TO PROVIDE BENEFITS FOR EMPLOYEES IN CONNECTION WITH DEFENSE WORKFORCE REDUCTIONS AND RESETTLEMENT.

(a) LUMP-SUM PAYMENT OF SERVANCE PAY.—Section 5095(a)(4) of title 5, United States Code, is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999" and inserting "February 10, 1996, and before October 1, 2003".

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 5097(e) of such title is amended by striking "September 30, 2001" and inserting "September 30, 2003".

(c) CONTINUATION OF FEHBP ELIGIBILITY.—Section 8905a(d)(4)(B) of such title is amended by striking clauses (i) and (ii) and inserting the following:

(1) October 1, 2003;

(2) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.

LANDRIEU AMENDMENT NO. 434

Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle F, add the following:
SEC. 582. EXIT SURVEY FOR SEPARATING MEMBERS.

(a) REQUIREMENT.—The Secretary of Defense shall develop and carry out a survey on attitudes toward military service to be completed by members of the Armed Forces who voluntarily separate from the Armed Forces or transfer from a regular component to a reserve component during the period beginning on January 1, 2000, and ending on June 30, 2000, or such later date as the Secretary determines necessary in order to obtain enough survey responses to provide a sufficient basis for meaningful analysis of survey results. Completion of the survey shall be required of such personnel as part of outprocessing activities. The Secretary of each military department shall suspend exit surveys and interviews conducted during the period described in the first sentence.

(b) SURVEY CONTENT.—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.

(2) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).

(3) A Reserve component, together with the reasons for affiliating or not affiliating, as the case may be.

(4) Attitude toward pay and benefits for service in the Armed Forces.

(5) Extent of job satisfaction during service as a member of the Armed Forces.

(6) Such other matters as the Secretary determines appropriate to the survey concerning reasons for choosing to separate from the Armed Forces.

(c) REPORT.—Not later than February 1, 2001, the Secretary shall submit to Congress a report containing the results of the surveys. The report shall include an analysis of the reasons why military personnel voluntarily separate from the Armed Forces and the post-separation plans of those personnel. The Secretary shall utilize the report’s findings in crafting future responses to declining retention and recruitment.

WARNER (AND LEVIN) AMENDMENT NO. 435

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 574, strike lines 1 through 24 and insert the following:

SEC. 3175. USE OF AMOUNTS FOR AWARD FEES FOR DEPARTMENT OF ENERGY CLOSURE PROJECT SITES.

(a) AUTHORITY To Use Amounts.—The Secretary of Energy may use an amount authorized to be appropriated for the payment of award fees for a Department of Energy closure project for purposes of conducting additional cleanup activities at the closure project site if the Secretary—

(1) anticipates that such amount will not be obligated for payment of award fees in the fiscal year in which such amount is authorized to be appropriated; and

(2) determines the use will not result in a deferral of the payment of the award fees for more than 12 months.

(b) REPORT On Use of Authority.—Not later than 30 days after each exercise of the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report of the exercise of the authority.

ROBERTS (AND OTHERS) AMENDMENT NO. 441

Mr. WARNER (for Mr. ROBERTS, for himself, Mr. BINGAMAN, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle A, add the following:

SEC. 1061. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1999 Emergency Supplemental Appropriations Act.
the Attorney General, may provide assistance under this section in response to an act or threat of an act of terrorism, including an act of terrorism threat or threat of an act of terrorism that involves a weapon of mass destruction, within the United States if the Secretary of Defense determines that—

(1) special capabilities and expertise of the Department of Defense are necessary and critical to the act or threat; and

(2) the provision of such assistance will not adversely affect the military preparedness of the armed forces.

(b) DEPARTMENT OF DEFENSE.—Assistance provided under subsection (a) may include—

(1) the deployment of Department of Defense personnel and the use of any Department of Defense resources to the extent and for such period as the Secretary of Defense determines necessary to prepare for, prevent, or respond to an act or threat described in that subsection. Actions taken to provide the assistance may include the repositioning of Department of Defense personnel, equipment, and supplies.

(c) NONDELEGABILITY OF AUTHORITY.—(1) Assistance provided under this section shall normally be provided on a reimbursable basis. Notwithstanding any other provision of law, the amounts reimbursed under this section shall be limited to the amounts of incremental costs of providing the assistance. In extraordinary circumstances, the Secretary of Defense may waive the requirement in determining that a waiver of the reimbursement is in the national security interests of the United States and submitting to Congress a notification of the determination.

(2) If funds are appropriated for the Department of Justice to cover the costs of responding to an act or threat for which assistance is provided under subsection (a), the Department of Defense shall be reimbursed out of such funds for the costs incurred by the department in providing the assistance without regard to whether the assistance was provided on a nonreimbursable basis.

(d) LIMITATION ON FUNDING.—Not more than $330,000,000 shall be obligated to provide assistance pursuant to subsection (a) in a fiscal year.

(e) PERSONNEL RESTRICTIONS.—In carrying out this section, a member of the Army, Navy, Air Force, or Marine Corps may not—

(1) directly participate in a search, seizure, arrest, or other similar activity; or

(2) collect intelligence for law enforcement purposes.

(f) NONDELEGABILITY OF AUTHORITY.—(1) The Secretary of Defense may not delegate to any other official authority to make determinations and to authorize assistance under this section.

(2) The Attorney General may not delegate to any other official authority to make a request for assistance under subsection (a).

(3) RELATIONSHIP TO OTHER AUTHORITY.—(1) The authority provided in this section is in addition to any authority available to the Secretary of Defense.

(2) Nothing in this section shall be construed to restrict any authority regarding use of reimbursed funds authorized by the Secretary of Defense in consultation with the Attorney General and the Secretary of the Treasury.

The term ‘weapon of mass destruction’ has the meaning given in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

KENNEDY (AND OTHERS)  AMENDMENT NO. 442

Mr. KENNEDY (for himself, Mr. LAUTENBERG, Mr. BROWNBACK, Mr. SMITH of Oregon, Mr. GORMAN, Mr. TORRICELLI, Ms. MIKULSKI, and Mr. KYL) proposed an amendment to the bill, S. 1059, supra; as follows:

SEC. 2. SENSE OF THE CONGRESS REGARDING THE CONTINUATION OF SANCTIONS AGAINST LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am Flight 103 over Lockerbie, Scotland.

(2) Britain and the United States indicted two Libyan intelligence agents, Abd al-Baset Ali al-Megrahi and Ali-Mrine Khalifah al-Fhimah, in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader Colonel Muammar Qadhafi refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The United Nations Security Council Resolutions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation.

(5) The sanctions in United Nations Security Council Resolutions 731 and 883 include—

(A) a worldwide ban on Libya’s national airline;

(B) a ban on flights into and out of Libya by other nations;

(C) a prohibition on supplying arms, airframe parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(6) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United Kingdom and had insisted that he would only transfer the suspects to a third and neutral country to stand trial.

(7) On August 24, 1998, the United States and the United Kingdom agreed to the proposal that Colonel Qadhafi transfer the suspects to The Netherlands, where they would stand trial under a Scottish court, under Scottish law, and with a panel of Scottish judges.


(9) The United States, consistent with United Nations Security Council resolutions, called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council.

(10) After years of intensive diplomacy, Colonel Qadhafi finally transferred the two Libyan suspects to The Netherlands on April 15, 1999. The United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

(11) Libya has only fulfilled one of four conditions (the transfer of the two suspects) set forth in United Nations Security Council Resolutions 731, 748, and 883 that would justify the lifting of United Nations Security Council sanctions against Libya.

(12) Libya has not fulfilled the other three conditions (cooperation with the Lockerbie investigation and trial; renunciation of and ending support for terrorism; and payment of appropriate compensation) necessary to lift the United Nations Security Council sanctions.

(13) The United Nations Security General is expected to issue a report to the Security Council on or before July 5, 1999, on the issue of Libya’s compliance with the remaining conditions.

(14) Any member of the United Nations Security Council has the right to introduce a resolution to lift the sanctions against Libya after the United Nations Security General’s report has been issued.

(15) The United States Government continues to urge a state sponsor of terrorism to be punished and held accountable. In the State Department Report, “Patterns of Global Terrorism” 1998, noted that Colonel Qadhafi “continued publicly and privately to support Palestinian terrorist groups, including the PLO and the PFLP-GC.”

(16) United States Government sanctions (other than sanctions on food or medicine) should be maintained on Libya, and in accordance with U.S. law, the Secretary of State should keep Libya on the list of countries the governments of which have repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 in light of Libya’s ongoing support for terrorist groups.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should use all diplomatic means necessary, including the veto of the United States, to ensure that the United Nations Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions set forth in United Nations Security Council Resolutions 731, 748, and 883.

FEINGOLD AMENDMENTS NOS. 443–444

Mr. FEINGOLD proposed two amendments to the bill, S. 1059, supra; as follows:

AMENDMENT NO. 443

On page 26, after line 25, insert the following:

(c) LIMITATION ON TOTAL COST.—(1) For the fiscal years 2000 through 2004, the total amount obligated or expended for production of airframes, contractor furnished equipment, and engines under the F/A-18E/F aircraft program may not exceed $8,400,766,000.

(2) The Secretary of the Navy shall adjust the amount of the limitation under paragraph (a) by the following amounts:

(A) $43,000,000 for fiscal year 2000;

(B) $131,000,000 for fiscal year 2001;

(C) $130,000,000 for fiscal year 2002;

(D) $126,000,000 for fiscal year 2003;

(E) $122,000,000 for fiscal year 2004.

(3) The amount of increases or decreases in costs attributable to economic inflation occurring since September 30, 1999.

(B) The amounts of increases or decreases in costs resulting from aircraft quantity changes within the scope of the multiyear contract.
(3) The Secretary of the Navy shall annu-
ally submit a report to the Committees on Armed Services of the Senate and the House of Representa-
tives, and the Permanent Select Committee on Intelligence of the House of Repre-
sentatives, a report on the status and ef-
effectiveness of the security and counterintel-
ligence programs and activities at Depart-
ment facilities during the preceding year.

(2) Each report shall include for the year cov-
ered by the report the following:

(a) A description of the status and effect-
iveness of the security and counterintel-
ligence programs and activities at Depart-
ment facilities.

(b) The adequacy of the Department of Energy’s procedures and policies for pro-
ecting national security information, mak-
ing such recommendations to Congress as may be appropriate.

(c) Whether each Department of Energy national laboratory is in full compliance with all Departmental security require-
ments, and if not what measures are being taken to bring such laboratory into compli-
ance.

(d) A description of any violation of law or other requirement relating to intel-
ligence, counterintelligence, or security at such facilities, including—

(1) the number of violations that were in-
vigated; and

(2) each report submitted under this sub-
section to the committees referred to in para-
graph (1) shall be submitted in unclassi-
cified form, but may include a classified annex.

(e) Every officer or employee of the De-
partment of Energy, every officer or em-
ployee of a Department of Energy national laboratory, and every officer or employee of a Department of Energy contractor, who has reason to believe that there is an actual or potential significant threat to, or loss of, national security information, shall im-
mEDIATELY report such information to the Direc-
tor of the Office of Counterintelligence.

(f) Thirty days prior to the report re-
quired by subsection (b), the Director of the
Secretary shall certify in writing to the Direc-
tor of the Office of Counterintelligence whether that laboratory is in full compliance with all
Departmental national security information protection requirements. If the laboratory is not in full compliance, the Director of the
labatory shall report on why it is not in compliance, what measures are being taken to bring it into compliance, and when it will be in compliance.

(2) Within 180 days of the date of enact-
ment of this Act, the Secretary of Energy shall report to the Senate and the House of Representa-
tives on the adequacy of the De-
partment of Energy’s procedures and policies for protecting national security information, including national security information at the Department’s laboratories, making such recommendations to Congress as may be appropriate.

SECTION 214. (a) There is within the Depart-
ment an Office of Intelligence.

(b) (1) The head of the Office shall be
The Director of the Office of Intelligence.

(c) The Director of the Office shall be
a senior executive service employee of the De-
partment.
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E. Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(b) IN GENERAL.—Section 203 of such Act (42 U.S.C. 7133) is amended by adding at the end of the following new subsection:

of the Department relating to nuclear weapons and materials, other nuclear matters, and energy security.

NUCLEAR SECURITY ADMINISTRATION

"Sec. 215. (a) There shall be within the Department an agency to be known as the Nuclear Security Administration, to be headed by an Administrator, who shall report directly to, and be accountable directly to, the Secretary. The Secretary may not delegate to any Department official the duty to supervise the Administrator.

(b) The Assistant Secretary assigned the functions under section 203(a)(5) shall serve as the Administrator.

(c) The Director of the Office of Intelligence shall be responsible for the programs and activities of the Department relating to intelligence and shall include, but not be limited to, authorizing and allocating.

(d) The Secretary shall assign to the Administrator such support and facilities as the Administrator determines is needed to carry out the functions of the Administration.

(c) The Assistant Secretary assigned the functions under section 203(a)(5) shall serve as the Administrator.

(1) The personnel of the Administration, in carrying out any function assigned to the Administrator, shall be responsible to, and subject to the supervision and direction of, the Administrator, and shall not be responsible to, or subject to the supervision or direction of, any officer, employee, or agent of any other part of the Department of Energy.

(2) For purposes of this subsection, the term ‘personnel of the Administration’ means an officer or employee within the Department of Energy, and each officer or employee of any contractor of the Department, whose responsibilities include carrying out a function assigned to the Administrator; or

(3) Personnel.

(4) Contracting and procurement.

(5) Facility operations oversight.

(6) Integration of production and research and development activities.

(7) Interagency with other Federal agencies, State, tribal, and local governments, and the public.

(8) The head of each nuclear weapons production facility and the national laboratories.

(9) Emergency management.

(10) Administration of contracts to manage and operate the nuclear weapons production facilities and the national laboratories.

(11) Oversight.

(12) Relationships within the Department of Energy and with other Federal agencies, the Congress, State, tribal, and local governments, and the public.

"(D) NORTHERN RANGES OFFICE, NORTHERN RANGES, Washington, D.C.

"(4) To carry out the other functions of the Administrator of the Nuclear Security Administration.

"(c) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 212 the following:

NUCLEAR SECURITY ADMINISTRATION

"213. Office of Counterintelligence.

"214. Office of Intelligence.

"215. Nuclear Security Administration."

Mr. GRAHAM proposed an amendment to the bill, S. 1059, supra; as follows:

On page 404, below line 22, add the following:

"(b) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall be composed of 17 members, as follows:

(A) Nine members shall be appointed by the President from private life, no more than four of whom shall have previously held senior leadership positions in the intelligence community and no more than five of whom shall be Members of the same political party.

(B) Two members shall be appointed by the majority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(C) Two members shall be appointed by the minority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(D) Two members shall be appointed by the Speaker of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(E) Two members shall be appointed by the Minority Leader of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(2) The members of the Commission appointed from private life under paragraph (1) shall be persons of demonstrated ability and accomplishment in government, business, law, academy, journalism, or other professions, who have a substantial background in homeland security.

"(c) MEMBERSHIP.—(1) The Commission shall be composed of 17 members, as follows:

(A) Nine members shall be appointed by the President from private life, no more than four of whom shall have previously held senior leadership positions in the intelligence community and no more than five of whom shall be Members of the same political party.

(B) Two members shall be appointed by the majority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(C) Two members shall be appointed by the minority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(D) Two members shall be appointed by the Speaker of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(E) Two members shall be appointed by the Minority Leader of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(2) The members of the Commission appointed from private life under paragraph (1) shall be persons of demonstrated ability and accomplishment in government, business, law, academy, journalism, or other professions, who have a substantial background in homeland security.

"(d) C LA RIFICATION.—The President shall designate two of the members appointed from private life to serve as Chairman and Vice Chairman, respectively, of the Commission.

"(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of
the Commission. Any vacancy in the Commission shall no longer be exempt from the National Archives and Records Administration, shall no longer be exempt from the Commission shall be subject to the Freedom of Information Act, shall not apply to the Commission. However, records prescribed by the Administrator of General Sensitive nature of its deliberations, the provisions of the section (a), the Commission shall specifically meet at the call of the Chairman.

SEC. 1303. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Commission—

(1) to review the efficacy and appropriateness of the counterintelligence capabilities of the United States; and

(2) to coordinate and transmit the reports described in section 1304.

(b) IMPLEMENTATION.—In carrying out subsection (a), the Commission shall specifically consider—

(1) whether there should be established within the Federal Government a single entity responsible for the centralized oversight and coordination of government-wide counterintelligence policies and practices.

(2) whether current personnel levels and training are adequate to meet the counterintelligence requirements of the United States.

(3) whether current funding is adequate to meet the counterintelligence requirements of the United States.

(4) whether current oversight of the counterintelligence activities of the United States by the executive branch and legislative branch is adequate, and, if not, what changes to such oversight are necessary.

(5) whether current coordination of counterintelligence activities and issues among the departments and agencies of the Federal Government is adequate to meet the counterintelligence requirements of the United States.

(6) whether current laws governing counterintelligence activities are appropriate for the counterintelligence requirements of the United States.

(7) whether current investigative techniques (including the use of polygraph examinations, background investigations, and financial disclosure) are adequate for counterintelligence purposes.

(8) whether and how a vigorous counterintelligence capability can coexist with the work which requires the exchange of scientific

(9) whether the current assessment of the counterintelligence threat to the United States is accurate, and if not, how the assessment methodology may be modified in order to improve its accuracy.

SEC. 1304. REPORTS.

(a) INITIAL REPORT.—Not later than two months after the first meeting of the Commission, the Commission shall submit to the congressional intelligence committees a report setting forth its plan for the work of the Commission.

(b) INTRAMURAL REPORTS.—Prior to the submission of the report required by subsection (c), the Commission may issue such interim reports as it finds necessary and desirable.

(c) FINAL REPORT.—No later than January 15, 2001, the Commission shall submit to the President and to the congressional defense and intelligence committees a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for the enactment of legislation considered advisable. To the extent feasible, such report shall be unclassified and made available to the public. Such report shall be supplemented as necessary by a classified report or annex, which shall be provided separately to the President and the congressional defense and intelligence committees.

SEC. 1305. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any intelligence agency or from any other department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

(c) POSTAL, PRINTING AND BINDING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) SUBCOMMITTEES.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission’s duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(e) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, in the name of the Commission, take any action which the Commission is authorized to take under this title.

SEC. 1306. PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is a United States citizen shall be paid, if requested, at a rate equal to the daily equiva-

lent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of duties of the Commission. All members of the Commission, including the Chairman, shall be paid out of funds available to the Director of Central Intelligence.
Mr. LEVIN (for Mr. BRYAN, for Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 419, line 15, strike ''$1,917,191,000'' and insert ''$628,133,000''.

On page 419, line 19, strike ''$628,133,000'' and insert ''$639,733,000''.

On page 420, line 17, strike ''$628,133,000'' and insert ''$639,733,000''.

HARKIN (AND BOXER) AMENDMENT NO. 450

Mr. LEVIN (for Mr. HARKIN, for himself and Mrs. BOXER) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

| Nellis Air Force Base | $11,600,000 |

On page 417, in the table preceding line 1, strike ''$628,133,000'' in the amount column of the item relating to the total and insert ''$639,733,000''.

On page 419, line 15, strike ''$1,917,191,000'' and insert ''$1,928,791,000''.

On page 419, line 19, strike ''$628,133,000'' and insert ''$639,733,000''.

On page 420, line 17, strike ''$628,133,000'' and insert ''$639,733,000''.

LEAHY AMENDMENT NO. 451

Mr. LEVIN (for Mr. LEAHY) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. 1061. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS HOSPITAL BED REPLACEMENT BUILDING IN RENO, NEVADA.

The hospital bed replacement building under construction at the Joannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the "Jack Streeter Building". Any reference to that building in any law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

BRYAN (AND REID) AMENDMENT NO. 449

Mr. LEVIN (for Mr. BRYAN, for himself and Mr. REID) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 416, in the following table insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

| Nellis Air Force Base | $11,600,000 |

On page 417, in the table preceding line 1, strike ''$628,133,000'' in the amount column of the item relating to the total and insert ''$639,733,000''.

On page 419, line 15, strike ''$1,917,191,000'' and insert ''$1,928,791,000''.

On page 419, line 19, strike ''$628,133,000'' and insert ''$639,733,000''.

On page 420, line 17, strike ''$628,133,000'' and insert ''$639,733,000''.

HARKIN (AND BOXER) AMENDMENT NO. 450

Mr. LEVIN (for Mr. HARKIN, for himself and Mrs. BOXER) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) Clarification of Benefits Responsibility.—Subsection (a) of section 1060a of title 10, United States Code, is amended by strike out ''shall carry out a program to provide special supplemental food benefits'' and inserting ''shall carry out a program to provide special supplemental foods and nutrition education'':

(b) Funding.—Subsection (b) of such section is amended to read as follows:

(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).''.

(c) Program Administration.—Subsection (c)(1)(A) of such section is amended by adding at the end the following:

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) Definitions.—Subsection (c) of such section is amended by adding at the end the following:

(f) Governmental assurance.—Subsection (d)(2) of such section is amended to read as follows:

(g) Waiver.—The Secretary of Defense, after consultation with the Secretary of State, may waive the provisions in paragraph (1) if the waiver is required by extraordinary circumstances.

(h) Report.—Not more than 15 days after the exercise of any waiver under paragraph (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training force described in paragraph (a) and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

CONRAD AMENDMENTS NOS. 452-454

Mr. LEVIN (for Mr. CONRAD) proposed three amendments to the bill, S. 1059, supra; as follows:

AMENDMENT NO. 452

In title II, at the end of subtitle C, add the following:

SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of defensive coverage, redundancy and survivability, and economies of scale.

AMENDMENT NO. 453

In title X, at the end of subtitle D, add the following:

SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) Sense of Congress.—It is the sense of Congress that—

(1) it is in the interest of the United States to continue the Russian Nonstrategic Nuclear Initiative announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventories of treaty nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 104 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) Annual Reporting Requirement.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104-106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear weapons, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(E) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) Views of the Director of Central Intelligence.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director's views on the following:

(1) the dangers associated with Russia's tactical nuclear weapons.
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AMENDMENT NO. 454
In title II, at the end of subtitle C, add the following:

SEC. 225. OPTIONS FOR AIR FORCE CRUISE MISSILES.

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, so that Congress might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a) in a timely manner as described in that subsection.

LAUTENBERG AMENDMENT NO. 456
Mr. LEVIN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 225. LAND CONVEYANCE, NIKE BATTERY 80 HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the “Township”), all right, title, and interest of the United States in and to a parcel of real property, including improperment thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover Neck in East Hanover, New Jersey, the former family housing site for Nike Battery 80. The purpose of the conveyance is to permit the Township to develop the parcel for affordable housing and for recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined in a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SARBANES AMENDMENT NO. 457
Mr. LEVIN (for Mr. SARBANES) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of subtitle E of title XXVIII, add the following:

SEC. 1. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) ONE-YEAR DELAY.—The Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) COVERED TOWERS.—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are to be conveyed under subsection (a) and to the towers described in subsection (b) if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, in a timely manner, submit, right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

SPECTER AMENDMENT NO. 458
Mr. WARNER (for Mr. SPECTER) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. PROHIBITION ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.

(a) IN GENERAL.—The United States, as a member of NATO, may not negotiate with Slobodan Mileosavic, an indicted war criminal, with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia.

(b) YUGOSLAVIA DEFINED.—In this section, the term “Federal Republic of Yugoslavia” means the Federal Republic of Yugoslavia (Serbia and Montenegro).

BINGAMAN AMENDMENT NO. 459
Mr. BINGAMAN proposed an amendment to the bill, S. 1059, supra; as follows:

On page 476, line 13, through page 502, line 3, strike title XXIX in its entirety and insert in lieu thereof the following:

TITLE XXXIX—RENEWAL OF MILITARY LAND WITHDRAWALS.

“SEC. 2901. FINDINGS.

“(1) Public Law 99–606 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

“(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

“(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

“(4) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

“(5) the public land withdrawals authorized in 1986 under Public Law 99–606 were for a period of 15 years, and expire in November, 2001;

“(6) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99–606 and other applicable laws, including the completion of appropriate environmental impact analyses, studies, and opportunities for public comment and review.

“SEC. 2902. SENSE OF THE SENATE.

“It is the sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999.”
WARNER AMENDMENT NO. 460

Mr. WARNER proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert:

SEC. 1. ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.

With regard to the conveyance of a portion of Fort Douglas, Utah to the University of Utah for "funding relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army may accept funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Fund received under this section shall be credited to the appropriation, fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

ROBB AMENDMENT NO. 461

Mr. ROBB (for Mr. ROBB) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 83, between lines 2 and 3, insert the following:

SEC. 349. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 2000 or other unexpended balances from prior years, the Secretary shall make available $10 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 61, title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) [Placeholder for Thurmond language].

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LINCOLN AMENDMENT NO. 462

Mr. LEVIN (for Mrs. LINCOLN) proposed an amendment to the bill, S. 1059, supra; as follows:

 Amend the tables in section 2301 to include $7.8 million for C130 squadron operations/AMU facility at the Little Rock Air Force Base in Little Rock, Arkansas. Further amend Section 2304 to so include the adjustments.

SMITH AMENDMENT NO. 463

Mr. SMITH (for Mr. Smith of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 429, line 5, strike out "$172,472,000" and insert in lieu thereof "$156,349,000".

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth $3,850,000

On page 412, in the table line Total strike out "$744,140,000" and insert "$747,990,000.".

On page 414, line 6, strike out "$2,078,015,000" and insert in lieu thereof "$2,081,865,000".

On page 414, line 9, strike out "$873,960,000" and insert in lieu thereof "$877,810,000".

On page 414, line 18, strike out "$86,299,000" and insert in lieu thereof "$86,581,000".

HELMS AMENDMENT NO 464

Mr. HELMS proposed an amendment to the bill, S. 1059, supra; as follows:

Insert at the appropriate place in the bill:

SEC. 3. DISPOSITION OF WEAPONS-GRADE MATERIAL.

(a) REPORT ON REDUCTION OF THE STOCKPILE.—Not later than 120 days after signing an agreement between the United States and Russia for the disposition of excess weapons plutonium, the Secretary of Energy, with the concurrence of the Secretary of Defense, shall submit a report to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Speaker of the House of Representatives—

(1) identifying the number of United States implementation of such agreement;

(2) identifying the number of United States warhead "pits" of each type deemed "excess" for the purpose of dismantlement or disposition; and

(3) describing any implications this may have for the Stockpile Stewardship and Management Program.

SESSIONS AMENDMENT NO. 465

Mr. SESSIONS proposed an amendment to the bill S. 1059, supra; as follows:

In title V, at the end of subtitle B, add the following:

SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.

(a) GRADE OF CHIEF OF ARMY RESERVE.—Section 303(b)(c) of title 10, United States Code, is amended by striking "major general" and inserting "lieutenant general".

(b) GRADE OF CHIEF OF NAVAL RESERVE.—Section 514(c)(2) of such title is amended by striking "rear admiral (lower half)" and inserting "lieutenant general".

(c) GRADE OF COMMANDER, MARINE FORCES RESERVE.—Section 514(c)(2) of such title is amended by striking "brigadier general" and inserting "major general".

(d) GRADE OF CHIEF OF AIR FORCE RESERVE.—Section 803(b)(c) of such title is amended by striking "major general" and inserting "lieutenant general".

(e) THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking "major general" and inserting "lieutenant general".

USHARE AMENDMENT NO. 466

Mr. WARNER (for Mr. DeWINE, for himself and Mr. COVERDELL) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 62, between lines 19 and 20, insert the following:

SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTON AND COUNTER-DRUG ACTIVITIES.

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the total amount appropriated by this Act, the total amount appropriated by section 301(a)(20) is hereby increased by $59,200,000.

(b) USE OF ADDITIONAL AMOUNT.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the purposes:

(1) $6,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTH) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward looking infrared radars for P-3 aircraft.

(4) $3,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mothership Operations.

(6) $20,000,000 shall be used for National Guard State plans.

(c) OFFSET.—Of the amounts authorized to be appropriated by this Act, the total amount available for...

VOINOVICH (AND DeWINE) AMENDMENT NO. 467

Mr. WARNER (for Mr. VOINOVICH, for himself and Mr. DeWINE) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert the following new section:
SEC. 2901. ORDNANCE MITIGATION STUDY.
(a) The Secretary of Defense is directed to undertake a study and to remove ordnance infiltrating the federal navigation channel and adjacent shorelines of the Toussaint River.
(b) The Secretary shall report to the congressional defense committees and the Senate Environment and Public Works on long-term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordinance firing range and justify the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.
(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99–662).
(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authorities provided in subsection (a).

MCCAIN AMENDMENT NO. 486
Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill, S. 1059, supra; as follows:

In section 2902, strike subsection (a).
In section 2902, redesignate subsections (b), (c), (d) as subsections (a), (b), (c), respectively.
In section 2903(c), strike paragraphs (4) and (7).
In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.
In section 2904(a)(1)(A), strike “except those lands within a unit of the National Wildlife Refuge System”.
In section 2904(a)(1), strike subparagraph (B).
In section 2904, strike subsection (g).
Strike section 2905.
Strike section 2906.
Redesignate sections 2907 through 2914 as sections 2905 through 2912, respectively.
In section 2907(b), as so redesignated, strike “section 2902(c) or 2902(d)” and insert “section 2902(b)(1)”.
In section 2908(b), as so redesignated, strike “section 2909(g)” and insert “section 2907(f)”.
In section 2910, as so redesignated, strike “except that hunting,” and all that follows and insert a period.
In section 2911(a)(1), as so redesignated, strike “subsections (b), (c), (d) and insert “subsections (a), (b), (c)”.
In section 2911(a)(2), as so redesignated, strike “except that lands” and all that follows and insert a period.
At the end, add the following:

SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.
It is the sense of the Senate that—
(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99–666), relating to Barry M. Goldwater Air Force Range and the Casa Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;
(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;
(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and
(4) a continuation in high-quality management of United States natural and cultural resources is required if the United States is to preserve its national heritage.

HELMS (AND BIDEN) AMENDMENT NO. 469
Mr. WARNER (for Mr. HELMS, for himself and Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 153, line 18, strike “the United States” and insert “such”.
On page 356, line 7, insert after “Secretary of Defense” the following: “with consultation with the Secretary of State.”.
On page 356, beginning on line 8, strike “the Committees on Armed Services of the Senate and House of Representatives” and insert “the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives”.
On page 358, strike line 21 and all that follows through page 359, line 7.
On page 359, line 8, strike “(c)” and insert “(b)”.
On page 359, line 16, strike “(d)” and insert “(c)”.

BOND (AND KERRY) AMENDMENT NO. 470
Mr. WARNER (for Mr. BOND, for himself and Mr. KERRY) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 281, at the end of line 13, add the following: “However, the commercial services so designated by the Secretary shall not be treated under the pilot program as being commercial items for purposes of the special simplified procedures included in the Federal Acquisition Regulation pursuant to the section 2306(g)(1)(B) of title 10, United States Code, section 2307(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 623(g)(1)(B)), and section 3119(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2)).”.
On page 282, line 19, after “concerns,” insert the following: “the following: ‘‘HUBZone small business concerns.’’”.
On page 283, line 19, strike “(A)” and insert “(1)”.
On page 283, line 23, strike “(B)” and insert “(2).”.
On page 284, line 3, strike “(C)” and insert “(B)”.
On page 284, between lines 6 and 7, insert the following:
(4) The term ‘‘HUBZone small business concern’’ has the meaning given the term in section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)).

MCCAIN AMENDMENT NO. 471
Mr. LEVIN (for Mr. MCCAIN) proposed an amendment to the bill, S. 1059, supra; as follows:

In title III, at the end of subtitle A, add the following:

SEC. 305. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.
Of the amount authorized to be appropriated under section 261(5) for carrying out the provisions of chapter 142 of title 10, United States Code, $500,000 is authorized for fiscal year 2000 for the purpose of carrying out programs sponsored by eligible entities.

HATCH AMENDMENT NO. 472
Mr. LEVIN (for Mr. HATCH) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert the following new section:

SEC. 306. AUTHORITY FOR PUBLIC BENEFIT TRANSFERS TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.
(a) In general.—Notwithstanding any provision of the applicable base closure law or any provision of the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in subsection (b) the facilities described in subsection (c). Any such transfer shall be without consideration to the United States.
(b) Covered institutions.—An institution eligible for the transfer of a facility under subsection (a) is any tax-supported educational institution that agrees to use the facility for—
(1) student instruction;
(2) the provision of services to individual with disabilities;
(3) the health and welfare of students;
(4) the storage of instructional materials or other materials directly related to the administration of student instruction; or
(5) other educational purposes.
(c) Available facilities.—A facility available for transfer under subsection (a) is any facility that—
(1) is located at a military installation approved for closure or realignment under a base closure law;
(2) has been determined to be surplus property under that base closure law; and
(3) is available for disposal as of the date of the enactment of this Act.
(d) Definitions.—In this section—
(1) the term ‘‘base closure laws’’ means the following:
(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act of 1999 (Public Law 106–56);
(B) The Defense Base Closure and Realignment Act of 1989 (part A of title XXIX of Public Law 101–510); and
(2) the term ‘‘tax-supported educational institution’’ means any tax-supported educational institution covered by section 2308(b)(1)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(b)(1)(A)).
Mr. LEVIN (for Mr. EDWARDS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle B, add the following:

SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

GRAMP AMENDMENT NO. 474

Mr. WARNER (for Mr. GRAMM, for himself, Mr. ASHCROFT, Mr. COVERDELL, Mr. LOTT, and Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, supra; as follows: On page 387, below line 24, add the following:

SEC. 1061. COMMEMORATION OF THE VICTORY IN FREEDOM IN THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed by democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby—

(1) designates November 9, 1999, as “Victory in the Cold War Day”; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

(c) COLD WAR VICTORY MEDAL.—Chapter 57 of Title 10, United States Code, is amended by adding at the end the following:

“§ 1133. Cold War medal; award; issue

“(a) There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served in the United States Armed Forces during the Cold War in order to recognize the contributions of such individuals to United States victory in the Cold War.

“(b) The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the ‘Reagan–Truman Victory in the Cold War Medal’. The decoration shall be of appropriate design, with ribbons and appurtenances.

“(c) Period of Cold War.—For purposes of paragraphs (1) and (2), ‘Cold War’ shall mean the period beginning on August 14, 1945, and ending on November 9, 1989.”

(d) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $35,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $15,000,000.

(4) The United States has an additional responsibility to honor and recognize the sacrifices accepted by the Secretary under subparagraph (A).

(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the “Commission on Victory in the Cold War” (in this subsection to be referred to as the “Commission”).

(2) The Commission shall be composed of seven individuals, as follows:

(A) Three shall be appointed by the President, in consultation with the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(B) Two shall be appointed by the Majority Leader of the Senate.

(C) Two shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall serve as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in any celebration referred to in paragraph (1) of that section.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War.

SMITH AMENDMENT NO. 475

Mr. WARNER (for Mr. Smith of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows: On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE’S REPUBLIC OF CHINA.

(a) Report.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts with the People’s Republic of China.

(b) Report Elements.—The report shall include the following:

(1) A list of the general and flag grade officers of the People’s Liberation Army who have visited United States military installations since January 1, 1999.

(2) The itinerary for visits referred to in paragraph (1), including the schedules visiting the United States installations during the visits.

(3) The involvement, if any, of the general and flag grade officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People’s Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People’s Republic of China since January 1, 1993.

(5) A list of facilities in the People’s Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by the People’s Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People’s Liberation Army which has been denied by the United States.

(7) Any official documentation, such as memoranda for the record, after-action reports, and final itineraries, and any receipts for expenses over $1,000, concerning military-to-military contacts or exchanges between the United States and the People’s Republic of China in 1999.

(8) An assessment regarding whether or not any People’s Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People’s Republic of China.

(9) The report shall be submitted no later than March 31, 2000 and shall be unclassified but may contain a classified annex.

THOMAS AMENDMENT NO. 476

Mr. WARNER (for Mr. THOMAS) proposed an amendment to the bill, S. 1059, supra; as follows: At the appropriate place in the bill, insert the following new section and renumber any following sections accordingly:

SEC. 3. IMPLEMENTATION OF THE FEDERAL ACTIVITIES INVENTORY REFORM ACT.

The Federal Activities Inventory Reform Act of 1998 (P.L. 105–270) shall be implemented by an Executive Order issued by the President.

HUTCHISON AMENDMENT NO. 477

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, supra; as follows: At the appropriate place in the bill, insert the following:

SEC. 3. IMPLEMENTATION OF THE FEDERAL ACTIVITIES INVENTORY REFORM ACT.
posed an amendment to the bill, S. 1059, supra; as follows:

On page 404, below line 22, add the following:

SEC. 1304. DECOMMISSIONING OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) IN GENERAL.—As executive agent for the chemical demilitarization program of the United States, the Department of the Army shall facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to complete the decommissioning of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

(b) Sense of Congress:—The readiness of U.S. military forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and reduced missions.

(c) REPORT REQUIREMENT.—(1) It is the sense of Congress that—

(2) The United States has more than 6,000 troops in Bosnia-Herzegovina on indefinite assignment.

(d) DATE OF PAYMENT.—(1) Payment under this section shall be made on March 1 and September 2 of each year.

(e) ALLOCATION OF PAYMENT.—(1) Exempt as provided in paragraph (2), each payment under this section with respect to a chemical demilitarization facility on March 1 and September 2 each year if the decommissioning of chemical agents and munitions, and related materials, occurs at the facility during the applicable payment period with respect to such date.

(2) For purposes of this section, the term "applicable payment period" means—

(A) accelerate the decommissioning of chemical agents and munitions, and related materials; and

(B) enforce budget discipline on the chemical demilitarization program of the United States while mitigating the disruption to communities and Indian tribes resulting from the onsite decommissioning of the chemical weapons stockpile at chemical demilitarization facilities in the United States.

SEC. 1305. ECONOMIC ASSISTANCE PAYMENTS.

(a) IN GENERAL.—Upon the direction of the Secretary of the Army, the Comptroller of the Army shall make economic assistance payments to communities and Indian tribes directly affected by the decommissioning of chemical agents and related materials, at chemical demilitarization facilities in the United States.

(b) Source of Payments.—Amounts for payments under this section shall be derived from appropriations available to the Department of the Army for chemical demilitarization activities.

(c) TOTAL AMOUNT OF PAYMENTS.—(1) Subject to paragraph (2), the aggregate amount of payments under this section with respect to a chemical demilitarization facility during the period beginning on the date of the enactment of this Act and ending on April 29, 2007, may not be less than $50,000,000 or more than $60,000,000.

(2) Payments under this section shall cease with respect to a facility upon the transfer of the facility to a State-chartered municipal corporation pursuant to an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1996, as amended by section 1306 of this Act.

SEC. 1303. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Defense and the Secretary of the Army should explore methods other than incineration for the destruction of chemical weapons stockpile.

SEC. 1302. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Between 1945 and 1989, the national security interests of the United States required immediate and the deployment and storage of weapons of mass destruction throughout the geographical United States.

(2) The United States is a party to international commitments and treaties which require the decommissioning or destruction of certain of these weapons.

(3) The United States has ratified the Chemical Weapons Convention which requires the destruction of the United States chemical weapons stockpile by April 29, 2007.

(b) PURPOSE.—It is the purpose of this title to—

(1) to meet the April 29, 2007, deadline for the destruction of United States chemical weapons stockpile as required by the Chemical Weapons Convention; and

(2) to expedite, and accelerate the decommissioning of chemical agents and munitions, and related materials, at the facility.
SEC. 1305. USE OF FACILITIES.

Paragraph (2) of section 1412(c) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)) is amended to read as follows:

`(2)(A) Facilities constructed to carry out this section may not be used for any other purpose than the destruction of the following:

(i) The United States stockpile of lethal chemical agents and munitions that exist on January 13, 1993.

(ii) Items designated by the Secretary of Defense after that date to be lethal chemical agents and munitions, or related materials.

(B) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with agreements between the office designated or established under section 1304(b) of the National Defense Authorization Act for Fiscal Year 2000 and the chief executive officer of the State in which the facilities are located.

(C) An agreement referred to in subparagraph (B) that provides for the transfer of facilities to the United States to a State-chartered municipal corporation shall include provisions as follows:

(i) That any profits generated by the corporation from the use of such facilities shall be used exclusively for the benefit of communities and Indian tribes located within the positive action zone of such facilities, as determined by the facility concerned.

(ii) That any profits referred to in clause (i) shall be apportioned among the communities and Indian tribes concerned on the basis of population, as determined by the most recent decennial census.

(iii) That the transfer of such facilities shall include any lands extending 50 feet in all directions from such facilities.

(iv) That the transfer of such facilities include any easements necessary for reasonable access to such facilities.

(D) An agreement referred to in subparagraph (B) may not take effect if executed after December 31, 2000.

SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.

(a) LIMITATION ON JURISDICTION.—(1) An action seeking the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States may be commenced only in a district court of the United States.

(b) LIMITATIONS ON STANDING.—(1)(A) Except as provided in paragraph (2), of a date specified for that period in subsection (d) shall include, in addition to the payment amount otherwise provided for under this section, interest at the rate of 1.5 percent per month.

(c) INTERIM RELIEF.—(1) During the pendancy of an action referred to in subsection (a), a district court of the United States may issue a temporary restraining order against the ongoing construction, operation, or demolition of a chemical demilitarization facility by the defendant party in such action or an entity for any matters raised by the action.

(2) A court of the United States may assess damages against a governmental entity for any matters raised by the action or an entity for any matters raised by the action that contribute to the failure of the United States to demilitarize chemical agents and munitions, or related materials, at the facility concerned by April 29, 2007, in accordance with the Chemical Weapons Convention.

(3) C OMMUNITY.—The term "community" means a county, parish, or other unit of local government.

(4) DECOMMISSION.—The term "decommision", with respect to a chemical agent and munition, or related material, means the dismantling, or demilitarization, or other physical act done to the chemical agent and munition, or related material, in compliance with the Chemical Weapons Convention.

(5) INDIAN TRIBE.—The term "Indian tribe" has the meaning given in the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)).
THURMOND AMENDMENT NO. 479

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place insert the following:


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

(1) On September 13, 1997, a German Luftwaffe Tupolev TU-154M aircraft collided with a United States Air Force C-141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 62, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrants Road, Land; Staff Sergeant Robert K. Evans, 32, loadmaster, Providence, Rhode Island; Airman 1st Class Justin R. Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Francis L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupolev TU-154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupolev TU-154M aircraft for flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

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

(1) The Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupolev TU-154M aircraft off the coast of Namibia on September 13, 1997; and

(2) The United States should not make any payment to the citizens of Germany as settlement of such citizens’ claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

DOMENICI AMENDMENT NO. 480

Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 429, line 5, strike out “$327,472,000” and insert in lieu thereof “$168,340,000.”

On page 425, line 5, strike out “$327,965,000” and insert in lieu thereof “$327,910,000.”

A BILL TO MAKE MISCELLANEOUS AND TECHNICAL CHANGES TO VARIOUS TRADE LAWS, AND FOR OTHER PURPOSES

ROTH AMENDMENT NO. 481

Ms. SNOWE (for Mr. ROTH) proposed an amendment to the bill (H.R. 435) to make miscellaneous and technical changes to various trade laws, and for other purposes; as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Miscellaneous Trade and Technical Corrections Act of 1999.”

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.

TITLE I—MISCELLANEOUS TRADE CORRECTIONS

Sec. 1001. Clerical amendments.

Sec. 1002. Obsolete references to GATT.

Sec. 1003. Tariff classification of 13-inch televisions.

TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS

Subtitle A—Temporary Duty Suspensions and Reductions

Chapter 1—References

Sec. 2001. Reference.


Sec. 2005. Synthetic fibers and synthetic fused silica.

Sec. 2006. Methyl-4,6-bis(octytio)phenyl.

Sec. 2007. Methyl-4,6-bis(octytio)phenyl.

Sec. 2008. Methyl-4,6-bis(octytio)phenyl.

Sec. 2009. Methyl-4,6-bis(octytio)phenyl.

Sec. 2010. 5-Amino-N-(2-hydroxyethyl)-2,3-xylenecarboxamide.

Sec. 2011. 3-Amino-2-sulfaetoethylsulfonyl)ethyl benzamide.

Sec. 2012. 4-Chloro-3-nitrobenzenesulfonic acid, monopotasium salt.

Sec. 2013. 2-Acetyl-5-nitrothiophene.

Sec. 2014. 3-Chloro-4-nitrobenzenesulfonic acid.

Sec. 2015. 6-Amino-1,3-naphthalenedisulfonic acid.

Sec. 2016. 3-Chloro-4-nitrobenzenesulfonic acid, monosodium salt.

Sec. 2017. 2-Methyl-5-nitrobenzenesulfonic acid.

Sec. 2018. 6-Amino-1,3-naphthalenedisulfonic acid, disodium salt.

Sec. 2019. 2-Amino-p-cresol.

Sec. 2020. 6-Bromo-2-dinitroaniline.

Sec. 2021. 7-Acetamidin-4-hydroxy-2-naphthalenesulfonic acid, monosodium salt.

Sec. 2022. Tannic acid.

Sec. 2023. 2-Amino-5-nitrobenzenesulfonic acid, monosodium salt.

Sec. 2024. 2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt.

Sec. 2025. 2-Amino-5-nitrobenzenesulfonic acid.

Sec. 2026. 3-[(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulfonic acid.

Sec. 2027. 4-Benzoylamino-5-hydroxy-2,7-naphthalenesulfonic acid.

Sec. 2028. 4-Benzoylamino-5-hydroxy-2,7-naphthalenesulfonic acid, monosodium salt.

Sec. 2029. Pigment Yellow 154.

Sec. 2030. Pigment Yellow 175.

Sec. 2031. Pigment Red 187.

Sec. 2032. 2,6-Dimethyl-n-dioxan-4-ol ace-
by striking subclause (II) and inserting the following:

“...the direct costs of processing operations performed in such beneficiary developing country or such member countries, is not less than 35 percent of the appraised value of such article at the time it is entered...”.

(b) Section 802(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2492(b)(1)(A)) is amended—

(A) by striking “481(e)” and inserting “489”;

and

(B) by inserting “(22 U.S.C. 2291h)” after “1961”.


(10) Section 805(2) of the Trade Act of 1974 (19 U.S.C. 2495(2)) is amended by striking “and” and “after the semicolon”.

(11) The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

“TITLE VIII—TARIFF TREATMENT OF PRODUCTS OF, AND OTHER SANCTIONS AGAINST, UNCOORDINATED MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES

“Sec. 801. Short title.

“Sec. 802. Tariff treatment of products of uncoordinated major drug producing or drug-transit countries.

“Sec. 803. Sugar quota.

“Sec. 804. Progress reports.

“Sec. 805. Definitions.

(b) OTHER TRADE LAWS.—(1) Section 13001 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(A) in subsection (e) by aligning the text of paragraph (1) with the text of paragraph (2); and

and

(B) in subsection (f)(3)—

(i) in subparagraph (A)(i)(ii) by striking “subsection (a)(1) through (a)(8)” and inserting “paragraphs (1) through (8) of subsection (a)”;

and

(ii) in subparagraph (C)(i)(I) by striking “paragraph (A)” and inserting “subparagraph (A)(i)”;

(2) Section 805 of the Act of June 18, 1934 (19 U.S.C. 1558(b)) is amended by striking “dislosure within 30 days and inserting “disclosure, or within 30 days”.

(9) Section 558(b) of the Tariff Act of 1930 (19 U.S.C. 1558(b)) is amended by striking “(c)” each place it appears and inserting “(b)”.

(10) Section 411 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by striking paragraph (6).

(11) General note 3(a)(i) to the Harmonized Tariff Schedule of the United States is amended by striking “general most-favored nation (MFN) status” and inserting “general or normal trade relations (NTR)”.

(12) Section 458(b) of the Forest Resources Conservation and Shortage Relief Act of 1990.—(1) Section 458(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620(b)) is amended—

(A) in paragraph (3) by striking “General Agreement on Tariffs and Trade” and inserting “GATT 1994 (as defined in section 2(8) of that Act)”;

and

(B) in paragraph (5) by striking “General Agreement on Tariffs and Trade” and inserting “World Trade Organization (as defined in section 2(8) of the Uruguay Round Agreements Act)”;

(c) UNITED STATES-HONG KONG POLICY ACT OF 1992.—Section 102(b)(2) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 2102(b)(2)) is amended—

(A) by striking “contracting party to the General Agreement on Tariffs and Trade” and inserting “WTO member country (as defined in section 2(8) of the Uruguay Round Agreements Act)”; and

(B) by striking “latter organization” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”.

(d) NOAA FLEET MODERNIZATION ACT.—Section 607(b)(8) of the NOAA Fleet Modernization Act (42 U.S.C. 677(f)(8)) is amended by striking “General Agreement on Tariffs and Trade” and inserting “multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)”; and


(A) by striking “General Agreement on Tariffs and Trade” and inserting “multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)”; and

(B) by striking “General Agreement on Tariffs and Trade” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”.

(h) ENERGY POLICY CONSERVATION ACT.—Section 400A(a)(5) of the Energy Policy Conservation Act (42 U.S.C. 6374a(a)(5)) is amended by striking “GATT Secretariat” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”.

(i) UNITED STATES-HONG KONG POLICY ACT OF 1992.—Section 102(b)(2) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 2102(b)(2)) is amended—

(A) by striking “General Agreement on Tariffs and Trade” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”;

and

(B) by striking “General Agreement on Tariffs and Trade” and inserting “World Trade Organization (as defined in section 2(8) of the Uruguay Round Agreements Act)”.


(A) by striking “contracting party to the General Agreement on Tariffs and Trade” and inserting “WTO member country (as defined in section 2(8) of the Uruguay Round Agreements Act)”; and

(B) by striking “latter organization” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”.


(l) UNITED STATES-HONG KONG POLICY ACT OF 1992.—Section 102(b)(2) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 2102(b)(2)) is amended—

(A) by striking “contracting party to the General Agreement on Tariffs and Trade” and inserting “WTO member country (as defined in section 2(8) of the Uruguay Round Agreements Act)”; and

(B) by striking “latter organization” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”.

(m) ENERGY POLICY CONSERVATION ACT.—Section 400A(a)(5) of the Energy Policy Conservation Act (42 U.S.C. 6374a(a)(5)) is amended by striking “GATT Secretariat” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”.

(n) UNITED STATES-HONG KONG POLICY ACT OF 1992.—Section 102(b)(2) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 2102(b)(2)) is amended—

(A) by striking “contracting party to the General Agreement on Tariffs and Trade” and inserting “WTO member country (as defined in section 2(8) of the Uruguay Round Agreements Act)”; and

(B) by striking “latter organization” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”.

(o) ENERGY POLICY CONSERVATION ACT.—Section 400A(a)(5) of the Energy Policy Conservation Act (42 U.S.C. 6374a(a)(5)) is amended by striking “GATT Secretariat” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”.

(p) UNITED STATES-HONG KONG POLICY ACT OF 1992.—Section 102(b)(2) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 2102(b)(2)) is amended—

(A) by striking “contracting party to the General Agreement on Tariffs and Trade” and inserting “WTO member country (as defined in section 2(8) of the Uruguay Round Agreements Act)”; and

(B) by striking “latter organization” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”.

(q) ENERGY POLICY CONSERVATION ACT.—Section 400A(a)(5) of the Energy Policy Conservation Act (42 U.S.C. 6374a(a)(5)) is amended by striking “GATT Secretariat” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”.

(r) UNITED STATES-HONG KONG POLICY ACT OF 1992.—Section 102(b)(2) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 2102(b)(2)) is amended—

(A) by striking “contracting party to the General Agreement on Tariffs and Trade” and inserting “WTO member country (as defined in section 2(8) of the Uruguay Round Agreements Act)”; and

(B) by striking “latter organization” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”.

(s) ENERGY POLICY CONSERVATION ACT.—Section 400A(a)(5) of the Energy Policy Conservation Act (42 U.S.C. 6374a(a)(5)) is amended by striking “GATT Secretariat” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”.
TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—REFERENCE

SEC. 2001. REFERENCE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of law, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS

SEC. 2101. DIIODOMETHYL-P-TOLYL-SULFONF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.90  Diiodomethyl-p-toly sulfonf (CAS No. 20018-99-1) (provided for in subheading 2930.90.10) ......................................................... Free No change No change On or before 12/31/2001 ''
```

SEC. 2102. RACEMIC D-MENTHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.06  Racemic d-menthol (intermediate (E) for use in producing menthol) (CAS No. 15356-70-4) (provided for in subheading 2906.11.00) ................. Free No change No change On or before 12/31/2001 ''
```

SEC. 2103. 2,4-DICHLORO-5-HYDRAZINOPHENOL MONOHYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.28  2,4-Dichloro-5-hydrazinophenol monohydrochloride (CAS No. 189573-21-5) (provided for in subheading 2928.00.25) ........................................ Free No change No change On or before 12/31/2001 ''
```

SEC. 2104. ACM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.95  Phosphinic acid, [3-(acetyloxy)-3-cyanopropyl]methyl-, butyl ester (CAS No. 167004-78-6) (provided for in subheading 2928.00.90) ......................... Free No change No change On or before 12/31/2001 ''
```

SEC. 2105. CERTAIN SNOWBOARD BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.64.04  Snowboard boots with uppers of textile materials (provided for in subheading 6404.11.90) ................................................................. Free No change No change On or before 12/31/2001 ''
```

SEC. 2106. ETHOFUMESATE SINGULARLY OR IN MIXTURE WITH APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.31.12  2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuran- methanesulfonate (ethofumesate) singularly or in mixture with application adjuvants (CAS No. 26225-79-6) (provided for in subheading 2922.99.98 or 3808.30.15) ........................................ Free No change No change On or before 12/31/2001 ''
```

SEC. 2107. 3-METHOXYCARBONYLAMINOPHENYL-3-METHYL-CARBANILATE (PHENMEDIPHAM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.31.14  3-Methoxy-3-carbonylamino-4-methylphenyl-4-methyl- cyanopropyl-3-methyl-carbaminyl (Phenmedipham) (CAS No. 12421-50-0) (provided for in subheading 2922.99.98 or 3808.30.15) ......................... Free No change No change On or before 12/31/2001 ''
```
SEC. 2108. 3-METHOXYCARBONYLAMINO-phenyl-3′-methylcarbanilate (phenmedipham) (CAS No. 13684–63–4) (provided for in subheading 2924.29.47) ............................................................. Free No change No change On or before 12/31/2001

SEC. 2109. 3-ETHOXYCARBONYLAMINO-PHENYL-CARBAMATE (DESMEDIPHAM).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
9902.31.14 3-Ethoxycarbonylamino-phenyl-N-phenylcarbamate (desmedipham) (CAS No. 13684–56–5) (provided for in subheading 2924.29.41) ...................... Free No change No change On or before 12/31/2001
```

SEC. 2110. 2-AMINO-4-(4-AMINOENZYLAMINO)BENZENE-SULFONIC ACID, SODIUM SALT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
9902.30.91 2-Amino-4-(4-aminobenzoyl-amino) benzenesulfonic acid, sodium salt (CAS No. 167614–37–1) (provided for in subheading 2930.90.29) ..................... Free No change No change On or before 12/31/2001
```

SEC. 2111. 5-AMINO-N-(2-HYDROXYETHYL)-2,3-XYLENESULFONAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
9902.30.31 5-Amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide (CAS No. 25797–78–8) (provided for in subheading 2935.00.95) ....................................................... Free No change No change On or before 12/31/2001
```

SEC. 2112. 3-AMINO-2′-(SULFATOETHYL-SULFONYL) ETHYL BENZAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
9902.30.90 3-Amino-2′-(sulfatoethylsulfonyl) ethyl benzamide (CAS No. 121315–20–6) ....................................................... Free No change No change On or before 12/31/2001
```

SEC. 2113. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOPOTASSIUM SALT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
9902.30.92 4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt (CAS No. 17691–19–9) (provided for in subheading 2904.90.40) ............................................... Free No change No change On or before 12/31/2001
```

SEC. 2114. 2-METHYL-5-NITROBENZENESULFONIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
9902.29.23 2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121–03–9) (provided for in subheading 2904.90.20) ....................................................... Free No change No change On or before 12/31/2001
```

SEC. 2115. 4-CHLORO-3-NITROBENZENESULFONIC ACID, DISODIUM SALT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
9902.29.24 4-Chloro-3-nitrobenzenesulfonic acid, disodium salt (CAS No. 17691–19–9) (provided for in subheading 2904.90.40) ............................................... Free No change No change On or before 12/31/2001
```

SEC. 2116. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
9902.29.21 6-Amino-1,3-naphthalenedisulfonic acid (CAS No. 118–33–2) (provided for in subheading 2921.45.90) ....................................................... Free No change No change On or before 12/31/2001
```

SEC. 2117. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
9902.29.24 4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt (CAS No. 17691–19–9) (provided for in subheading 2904.90.40) ............................................... Free No change No change On or before 12/31/2001
```

SEC. 2118. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID, DISODIUM SALT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 2119. 2-AMINO-P-CRESOL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.29.20 | 2-Amino-p-cresol (CAS No. 95–84–1) (provided for in subheading 2922.29.10) | Free | No change | No change | On or before 12/31/2001 |

SEC. 2120. 6-BROMO-2,4-DINITROANILINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.29.43 | 6-Bromo-2,4-dinitroaniline (CAS No. 1817–73–8) (provided for in subheading 2921.42.90) | Free | No change | No change | On or before 12/31/2001 |

SEC. 2121. 7-ACETYLAMINO-4-HYDROXY-2-NAPHTHALENE-SULFONIC ACID, MONOSODIUM SALT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.29.29 | 7-Acetylamino-4-hydroxy-2-naphthalenesulfonic acid, monosodium salt (CAS No. 42360–29–2) (provided for in subheading 2924.29.70) | Free | No change | No change | On or before 12/31/2001 |

SEC. 2122. TANNIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.32.01 | Tannic acid (CAS No. 1401–55–4) (provided for in subheading 3201.90.10) | Free | No change | No change | On or before 12/31/2001 |

SEC. 2123. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.29.54 | 2-Amino-5-nitrobenzenesulfonic acid, monosodium salt (CAS No. 96–75–3) (provided for in subheading 2921.42.90) | Free | No change | No change | On or before 12/31/2001 |

SEC. 2124. 3-(4,5-DIHYDRO-3-METHYL-5-OXO-1H-PYRAZOL-1-YL)BENZENESULFONIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.33.19 | 3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulfonic acid (CAS No. 119–17–5) (provided for in subheading 2933.19.43) | Free | No change | No change | On or before 12/31/2001 |

SEC. 2125. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHALENE-DISULFONIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.29.65 | 4-Benzoylamino-5-hydroxy-2,7-napthalenedisulfonic acid (CAS No. 117–46–4) (provided for in subheading 2924.29.75) | Free | No change | No change | On or before 12/31/2001 |

SEC. 2126. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHALENE-DISULFONIC ACID, MONOSODIUM SALT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.29.72 | 4-Benzoylamino-5-hydroxy-2,7-napthalenedisulfonic acid, monosodium salt (CAS No. 79873–39–5) (provided for in subheading 2924.29.70) | Free | No change | No change | On or before 12/31/2001 |
```

SEC. 2130. PIGMENT YELLOW 175.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```

```
SEC. 2131. PIGMENT RED 187.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:
```

```
SEC. 2132. 2,6-DIMETHYL-M-DIOXAN-4-OL ACETATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```

```
SEC. 2133. β-BROMO-β-NITROSTYRENE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```

```
SEC. 2134. TEXTILE MACHINERY.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```

```
SEC. 2135. DELTAMETHRIN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```

```
SEC. 2136. DICLOFOP-METHYL.
Subchapter II of chapter 99 is amended by striking heading 9902.30.16 and inserting the following:
```

```
SEC. 2137. RESMETHRIN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```

```
SEC. 2138. N-PHENYL-N'-1,2,3-THIADIAZOL-5-YLUREA.
Subchapter II of chapter 99 is amended by striking heading 9902.30.17 and inserting the following:
```

```
SEC. 2139. (1R,3S)(1'R,S,2'R,2',3'R,3'TETRABROMOMETHYL)-2,2-DIMETHYL-CYCLOPROpaneCARBOXYLIC ACID, (S)-α-CYANO-3-PHENOxyBENzyl ESTER.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
SEC. 2140. PIGMENT RED 177.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.30.58 Pigment Red 177 (CAS No. 4051–63–2) (provided for in subheading 3204.17.04) .................................................. Free No change No change On or before 12/31/2001
```

SEC. 2141. TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.84.20 Textile printing machinery (provided for in subheading 8443.59.10) ........................................ Free No change No change On or before 12/31/2001
```

SEC. 2142. SUBSTRATES OF SYNTHETIC QUARTZ OR SYNTHETIC FUSED SILICA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.70.06 Substrates of synthetic quartz or synthetic fused silica imported in bulk or in forms or packages for retail sale (provided for in subheading 7006.00.40) .................................................. Free No change No change On or before 12/31/2001
```

SEC. 2143. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.32.14 2-Methyl-4,6-bis[(octylthio)methyl]phenol (CAS No. 110553–27–0) (provided for in subheading 2930.90.29) .................................................. Free No change No change On or before 12/31/2001
```

SEC. 2144. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL; EPOXIDIZED TRIGLYCERIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.38.12 2-Methyl-4,6-bis[(octylthio)methyl]phenol; epoxidized triglyceride (provided for in subheading 3812.30.60) .................................................. Free No change No change On or before 12/31/2001
```

SEC. 2145. 4-[[4,6-BIS(OCTYLTHIO)-1,3,5-TRIAZIN-2-YL]AMINO]-2,6-BIS(1,1-DIMETHYLETHYL)PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.32.30 4-[[4,6-Bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol (CAS No. 991–84–4) (provided for in subheading 2933.69.60) .................................................. Free No change No change On or before 12/31/2001
```

SEC. 2146. (2-BENZOTHIAZOLYLTHIO)BUTANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.32.31 (2-Benzothiazolylthio)butane-dioic acid (CAS No. 95154–01–1) (provided for in subheading 2934.20.40) .................................................. Free No change No change On or before 12/31/2001
```

SEC. 2147. CALCIUM BIS[MONOETHYL(3,5-DI-TERT-BUTYL-4-HYDROXYBENZYL) PHOSPHONATE].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.32.16 Calcium bis[monothyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate] (CAS No. 65140–91–2) (provided for in subheading 2934.00.30) .................................................. Free No change No change On or before 12/31/2001
```

SEC. 2148. 4-METHYL-γ-OXO-BENZENEBUTANIOIC ACID COMPOUNDED WITH 4-ETHYLMORPHOLINE (2:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.38.26 4-Methyl-γ-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1) (CAS No. 171054–89–0) (provided for in subheading 3824.90.28) .................................................. Free No change No change On or before 12/31/2001
```

SEC. 2149. WEAVING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
### CONGRESSIONAL RECORD—SENATE

**May 27, 1999**

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<td>(providing in subheading 2933.19.90)</td>
<td>No change</td>
</tr>
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</table>

#### Section 2150. CERTAIN WEAVING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.84.10 Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m (provided for in subheading 8446.21.50), if entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames or beams .................................. Free No change No change On or before 12/31/2001
```

#### Section 2151. DEMT.

Subchapter II of chapter 99 is amended by striking heading 9902.32.12 and inserting the following:

```
9902.32.12 N,N-Diethyl-m-toluidine (DEMT) (CAS No. 91–67–8) (provided for in subheading 2921.43.80) ...................................................................................... Free No change No change On or before 12/31/2001
```

#### Section 2152. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.57 Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl- (CAS No. 80–54–6) (provided for in subheading 2912.29.60) ....................................................... 6% No change No change On or before 12/31/2001
```

#### Section 2153. 2H–3,1-BENZOXAZIN-2-ONE, 6-CHLORO-4-(CYCLO-PROPYLETHYNYL)-1,4-DIHYDRO-4-(TRIFLUOROMETHYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.56 2H–3,1-Benzoxazin-2-one, 6-chloro-4-(cyclopropylethynyl)-1,4-dihydro-4-(trifluoromethyl)- (CAS No. 154598–52–4) (provided for in subheading 2934.90.30) ................................................................................................... Free No change No change On or before 12/31/2001
```

#### Section 2154. TEBUFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.32 N-tert-Butyl-N'-(4-ethylbenzoyl)-3,5-Dimethylbenzoylhydrazide (Tebufenozide) (CAS No. 112410–23–8) (provided for in subheading 2928.00.25) ................................................................................................... Free No change No change On or before 12/31/2001
```

#### Section 2155. HALOFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.36 Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl) hydrazide (Halofenozide) (CAS No. 112226–61–6) (provided for in subheading 2928.00.25) ....................................................... 6% No change No change On or before 12/31/2001
```

#### Section 2156. CERTAIN ORGANIC PIGMENTS AND DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.07 Organic luminescent pigments and dyes for security applications excluding daylight fluorescent pigments and dyes (provided for in subheading 3204.90.00) ...................................................................................... Free No change No change On or before 12/31/2001
```

#### Section 2157. 4-HEXYLRESORCINOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.07 4-Hexylresorcinol (CAS No. 136–77–6) (provided for in subheading 2907.29.90) ...................................................................................... Free No change No change On or before 12/31/2001
```

#### Section 2158. CERTAIN SENSITIZING DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.37 Polymethine photo-sensitizing dyes (provided for in subheadings 2933.19.30, 2933.19.90, 2933.90.24, 2934.10.90, 2934.20.40, 2934.90.20, and 2934.90.90) ................................................................................................... Free No change No change On or before 12/31/2001
```

#### Section 2159. SKATING BOOTS FOR USE IN THE MANUFACTURE OF IN-LINE ROLLER SKATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 2160. DIBUTYLNAPHTHALENESULFONIC ACID, SODIUM SALT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.64.05 Boots for use in the manufacture of in-line roller skates (provided for in subheadings 6402.19.90, 6403.19.40, 6403.19.70, and 6404.11.90) ……………………… Free No change No change On or before 12/31/2001
```

```
9902.34.02 Surface active preparation containing 30 percent or more by weight of dibutylnaphtalenesulfonic acid, sodium salt (CAS No. 25638–17–9) (provided for in subheading 3402.90.30) ……………………….. Free No change No change On or before 12/31/2001
```

SEC. 2161. O-6-CHLORO-3-PHENYL-4-PYRIDAZINYL)-S-OCTYLCARBONOTHIOATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.38.08 O-(6-Chloro-3-phenyl-4-pyrazinyl)-S-octyl-carbonothioate (CAS No. 55512–33–9) (provided for in subheading 3808.30.15) ……………………….. Free No change No change On or before 12/31/2001
```

SEC. 2162. 4-CYCLOPROPYL-6-METHYL-2-PHENYLAMINOPYRIMIDINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.50 4-Cyclopropyl-6-methyl-2-phenylaminopyrimidine (CAS No. 121552–61–2) (provided for in subheading 2933.59.15) ……………………….. Free No change No change On or before 12/31/2001
```

SEC. 2163. O,O-DIMETHYL-S-[5-METHOXY-2-OXO-1,3,4-THIADIAZOL-3(2H)-YL-METHYL]DITHIOPHOSPHATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.51 O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl]dithiophosphate (CAS No. 950–37–8) (provided for in subheading 2934.90.90) ……………………….. Free No change No change On or before 12/31/2001
```

SEC. 2164. ETHYL [2-(4-PHENOXY-PHENOXY) ETHYL] CARBAMATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.52 Ethyl [2-(4-phenoxyphenoxy)-ethyl]carbamate (CAS No. 79127–80–3) (provided for in subheading 2924.10.80) ……………………….. Free No change No change On or before 12/31/2001
```

SEC. 2165. [(2S,4R)/(2R,4S)/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-CHLORO-PHENOXY)-2-CHLOROPHENYL]-4-METHYL-1,3-DIOXOLAN-2-YLMETHYL]-1H-1,2,4-TRIAZOLE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.74 [(2S,4R)/(2R,4S)/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-Chloro-phenoxy)-2-chlorophenyl]-4- methyl-1,3-dioxolan-2-y- methyl]-1H-1,2,4-triazole (CAS No. 119446–68–3) (provided for in subheading 2934.90.12) ……………………….. Free No change No change On or before 12/31/2001
```

SEC. 2166. 2,4-DICHLORO-3,5-DINITROBENZOTRIFLUORIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.12 2,4-Dichloro-3,5-dinitrobenzotrifluoride (CAS No. 29091–09–6) (provided for in subheading 2910.90.20) ……………………….. Free No change No change On or before 12/31/2001
```

SEC. 2167. 2-CHLORO-N-[2,6-DINITRO-4-(TRIFLUOROMETHYL) PHENYL]-N-ETHYL-6-FLUOROBENZENEMETHANAMINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.15 2-Chloro-N-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzemethanamine (CAS No. 62924–70–3) (provided for in subheading 2910.90.20) ……………………….. Free No change No change On or before 12/31/2001
```

SEC. 2168. CHLOROACETONE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.11 Chloroacetone (CAS No. 78–95–5) (provided for in subheading 2914.19.00) ……………………….. Free No change No change On or before 12/31/2001
```

```
9902.29.60 Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester (CAS No. 99607–70–3) (provided for in subheading 2934.40.30) ……………………….. Free No change No change On or before 12/31/2001
```

```
9902.29.06 Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester (CAS No. 99607–70–3) (provided for in subheading 2934.40.30) ……………………….. Free No change No change On or before 12/31/2001
```

```
9902.29.06 Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester (CAS No. 99607–70–3) (provided for in subheading 2934.40.30) ……………………….. Free No change No change On or before 12/31/2001
```

```
9902.29.06 Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester (CAS No. 99607–70–3) (provided for in subheading 2934.40.30) ……………………….. Free No change No change On or before 12/31/2001
```

```
9902.29.06 Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester (CAS No. 99607–70–3) (provided for in subheading 2934.40.30) ……………………….. Free No change No change On or before 12/31/2001
```

```
9902.29.06 Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester (CAS No. 99607–70–3) (provided for in subheading 2934.40.30) ……………………….. Free No change No change On or before 12/31/2001
```
### SEC. 2170. PROPANOIC ACID, 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]PHENOXY]-, 2-PROPYNYL ESTER.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>PROPO0NIC ACID, 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]PHENOXY]-, 2-PROPYNYL ESTER (CAS No. 105512-06-9) (provided for in subheading 2933.39.25)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2001</th>
</tr>
</thead>
</table>

### SEC. 2171. MUCOCHLORIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>MUCOCHLORIC ACID (CAS No. 87-56-9) (provided for in subheading 2918.30.90)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2001</th>
</tr>
</thead>
</table>

### SEC. 2172. CERTAIN ROCKET ENGINES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Dual thrust chamber rocket engines each having a maximum static sea level thrust exceeding 3,550 kN and nozzle exit diameter exceeding 127 cm (provided for in subheading 8412.10.00)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2001</th>
</tr>
</thead>
</table>

### SEC. 2173. PIGMENT RED 144.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Pigment Red 144 (CAS No. 5280-78-4) (provided for in subheading 3294.17.04)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2001</th>
</tr>
</thead>
</table>

### SEC. 2174. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B][1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID, DIETHYL ESTER.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid, diethyl ester (CAS No. 177575–19–8) (provided for in subheading 2934.90.90)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2001</th>
</tr>
</thead>
</table>

### SEC. 2175. 4-CHLOROPYRIDINE HYDROCHLORIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>4-Chloropyridine hydrochloride (CAS No. 7379–35–3) (provided for in subheading 2934.39.61)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2001</th>
</tr>
</thead>
</table>

### SEC. 2176. 4-PHENOXYPYRIDINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>4-Phenoxypyridine (CAS No. 4783–86-2) (provided for in subheading 2934.39.61)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2001</th>
</tr>
</thead>
</table>

### SEC. 2177. (3S)-2,2-DIMETHYL-3-THIOMORPHOLINE CARBOXYLIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>(3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid (CAS No. 84915–43–5) (provided for in subheading 2934.90.90)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2001</th>
</tr>
</thead>
</table>

### SEC. 2178. 2-AMINO-5-BROMO-6-METHYL-4-(1H)-QUINAZOLINONE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>2-Amino-5-bromo-6-methyl-4-(1H)-quinazolinone (CAS No. 147149–89–1) (provided for in subheading 2933.59.70)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2001</th>
</tr>
</thead>
</table>

### SEC. 2179. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHIO)-4(1H)-QUINAZOLINONE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone (CAS No. 147149–76-6) (provided for in subheading 2933.59.70)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2001</th>
</tr>
</thead>
</table>
SEC. 2180. (S)-N-[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.39 (S)-N-[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid (CAS No. 177575-17-6) (provided for in subheading 2934.90.90) ........................................ Free No change No change On or before 12/31/2001 .
```

SEC. 2181. 2-Amino-6-methyl-5-(4-pyridinylthio)-4-(1H)-quinazolinone dihydrochloride.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.40 2-Amino-6-methyl-5-(4-pyridinylthio)-4-(1H)-quinazolinone dihydrochloride (CAS No. 152946–68–4) (provided for in subheading 2933.59.70) ................................................................................................... Free No change No change On or before 12/31/2001 .
```

SEC. 2182. 3-(Acetyloxy)-2-methylbenzoic acid.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.41 3-(Acetyloxy)-2-methylbenzoic acid (CAS No. 168899–58-9) (provided for in subheading 2918.29.65) ................................................................. Free No change No change On or before 12/31/2001 .
```

SEC. 2183. [R-(R*,R*)]-1,2,3,4-butanetetrol-1,4-dimethanesulfonate.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.42 [R-(R*,R*)]-1,2,3,4-butanetetrol-1,4-dimethanesulfonate (CAS No. 1947–62–2) (provided for in subheading 2905.49.50) ................................................... Free No change No change On or before 12/31/2001 .
```

SEC. 2184. 9-[2-[Bis[(pivaloyloxy)-methoxy]phosphinyl]methoxy]ethyladenine (also known as Adefovir Dipivoxil).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.33.01 9-[2-[Bis[(pivaloyloxy)-methoxy]phosphinyl]methoxy]ethyladenine (also known as Adefovir Dipivoxil) (CAS No. 142340–99–6) (provided for in subheading 2933.59.95) ................................................................................. Free No change No change On or before 12/31/2001 .
```

SEC. 2185. 9-[2-[Bis(isopropoxy carbonyl)oxymethoxy)phosphinoyl]methoxy]propyl]adenine fumarate (1:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.33.02 9-[2-[Bis(isopropoxy carbonyl)oxymethoxy)phosphinoyl]methoxy]propyl]adenine fumarate (1:1) (CAS No. 202138–50–9) (provided for in subheading 2918.29.65) ................................................................. Free No change No change On or before 12/31/2001 .
```

SEC. 2186. (R)-9-(2-Phosphonomethoxy)propyl)adenine.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.33.03 (R)-9-(2-Phosphonomethoxy)propyl)adenine (CAS No. 147127–20–6) (provided for in subheading 2933.59.95) ................................................................. Free No change No change On or before 12/31/2001 .
```

SEC. 2187. (R)-1,3-Dioxolan-2-one, 4-methyl-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.33.04 (R)-1,3-Dioxolan-2-one, 4-methyl- (CAS No. 16906-55-6) (provided for in subheading 2920.90.50) ................................................................................ Free No change No change On or before 12/31/2001 .
```

SEC. 2188. 9-(2-Hydroxyethyl)adenine.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.33.05 9-(2-Hydroxyethyl)adenine (CAS No. 707–99–3) (provided for in subheading 2933.59.95) ................................................................................ Free No change No change On or before 12/31/2001 .
```

SEC. 2189. (R)-9H-PURINE-9-ETHANOL, 6-AMINO-α-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.33.06 (R)-9H-PURINE-9-ETHANOL, 6-AMINO-α-METHYL- (CAS No. 14047–28–0) (provided for in subheading 2933.59.95) ................................................................. Free No change No change On or before 12/31/2001 .
```

SEC. 2190. CHLOROMETHYL-2-PROPYL CARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2191.</td>
<td>(R)-1,2-PROPANEDIOL, 3-CHLORO-</td>
</tr>
<tr>
<td>2192.</td>
<td>OXIRANE, (S)-((TRIPHENYL METHOXY)METHYL)-</td>
</tr>
<tr>
<td>2193.</td>
<td>CHLOROMETHYL PIVALATE</td>
</tr>
<tr>
<td>2194.</td>
<td>DIETHYL (((P-TOLUENESULFONYL)OXY)-METHYL)PHOSPHONATE</td>
</tr>
<tr>
<td>2195.</td>
<td>BETA HYDROXYALKYLAMIDE</td>
</tr>
<tr>
<td>2196.</td>
<td>GRILAMID TR90</td>
</tr>
<tr>
<td>2197.</td>
<td>IN—W4280</td>
</tr>
<tr>
<td>2198.</td>
<td>KL540</td>
</tr>
<tr>
<td>2199.</td>
<td>METHYL THIOGLYCOLATE</td>
</tr>
</tbody>
</table>

**Notes:**
- Free:-duty free
- No change: no change in tariff rate
SEC. 2201. ETHYLENE, TETRAFLUORO COPOLYMER WITH ETHYLENE (ETFE).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.29.68 | Ethylene-tetrafluoro ethylene copolymer (ETFE) (provided for in subheading 3904.69.50) | 3.3% | No change | No change | On or before 12/31/2001 |

SEC. 2202. 3-MERCAPTO-D-VALINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.32.66 | 3-Mercapto-D-valine (CAS No. 52-67-5) (provided for in subheading 2930.90.45) | Free | No change | No change | On or before 12/31/2001 |

SEC. 2203. P-ETHYLPHENOL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.31.21 | p-Ethylphenol (CAS No. 123-07-9) (provided for in subheading 2907.19.20) | Free | No change | No change | On or before 12/31/2001 |

SEC. 2204. PANTERA.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.29.09 | (+/-) Tetrahydrofurfuryl (R)-2-[4-(6-chloroquinoxalin-2-yloxy)phenoxy]propanoate (CAS No. 119738-06-6) (provided for in subheading 2909.30.40) and any mixtures containing such compound (provided for in subheading 3808.30) | Free | No change | No change | On or before 12/31/2001 |

SEC. 2205. P-NITROBENZOIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.32.70 | p-Nitrobenzoic acid (CAS No. 62-23-7) (provided for in subheading 2916.39.45) | Free | No change | No change | On or before 12/31/2001 |

SEC. 2206. P-TOLUENESULFONAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.32.95 | p-Toluenesulfonamide (CAS No. 70-55-3) (provided for in subheading 2935.00.95) | Free | No change | No change | On or before 12/31/2001 |

SEC. 2207. POLYMERS OF TETRAFLUOROETHYLENE, HEXAFLUOROPROPYLENE, AND VINYLDIENE FLUORIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.39.04 | Polymers of tetrafluoroethylene (provided for in subheading 3904.61.00), hexafluoropropylene and vinyldiene fluoride (provided for in subheading 3904.69.50) | Free | No change | No change | On or before 12/31/2001 |

SEC. 2208. METHYL 2-[[4-[DIMETHYLAMINO]-6-(2,2,2-TRIFLUOROETHOXY)-1,3,5-TRIAZIN-2-YLAMINO]-CARBONYL]AMINO]SULFONYL]-3-METHYL BENZOLE (TRIFLUSULFURON METHYL).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.38.11 | Methyl 2-[[4- (dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-ylamino]carbonyl]amino]sulfonyl]-3-methylbenzoate (triflusulfuron methyl) in mixture with application adjuvants. (CAS No. 126535-15-7) (provided for in subheading 3908.30.15) | Free | No change | No change | On or before 12/31/2001 |

SEC. 2209. CERTAIN MANUFACTURING EQUIPMENT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:
### SEC. 2210. TEXTURED ROLLED GLASS SHEETS.

Subchapter II of chapter 99 is amended by striking heading 9902.70.03 and inserting the following:

| 9902.70.03 | Rolled glass in sheets, yellow-green in color, not finished or edged, worked, textured on one surface, suitable for incorporation in cooking stoves, ranges, or ovens described in subheadings 8516.60.40 (provided for in subheading 7003.12.00 or 7003.19.00) | Free | No change | No change | On or before 12/31/2001 |

### SEC. 2211. CERTAIN HIV DRUG SUBSTANCES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

| 9902.32.43 | (S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide hydrochloride salt (CAS No. 149057–17–0)(provided for in subheading 2933.40.60) | Free | No change | No change | On or before 6/30/99 |
| 9902.32.44 | (S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide sulfate salt (CAS No. 186537–30–4)(provided for in subheading 2933.40.60) | Free | No change | No change | On or before 6/30/99 |
| 9902.32.45 | (3S)-1,2,3,4-Tetrahydroisoquinoline-3-carboxylic acid (CAS No. 7463–81–8)(provided for in subheading 2933.40.60) | Free | No change | No change | On or before 6/30/99 |

### SEC. 2212. RIMSLURON.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
<table>
<thead>
<tr>
<th>Heading</th>
<th>Percentage</th>
<th>Change</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-[[4,6-Dimethoxy-2-pyrimidinyl)amino] carbonyl]-3-ethylsulfonyl]-2-</td>
<td>7.3%</td>
<td>No</td>
<td>On or before 12/31/99</td>
</tr>
<tr>
<td>pyridinesulfonamide (CAS No. 122931–48–0) (provided for in subheading</td>
<td></td>
<td>change</td>
<td>99</td>
</tr>
<tr>
<td>2935.00.75)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.60, as added by</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>subsection (a), is amended—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) by striking &quot;7.3%&quot; and inserting &quot;Free&quot;;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) by striking &quot;12/31/99&quot; and inserting &quot;12/31/2000&quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>subsection (b) apply to goods entered, or withdrawn from warehouse</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>for consumption, after December 31, 1999.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEC. 2213. CARBAMIC ACID (V–9009).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>in numerical sequence the following new heading:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9902.33.61 (3-(Dimethylamino)carbonyl)-2-pyridinyl)sulfonyl] carbamic</td>
<td>8.3%</td>
<td>No</td>
<td>On or before 12/31/99</td>
</tr>
<tr>
<td>acid, phenyl ester (CAS No. 112006–94–7) (provided for in subheading</td>
<td></td>
<td>change</td>
<td>99</td>
</tr>
<tr>
<td>2935.00.75)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.61, as added by</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>subsection (a), is amended—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) by striking &quot;8.3%&quot; and inserting &quot;7.6%&quot;;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) by striking &quot;12/31/99&quot; and inserting &quot;12/31/2000&quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by</td>
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</tr>
<tr>
<td>subsection (b) apply to goods entered, or withdrawn from warehouse</td>
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<tr>
<td>for consumption, after December 31, 1999.</td>
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</tr>
<tr>
<td>SEC. 2214. DPX–E9260.</td>
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<td></td>
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<tr>
<td>(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting</td>
<td></td>
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<tr>
<td>in numerical sequence the following new heading:</td>
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</tr>
<tr>
<td>9902.33.63 3-(Ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 117671–01</td>
<td>6%</td>
<td>No</td>
<td>On or before 12/31/99</td>
</tr>
<tr>
<td>9) (provided for in subheading 2935.00.75)</td>
<td></td>
<td>change</td>
<td>99</td>
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<tr>
<td>(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.63, as added by</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>subsection (a), is amended—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) by striking &quot;6%&quot; and inserting &quot;5.3%&quot;;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) by striking &quot;12/31/99&quot; and inserting &quot;12/31/2000&quot;</td>
<td></td>
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<tr>
<td>(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by</td>
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<tr>
<td>subsection (b) apply to goods entered, or withdrawn from warehouse</td>
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<tr>
<td>for consumption, after December 31, 1999.</td>
<td></td>
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</tr>
<tr>
<td>SEC. 2215. ZIRAM.</td>
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<tr>
<td>Subchapter II of chapter 99 is amended by inserting in numerical</td>
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<td></td>
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</tr>
<tr>
<td>sequence the following new heading:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>9902.38.28 Ziram (provided for in subheading 3808.30.28)</td>
<td>Free</td>
<td>No</td>
<td>On or before 12/31/01</td>
</tr>
<tr>
<td>(provided for in subheading 7202.99.50)</td>
<td></td>
<td>change</td>
<td>01</td>
</tr>
<tr>
<td>SEC. 2216. FERROBORON.</td>
<td></td>
<td></td>
<td></td>
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<td>Subchapter II of chapter 99 is amended by inserting in numerical</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>sequence the following new heading:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>9902.72.02 Ferroboron to be used for manufacturing amorphous metal</td>
<td>Free</td>
<td>No</td>
<td>On or before 12/31/01</td>
</tr>
<tr>
<td>strip (provided for in subheading 7202.99.50)</td>
<td></td>
<td>change</td>
<td>01</td>
</tr>
<tr>
<td>SEC. 2217. ACETIC ACID, [2-CHLORO-4-FLUORO-5-(TETRA- HYDRO-3-OXO-1H,</td>
<td>Free</td>
<td>No</td>
<td>On or before 12/31/01</td>
</tr>
<tr>
<td>1,3,4]THIADIAZOLO[3,4-a]PYRIDAZIN-1-YLIDENEAMINO]PHENYL]- THIO)-,</td>
<td></td>
<td>change</td>
<td>01</td>
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<td>METHYL ESTER.</td>
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<td>sequence the following new heading:</td>
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<tr>
<td>9902.29.66 Acetic acid, [2-chloro-4-fluoro-5-(tetrahydro-3-oxo-1H,3H-</td>
<td>Free</td>
<td>No</td>
<td>On or before 12/31/01</td>
</tr>
<tr>
<td>[1,3,4]thiadiazolo- [3,4-a]pyridazin-1-ylidene]pheno[thio]-, methyl</td>
<td></td>
<td>change</td>
<td>01</td>
</tr>
<tr>
<td>ester (CAS No. 117357–19–6) (provided for in subheading 2934.90.15)</td>
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<tr>
<td>SEC. 2218. PENTYL[2-CHLORO-5-CYCLOHEX-1-ENE-1,2-DI- CARBOXYMIDO]4-</td>
<td>Free</td>
<td>No</td>
<td>On or before 12/31/01</td>
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<tr>
<td>FLUOROPHENOXO)ACETATE.</td>
<td></td>
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<tr>
<td>9902.33.66 Pentyl[2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-</td>
<td>Free</td>
<td>No</td>
<td>On or before 12/31/01</td>
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<tr>
<td>fluoro-phenoxo]acete (CAS No. 87546–18–7) (provided for in</td>
<td></td>
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<td>subheading 2935.19.40)</td>
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<td>SEC. 2219. BENTAZON (3-ISOPROPYL)-1H-2,1,3-BENZO-THIADIAZIN-4(H)-</td>
<td>Free</td>
<td>No</td>
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<td>ONE-2,2-DIOXID).</td>
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<td>change</td>
<td>01</td>
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<td>sequence the following new heading:</td>
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<tr>
<td>9902.29.67 Bentazon (3-Isopropyl)-1H-2,1,3-benzo-thiadiazin-4(1H)-one-</td>
<td>5.0%</td>
<td>No</td>
<td>On or before 12/31/01</td>
</tr>
<tr>
<td>2,2-dioxide).</td>
<td></td>
<td>change</td>
<td>01</td>
</tr>
<tr>
<td>SEC. 2220. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS NOT MOUNTED IN THEIR</td>
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<td>ENCLOSURES.</td>
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<td>Subchapter II of chapter 99 is amended by inserting in numerical</td>
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<tr>
<td>sequence the following new heading:</td>
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</table>
SEC. 2221. PARTS FOR USE IN THE MANUFACTURE OF CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.85.21  Parts for use in the manufacture of loudspeakers of a type described in subheading 9902.85.20 (provided for in subheading 8518.90.80) ............................................. Free No change No change On or before 12/31/2001 ''.
```

SEC. 2222. 5-TERT-BUTYL-ISOPHTHALIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.33.12  5-tert-Butyl-isophthalic acid (CAS No. 2359-09-3) (provided for in subheading 2917.39.70) ............................................................... Free No change No change On or before 12/31/2001 ''.
```

SEC. 2223. CERTAIN POLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.39.07  A polymer of the following monomers: 1,4-benzenedicarboxylic acid, dimethyl ester (dimethyl terephthalate) (CAS No. 120-61-6); 1,3-Benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester, sodium salt (sodium dimethyl sulfoisophthalate) (CAS No. 3965-55-7); 1,2-ethanediol (ethylene glycol) (CAS No. 107-21-1) and 1,2-propanediol (propylene glycol) (CAS No. 57-55-6); with terminal units from 2(2-hydroxyethoxy) ethanesulfonic acid, sodium salt (CAS No. 53211-06-0) (provided for in subheading 3907.99.00) ............ Free No change No change On or before 12/31/2001 ''.
```

SEC. 2224. 2-(4-CHLOROPHENYL)-3-ETHYL-2, 5-DIHYDRO-5-OXO-4-PYRIDAZINE CARBOXYLIC ACID, POTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.33.16  2-(4-Chlorophenyl)-3-ethyl-2, 5-dihydro-5-oxo-4-pyridazine carboxylic acid, potassium salt (CAS No. 82697–71–0) (provided for in subheading 2933.90.79) .................................................................................................... Free No change No change On or before 12/31/2001 ''.
```

SEC. 2225. PIGMENT RED 185.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.26  Pigment Red 185 (CAS No. 51920–12–8) (provided for in subheading 3204.17.04) ................................................................................................... Free No change No change On or before 12/31/2002 ''.
```

SEC. 2226. PIGMENT RED 208.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.27  Pigment Red 208 (CAS No. 31778–10–6) (provided for in subheading 3204.17.04) ................................................................................................... Free No change No change On or before 12/31/2002 ''.
```

SEC. 2227. PIGMENT YELLOW 95.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.08  Pigment Yellow 95 (CAS No. 5280–80–8) (provided for in subheading 3204.17.04) ................................................................................................... Free No change No change On or before 12/31/2001 ''.
```

SEC. 2228. PIGMENT YELLOW 93.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.13  Pigment Yellow 93 (CAS No. 5580–57–4) (provided for in subheading 3204.17.04) ................................................................................................... Free No change No change On or before 12/31/2001 ''.
```

CHAPTER 3—EFFECTIVE DATE

SEC. 2301. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in subsection (b) and in this subtitle, the amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of enactment of this Act.

(b) RELIQUIDATION.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper written request filed with the Customs Service not later than 120 days after the date of the enactment of this Act, any entry of an article described in heading 9902.32.18, 9902.32.19, 9902.32.22, 9902.32.25, or 9902.32.27 of the Harmonized Tariff Schedule of the United States (as
Congressional Record—Senate

May 27, 1999

11501

CONGRESSIONAL RECORD—SENATE

SEC. 2401. EXTENSION OF UNITED STATES INSURANCE POLICY—ADMINISTRATION.

(a) In General. —The additional U.S. notes to chapter 71 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following new note:

"(3) Notwithstanding any provision in additional U.S. note 5 to chapter 91, any article of jewelry provided for in heading 7113 which, due to its size, cannot be feasibly imported in its assembled state, the Secretary shall report the findings to the Secretary of the Treasury and to the applicant and to the Secretary of the Interior shall issue such regulations as are necessary to carry out the amendments made by this section.

"(d) The Secretary of Commerce and the Secretary of the Interior shall issue such regulations, not inconsistent with the provisions of this note and additional U.S. note 5 to chapter 91, as the Secretaries determine necessary to carry out their respective duties under this note. Such regulations shall not be inconsistent with substantial transformation requirements but may define the circumstances in which articles of jewelry shall be deemed to be units for purposes of the benefits, provisions, and limitations of additional U.S. note 5 to chapter 91.

"(e) Notwithstanding any other provision of law, during the 2-year period beginning 45 days after the date of enactment of this note, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule.

(b) CONFORMING AMENDMENT.—General Note 3(a)(iv) of the Harmonized Tariff Schedule of the United States is amended by inserting "and additional U.S. note 3(e) of chapter 71," after "Tax Reform Act of 1986,".

(c) EFFECTIVE DATE.—The amendments made by this section take effect 120 days after the date of the enactment of this Act.

SEC. 2402. TARIFF TREATMENT FOR CERTAIN COMPONENTS OF SCIENTIFIC INSTRUMENTS AND APPARATUS.

(a) In General. —U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended in subdivision (a) by adding at the end the following new sentence: "The term "instruments and apparatus" shall be construed to mean any component of such instrument or apparatus which is not being manufactured in the United States that is of equivalent scientific value to a foreign-origin instrument or apparatus for which application is made but which, due to its size, cannot be feasibly imported in its assembled state, the Secretary shall report the findings to the Secretary of the Treasury and to the applicant and to the Secretary of the Interior shall issue such regulations as are necessary to carry out the amendments made by this section.

"(b) CONFORMING AMENDMENT.—The Tariff Act of 1930 (19 U.S.C. 1313(q)) is further amended—

(1) by inserting after paragraph (b) the following:

"(c) Modification of Regulations. —The Secretary of the Treasury and the Secretary of Commerce shall make such modifications to their regulations as are necessary to carry out the amendments made by this section.

(2) by inserting at the end the following:

"(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.

SEC. 2403. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES. —Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall not, later than 90 days after the date of enactment of this Act, liquidate or reliquidate those entries made at Los Angeles, California, and New Orleans, Louisiana, which are listed in subsection (c), in accordance with the final determination of the International Trade Administration of the Department of Commerce for shipments entered between October 1, 1984, and December 14, 1987 (case number A-472-001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under this subsection shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number | Date of entry | Port
--- | --- | ---
322 | 12/13/86 | Los Angeles, California
322 | 12/13/86 | Los Angeles, California
86-2909242 | 9/2/86 | New Orleans, Louisiana

87- | 1/9/87 | New Orleans, Louisiana

SEC. 2404. DRAWBACK AND REFUND ON PACKAGING MATERIAL.

(a) In General.—Section 330(q) of the Tariff Act of 1930 (19 U.S.C. 1330(q)) is further amended—

(1) by striking "Packaging material" and inserting the following:

"(c) GENERAL.—Packaging material"

(2) by moving the remaining text 2 ems to the right;

(3) by adding at the end the following:

"(d) ADDITIONAL ELIGIBILITY.—Packaging material produced in the United States, which is used by the manufacturer or any other person on or for articles which are exported or destroyed under subsection (a) or (b), shall be eligible under such subsection for refund, as drawback, of 99 percent of any amounts owed by the United States pursuant to the provisions and limitations of that note and of paragraphs (a), (b), and (c) of this note.

SEC. 2405. INCLUSION OF COMMERCIAL IMPORTATION DATA FROM FOREIGN TRADE ZONES UNDER THE NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

"(c) FOREIGN TRADE ZONES.—Not later than January 1, 2000, the Secretary shall provide for the inclusion of commercial importation data from foreign-trade zones under the Program.

SEC. 2406. LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

(a) In General.—The Tariff Act of 1930 (19 U.S.C. 1411 et seq.) is amended by inserting after section 44a the following:

"(SEC. 44b. DEFERRAL OF DUTY ON LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

"(a) In General.—Notwithstanding any other provision of law, any vessel meeting the definition of a large yacht as provided in subsection (b) and which is otherwise dutiable may be imported without the payment of duty if imported with the intention to offer for sale at a boat show in the United States. Payment of duty shall be deferred, in accordance with this section, until such large yacht is sold.

(b) DEFINITION.—As used in this section, the term "large yacht" means a vessel that exceeds 79 feet in length, is used primarily for recreation or pleasure, and has been previously sold by a manufacturer or dealer to a consumer.

"(c) DEFERRAL OF DUTY.—At the time of importation of any large yacht, if such large
yacht is imported for sale at a boat show in the United States and is otherwise dutiable, duties shall not be assessed and collected if the importer of record—

(1) certifies to the Customs Service that the large yacht is imported pursuant to this section for sale at a boat show in the United States; and

(2) posts a bond, which shall have a duration of 6 months after the date of importation, in an amount equal to twice the amount of duty on the large yacht that would otherwise be imposed under subheading 8803.91.00 or 8803.92.00 of the Harmonized Tariff Schedule of the United States.

(d) Procedures Upon Sale.—

(1) Deposit of Duty.—If any large yacht (which has been imported for sale at a boat show in the United States with the deferral of duties as provided in this section) is sold within the 6-month period after importation—

(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8803.91.00 or 8803.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

(e) Procedures Upon Expiration of Bond Period.—

(1) In General.—If the large yacht entered with deferral of duties is neither sold nor exported within the 6-month period after importation—

(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8803.91.00 or 8803.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

(b) Effective Date.—The amendment made by subsection (a) applies to goods described in heading 9801.00.26 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that are reimported into the United States on or after the date that is 15 days after the date of enactment of this Act.

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May 27, 1999

Articles, previously imported, with respect to which the duty was paid upon such previous importation, if (1) exported within 3 years after the date of such previous importation, (2) sold for exportation and exported to individuals for personal use, (3) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, (4) reimported as personal returns from those individuals, whether or not consolidated with other personal returns to reimportation, and (5) reimported by or for the account of the person who exported them from the United States within 1 year of such exportation ...................... Free Free Free

Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1999 International Special Olympics, the 1999 Women’s World Cup Soccer, the 2001 International Special Olympics, the 2002 Salt Lake City Winter Olympics, and the 2002 Winter Paralympic Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing events by or on behalf of the foregoing persons or the organizing committees of such events; articles to be used in exhibitions depicting the culture of a country participating in any such event; and, if consistent with the foregoing, such other articles as the Secretary of Treasury may allow ............ Free No change Free

The United States is amended by inserting in numerical sequence the following new heading:

11502
The table below lists entries that are subject to reliquidation or relquidation on or after the date of enactment of this Act.

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<th>Entry number</th>
<th>Liquidation date</th>
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**Note:** The additional U.S. note 4 of chapter 91 of the Harmonized Tariff Schedule of the United States is amended in the matter preceding subparagraph (a), by striking the comma after "stamping" and inserting "(including by means of indelible ink)."
but not be limited to, such issues as the time period during which such services shall be performed, the proper number and deployment of inspection officers, the level of fees, and the appropriateness of any proposed fee. The Commission shall give consideration to the views of the advisory committee in the exercise of his or her duties.

(c) NATIONAL CUSTOMS AUTOMATION TEST RECOGNITION.—Section 555(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by adding at the end the following: "For the period beginning on October 1, 1998, and extending through the period on which the National Customs Automation Test Regarding Recognition of the Customs Service is terminated, or October 1, 2000, whichever occurs earlier, the Secretary may prescribe an alternative midpoint interest accounting methodology, which may be employed by the importer, based upon aggregate data in lieu of accounting for such interest from each deposit post paid in this subsection."

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 2419. DUTY DRAWBACK FOR METHYL TERTIARY-BUTYL ETHER ("MTBE").

(a) IN GENERAL.—Section 313(p)(3)(A)(I)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(I)(I)) is amended by striking "and" and inserting "a"; and

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 2420. SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES.

(a) IN GENERAL.—Section 313(p)(3)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(I)) is amended in the matter following subparagraph (C) by striking "the amount of the duties paid on, or attributable to, such qualified article shall be refunded as drawback to the drawback claimant," and inserting "duties shall be allowed as described in paragraph (3)".

(b) REQUIREMENTS.—Section 313(p)(2) of such Act (19 U.S.C. 1313(p)(2)) is amended—

(1) in subparagraph (A) —

(a) in clause (i) and (ii), by striking "the qualified article" each place it appears and inserting "a qualified article"; and

(b) in clause (iv), by striking "an imported" and inserting "imported";

and

(2) in subparagraph (B), by inserting "transferor," after "importer,".

(c) QUALIFIED ARTICLE DEFINED, ETC.—Section 313(p)(3) of such Act (19 U.S.C. 1313(p)(3)) is amended—

(1) in subparagraph (A) —

(a) in clause (i), by striking "liquids, pastes, powders, granules, and flakes" and inserting "the primary forms provided under section 5007 of the Tariff Act of 1930, subsection (h) of the North American Free Trade Agreement Implementation Act. For purposes of section 623(b) of that Act, the 3-year requirement set forth in section 313(r) of the Tariff Act of 1930 shall not apply to any drawback claim filed within 6 months after the date of enactment of this Act for which that 3-year period would have expired."

SEC. 2421. DUTY ON CERTAIN IMPORTATIONS OF MUESLIX CEREALS.

(a) BEFORE JANUARY 1, 1996.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1995, and before January 1, 1996, of mueslix cereal, which was classified in heading 04.01.10 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1996, shall be liquidated or re liquidated as if the column one special rate of duty applicable for goods of Canada applied. (b) C ONFORMING AMENDMENT.—Section 304(b) of the Tariff Act of 1930 (19 U.S.C. 1304(b)) is amended by striking "subsection (h)" and inserting "subsection (a)(1) of this section, is amended by striking "subsection (h)" and inserting "subsection (i)"."

SEC. 2422. EXPANSION OF FOREIGN TRADE ZONE NO. 143.

(a) EXPANSION OF FOREIGN TRADE ZONE.—The Foreign Trade Zones Board shall expand Foreign Trade Zone No. 143 to include areas of the vicinity of the Chico Municipal Airport in accordance with the application submitted by the Sacramento-Yolo Port District of Sacramento, California, to the Board on March 11, 1997.

(b) OTHER REQUIREMENTS NOT AFFECTED.—The expansion of Foreign Trade Zone No. 143 under this section (a) shall not relieve the Port of Sacramento of any requirement under the Foreign Trade Zones Act, or under regulations relating to such other areas.

SEC. 2423. MARKING OF CERTAIN SILK PRODUCTS AND CONTAINERS.

(a) IN GENERAL.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsections (h), (i), (j), and (k) as subsections (i), (j), (k), and (l), respectively; and

(2) by inserting after subsection (g) the following new subsection:

"(h) MARKING OF CERTAIN SILK PRODUCTS.—The marking requirements of subsections (a) and (l) shall not apply to—"

"(1) articles provided for in subsection (a)(1) of the Harmonized Tariff Schedule of the United States as in effect on January 1, 1996; and"

"(2) articles provided for in heading 5007 of the Harmonized Tariff Schedule of the United States as in effect on January 1, 1996."'

(b) CONFORMING AMENDMENT.—Section 304(a) of such Act, as redesignated by subsection (a)(1) of this section, is amended by striking "subsection (h)" and inserting "subsection (i)".

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

SEC. 2424. EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF MONGOLIA.

(a) FINDINGS.—The Congress finds that—

(1) has received normal trade relations treatment since 1991 and has continued to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974;

(2) has emerged from nearly 70 years of communism and dependence on the former Soviet Union, approving a new constitution in 1992 which has established a modern parliametary democracy charged with guaranteeing fundamental human rights, freedom of expression, and an independent judiciary; and

(3) has held 4 national elections under the new constitution, 2 presidential and 2 parliametary, thereby solidifying the nation’s transition to democracy.

(4) has undertaken significant market-based economic reforms, including privatization, the reduction of government subsidies, the elimination of most price controls and virtually all import tariffs, and the closing of insolvent enterprises;

(5) has concluded a bilateral trade treaty with the United States in 1991, and a bilateral investment treaty in 1994;

(6) has signed a Memorandum Establishing the World Trade Organization, and extension of unconditional normal trade relations treatment to the products of Mongolia, which would enable the Mongolian Government to avail itself of all rights under the World Trade Organization with respect to Mongolia; and
Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 273, line 20, strike "a period;" and insert ";", except that this clause does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract.

Mr. LEVIN (for Mr. SCHUMER) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 417, in the table preceding line 1, strike "$12,800,000" in the amount column of the item relating to Rome Laboratory, New York, and insert "$25,800,000".

Mr. WARNER (for Mr. BENNETT) proposed an amendment to the bill, S. 1059, supra; as follows:

SEC. 2005. CONSOLIDATION OF AIR FORCE RESEARCH LABORATORY FACILITIES AT ROME RESEARCH SITE, ROME, NEW YORK.

The Secretary of the Air Force may accept contributions from the State of New York in addition to amounts authorized in section 2304(a)(1) for the project authorized by section 2301(a) for Rome Laboratory, New York, for purposes of carrying out military construction relating to the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York.

Mr. WARNER (for Mr. BENNETT) proposed an amendment to the bill, S. 1059, supra; as follows:
On page 453, between lines 10 and 11, insert the following:

SEC. 2852. REPAIR AND CONVEYANCE OF RED BUTTE DAM AND RESERVOIR, SALT LAKE CITY, UTAH.

(a) CONVEYANCE REQUIRED.—The Secretary of the Army may convey, without consideration, to the Central Utah Water Conservancy District, Utah (in this section referred to as the "District"), all right, title, and interest of the United States in and to the real property, including the dam, spillway, and any other improvements thereon, comprising the Red Butte Dam and Reservoir, Salt Lake City, Utah. The Secretary shall make the conveyance without regard to the department or agency of the Federal Government having jurisdiction over Red Butte Dam and Reservoir.

(b) PROVISION OF FUNDS.—Not later than 60 days after the date of the enactment of this Act, the Secretary may make funds available to the District for purposes of the improvement of Red Butte Dam and Reservoir to meet the standards applicable to the dam and reservoir under the laws of the State of Utah.

(c) USE OF FUNDS.—The District shall use funds made available to the District under subsection (a) solely for purposes of improving Red Butte Dam and Reservoir to meet the standards referred to in that subsection.

(d) RESPONSIBILITY FOR MAINTENANCE AND OPERATION.—Upon the conveyance of Red Butte Dam and Reservoir under subsection (a), the District shall assume all responsibility for the operation and maintenance of Red Butte Dam and Reservoir for fish, wildlife, and flood control purposes in accordance with the repayment contract or other applicable agreement between the District and the Bureau of Reclamation with respect to Red Butte Dam and Reservoir.

(e) DESCRIPTION OF PROPERTY.—The legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

BIDEN AMENDMENT NO. 485

Mr. LEVIN (for Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 29, line 11, increase the amount by $3,000,000.

On page 29, line 14, reduce the amount by $3,000,000.

ROBERTS AMENDMENT NO. 486

Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 29, line 10, increase the amount by $3,000,000.

On page 29, line 14, reduce the amount by $3,000,000.

KENNEDY AMENDMENT NO. 487

Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of title 8 insert:

SEC. 552. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.


(4) The National Archives and Records Administration.

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term "replacement decoration" means a medal or other decoration that a former member of the Armed Forces was awarded for service in the Armed Forces for military service of the United States.
May 27, 1999

On page 283, line 18, strike "(b)" and insert the following:

(b) RELATIONSHIP TO PREFERENCE ON TRANSPORTATION OF SUPPLIES.—Nothing in this section shall be construed as modifying, suspending, superseding, or restricting requirements, authorities, or responsibilities under section 2631 of title 10, United States Code.

BINGAMAN AMENDMENT NO. 491
Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, between lines 11 and 12, insert the following:

SEC. 1052. REPORT ON USE OF NATIONAL GUARD FACILITIES AND INFRASTRUCTURE FOR SUPPORT OF PROVISION OF VETERANS SERVICES.

(a) REPORT.—(1) The Chief of the National Guard Bureau shall, in consultation with the Secretary of Veterans Affairs, submit to the Secretary of Defense a report assessing the feasibility and desirability of using the facilities and electronic infrastructure of the National Guard for support of the provision of services to veterans by the Secretary. The report shall include an assessment of any costs and benefits associated with the use of such facilities and infrastructure for such support.

(2) The Secretary of Defense shall transmit to Congress the report submitted under paragraph (1), together with any comments on the report that the Secretary considers appropriate.

(b) TRANSMITTAL DATE.—The report shall be transmitted under paragraph (1), together with any comments on the report that the Secretary considers appropriate.

Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title II, at the end of subtitle C, add the following:

SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages or disadvantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of the worldwide ballistic missile threat, defensive coverage, redundancy and survivability, and economies of scale.

ALLARD AMENDMENT NO. 494
Mr. WARNER (for Mr. ALLARD) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 578, below line 21, add the following:

SEC. 3179. CONTROVERSY REPORT ON CLOSE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) REPORT.—Not later than December 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and Representatives of the House a report assessing the progress in the closure of the Rocky Flats Environmental Technology Site, Colorado.

(b) REPORT ELEMENTS.—The report shall address the following:

(1) How decisions with respect to the future use of the Rocky Flats Environmental Technology Site effect ongoing cleanup at the site.

(2) Whether the Secretary of Energy could provide flexibility to the contractor at the site in order to quicken the cleanup of the site.

(3) Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to quicken the closure of the site.

(4) The developments, if any, since the April 1999 report of the Comptroller General that could alter the pace of the closure of the site.

(5) The possibility of closure of the site by 2006.

(6) The actions that could be taken by the Secretary or Congress to ensure that the site would be closed by 2006.

CLELAND AMENDMENT NO. 495
Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place in title VI, add the following:

Subtitle —Montgomery GI Bill Benefits and Other Education Benefits

PART I—MONTGOMERY GI BILL BENEFITS

SEC. 6. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR FULL-TIME EDUCATION.

(a) INCREASE.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking "$328" and inserting "$350"; and

(2) in subsection (a)(1), by striking "$429" and inserting "$450".

(b) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1999, and shall apply with respect to educational assistance allowances paid for months after September 1999. However, no adjustment in rates of educational assistance allowances made under subsection (g) of section 3015 of title 38, United States Code, for fiscal year 2000.

CONRAD AMENDMENT NO. 493
Mr. LEVIN (for Mr. CONRAD) proposed an amendment to the bill, S. 1059, supra; as follows:

In title II, at the end of subtitle C, add the following:

(a) REPEALS.—(1) Section 3011 of title 38, United States Code, is amended by striking subsection (b).

(2) Section 3012 of title 38, United States Code, is amended by striking subsection (c).

(3) The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act and shall apply to individuals whose initial obligated period of active duty under section 3011 or 3012 of title 38, United States Code, as the case may be, begins on or after such date.

(b) TERMINATION OF REduCTIONS IN PENSION.—Any reduction in the basic pay of an individual referred to in section 3011(b) or 3012(b), United States Code, by reason of such section 3011(b), or of any individual referred to in section 3012(c) of such title by reason of such section 3012(c), as of the date of the enactment of this Act shall cease commencing with the first month beginning after such date, and any obligation of such individual under such section 3011(b) or 3012(c), as the case may be, of the day before such date shall be deemed to be fully satisfied as of such date.

(c) CONFORMING AMENDMENT.—Section 3094(e)(1) of title 38, United States Code, is amended in the second sentence by striking "as practicable" and all that follows through "such additional times" and inserting "at such times".

SEC. 6. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE.

Section 3014 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary shall pay"; and

(2) by adding at the end the following new subsection (b):

"(b) Whenever the Secretary determines it appropriate under the regulations prescribed pursuant to paragraph (6), the Secretary may make payments of basic educational assistance under this subchapter on an accelerated basis.

(2) The Secretary may pay basic educational assistance on an accelerated basis only to an individual entitled to payment of such assistance under this subchapter who has made a request for payment of such assistance on an accelerated basis.

(3) If an adjustment under section 3015(g) of this title in the monthly rate of basic educational assistance will occur during a period for which a payment of such assistance is made on an accelerated basis under this subsection, the Secretary shall:

(A) pay on an accelerated basis the amount such assistance otherwise payable under this subchapter for the period without regard to the adjustment under that section; and

(B) pay on the date of the adjustment any additional amount of such assistance that is payable for the period as a result of the adjustment.

(4) The entitlement to basic educational assistance under this section of an individual who is paid such assistance on an accelerated basis under this subsection shall be charged at a rate equal to one month for each month of the period beginning on the accelerated payment of such assistance.

(5) Basic educational assistance shall be paid on an accelerated basis under this subsection as follows:

(A) in the case of assistance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term
of the course in a lump-sum amount equivalent to the aggregate amount of monthly assistance otherwise payable under this subchapter for the quarter, semester, or term, as the case may be, of the course.

(B) In the case of assistance for a course other than a course referred to in subparagraph (A)—

(i) at the later of (I) the beginning of the course, and (II) a reasonable time after the request for payment by the individual concerned; and

(ii) in any amount requested by the individual concerned, on the aggregate amount of monthly assistance otherwise payable under this subchapter for the period of the course.

(6) The Secretary shall prescribe regulations for purposes of making payments of basic educational assistance on an accelerated basis under this subchapter. Such regulations shall specify the circumstances under which accelerated payments may be made and include requirements relating to the request for, making and delivery of, and receipt and use of such payments.

SEC. 6. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE BY CERTAIN MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY TO TRANSFER TO FAMILY MEMBERS.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces

(1) Subject to the provisions of this section, the Secretary concerned may, for the purpose of enhancing recruiting and retention and at that Secretary's sole discretion, permit an individual described in paragraph (2) to transfer entitlement to basic educational assistance under this subchapter to elect to transfer such individual's entitlement to such assistance, in whole or in part, to the dependents specified in subsection (b).

(2) An individual referred to in paragraph (1) is any individual who is a member of the Armed Forces at the time of the approval by the Secretary concerned of the individual's request to transfer entitlement to educational assistance under this section.

(3)(A) The time limitation for the transfer of entitlement under subsection (d) of section 3031 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

(B) Notwithstanding section 3031 of this title, a child to whom entitlement is transferred under this section is entitled to basic educational assistance under this subchapter in the same manner and at the same rate as the individual from whom the entitlement was transferred.

(C) The Secretary of Defense shall prescribe regulations for purposes of this section.

(4) The administrative provisions of this chapter (including the provisions set forth in subsections (b), (c), and (d) of this section) shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of such provisions.

(5) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

(6) The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of making or revoking a transfer of entitlement under subsection (d) of section 3031 of this title, and shall specify the manner of the applicability of the applicable administrative provisions under this section to a dependent to whom entitlement is transferred under this section.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 3019 the following new item:

"3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces.

SEC. 6. AVAILABILITY OF EDUCATIONAL ASSISTANCE BENEFITS FOR PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

Section 3002(3) of title 38, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (A); and

(2) by striking the period at the end of subsection (b) and inserting ","; and

(3) by adding at the end the following:

"(C) includes—

(i) a preparatory course for a test that is required or utilized for admission to an institution of higher education; and

(ii) a preparatory course for a test that is required or utilized for admission to a graduate school.

"
11059

CONGRESSIONAL RECORD—SENATE

May 27, 1999

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 1059, supra; as follows:

SEC. 6. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF SELECTED RESERVE UNITS FOR ENLISTMENT INTO CERTAIN EDUCATIONAL ASSISTANCE.

Section 16133(b) of title 10, United States Code, is amended—

(a) by inserting—

"(1) in the case of a person who continues to serve as member of the Selected Reserve as of the end of the 3-year period applicable to the person under subsection (a), as extended, if at all, under paragraph (4), the period during which the person may use the person's entitlement shall expire at the end of the 5-year period beginning on the date the person is separated from the Selected Reserve;"

(b) The provisions of paragraph (4) shall apply with respect to any period of active duty of a person referred to in subparagraph (A) during the 10-year period referred to in that subparagraph.

PART III—REPORT

SEC. 6. REPORT ON EFFECT OF EDUCATIONAL BENEFITS IMPROVEMENTS ON RECRUITMENT AND RETENTION OF MEMBERS OF THE ARMED FORCES.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the effects of the provisions of this subtitle, and the amendments made by such provisions, on the recruitment and retention of the members of the Armed Forces. The report shall include such recommendations (including recommendations for legislative action) as the Secretary considers appropriate.

THURMOND (AND OTHERS)

AMENDMENT NO. 496

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 1059, supra; as follows:

SEC. 659. COMPUTATION OF SURVIVOR BENEFITS.

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent" and inserting "36 percent"; and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 20 percent for months beginning after such date and before October 2001, and 15 percent for months beginning after September 2001."

(b) Subsection (a)(2)(B)(iii) of such section is amended by inserting "35 percent" and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 20 percent for months beginning after such date and before October 2001, and 15 percent for months beginning after September 2001."

(c) Subsection (c)(1)(B)(ii) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) in the heading at the end following—

"The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month."

The heading for subsection (d)(2)(A) of such section is amended to read as follows:

"COMPUTATION OF ANNUITY."—

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking "5, 10, 15, or 20 percent" and inserting "20 percent"; and

(2) by inserting after the first sentence the following:

"The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004."

(c) Each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as amended, had been used for the initial computation of the annuity; and

SEC. 6. TECHNICAL AMENDMENT TO PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS UNDER THE FREEDOM OF INFORMATION ACT.

Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 1059, supra; as follows:

SEC. 582. ADMINISTRATION OF DEFENSE REFORM INITIATIVE ENTERPRISE PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION.

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate the Secretary of the Navy as the executive agent for carrying out the defense reform initiative enterprise pilot program for military manpower and personnel information established under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2841; 10 U.S.C. 113 note).

(b) The Secretary shall carry out the pilot program, the Secretary of the Navy shall act through the head of the Systems Executive Office for Manpower and Personnel, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense.
In title VII, at the end of subtitle A, add the following:

SEC. 765. OPEN ENROLLMENT DEMONSTRATION PROGRAM.

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) (30 U.S.C. 1071 note) is amended by adding at the end the following:

“(g) OPEN ENROLLMENT DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program under which covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by a designated provider consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program but without regard to the limitation in subsection (b). Any demonstration program under this subsection shall cover designated providers selected by the Department of Defense, and the service areas of the designated providers.

“(2) Any demonstration program carried out under this section shall commence on October 1, 1999, and end on September 30, 2001.

“(3) Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any demonstration program carried out under this subsection. The report shall include, at a minimum, an evaluation of the benefits of the open enrollment opportunity to covered beneficiaries and a recommendation concerning whether to authorize open enrollment in the managed care plans of designated providers permanently.”

DORGAN AMENDMENT NO. 501

Mr. LEVIN (for Mr. DORGAN) proposed an amendment to the bill S. 1059, supra; as follows:

On page 28, below line 21, add the following:

SEC. 143. D-5 MISSILE PROGRAM.

(a) REPORT.—Not later than October 31, 1999, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the D-5 missile program.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) An inventory management plan for the D-5 missile program covering the life of the program, including—

(A) the location of D-5 missiles during the fueling of submarines;

(B) rotation of inventory; and

(C) expected attrition rate due to flight testing, loss, damage, or termination of service life.

(2) The cost of terminating procurement of D-5 missiles for each fiscal year prior to the current plan.

(3) An assessment of the capability of the Navy of meeting strategic requirements with a total procurement of less than 425 D-5 missiles, including an assessment of the consequences of—

(A) loading Trident submarines with less than 24 D-5 missiles; and

(B) Department of Defense flight test rates for D-5 missiles; and

(4) An assessment of the optimal commencement date for the development and deployment of replacement systems for the current land-based and sea-based missile forces.

The Secretary’s plan for maintaining D-5 missiles and Trident Submarines under START II and proposed START III, and whether requirements for such missiles and submarines would be produced under such treaties.

LIEBERMAN AMENDMENT NO. 504

Mr. LEVIN (for Mr. LIEBERMAN) proposed an amendment to the bill S. 1059, supra; as follows:

In title VII, at the end of subtitle B, add the following:

SEC. 717. HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT.

(a) PURPOSE.—It is the purpose of this section to ensure that the Department of Defense addresses issues of medical quality surveillance and implements solutions for those issues in a timely manner that is consistent with national policy and industry standards.

(b) DEPARTMENT OF DEFENSE CENTER FOR MEDICAL INFORMATICS AND DATA.—(1) The Secretary of Defense shall establish a Department of Defense Center for Medical Informatics to carry out a program to support the Assistant Secretary of Defense for Health Affairs in efforts—

(A) to develop parameters for assessing the quality of health care information;

(B) to develop the defense digital patient record;

(C) to develop a repository for data on quality of health care;

(D) to develop a capability for conducting research on matters of quality of health care;

(E) to conduct research on matters of quality of health care;

(F) to develop decision support tools for health care providers;

(G) to refine medical performance report cards; and

(H) to conduct educational programs on medical informatics to meet identified needs.

(2) The Center shall serve as a primary resource for the Department of Defense for matters concerning the collection, processing, and dissemination of data on health care quality.

(c) AUTOMATION AND CAPTURE OF CLINICAL DATA.—The Secretary of Defense shall accelerate the efforts of the Department of Defense to automate, capture, and exchange clinical data, and to develop computerized providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.

LUTT AMENDMENT NO. 502

Mr. WARNER (for Mr. LUTT) proposed an amendment to the bill S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. ATTENDANCE AT PROFESSIONAL MILITARY EDUCATION SCHOOLS BY MILITARY PERSONNEL OF THE NEW ARMED FORCES TRICARE PROGRAM.

(a) FINDING.—Congress finds that it is in the national interests of the United States to fully integrate Poland, Hungary, and the Czech Republic into NATO and the North Atlantic Treaty Organization, into the NATO alliance as quickly as possible.

(b) MILITARY EDUCATION AND TRAINING PROGRAM.—The Secretary of Defense shall give due consideration to accepting a high priority to the attendance of military personnel of Poland, Hungary, and the Czech Republic at professional military education schools and training programs in the United States, including the United States Military Academy, the United States Naval Academy, the Air Force Academy, the National Defense University, the war colleges of the Armed Forces, the command and general staff officer courses of the Armed Forces, and other schools and training programs of the Armed Forces that admit personnel of foreign armed forces.

HUTCHISON AMENDMENT NO. 503

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1062. MEDICAL INFORMATICS COUNCIL.

(a) PURPOSE.—It is the purpose of this section to coordinate the development, deployment, and maintenance of health care informatics systems that allow for the collection, exchange, and processing of health care quality information for the Department of Defense in coordination with other departments and agencies of the Federal Government and with the private sector. Specific areas of responsibility shall include:

(1) Evaluation of the ability of the medical informatics systems at the Department of Defense and Veterans Affairs to monitor, evaluate, and improve the quality of care provided to beneficiaries.

(2) Coordination of key components of medical informatics systems including digital patient records both within the federal government and between the federal government and the private sector.

(3) Coordination of the development of operational capabilities for executive information systems and clinical decision support systems within the Departments of Defense and Veterans Affairs.

(4) Standardization of processes used to collect, evaluate, and disseminate health care quality information.

(5) Refinement of methodologies by which the quality of health care provided within the Departments of Defense and Veterans Administration is evaluated.

(6) Protecting the confidentiality of personal health information.

The Council shall submit to Congress an annual report on the activities of the Council and on the coordination of development, deployment, and maintenance of health care informatics systems within the Federal Government and between the Federal Government and the private sector.

NICKLES AMENDMENT NO. 507
Mr. WARNER (for Mr. NICKLES) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place in the bill, insert the following:

Of the funds in section 301a(5), 23,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

CLELAND AMENDMENT NO. 508
Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 272, between lines 8 and 9, insert the following:

SEC. 717. JOINT TELEMEDICINE AND TELEPHARMACY DEMONSTRATION PROJECTS BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and Secretary of Veterans Affairs shall carry out joint demonstration projects for purposes of evaluating the feasibility and practicability of providing health care services and pharmacy services by means of telecommunication.

(b) SERVICES TO BE PROVIDED.—The services provided under the demonstration projects shall include the following:

(1) Radiology and imaging services.
(2) Diagnostic services.
(3) Referral services.
(4) Clinical pharmacy services.

(2) An other health care services or pharmacy services designated by the Secretaries.

(c) SELECTION OF LOCATIONS.—(1) The Secretaries shall carry out the demonstration projects at not more than five sites selected by the Secretaries from locations in which are located both a uniformed services treatment facility and a Department of Veterans Affairs medical center that are affiliated with academic institutions having a demonstrated expertise in the provision of health care services or pharmacy services by means of telecommunications.

(2) Representatives of a facility and medical center selected under paragraph (1) shall, to the maximum extent practicable, carry out the demonstration project in consultation with representatives of the academic institution or institutions with which affiliated.

(d) DESCRIPTION OF DEMONSTRATION PROJECTS.—The Secretaries shall carry out the demonstration projects during the three-year period beginning on October 1, 1999.

(e) REPORT.—Not later than December 31, 2002, the Secretaries shall jointly submit to Congress a report on the demonstration projects. The report shall include—

(1) a description of each demonstration project; and

(2) an evaluation, based on the demonstration projects, of the feasibility and practicability of providing health care services and pharmacy services, including the provision of such services to field hospitals of the
Armed Forces and to Department of Veterans Affairs outpatient health care clinics, by means of telecommunications.

Mr. WARNER (for Mr. Frist for himself and Mr. SPECTER) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 254, between lines 3 and 4, insert the following:

SEC. 676. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN THE GOVERNMENT OF THAILAND.

(a) Participation Authorized.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3014(f) the following:

"3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled

"(a) Notwithstanding any other provision of law, an individual who—

"(1) either—

"(A) is a participant on the date of the enactment of this section in the educational benefits program provided by chapter 32 of this title; or

"(B) has made an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive educational assistance under this chapter and has not withdrawn that election under section 3018(a) of this title as of the date of the enactment of this section; or

"(2) is serving on active duty (excluding periods referred to in section 3222(c) of this title) in the case of an individual who is duly enrolled in the education program described in paragraph (1)(A) on the date of the enactment of this section; or

"(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(4) if discharged or released from active duty before the date on which the individual making the election described in paragraph (5), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; and

"(5) during the one-year period beginning on the date of the enactment of this section, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title or withdraws the election made under section 3011(c)(1) or 3012(d)(1) of this title, as the case may be, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

(b) Costs.—Any expense incurred by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy, is entitled to basic educational assistance under this chapter.

"(1) $1,200, in the case of an individual described in subparagraph (A);

"(2) $500, in the case of an individual described in subparagraph (B); or

"(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(5), the Secretary shall collect from the individual an amount equal to the difference between the amount specified for the individual under subparagraph (A) and the total amount of reductions with respect to the individual under that subparagraph, which shall be treasuried by the United States as miscellaneous receipts.

"(2) In the case of an individual previously enrolled in the educational benefits program provided by chapter 32 of this title, the Secretary shall reduce the total amount of the reduction in basic pay otherwise required by paragraph (1) by an amount equal to so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account under section 3222(a) of this title as do not exceed $1,200.

"(3) An individual may at any time pay the Secretary an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under this subsection and the total amount of the reductions with respect to the individual under this subsection at the time of the payment. Amounts paid under this paragraph shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c) The requirements of sections 3015(f) of that title is amended by adding the following:

"(1) During periods between school terms described in subsection (a)(5), except as do not exceed eight weeks, and (ii) both the term preceding and the term following the period are not shorter in length than the period.''.

"(C) Effective Date.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for basic educational assistance under title II of chapter 30 of title 38, United States Code, as amended by section 3018D of that title, as added by subsection (a).

Mr. WARNER (for Mr. DE WINE and Mr. VOINOVICH) proposed an amendment to the bill, S. 1059, supra; as follows:

SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.

(a) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a sale, lease, lease/buy, or grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary shall all require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand bear such responsibility for the repair of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection
ROBB (AND OTHERS) AMENDMENT NO. 512

Mr. LEVIN (for Mr. ROBB for himself, Ms. SNOWE, Mr. BINGAMAN, Mr. LEAHY, and Mr. KERREY) proposed an amendment to the bill, S. 1059, supra, as follows:

On page 83, between lines 2 and 3, insert the following:

SEC. 349. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense or the Secretary of the Navy may make payments for the settlement of the claims arising from the death caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 180 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of the Navy for operation and maintenance for fiscal year 2000 or other unexpended balances from prior years, the Secretary shall make available $40 million (or such amount as may be necessary) for extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment authorized under this section with respect to the settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered by a court to constitute a state of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) RESOLUTION OF OTHER CLAIMS.—No payments under this section or any other provision of law for the settlement of claims arising from the accident described in subsection (a) shall be made to citizens of Germany until the Government of Germany provides a comprehensive statement of the claims arising from the deaths of the United States servicemen caused by the collision between a United States Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupolev TU-154M aircraft off the coast of Namibia on September 13, 1997.
for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) COVERED TOWERS.—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

(c) TRANSFER OF TOWERS.—The Secretary may transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the towers described in subsection (b) if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

SMITH AMENDMENT NO. 519
Mr. WARNER (for Mr. Smith of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitlE D, add the following:

<table>
<thead>
<tr>
<th>Naval Base, Pearl Harbor</th>
<th>133 Units</th>
<th>$30,168,000</th>
</tr>
</thead>
</table>

On page 414, line 6, strike \( \text{"$2,078,015,000"} \) and insert \( \text{"$2,072,585,000"} \).

On page 414, line 9, strike \( \text{"$675,960,000"} \) and insert \( \text{"$680,530,000"} \).

On page 426, line 20, strike \( \text{"$179,271,000"} \) and insert \( \text{"$189,639,000"} \).

On page 426, line 21, strike \( \text{"$115,185,000"} \) and insert \( \text{"$104,817,000"} \).

On page 426, line 23, strike \( \text{"$239,045,000"} \) and insert \( \text{"$234,875,000"} \).

On page 509, line 10, strike \( \text{"$392,629,000"} \) and insert \( \text{"$389,629,000"} \).

On page 509, line 16, strike \( \text{"$58,200,000"} \) and insert \( \text{"$100,290,000"} \).

On page 509, between lines 16 and 17, insert the following:

Project 00-D—Transuranic waste treatment, Oak Ridge, Tennessee, \( \text{\$12,000,000} \).

Project 00-D—Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, \( \text{\$1,306,000} \).

On page 541, line 22, strike \( \text{"The"} \) and insert \( \text{"After five members of the Commission have been appointed under paragraph (1), the"} \).

On page 542, between lines 11 and 12, insert the following:

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

On page 546, strike lines 20 through 23.

On page 547, line 1, strike \( \text{"(3)"} \) and insert \( \text{"(4)"} \).

On page 577, line 16, strike \( \text{"PROJECT"} \) and insert \( \text{"PLANT"} \).

On page 577, line 23, strike \( \text{"PROJECT"} \) and insert \( \text{"PLANT"} \).

On page 578, line 3, strike \( \text{"PROJECT"} \) and insert \( \text{"PLANT"} \).

On page 578, line 6, strike \( \text{"PROJECT"} \) and insert \( \text{"PLANT"} \).

On page 578, line 14, strike \( \text{"PROJECT"} \) and insert \( \text{"PLANT"} \).

On page 578, strike lines 17 through 21, and insert the following:

(3) That, to the maximum extent practicable, shipments of waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant will be carried out on an expedited schedule, but not interfere with other shipments of waste to the Waste Isolation Pilot Plant that are planned as of the date of enactment of this Act.

SMITH AMENDMENT NO. 521
Mr. WARNER (for Mr. Smith of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People's Republic of China since January 1, 1993.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) A list of all military-to-military contacts with the People's Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by the People's Republic of China authorities.

(2) A list of facilities in the People’s Republic of China that United States military officials have visited as a result of military-to-military contact programs between the United States and the People’s Republic of China since January 1, 1993.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People's Republic of China that United States military officials have visited as a result of any military-to-military contact program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People’s Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People’s Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army which has been denied by the United States.

(7) Any official documentation such as memoranda for the record after-action reports, and final itineraries, and receipts that equals over \( \text{\$1,000} \) concerning military-to-military contacts or exchanges between the United States and the People’s Republic of China in 1999.

(8) An assessment regarding whether or not any People’s Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People’s Republic of China.

(9) The report shall be submitted no later than March 31, 2000 and shall be unclassified but may contain a classified annex.
Mr. WARNER (for Mr. Sessions) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. CHEMICAL AGENTS USED FOR DEFENSIVE TRAINING.

(a) AUTHORITY TO TRANSFER AGENTS.—(1) The Secretary of Defense may transfer to the Attorney General, in accordance with the Chemical Weapons Convention, quantities of lethal chemical agents required to support training at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of lethal chemical agents transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety, and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

(2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of lethal chemical agents that shall be transferred under this section. Such quantities of chemical agents that are produced, acquired, or retained by the Department of Defense or any other Federal agency shall be transferred from quantities of lethal chemical agents that are produced, acquired, or retained by the Department of Defense.

(b)(1) The Secretary of Defense may not transfer lethal chemical agents under this section until—

(A) the Center referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and

(B) the Secretary determines that the Attorney General is prepared to receive such agents.

(c) To carry out the training described in paragraph (1) and other defensive training not prohibited by the Chemical Weapons Convention, the Secretary of Defense may transport lethal chemical agents from a Department of Defense facility in one State to a Department of Justice or Department of Defense facility in another State.

(d) Quantities of lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.

(2) ANNUAL REPORT.—The Secretary of Defense, in consultation with the Attorney General, shall report annually to Congress regarding the disposition of lethal chemical agents transferred under this section.

(c) NON-INTERFERENCE WITH TREATY OBLIGATIONS.—Nothing in this section may be construed as interfering with United States treaty obligations under the Chemical Weapons Convention.

(d) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the term ‘Chemical Weapons Convention’ means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

VOINOVICH AMENDMENT NO. 523

Mr. WARNER (for Mr. Voinovich) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert the following new section:

SEC. 1046. ORDINANCE MITIGATION STUDY.

(a) The Secretary of Defense is directed to undertake a study and is authorized to remove ordnance infiltrating the Federal navigation channels and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate and House of Representatives on long-term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justify the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99–625).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection (a).

CONRAD AND ASHCROFT AMENDMENT NO. 524

Mr. LEVIN (for Mr. Conrad for himself and for Mr. Ashcroft) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subsection C, add the following:

SEC. 225. OPTIONS FOR AIR FORCE CRUISE MISILES.

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 1, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

CONRAD AMENDMENT NO. 525

Mr. LEVIN (for Mr. Conrad) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subsection D, add the following:

SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President Bush; and

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia’s tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104–106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia’s arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia’s stockpile of tactical nuclear warheads and associated fissile material.

The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief, United States Strategic Command regarding those matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director’s views on the matters described in paragraph (1) of that subsection regarding Russia’s tactical nuclear weapons.

HELMS AND BIDEN AMENDMENT NO. 526

Mr. WARNER (for Mr. Helms, for himself and Mr. Biden) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 133, line 19, strike “the United States” and insert “such.”

On page 356, line 7, insert after “Secretary of Defense” the following: “in consultation with the Secretary of State.”.

On page 336, beginning on line 8, strike “the Committees on Armed Services of the Senate and House of Representatives” and insert “the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives”.

DOMENICI AMENDMENT NO. 527

Mr. WARNER (for Mr. Domenici) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 358, strike line 21 and all that follows through page 359, line 7.
On page 417, in the table preceding line 1, strike "$628,133,000" in the amount column of the item relating to the total and insert "$640,233,000".

On page 418, in the table following line 5, strike the item relating to Holloman Air Force Base, New Mexico.

On page 418, in the table following line 5, strike "$196,088,000" in the amount column of the item relating to the total and insert "$186,248,000".

On page 419, line 15, strike "$1,917,191,000" and insert "$1,919,451,000".

On page 419, line 19, strike "$628,133,000" and insert "$640,233,000".

On page 420, line 7, strike "$343,511,000" and insert "$331,671,000".

On page 420, line 17, strike "$628,133,000" and insert "$640,233,000".

On page 429, line 5, strike "$196,088,000" and insert "$170,472,000".

BINGAMAN AMENDMENT NO. 528
Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 1059, supra, as follows:

On Page 476, line 13, through page 502, line 3, strike title XXIX in its entirety and insert in lieu thereof the following:

"TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS"

SEC. 2901. FINDINGS.
"(1) Public Law 99–606 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Wainwright and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

(4) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

(5) the public land withdrawals authorized in 1966 under Public Law 99–606 were for a period of 15 years, and expire in November, 2001; and

(6) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99–606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

SEC. 2902. SENSE OF THE SENATE.
"It is the Sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999."

SMITH AMENDMENT NO. 529
Mr. WARNER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 429, line 5, strike out "$172,472,000" and insert in lieu thereof "$168,340,000."

On page 411, in the table below, insert after the item relating to Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth $3,850,000

On page 421, in the table Total strike out "$744,140,000" and insert "$747,990,000."

On page 411, line 6, strike out "$2,078,915,000" and insert in lieu thereof "$2,081,865,000."

On page 414, line 9, strike out "$675,960,000" and insert in lieu thereof "$677,810,000."

On page 414, line 18, strike out "$66,299,000" and insert in lieu thereof "$66,381,000."

BRYAN (AND REID) AMENDMENT NO. 530
Mr. LEVIN (for Mr. BRYAN for himself and Mr. REID) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

Cannon Air Force Base $4,000,000
Cannon Air Force Base $9,100,000

On page 417, in the table preceding line 1, strike "$628,133,000" in the amount column of the item relating to the total and insert "$639,733,000."

On page 419, line 15, strike "$1,917,191,000" and insert "$1,919,451,000."

On page 419, line 19, strike "$628,133,000" and insert "$640,233,000."

On page 420, line 7, strike "$343,511,000" and insert "$331,671,000."

On page 420, line 17, strike "$628,133,000" and insert "$640,233,000."

WARNER AMENDMENT NO. 531
Mr. WARNER proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of Section E of Title XXVIII insert the following:

SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.
(a) Authorization of Additional Amount.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by $5,000,000.

(b) Use of Additional Amount.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $6,000,000 shall be available for Operation Capes Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward looking infrared radars for P-3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mothership Operations.

(6) $20,000,000 shall be used for National Guard State plans.

THURMOND AMENDMENT NO. 533
Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place insert the following:
CONGRESSIONAL RECORD—SENATE

May 27, 1999

SEC. 1061. COMMEMORATION OF THE VICTORY IN THE COLD WAR.

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

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby—

(1) designates November 9, 1999, as “Victory in the Cold War Day”; and

(2) requests that the President issue a proclamation in the name of the people of the United States to observe that week with appropriate ceremonies and activities.

(c) COLD WAR MEDAL.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

“§ 1133. Cold War medal: award.

“(a) Award.—There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States armed forces during the Cold War in order to recognize the contributions of such individuals to United States victory in the Cold War.

“(b) Design.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the ‘Victory in the Cold War Medal.’ The decoration shall be of appropriate design, with ribbons and appurtenances.

“(c) Period of Cold War.—For purposes of subsection (a), the term ‘Cold War’ shall mean the period beginning on August 14, 1945, and ending on November 9, 1989.

“(d) Table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1133. Cold War medal: award.”.

(d) Participation of Armed Forces in Celebration of Anniversary of End of Cold War.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 1060a(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $15,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

(e) Commission on Victory in the Cold War.—(1) There is hereby established a commission to be known as the “Commission on Victory in the Cold War” (in this subsection to be referred to as the “Commission”).

(2) The Commission shall be composed of twelve individuals, as follows:

(A) Two shall be appointed by the President.

(B) Two shall be appointed by the Minority Leader of the Senate.

(C) Two shall be appointed by the Majority Leader of the House of Representatives.

(D) Three shall be appointed by the Majority Leader of the Senate.

(E) Three shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War.

(5) The commission shall be chaired by two individuals as follows:

(A) one selected by and from among those appointed pursuant to subparagraphs (A), (B), and (C) of paragraph (3);

(B) one selected by and from among those appointed pursuant to subparagraphs (A), (B), and (E) of paragraph (2).

HARKIN (AND BOXER)
AMENDMENT NO. 535

Mr. LEVIN (for Mr. HARKIN for himself and Mrs. BOXER) proposed an amendment to the bill, S. 1059, supra, as follows:

(i) in title VI, at the end of subtitle E, add the following new section:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) Clarification of Benefits Responsibility.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking “may carry out a program to provide special supplemental food benefits” and inserting “shall carry out a program to provide supplemental foods and nutrition education”.

(b) Funding.—Subsection (b) of such section is amended to read as follows:
(b) Federal Payments.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a)."

(c) Program Administration.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program."

(d) Nutritional Risk Standards.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards after "income eligibility standards."

(e) Definitions.—Subsection (f) of such section is amended by adding at the end the following: "(4) The terms "costs for nutrition services and administration," "nutrition education" and "supplemental foods" have the meanings given the terms in paragraphs (4), (7), and (13), respectively, of section 17(b) of the Child Nutrition Act of 1996 (42 U.S.C. 1786(b))."

DOMENICI AMENDMENT NO. 536

Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill, S. 1059, supra; as follows:

In title II, at the end ofSubtitle B, add the following:

SEC. 216. TESTING OF AIRBLAST AND IMPROVISED EXPLOSIVES.

Of the amount authorized to be appropriated under section 201(d)—

(1) $4,000,000 is available for testing of airblast and improvised explosives (in PE 363122D); and

(2) the amount provided for sensor and guidance technology (in PE 637622E) is reduced by $4,000,000.

CONCERNING THE TENTH ANNIVERSARY OF THE TIANANMEN SQUARE MASSACRE OF JUNE 4, 1989, IN THE PEOPLE'S REPUBLIC OF CHINA

HUTCHINSON AMENDMENT NO. 537

Mr. HUTCHINSON proposed an amendment to the resolution (S. Res. 103) concerning the 10th anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China; as follows:

On page 3, strike line 15 and all that follows through page 4, line 5.
On page 4, line 6, strike "(C)" and insert "(A)".
On page 4, line 14, strike "(D)" and insert "(B)".
On page 4, line 19, strike "(E)" and insert "(C)".

PRISON HEALTH CARE SERVICES LEGISLATION

LEAHY AMENDMENT NO. 538

Mr. HUTCHINSON (for Mr. LEAHY) proposed an amendment to the bill (S. 704) to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs; as follows:

On page 8, strike lines 1 through 3 and insert the following:

"(4) the term 'health care visit'—

"(A) means a visit, as determined by the Director, initiated by a prisoner to an institutional or noninstitutional health care provider; and

"(B) does not include a visit initiated by a prisoner—

"(i) pursuant to a staff referral; or

"(ii) to obtain staff-approved follow-up treatment for a chronic condition;"

On page 8, line 20, after "services" insert ",

emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment."

On page 10, line 16, strike "2 years" and insert "1 year."

On page 12, strike lines 6 through 9 and insert the following:

"(ii) constitute a health care visit within the meaning of section 408(a)(4) of this title; and

"(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, June 15, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct oversight on the issues related to the Record of Decision and denial of a Plan of Operations for the Crown Jewel Mine in Okanogan County, Washington.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, S. 1059, supra; as follows:

On page 3, strike lines 1 through 3 and insert "(i) pursuant to a staff referral; or

"(ii) to obtain staff-approved follow-up treatment for a chronic condition;"

On page 8, strike lines 6 through 9 and insert the following:

"(ii) constitute a health care visit within the meaning of section 408(a)(4) of this title; and

"(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment."
Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Reauthorization of the National Endowments of the Arts and Humanities" during the session of the Senate on Thursday, May 27, 1999, at 10 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Older Americans Act" during the session of the Senate on Thursday, May 27, 1999, at 2:30 p.m.

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

SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Thursday, May 27, 1999, at 10 a.m. to hold a hearing.

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

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND DRINKING WATER

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Drinking Water be granted permission to conduct a hearing on S. 1100, a bill to provide that the designation of critical habitat for endangered and threatened species be required as a part of the development of recovery plans for those species, Thursday, May 27, 10:30 a.m., Hearing Room (SD–106).

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 27, 1999, at 2 p.m. to hold a hearing.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 27, 1999, at 2:30 p.m. to conduct a Water & Power Subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 244, a bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., for the planning and construction of the water supply system, and for other purposes; S. 232, a bill to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; S. 769, a bill to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for construction of the bascule gates on the Dickinson Dam; S. 1027, a bill to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy; and H.R. 459, a bill to extend the authority under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project.

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

ADDITIONAL STATEMENTS

NEW MILLENNIUM CLASSROOMS ACT

Mr. ABRAHAM. Mr. President, I rise to call to the attention of the Senate a letter of endorsement given to my bill, the New Millennium Classrooms Act, by a group of 11 senior executives of Silicon Valley's leading technology and venture capital firms.

Mr. President, the New Millennium Classrooms Act, through tax-based incentives, would provide schools and companies the means by which partnerships can be created and computers, software, and related technological equipment can be brought to our schools.

Encouraging private investment and involvement, the New Millennium Classrooms Act achieves this important goal without unduly increasing Federal Government expenditures, creating yet another federal program or department and will keep control where it belongs—with the teachers, the parents, and the students.

Providing today's children with high technological equipment and software will provide them with the necessary and invaluable computer skills needed to ensure their future success and our nation's status as the technological and economic leader in the New Economy.

I ask that the letter from the Silicon Valley firms be printed in the Record.

The letter follows:

April 15, 1999.

Hon. Spencer Abraham
U.S. Senate, Washington, DC.

Dear Senator Abraham,

As senior executives of the nation's leading technology companies and venture capital firms, we write to commend you for your continued support of policies that will help to ensure our nation's technological and economic leadership. Specifically, we thank you for introducing the New Millennium Classrooms Act (S. 542), an important step toward making computers, software and the Internet available to American schoolchildren.

By relying on market-based incentives, your legislation will increase the supply of computer technology available to children in grades K-12. We are particularly supportive of enhanced provisions to encourage the donation of computers and equipment to schools that serve underprivileged students, allowing all American children the opportunity to prepare for the New Economy on equal footing. Your legislation will allow the potential of our nation's children to be fully realized in the 21st century, while maintaining fiscal responsibility.

Thank you for introducing this important legislation and for continuing your leadership on issues critical to the success of America's New Economy.

Sincerely,

Wilfred Corrigan, CEO, LSI Logic Corp.; Carl Feldbaum, President, Biotechnology Industry Organization; Dr. Dwight D. Deckr, President, Conexant Systems; Michael Goldberg, CEO, OnCare; Floyd Kramme, Partner, Keiner Perkins Caufield & Byers; Wilmot Roelants, CEO, Xilinx; Scott Ryles, Managing Director, Merril Lynch; Ted Smith, Chairman, FileNet; Burt McMurtry, Partner, Technology Venture Investors; Michael Rowan, CEO, Kestrel Solutions; Dr. Henry Samueli, CTO & Co-Chairman, Broadcom.

LETTER FROM A NURSING HOME

Mr. DURBIN. Mr. President, I rise today to share a letter I received from my constituent, Ms. Shirley Roney of Bonnie, Illinois. Ms. Roney shared with me a letter she wrote to President Clinton on behalf of her grandmother, Vaneeta Allen. This "Letter from a Nursing Home" reminds us of some of the important issues many American families face every day.

Long-term care is a serious concern for many elderly and disabled Americans. Too many of our citizens face losing everything they have worked their whole lives for, just so they can pay for nursing home care. Medicare was not designed to provide coverage for long-term care, and long-term care insurance is often unavailable due to pre-existing medical conditions, or it is out of financial reach for seniors. We must continue to explore other options to assuage the pain like Vaneeta Allen who must rely on nursing home care.

This letter does not have all of the answers, but we will never have the answers if we lose sight of the struggles and simple dignity of people like Mrs. Allen.

I ask the letter be printed in the Record.

The letter follows:

March 30, 1999.

Dear President Clinton:

For the past four months my grandmother has been in a nursing home. This has been a very "troubling time." I have spent the past four months...
learning about the way we have failed to adequately provide for those who built this country.

Actually this “Letter from a Nursing Home” came to me in the middle of a sleepless night when I was struggling to come up with some way to help my mom (grandmother) keep her home. It would have broken her heart to lose her home.

I read it as a eulogy for her funeral. I appreciate the way you have always during your presidency tried to guarantee the rights our fathers fought for to all Americans.

SHIRLEY RONEY.

LETTER FROM A NURSING HOME
MARCH 14, 1999.
President William J. Clinton,
The White House,
Washington, D.C.

Dear Mr. President: My name is Vaneeta Allen. I will be 93 years of age on August 11, 1999, and for most of my adult life, I have lived independently in a house I have owned. My dad was a sharecropper. When I was a child, we never owned our own home. It was my dream to own a home when I grew up. I was the second of nine surviving children, the first girl. I wanted to be a schoolteacher but had to quit school at 13 to go to work to help support myself and my brothers and sisters. The year was 1919.

When my children were little we lived through the Great Depression and we celebrated when Franklin D. Roosevelt raised the minimum wage so we could make as much as $1 a day in the factory.

And finally, we bought for $5 an acre a little farm southwest of Bonnie and moved ourselves and our two surviving children into a 2-room house. We bought two bedrooms and a bathroom and a kitchen. There, we, my husband and I, spent our working years. The year was 1941.

And finally, in 1981, when my son and son-in-law off to war. There in that home I stood with my husband and I, spent our working years. The year was 1941.

And now it comes to the point. We, my husband and I, lived together until his death in 1961, and I lived until late October 1998 when I was hospitalized after a fall and nearly died.

Now they tell me I cannot live independently. But I dream every day of going home to the house I built, whether or not I was there. My son came home, but our other family was called to her bedside. She died on March 18.

So I changed it from “Letter from a Nursing Home” to “Letter from Heaven” and read it as a eulogy at her funeral.

God Bless,
VANETTA ALLEN.

CELLULAR TELECOMMUNICATIONS SAFETY WEEK

Mr. ASHCROFT. Mr. President, in recent years the advent of the wireless phone began an extraordinary advance in the cellular telecommunications industry. As a result the cellular phone has become an accessory and a necessity in the modern technological world we currently live in. It has revolutionized communication, and has helped individuals to constantly stay connected. Today there are over 200 million wireless phone users around the world. The wireless telephone gives individuals the powerful ability to communicate—almost anywhere, anytime.

With the ability of having a cellular phone comes responsibility. As National Wireless Safety Week comes to a conclusion, we must recognize the dangers of having and using cellular telephones, especially when driving. We must also recognize the benefits of having these phones in situations where they are desperately needed. Today, there are over 98,000 emergency calls made daily by people using wireless phones—saving lives, preventing crimes and assisting in emergency situations. Furthermore, according to a recent government study, decreasing notification time when accidents occur saves lives—a wireless phone is a tool to reduce such a time.

The Cellular Telecommunications Industry Association (CTIA) is the international organization of the wireless communications industry for wireless carriers and manufactures. It is also the coordinator of Wireless Safety Week, and promotes using phones to summon assistance in emergency situations to save lives. It also promotes the concept that when driving a car, safety is one’s first priority. The CTIA has six simple rules to driving safely while using a wireless phone, including:

1. Safe, thinking is one’s first responsibility. Always buckle up, keep your hands on the wheel and your eyes on the road.

2. Make sure that one’s phone is positioned where it is easy to see and easy to reach. Be familiar with the operation of one’s phone so that one is comfortable using it on the road.

3. Use the speed dialing feature to program-in frequently called numbers. Then one is able to make a call by talking only on one’s phone. Most phones will store up to 99 numbers.

4. When dialing manually without using the speed dialing feature first, dial only when stopped. If one cannot stop,
CONGRESSIONAL RECORD—SENATE

May 27, 1999

Mr. LEAHY. Mr. President, today I rise to recognize Bob Clarke, who has served for nearly 15 years as President of Vermont Technical College in Randolph. Under Bob’s leadership, VTC has seen its annual budget quadruple, its annual donations have increased twelvefold, and its enrollment has tripled. Clarke continually chants his twin mantras of the community and the state investments and public-private partnerships. He was called, in no particular order, “A man who fixes things;” “A man in a hurry;” and “Not just a man with a plan, but a master’s degree to more and more people. He’s played a big role in changing the tenor of public discussion about the importance of higher education and helped move the debate from the theoretical realm of ideas to the practical world of John against the odds.”

At meetings large and small throughout the state, Clarke continually chants his twin mantras about the importance of higher education. “I don’t know why people go into trouble. It’s important that they go into trouble.” But Clarke is not a salesman.”

Bob Clarke was born in Lewes, Del. (best known in the mid-Atlantic area as the terminus of a ferry line across Delaware Bay from Cape May, N.J.), but his family soon moved further south on the Eastern Shore to the tiny Maryland town of Snow Hill. After high school, he spent two years at nearby Salisbury State College, where he met his future wife, Susan. He then joined the Air Force, where he spent seven years, picking up along the way a bachelor’s degree in occupational education from Southern Illinois University and a master’s degree in the same field from Central Washington State College.

In 1978, Clarke joined the faculty of Northampton Community College in Bethlehem, Penn., where in six years, he rose to Dean of Business, Engineering and Technology while also earning a doctorate in Higher Education Administration and Supervision at Lehigh University.

In 1984, VTC was in the doldrums. Its enrollment was declining. No new buildings had been built in 12 years. It had no endowment and few private gifts. The Vermont State College trustees tapped the 33-year-old Clarke, giving him the charge to rescue the college and lead it to new heights. The rest, as they say, is history.

Last fall, the state Chamber of Commerce honored Clarke as the 1998 Vermont Citizen of the Year and the accolades flew fast and furious. Vermont’s entire congressional delegation, state and college officials, and businesspeople of all stripes joined in praise to Clarke’s hard work, vision, and leadership. He was called, in no particular order, “A man who fixes things;” “A man in a hurry;” and “Not just a man with a plan, but a man who gets things done.” Said Gov. Howard Dean, who presented the award, “Bob Clarke was talking about work.”

He unsurprisingly reviewed his college’s accomplishments and thanked his colleagues. But recommendations have been taken seriously by the governor and by the Vermont Board of Higher Education, which Clarke chaired. He has fought the coveted award, and that he was awed to be mentioned in the company of the other honorees—most of them governors, state senators, or captains of industry. Clarke is providing training to employees of companies such as IBM, BF Goodrich Aerospace, and Bell Atlantic. In addition, Bob has listened to the concerns of small businesses in the state. When Vermont Technical College in Randolph. Under Bob’s leadership, VTC has seen its annual budget quadruple, its annual donations have increased twelvefold, and its enrollment has tripled. Clarke continually chants his twin mantras of the community and the state investments and public-private partnerships. He was called, in no particular order, “A man who fixes things;” “A man in a hurry;” and “Not just a man with a plan, but a man who gets things done.”

Clarke’s boss, Chancellor Charles Bunting, said that Clarke “has been a critical part of our state-college system, calls the Clarke’s hard work, vision, and leadership. He was called, in no particular order, “A man who fixes things;” “A man in a hurry;” and “Not just a man with a plan, but a man who gets things done.”

Said Gov. Howard Dean, who presented the award, “Bob Clarke was talking about work.”

In his acceptance speech, Clarke noted that it was relatively rare for both an educator and a non-native Vermonter to receive the coveted award, and that he was awed to be mentioned in the company of the other honorees—most of them governors, state senators, or captains of industry. He unsurprisingly reviewed his college’s accomplishments and thanked his colleagues. But
he ended on a different, bolder note. “Much still needs to be done,” he said. “Consider that:

- Vermont ranks 49th among the states in per capita support of higher education.
- Unlike most states, Vermont’s two-year colleges receive no state support.
- Vermont has no post-secondary vocational education system.

There is a tremendous state need for workforce education and training.

“There is a shortage of skilled Vermonters to fill high-paying jobs.”

At the end of the banquet, the Chamber of Commerce’s chair, Millie Merrill, announced that the organization’s board that day had unanimously and strongly endorsed the concept of additional funds for higher education. When Clarke arrived the next morning at a meeting of the Higher Education Financing Commission, the assembled college presidents and state legislators gave him a standing ovation.

The chief feather in Clarke’s off-campus cap is the IBM Educational Consortium, under which IBM pays the University of Vermont and the other state colleges, manages all employee education and training for the state’s largest private employer. The consortium has 23 full-time employees on-site at IBM. Gov. Dean lauds it as “a model program, not only for the state but for the whole country.”

Lampert, an IBM contract was a major coup for Clarke and VTC. The big computer manufacturer has for many years taken great pride in running its own training department, and it took some serious horse-trading and a trial period before IBM officials agreed to turn over all their training to the consortium.

In many places, a small two-year college would be expected to be only a junior partner in such an arrangement, not the organizer. But, says Clarke, with obvious pride: “We do education and training. We’re good at it. Often businesses are not. That’s why I jet out my campus food service and bookstore operations to outside experts.”

That’s why VTC’s only non-college training contract. Clarke has developed a slew of them, and he’s been willing and able to make special arrangements for companies with which he likes to make changes, and his training programs seem unlikely to work.

Two examples:

- He’s delivering a program that leads to a two-year degree in engineering technology on the premises of BF Goodrich Aerospace in Vergennes. In that partnership, Goodrich executives are working with the VTC faculty to develop the curriculum, and faculty members travel across the state to teach the courses.
- He’s arranged for selected Bell Atlantic employees, who are scattered all over the state, to come to the VTC campus in central Vermont once a week to work toward a degree in telecommunications technology. The telephone company orchestrates the work schedules of student-employees to accommodate the program.

Clarke likes to point out tat “90 per cent of Vermont’s companies have fewer than 20 employees. We need better training not linked to specific programs.” So in 1992, the college took over the Vermont Small Business Development Center, which had been housed at the University of Vermont. Since then, it has served more than 7,000 clients, providing small Vermont companies with counseling help in marketing, financial management, and assistance in finding money for startups or expansion. As part of its outreach program, the center maintains offices at five different sites around the state.

The center helps put on trade shows and seminars and works in conjunction with other colleges, state agencies, trade associations, and the Department of Commerce Admin- istration (which provides most of its oper- ating funds).

It also maintains an environmental assistance program, which conducts workshops and confidential environmental assessments for businesses that Clarke maintains might be reluctant to work with government agencies, which have the power to levy penalties for rules violations.

Vermont Interactive Television is another pioneering Clarke innovation. Headquartered on the VTC campus in Randolph, it coordinates 12 sites around the state, where businesses, government officials, educators, and non-profit organizations can conduct meet- ings, training, and hear and see what folks at the other sites are saying and doing, all without the costly statewide travel that can be required for one-year, one-quarter, or one-time wintering sites. VIT has been in operation for more than 10 years.

It has a contract with the state for meetings and training, and it collects user fees for using its programming. In- dividual sites donate the use of their facilities. A 1996 study reported that the state government was saving some 55 percent on meetings conducted over VIT instead of having employees travel around the state to one central location. Many committees of the state legislature conduct public hearings via interactive television, so they can collect input from citizens without forcing them to travel to Montpelier.

A more recent innovation is the Vermont Manufacturing Extension Center, a joint venture among VTC, the state’s Department of Economic Development, and a couple of units of the U.S. Department of Commerce. In three years, this center has worked with more than 500 Vermont manufacturers in projects involving a number of trade associations, colleges, and other non-profit organi- zations.

The center has been in the forefront of ef- forts to raise Vermonters’ awareness of the potential problems of Y2K or the Millennium Bug. Anyone who’s modern computer has been known to go to sleep or be out of action because of a problem on Jan. 1, 2000, because they may not be able to recognize the date. VMEC is closely affiliated with the state’s Y2K Council and it’s working with manufacturers to identify and head off any computer problems that could occur.

Whenever his institution lacks the exper- tise to pull off a full-fledged degree program on its own, Clarke develops partnerships with other post-secondary institutions. “Too many exist to name here, but VTC cur- rently has 18 such joint projects with the University of Vermont alone.”

Meanwhile, back on the campus, Clarke en- courages innovation, but he runs a tight ship. Too tight for some faculty members, who over the years have chafed at the directions he wants to take the school, the speed with which he likes to make changes, and his intolerance for complacency with those who disagree with him.

Early in his tenure, one teacher who was vocally less than enthusiastic about Clarke’s innovations was canned, despite the strong support of the rest of the faculty, who felt he was an outstanding teacher. Incensed, the faculty called for Clarke’s resignation, but he refused to resign, and he was wholeheartedly backed by the state-college trustees. That ended the faculty rebellion, but left many at the college a long-simmering dislike and distrust of the Clarke regime.

Some faculty leaders now argue that Clarke has changed since that confrontation. They think he’s a bit more fair-minded and considerate of others’ points of view, even when he disagrees with them. “He’s developed a deliberate touch in personnel matters,” says Roy Mills, the veteran faculty member, who thinks that, confronted with the same situation again, Clarke would react differ- ently today.

Nonetheless, there’s no question that Clarke likes to be in control of what’s happening on his campus. Even today, he boasts that he personally interviews all finalists for campus jobs.

A quick review of several campus innova- tions by Clarke and his academic colleagues offers some idea of the breadth of his inter- ests and concerns.

Several years ago, the college took over the state’s training programs for Licensed Practical Nurses. It continued to offer the same program on four sites throughout the state, but added a second year for students interested in becoming Registered Nurses. It offers academic credits and the students who wish to gain bachelor’s degrees can transfer to a four-year institution.

In 1989, the Vermont Academy of Science and Technology was founded. Under that program, gifted Vermont high-school stu- dents can enroll at VTC and simultaneously complete their final year of high school and their first year of college work. VTC is ac- credited as a private high school for that purpose. Students who complete that year’s work can continue there or transfer to another college.

The college also hosts each summer a Women-in-Technology program. About 250 young women spend a week on campus, where they engage in classes, seminars and workshops with female scientists and engineers, as a way of providing role models and encouraging more young women to consider careers in science and engineering.

The Vermont Automobile Dealers’ Associa- tion, worried about a critical shortage of auto technicians who can deal with the tech- nological demands of modern cars, created an automotive technology center on the VTC campus, so that the college could add a two- year degree program in automotive technol- ogy. It now also provides scholarships for auto tech students.

Clarke says he’s willing to talk with just about any interest group that could conceivably help his institution. He once struck a deal with the state to buy a farm adjacent to the campus where officials wanted to locate a veterans’ cemetery. He agreed to manage the cemetery—and VTC still has on-the-one margin—in order to get the remainder of the land for campus expansion.

Not all such proposals come to fruition, however. Clarke offered land to the Wood- stock-based Vermont Institute of Natural Science when it was looking for a new home last year (it decided to move elsewhere) and the college offered land to the Gifford Hospital in Randolph (where he once served on the board) to establish a nursing home that didn’t work out, either. It was during that situation that he negotiated with the state for an early-childhood education program, that one faculty wag observed at a VTC meeting: “Now we can have it all—cradle to grave, without leaving the VTC.”

What’s next on the agenda for Clarke? For starters, he says he’s committed to staying...
Mr. ALLARD. Mr. President, I'd like to take a moment to honor an individual who, for so many years, has exemplified the notion of public service and civic duty and an individual the western slope of Colorado will find difficult to replace.

Senator Tilman Bishop, a true Coloradan native, represented Colorado's 7th District in the Colorado State Senate for 24 years and before that, 4 years in the Colorado House of Representatives. From 1993 to 1998 he also served as president pro tem of the senate. His years of service rank him 4th in the State's history for continuous years of service and he is the longest serving senator from the western slope of Colorado.

Senator Bishop has, for decades, selflessly given of himself and has always placed the needs of his constituents before his own. I had the honor of serving with Senator Bishop in the Colorado State Forests from 1990 to 1998 and have always valued his advice and counsel.

The numerous honors and distinction that Senator Bishop has earned during his years of outstanding service exemplify his dedication to the legislature and his constituents. Senator Bishop's wisdom and knowledge will be sorely missed.

Senator Bishop's tenure in the State legislature ended in 1998. There are too few people in elected office today who are willing to serve in an unselfish and diligent manner of Tilman Bishop. His constituents owe him a debt of gratitude and I wish him and his wife Pat the best in their well-deserved retirement.

HONORING COLORADO STATE SENATOR TILMAN BISHOP

Mr. GRAHAM. Mr. President, I rise today to salute a special milestone involving one of America’s premier business and civic leaders, Mr. Anthony “Tony” Burns of Miami, Florida.

A quarter-century ago, Tony Burns began his career with Ryder System, Inc., in 1974, as Director of Planning and Treasurer. Under his guidance, Ryder expanded to become the largest truck leasing and rental company in the world, and the largest public transportation management company in the United States. Now serving as Chairman, President and Chief Executive Officer, Tony celebrates his 25th anniversary with the firm on June 3, 1999.

While elevating Ryder’s corporate status, Tony has helped lead the effort to make the workplace more family friendly. He has implemented programs such as Kids’ Corner, the Diversity Council, and a flextime policy to allow parents greater schedule flexibility.

In addition, Tony Burns promotes community involvement, including service to the Boy Scouts of America.

Mr. President, as we approach a new millennium and look back on the all-but-complete 20th Century, we are reminded of the importance and the climate of the dedicated people who strive to improve both their workplace and their community. I commend Tony Burns for his business acumen, his leadership, and his commitment to his company and the community. As he prepares to celebrate his 25th anniversary with Ryder, I ask you to join me and his many friends in extending congratulations and best wishes.

ON BEHALF OF THE LATE JIM BETHEL, DEAN EMERITUS OF THE UNIVERSITY OF WASHINGTON'S COLLEGE OF FOREST RESOURCES

Mr. GORTON. Mr. President, I rise to acknowledge the passing of an eminent teacher, scientist and academic administrator in my state. On Tuesday, May 18, Jim Bethel, Dean Emeritus of the University of Washington's College of Forest Resources, died in a Seattle hospital.

Dean Bethel was one of the Nation’s most prominent and influential forestry leaders and was recognized both nationally and internationally. During his 17-year tenure as Dean from 1984 to 1981, he was a principal architect of creative educational innovations and related research programs that have endured in one way or another to this day. Furthermore, his extensive experience and leadership in international forestry affairs has contributed greatly to the College’s involvement in international academic and research activities.

As an administrator, Dean Bethel set an undeniably high standard for his successors, faculty and administrators to emulate. Dean Bethel was responsible for initiating the College’s pulp and paper program and the Center for Quantitative Science. Under his leadership, the College was repeatedly ranked among the top five forestry institutions in the U.S. Incidentally, while Dean, Bethel never gave up teaching two undergraduate courses, conducting personal research and advising graduate students.

Bethel received a BS degree from the University of Washington and advanced degrees at Duke University. In fact, he was one of the first individuals to be granted a Doctor of Forestry. Bethel held faculty appointments at Pennsylvania State University and Virginia Polytechnic University. During a 10-year stint at North Carolina State University, he was Professor and the Director of the Wood Products Laboratory and acting Dean of the Graduate School. He worked at the National Science Foundation for three years prior to becoming the Associate Dean of the Graduate School at the University of Washington. He also served as Professor and subsequently the Dean of the College of Forest Resources.

Several organizations recognized Bethel’s scientific contribution: he was elected fellow of the Society of American Foresters, the American Association for the Advancement of Science and the International Academy of Wood Sciences. He served on various boards and was a consultant to the National Academy of Sciences. Bethel also served on the President’s Council on Environmental Quality. He was one of the founders of the Forest Products Research Society.

Bethel has significantly influenced the lives of many professional foresters. Perhaps his greatest and most enduring professional legacy are his graduate students who went on to responsible and successful positions, and the impressive list of professional journal articles and books.

Dean Bethel will be missed by those concerned about the scientific stewardship of forest resources in my State and the world.

PLIGHT OF THE KURDISH PEOPLE

Mr. DODD. Mr. President, I rise today out of concern for the plight of the
Kurdish people living in Northern Iraq and Eastern Turkey. They have been victims of some of the most egregious human rights abuses in recent years including brutal military attack, random murder, and forced exile from their homes. While American efforts in Northern Iraq have greatly improved the plight of the Kurds, there is certainly much room for improvement both there and in Turkey.

In 1988, the world was stunned by the horrific pictures of the bodies of innocent Kurds disfigured by the effects of a poison gas attack by Saddam Hussein. We may never know exactly how many people died in that particular attack due to Saddam Hussein's efforts to cover up his culpability. The number of victims, however, is most likely in the thousands.

This was certainly not Iraq's first deplorable attack on the Kurds and, sadly, it was not destined to be the last. Yet, this attack continues to represent a stark milestone in the long list of deplorable deeds Saddam Hussein has perpetrated against his own people.

In recent years, however, the United States has come to the aid of the Kurds of Northern Iraq. Following the conclusion of the Gulf War, the United States and our allies established "no-fly" zones over Northern and Southern Iraq. These zones, plus the damage the Iraqi military sustained during Operation Desert Storm, have mercifully curtailed Saddam Hussein's ability to attack the Kurds in Northern Iraq. Mr. President, the men and women of the United States Air Force who risk Iraqi anti-aircraft fire over Iraq each day in order to enforce these no-fly zones deserve our support and commendation. Not only do their efforts protect nations throughout the region and around the world from Saddam Hussein's aggression, but their daily flights serve as sentries against human rights abuses.

Mr. President, the United States has taken other, more direct actions to help the Kurds of Northern Iraq. Following the Gulf War, the United States Agency for International Development worked to provide important humanitarian assistance to Iraqi Kurds. When Iraqi incursions into the region once again threatened the lives of thousands of innocent civilians, the United States worked to evacuate more than 6,500 people to the safety of Guam. Many were later granted asylum in the United States.

Our relationship with the Kurdish people of Northern Iraq is not a one-way street. More than 2,000 of the Kurds who the United States evacuated in 1996 were either employees of American aid agencies or family members of those employees. Others have provided invaluable intelligence information to the United States.

As I mentioned earlier, many Kurds also live in Eastern Turkey. A minority of Turkish Kurds have taken up arms against the democratically elected Turkish government in a bid for independence. Completely the individuals, and particularly the PKK, has devolved into a terrorist organization targeting not only Turkish military and police forces but innocent Kurdish civilians as well. While reliable estimates of the number of victims are extremely hard to come by, it is clear that tens of thousands, probably tens of thousands, have died at the hands of the PKK.

As is often the case, neither side in the dispute holds a monopoly on human rights abuses. The PKK's actions unreasonably demand a response from the government. Rather than a measured and targeted response, however, Turkey has declared a state of emergency in a large portion of Eastern Turkey, directly affecting more than 4 million of its citizens.

Under the mantle of emergency, Turkey has severely rationed food, leading to great hardship amongst innocent civilians. In addition, Turkey has forced hundreds of thousands of people out of their homes, leaving more than 2,900 towns and villages more ghost towns. These actions are all aimed at suppressing the PKK's terrorism. Yet, the government has actively targeted not only known terrorists but those believed to agree with the PKK's goal of independence—although perhaps not their methods—as well. Even those who support neither the PKK's goals nor their means suffer at the hands of the Turkish military and police forces. Thus, Turkey's Kurdish population is under attack from both sides without any place to hide.

Turkey is both a democracy and an important ally of the United States. In Kosovo and Bosnia, Turkey has stood firmly with other NATO members against human rights abuses. In recent weeks, Turkey has opened its borders to tens of thousands of innocent Kosovars desperate to escape Slobodan Milosevic's murderous rampage. Turkey, along with our other NATO allies, deserves a great deal of credit for its principal support in the Balkans. In fact, Turkey has allowed the United States to enforce the no-fly zone over Northern Iraq from our air force base on Turkish soil.

Yet, it would be inappropriate for us to overlook Turkey's human rights abuses against its own people simply because of its commendable actions elsewhere. Mr. President, the intentional murder of innocent non-combatants is an anathema to the United States regardless of where it occurs or who the perpetrator is. Thus, the PKK's efforts to intimidate others by random murder, certainly not indicative of all Kurds, deserves our condemnation as does Turkey's abuse of its own innocent citizens in the pursuit of terrorism.

As I said at the outset, Mr. President, we must never let our nation's commitment to the protection of human rights lapse. As we sit here today, the human rights of an entire race of people in Turkey and Iraq are under assault. I urge my colleagues to join me in condemning these abuses.

TRIBUTE TO COGGESHALL ELEMENTARY SCHOOL ON ITS 100TH ANNIVERSARY

Mr. REED. Mr. President, I rise to congratulate Coggeshall Elementary School of Newport, Rhode Island, which this year celebrates its 100th anniversary.

Coggeshall has seen much since it opened to students in 1899. It has seen the rise of the automobile, the invention of the airplane, and the emergence of the Internet. It has weathered the great hurricanes of 1938 and 1954. It was around for 5 Boston Red Sox World Series wins and the four minute mile were broken. Charles Lindburg traversed the Atlantic, Neil Armstrong walked on the moon, and Rosa Parks ignited the Civil Rights movement.

Mr. President, Coggeshall Elementary has not only experienced history, it has shaped it. Coggeshall and its teachers have had an impact on generations of Newport's students. The school's influence is certain to reach far into the future.

I want to take this opportunity to commend Coggeshall Elementary for its continuing legacy to Rhode Island—its students.

Recently, Jessica Perry, a fifth grade student at Coggeshall, penned a history of the school. I ask unanimous consent that her paper be printed in the Record, and I urge my colleagues to join me in congratulating Coggeshall Elementary on its 100th anniversary.

There being no objection, the material was ordered to be printed in the Record, as follows:

HISTORY OF COGGESHALL ELEMENTARY SCHOOL
(By Jessica Perry, Grade 5)

Coggeshall Elementary School was built beginning 1898. It opened its doors in 1899. This year Coggeshall will be celebrating its 100th anniversary.

When Coggeshall was first opened there was a boys and girls' entrance, boys had to go in one door and the girls had to go in the other door. Boys and girls almost always rode their bicycles so they had a bike room.

Today the library is next to where the boys bike room was located. Where the kitchen is now was the girls bike room. There was no office. There were only four classrooms each on the 1st and 2nd floor.

The school had been open for a short period of time in the spring of 1899. June 24, 1899.
was the formal dedication. The keys were given to mayor Boyle and Superintendent of Schools Baker. At the same time there was a graduation of Miss Gilpan’s class. The girls wore white dresses and the stage was decorated with flowers. Lots of important people were there. Children sang and read their essays they had written, the newspaper said the school was the best constructed building of its kind they had ever seen. They said it had “tinted walls, high ceilings and pleasant prospects.” Mr. Denniston and Mr. Belote dashed the flag and flag pole.

From 1971 the school was a half-day kindergarten class as well as grades one to six. In the fall of 1976 grade six was moved to the Sullivan School. Now the sixth grade is located at the Thompson Middle School. Coggleshall has always had a kindergarten class until 1981. There was no kindergarten that year. In 1982 the kindergarten came back. It left again in 1990 for one year. In 1996 an all day kindergarten was begun at the school.

Throughout the years changes have been made at Coggleshall. There are new chimneys, we added a fire escape, new school sign, parking lot, new windows and shrubs. There are also telephone poles, electric wires and cars that were not here in 1990.

Since 1936 there have been 12 principals, the principal that was here the longest is Mary Ryan. She stayed for 14 years! The principal that served the shortest time was Dr. Mary Koring. She worked here for only one year. In the early years the principals Charles Carter, Irvin Henshaw, and Leo Connerton was the principal of Sheffield School and Coggleshall School. After the 1990’s the principal was only in charge of Coggleshall School. Mr. Borguet is the Superintendent of Schools now and Mr. Frizzelle is the principal.

“NATIONAL SMALL BUSINESS WEEK"

• Mr. GRAMS. Mr. President, I rise today to pay tribute to America’s small businesses—the backbone of our nation’s vibrant economy. As my colleagues this week are recognized as “National Small Business Week.”

As a former small businessman, I believe small businesses have always been one of the leading providers of jobs throughout our communities.

Today, there are over 24 million small businesses that serve as the principal source of new jobs, employing more than 52 percent of the private workforce.

In particular, I am very proud of the tremendous growth in women-owned businesses over the last several years.

According to the National Foundation for Women Business Owners, there are more than 166,000 women-owned businesses in the state of Minnesota employing 349,800 people and generating $42.3 billion in sales. Between 1987 and 1996 the number of women-owned businesses increased dramatically, by over 73 percent.

Mr. President, one of the unique aspects of Minnesota’s small business community is the large number of high-tech companies throughout our state. I certainly envision an important role for small, high-technology businesses in meeting the nation’s science and technology in the years ahead.

To provide for 28 percent of jobs in high-technology sectors and represent 96 percent of all exporters, underscoring the important role the small business community will have toward developing a 21st century economy that is globally and technologically driven.

During “National Small Business Week,” I am proud to share with my colleagues the special recognition recently granted by the Small Business Administration to two dedicated Minnesotans: Comfrey Mayor Linda Wallin and Ms. Supenn Harrison, a restaurateur in Minneapolis.

Mr. President, in 1997 several communities in Minnesota were threatened by terrible tornadoes and floods. Almost immediately, Mayor Wallin provided courageous leadership to protect the community of Comfrey from this dangerous natural disaster. In addition to establishing a command center to coordinate efforts to rebuild and provide relief to residents, Mayor Wallin secured assistance from the SBA to rebuild a civic center, a new library, and an elementary school.

This year, the SBA has honored her with the “Phoenix Award” for those who have displayed confidence, optimism, and love of community while surmounting near disaster.

Ms. Supenn Harrison, a successful CEO of Sawadtee, a Thai restaurant in Minneapolis, represents the finest of Minnesota’s small business owners.

Ms. Harrison is Minnesota’s 1999 honoree as one of the fifty finalists to be considered for the National Small Business Person of the Year. Ms. Harrison’s investment in her company and employees through constant efforts to update equipment, implement new marketing strategies, and encourage high employee morale underscores her commitment to a strong economy.

Mr. President, I am honored to recognize the contributions of Minnesota’s small business community during “National Small Business Week.” I look forward to working with my colleagues to promote an economic climate where small businesses can succeed through federal regulatory relief, tax reduction, a skilled workforce, and free trade policies.

POlice OFFicer Perrin Love

• Mr. HOLLINGS. Mr. President, I rise today to pay tribute to the heroism of Officer Perrin Love, a private in the Charleston Police Department. Officer Love died a tragic death last Saturday morning, when he was accidentally shot by a partner while pursuing an armed suspect.

Hard-working, dedicated, and courageous, Police Officer Perrin Love was a credit to the Force and the City of Charleston. All who knew him liked and respected him, and though he was only a lieutenant, every member of the Charleston Police Force believed he had a bright future as a law enforcement officer. Officer Love graduated first in his class from the Police Academy in Portland, Oregon, and had earned high marks for his performance on the Charleston Force. He earned his first stripe earlier than most new officers on the Charleston Force.

Public service and devotion to duty were the hallmarks of Perrin Love’s life. Before becoming a police officer, he served with distinction in the United States Navy. As the Charleston Post and Courier wrote in its memorial to Officer Love: “Officer Perrin ‘Ricky’ Love was doing exactly what he wanted when he died Friday. He was doing a uniform, serving the public, and enforcing laws he believed in.”

Mr. President, men and women like Officer Love are a credit to their families, to their uniforms, and to this nation. These police officers like Perrin Love always give me hope for our future. These brave souls continue to patrol our cities, enforce our laws, and protect our lives and property at great risk, asking nothing in return, except the privilege to wear their uniforms and the knowledge that they have the hard-won respect of their neighbors and their peers.

According to his fellow officers, Officer Love embodied all the qualities one wants in an officer of the law: he was brave and dedicated to serving his fellow citizens and the law, but he also loved his community and worked hard to establish good relations with everyone on his beat. This is a blow to his family, to his fellow officers, and to the City of Charleston.

I join all the people of Charleston in mourning his passing and expressing my sincere condolences to his sister, Jennifer Love and his parents, Joshua and Nancy Love. I hope the knowledge that the entire community laments the loss of such an honorable and admirable man as Officer Love will be of some small comfort to them in their time of grief.

TRIBUTE TO TEN YEARS OF SERVING THE SOUTH’S FINEST BARBECUE

• Mr. COVERDELL. Mr. President, I rise today to commend Mr. Oscar Poole, affectionately known as “Colonel” in the north Georgia town of Ellijay, who on June 4th will be celebrating his tenth year of business as one of our great state’s foremost authorities on barbecue. Throughout his ten years of service in this little town resting in the scenic foothills of the Appalachian Mountains, Colonel Poole has served customers both far and wide, from nearly every state in the Union, and more than several countries.
More importantly, two days before the tenth anniversary of his business, Colonel Poole will be celebrating his 49th year of marriage to his lovely wife, Edna Poole. This is a milestone that anyone would be extremely proud, and I am happy to report that the Poole’s will have four sons—Michael, Greg, Keith, and Darwin—to help them celebrate this milestone.

Once again, Mr. President, I would like to commend Colonel Oscar Poole on his tenth year of business and his 49th year of marriage. During this time when there are discussions of the direction of today’s culture, Colonel Poole is an example of how leading one’s life by a core set of good, American values—faith, family, and country—will result in a life of many successes.

WELCOME TO EDRINA AND LISELA DUSHAJ

- Mr. MOYNIHAN. Mr. President, it is with great pleasure that I rise today to tell the story of the Dushaj family. Several years ago Pranvera and Zenun Dushaj left their native Albania and were granted political asylum in the United States. They settled in the Bronx, New York where they found a place to live and both found jobs. Unfortunately, at the time they left Albania they could not bring their two young daughters, Edrina and Lisela, with them. They had to stay behind with their grandmother.

As soon as they were eligible, the Dushaj family applied for permission to bring their children to the United States. The family came to my office last year seeking assistance in getting the I-730 petitions approved. Last fall, the Immigration and Naturalization Service granted the petitions for both daughters.

All was set. The Dushaj children could now join their parents in this country. All they needed were immigrant visas, but therein lay the problem. Because of recent fighting and the threat of terrorist activity, consular services at our Embassy in Albania were all but shut down, providing only emergency services to American citizens. The embassy was no longer able to process the needed visas.

I note the courage, ingenuity, and tenacity of the Dushaj parents and all their relatives in Albania and Turkey. They fought to bring these children to this country and no matter how desperate things looked, they never gave up hope. Most of all Mr. President, I would just like to thank Edrina and Lisela, welcome to America.

1998 NATIONAL GUN POLICY SURVEY OF THE NATIONAL OPINION RESEARCH CENTER

- Mr. LAUTENBERG. Mr. President, the National Opinion Research Center at the University of Chicago recently released an informative survey which documents the attitudes of Americans on the regulation of firearms. I think that my colleagues will find the results of this survey to be valuable, and I ask that an executive summary of the survey be printed in the RECORD.

The summary follows:

EXECUTIVE SUMMARY

Results from a national survey indicate strong public support—including substantial majorities among gun owners—for legislation to regulate firearms, make guns safer, and reduce the accessibility of firearms to criminals and children.
Key findings of the 1998 National Gun Policy Survey include:

- Three-fourths of gun owners support mandatory registration of handguns, as does 85 percent of the general public.
- Government regulation of gun design to improve public safety received support from 83 percent of gun owners and 75 percent of the general public.
- Two thirds of gun owners and 80 percent of the general public favor mandatory background checks in private handgun sales, such as gun shows.

The survey was conducted by the National Opinion Research Center at the University of Chicago in collaboration with the Johns Hopkins Center for Gun Policy and Research with funding from the Joyce Foundation. The third in a series of surveys of American attitudes toward gun policies, it shows a continuation of an upward trend in public support for more control over firearms and a more attention to making all firearms safer.

Other key findings include:

- Three quarters of those surveyed want Congress to hold hearings to investigate the practices of the gun industry, similar to the hearings held on the tobacco industry.
- Sixty percent of Americans want licenses to carry guns sold or transferred to be issued only to those with special needs, e.g., private detectives. And 83 percent of the public believes that public places, including stores, theaters, and restaurants, should be able to prohibit patrons from bringing guns on the premises.
- Americans strongly support measures to keep guns from criminals, 90 percent favor preventing those convicted of domestic violence from buying guns, 81 percent would stop gun sales to those convicted of simple assault, and 68 percent to those convicted of drunk driving.
- People are willing to pay higher taxes for measures to reduce gun thefts and root out illegal gun dealers, and they express a willingness to pay higher prices for guns that are designed for greater safety.
- Sixty-nine percent of those surveyed opposed allowing certain groups to sell guns to each other, and 90 percent favor exclusive sales to those whose guns could not be legally sold. A total of 55 percent are against all gun imports.

Nearly nine out of ten Americans believe that children who have access to guns should be taught about the dangers of gun ownership, and 81 percent would stop gun sales to those convicted of simple assault.

Throughout his thirty-one years, Dr. Klingler has shown unparalleled support and caring for his pupils. He provided each school he taught at with a caring, respect, interest in others, and academic challenge. He always encouraged his students to take an active role in school, whether academically, athletically, or community activities. Because of his encouragement, staff members applied for mini-grants which contributed to the success of several middle school activities such as the Show Choir, FAYM, and the Drama Club. Dr. Klingler understands the importance of parents becoming involved in their children’s school and has formed a close alliance with the PTA.

Dr. Klingler shaped our definition of a middle school, with mission statements, team concepts, and quality programs. He was active in local and national education associations. He chaired the FLOW area Regional Education Council several times, and participated in the national program for evaluating elementary schools. He is a member of the Board of Directors of the National Professional Educational Fraternity, the American Association of School Administrators, the National Association of Elementary School Principals, the New Jersey Principals and Supervisors Association, and the National Mathematics Teacher Association.

Dr. Klingler has served as a role model for community activities, coaching baseball in the local recreation program, volunteering at the Bergen Community Regional School Center, participating in the Environment Clean-Up Day, and chairing the Franklin Lakes Juvenile Committee. He encouraged his students to take an active role in their community.

Mr. President, I rise today to recognize the achievement of St. Philomena School.

It is a highly regarded distinction to be named a Blue Ribbon School. Through an intensive selection process beginning at the state level and continuing through a federal Review Panel of 100 top educators, 266 of the very best public and private schools in the nation were identified as deserving this special recognition. These schools are particularly effective in meeting local, state, and national goals. However, this honor signifies not just who is best, but what works in educating today's children.

Since opening in 1953, much has changed for St. Philomena. For a brief time, it offered a comprehensive education from elementary through high school. But since the late 1960s, St. Philomena has focused exclusively on elementary education, and its students have benefitted from this wise decision. While the school has grown in size—adding four new buildings to its facilities, its administration and faculty have taken a personalized approach to each student’s education.

Mr. President, St. Philomena is dedicated to the highest standards. It is a school committed to a process of continuous improvement not only for students but for teachers as well. Indeed, St. Philomena’s teachers hone their skills as educators by continuously pursuing educational opportunities of their own.
TRIBUTE TO MAJ. GEN. DAVID W. GAY

Mr. DODD. Mr. President, I rise today to pay tribute to Major General David W. Gay, the Adjutant General of the Connecticut National Guard. General Gay will retire on June 1st, so this is an appropriate time to recognize his nearly 40 years of service to the Connecticut National Guard and to recount his achievements during his seven years as head of Connecticut’s Guard forces.

Members of General Gay’s Air National Guard component—the 103rd Air Control Wing—will soon travel from Orange, Connecticut to Italy in support of NATO operations in Kosovo. Like the nearly 5,000 National Guard members throughout the nation who have answered the call and are now overseas supporting the NATO mission, those men and women from Orange were engaged in their normal day-to-day lives one week and found themselves working in a massive, full-time military operation the next week. Such a scenario is not uncommon in the National Guard. Whether it is a military operation, a natural disaster, or civil unrest, our citizen soldiers in the Guard stand ready to put aside their private lives and report to their duty station, be it at home or abroad.

General Gay has dedicated his career to serving this country with a willingness to be called upon at any time to defend this nation and our way of life. He began his military service as a Marine in 1953. In 1960, he enlisted as a full-time member of the Connecticut National Guard, and, in 1962, he received his commission as a Second Lieutenant. His steady rise through the ranks led to command assignments in the Connecticut National Guard’s artillery and infantry branches. In 1992, General Gay was appointed Adjutant General of the Connecticut National Guard, a position he has now held for seven years. During his career, the General earned two of the most prestigious awards this nation gives to its military officers—the Legion of Merit and the National Guard Bureau’s Eagle Award.

Beyond his duties as Adjutant General, ranking member of the Governor’s Military Staff and commissioner of the State Military Department, General Gay has committed himself and his troops to taking positive action to improve the communities of Connecticut. Most noteworthy are the host of youth programs that began under General Gay’s tenure. Many of them are a part of the Drug-Free Connecticut Program which brings National Guard personnel into the community to serve as role models for children, to encourage youth to excel in school, and to convince kids to avoid drugs. The various and ingenious offshoots of the program, including Take Charge, Character Counts Coalition, SafeGuard Retreat, Aviation Role Models for Youth, and Say “Nay”! To Drugs have swept the state. Last year alone, under General Gay’s able leadership, those programs touched nearly 20,000 children in 88 towns across Connecticut.

Furthermore, General Gay serves as president of the Nutmeg State Games which feature Connecticut’s finest athletes and spectators alike. Beyond his own time, he has committed the resources of the Guard to support the Games thereby enhancing the experience for athletes and spectators alike. Just as important, the General has promoted an excellent working relationship between the Guard and Connecticut’s employers through the ESGR, or Employer Support of the Guard and Reserve. When personnel may be called upon in times of crisis to leave their jobs for months on end, strong bonds with affected employers are critical. The General has made it a priority to strengthen those bonds. Additionally, to assist federal and state agencies in training personnel, he initiated the Community Learning and Information Network which allows employees of such agencies to take advantage of the Guard’s computer distance learning tools. Over the years, the Network classes have enabled numerous employees to acquire the desired training at minimal cost to government agencies.

General Gay’s commitment to the community has been recognized by several awards and accolades, a Leadership Award from Eastern Connecticut State University and a Character Counts Centers of Influence Award top the list. I have deeply enjoyed working with the General over the past several years and look forward to continuing our relationship as he becomes the Chair of Connecticut’s Y2K task force. I also give my best wishes to his wife, Nancy, and to the children, David, Jennifer, and Stephen.

TRIBUTE TO JAMES K. KALLSTROM

Mr. BIDEN. Mr. President, I want to say a few words today about a man who is one of America’s finest civil servants and a man who I am proud to call a friend, Jim Kallstrom.

Jim Kallstrom stepped into the role of the single most important police force in the world at a time when the American people were trying to cover up their role. That role, the investigation of the TWA Flight 800 explosion of July 17, 1996. My colleagues and I have deeply enjoyed working with Jim, and the determination and competence of Jim Kallstrom that reassured the American people and gave us all confidence that no stone would be left unturned in the search for any criminal evidence.

In recent weeks, one of my colleagues has raised the possibility that Jim Kallstrom, in the course of pursuing his counterterrorist investigation to the fullest, may have delayed or tried to delay the transmission to the National Transportation Safety Board of a report by the Bureau of Alcohol, Tobacco and Firearms ("BATF") that concluded that the TWA Flight 800 explosion appeared to be the result of a terrorist or criminal act. There was also a recurrent allegation that the U.S. armed forces had accidentally shot down the aircraft and were trying to cover up their role. That allegation was utterly false, but it acquired a life of its own despite the facts. It was, in fact, one of the first cases of a rumor spread and perpetuated by the Internet.

In the initial days of this case—as the desperate search for any survivors turned into a continuing and heroic mission to retrieve and identify the hundreds of bodies, and as a raft of local and federal agencies converged to handle a multitude of tasks—Jim Kallstrom stepped in and imposed order on the incipient chaos. Over the coming weeks and months, it was the determination and competence of Jim Kallstrom that reassured the American people and gave us all confidence that no stone would be left unturned in the search for any criminal evidence.

Mr. Kallstrom denies that allegation. He insists that he forwarded the BATF report to the National Transportation Safety Board within a few days of receiving it. He admits that he was angry that BATF would issue its conclusions while the counterterrorist and criminal investigation was still ongoing.
I do not know whether Mr. Kallstrom delayed transmission of the BATF report, although I note that two BATF officials testified that this explosion was caused either by a bomb or by a missile. There was an urgent need not only to conduct a thorough investigation into that possibility, but also to demonstrate to the American people that the United States Government was doing everything humanly possible to bring any perpetrators to justice, while still doing anything humanly possible to meet the needs of hundreds of bereaved families and showing proper respect for the dead.

This was no easy task, and no small one, either. Jim Kallstrom assumed those duties and brought the TWA Flight 800 investigation to a successful conclusion. I say “successful” very purposely, for the investigation did not fail to uncover any terrorist or criminal act. Rather, it eliminated those possibilities and gave the American people confidence that the explosion was instead a tragic accident.

Some have expressed concern that the FBI might have unwittingly delayed necessary action to correct safety flaws in U.S. commercial aircraft. I understand this concern and I would agree that recommendations of the National Transportation Safety Board have not been given sufficient attention by the Federal Aviation Administration. But safety board officials apparently reached the same conclusion as BATF weeks earlier, and they reportedly do not believe that any delay in releasing that report delayed the FBI’s ability to persuade the FAA to take corrective action.

Some people feel that the FBI was too determined to find evidence of a terrorist or criminal act. I don’t doubt for a moment that some investigators found Jim Kallstrom rather intimidating in his determination to find any such evidence. The bad news is that Jim Kallstrom is sometimes intimidating. He gets the job done. He also projects confidence and determination. That is what was needed of the head of the FBI’s New York office, and that is what was needed by the head of the TWA Flight 800 investigation.

I am sorry if some investigators felt that Jim Kallstrom stepped on their toes. But I am happy as can be that he was the man to whom our nation turned when a notoriously thorough investigation needed—so as to catch and convict the murderers if there were any, and otherwise to give us complete confidence that the Flight 800 explosion was truly an accident.

Jim Kallstrom accomplished that feat, and we are all in his debt for his tremendous service to his country.

SECTION 201 TRADE ACTION FILED BY THE DOMESTIC LAMB INDUSTRY

Mr. CRAIG. Mr. President, during the last 2 weeks, we have been hearing from our colleagues concerned about the lamb industry in the United States and the Section 201 trade action filed by them. I would like to join them in commenting on the situation and dispel some myths and confusion surrounding the Section 201 trade action filed by a coalition representing the domestic lamb industry.

The case now lies before the President, and I urge him to impose strong, effective sanctions on the nation that will curb the devastating surge of imports that has swamped the domestic lamb market and now threatens to drown an entire industry.

Some worry the nations of Australia and New Zealand may retaliate against the United States if we take action to protect our domestic industries. They won’t because they can’t—not for at least 3 years. That is because of the laws that govern the Section 201 case—laws that, let me be clear about this, are and have been a part of every single trade treaty this nation has signed since the Trade Act of 1974. That means all signatories to GATT also signed onto the Section 201 provisions.

Importers say they have not done anything unfair. The U.S. lamb industry never said they had. Frankly, the Section 201 rules don’t pertain to unfair trading. It is never alleged, never argued, never considered. The only things that are Section 201 are whether imports have risen drastically over the recent time period.

There is also the question of harm. A section 201 case is a lot tougher to prove than dumping, or subsidies, or yes, unfair trade. The domestic industry is required to prove that imports are a “substantial cause” of significant injury or threat of significant injury.

You will hear arguments from importers about how their actions aren’t to blame. About how their price undercutting, their deliberate decision to swamp the market with cheap, imported product, in the face of ample notice of the harm being done, isn’t to blame for the financial ruin now snaking its way through the domestic lamb industry.

The International Trade Commission heard those arguments. They heard all about the Wool Act, about the coyotes, about grazing fees and organization. They heard it all, and those six commissioners rejected those arguments. They rejected them when the Commission unanimously ruled that imports threaten the domestic lamb industry with irreparable harm. After that ruling, those arguments by importers are not a factor in the ITC's actions.

You will also hear talk of cooperation. Of how the New Zealand and Australian industries want to work with the domestic industry. Let me ask you, why are we hearing about cooperation now? Where was the importers' cooperation when fourth-generation ranches faced bankruptcy? When processors were losing accounts left and right to cheap imports? When the leaders of the domestic industry publicly announced their intention to file the Section 201 trade case?

Nowhere, is the answer. As the domestic industry reeled under the unrelenting wave of cheap, imported lamb, the importers have been busy breaking records. Month after month in 1998, the imports flooded the domestic market, shattering records. When it ended, a record-making 70.2 million pounds of imported lamb had saturated the American market. But the importers were not finished. As I just mentioned, the ITC conducted hearings, the level of imports were rising—in the first three months of 1999 alone, imports are up nine percent over 1998 levels, and an astonishing 34 percent above 1997 levels. If this pace keeps up, the record-making import level of 1998 will be shattered, as will domestic sheep industry.

I urge the President to curb this devastating surge of cheap imports. The domestic industry was a fairly fought legal case governed by laws embedded in this nation’s trade treaties. To do anything less than ordering strong, effective trade restrictions would signal to industries in the United States and abroad that our laws will not be enforced.

As I said before, the case now lies before the President. I urge him to act on the unanimous recommendation by the International Trade Commission for four full years of trade restrictions. This follows ITC’s unanimous conclusion that the domestic lamb industry is seriously threatened by the deluge of imports that has swamped the U.S. marketplace and now absorbs one-third of all American lamb consumption.

The six Commissioners were unanimous in their recommendation for trade restriction, but offered three options on how it should be applied. The ITC’s options range from a straight quota to a straight tariff to a tariff-rate quota.

The importers have already identified the one ITC recommendation which would do nothing to stop their already disastrous effect on our full years of trade restrictions. This follows ITC’s unanimous conclusion that the domestic lamb industry is seriously threatened by the deluge of imports that has swamped the U.S. marketplace and now absorbs one-third of all American lamb consumption.

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The importers have already identified the one ITC recommendation which would do nothing to stop their already disastrous effect on our full years of trade restrictions.

Minimal effect. Esteemed colleagues, we did not create the 201 provision in our trade laws to have “minimal effect.” We did not create a provision...
that is tougher to prove that dumping, than unfair trading. We created the 201 provision as a just way for a domestic industry than been sued, or threatened by imports to turn to its government for help.

The ITC offered three recommendations. The U.S. lamb industry has studied those recommendations and found the "common ground" among them.

The industry needs strong, effective relief. Here is what they are asking for:

A two-tier, four year tariff rate quota program with tariffs both below and above a set level of imports. In year one, tariffs would be 22 percent on lamb meat imports up to 52 million pounds, with a 42 percent tariff on imported lamb beyond the 52 million pound mark.

Year two calls for a 20 percent tariff up to 52 million pounds, and a .5 percent tariff above the 56 million.

Year three involves a 15 percent tariff up to 61 million pounds and a 30 percent tariff above the 61 million pounds.

Year four, the final year, calls for a 10 percent below-quota tariff up to 70 million pounds and an above quota tariff 20 percent above the 70 million pounds.

I join my colleagues in urging the President to order this request into action. It provides desperately needed, strong, effective relief to both curb this unprecedented, record-breaking, surge of imports and the devastating price undercutting that accompanies it.

This case is important for this nation's agriculture community. It's being watched throughout our rural towns, farms and ranches. If the President does not implement an effective remedy for the lamb industry, which has followed our laws and proved its case, an unmistakable signal would be sent to the private sector after 15 years as a key "dream staffer."--extremely knowledgeable, hard-working, dedicated, and able to distill complex topics in terms even Senators can understand.

We will miss Austin Smythe's contribution to the U.S. Senate and to the Nation and wish him success in his new endeavors.

TRIBUTE TO AUSTIN T. SMYTHE

Mr. ABRAHAM. Mr. President, I rise to join the Chairman of the Budget Committee, Senator PETE DOMENICI, in recognizing Mr. Austin Smythe's service to the United States Senate. At the end of this week, Austin will join the Senate Budget Committee.

As a member of the Senate Budget Committee over the past 5 years, my staff and I have had the pleasure of working with Austin on a variety of budget-related issues. Austin's knowledgeable, hard-working, dedicated, and able to distill complex topics in terms even Senators can understand.

We will miss Austin Smythe's contribution to the U.S. Senate and to the Nation and wish him success in his new endeavors.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1999

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

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

The legislative clerk read as follows:

The bill (H.R. 345) to make miscellaneous and technical changes to various trade laws, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 481

(Ms. SNOWE)

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

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

The text of the amendment is printed in today's RECORD under "Amendments Submitted."

Ms. SNOWE. I ask unanimous consent the amendment be agreed to.

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

The amendment (No. 481) was agreed to.

Ms. SNOWE. I ask unanimous consent the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

The bill (H.R. 345), as amended, was considered read a third time and passed.

Mr. ROTH. Mr. President, the Senate today passed the Miscellaneous Trade and Technical Corrections Act of 1999. This bill, which my friend Senator Moynihan cosponsored, is similar to legislation that the Committee on Finance had reported out last year.

This legislation consists of over 150 provisions temporarily suspending or
Mr. President, we must never forget that heroic young man who stood in the path of a column of PLA tanks.

We must never forget the brave men like Wang Dan who spent years in prison for daring to exercise his inalienable right to self-expression.

We must never forget those students who were so inspired by our own experiment in self-government that they erected a 37-foot model of our statue of liberty.

We must never forget those who still languish in prison in China today for their democratic aspirations, for their religious convictions, for their desire to be free.

We must never forget men like Wang Wensheng and Wang Zechen, members of the Chinese Democracy Party, detained for circulating a petition calling for a reassessment of the Tiananmen verdict. We must not forget pro-democracy activist, Yang Tao, who was arrested for planning a commemoration to mark the 10th anniversary of Tiananmen Square. We must not forget Jiang Qiuhong, taken from his home in Beijing on May 18th for urging Chinese to light candles in commemoration of those killed in Tiananmen Square.

According to the Wall Street Journal, over 50 dissidents have been detained in the days leading up to the 10th anniversary of the Tiananmen Square massacre, and at least fourteen are still being held.

The Chinese government knows what is done and it is afraid—afraid of its own people. Otherwise, these series of arrests would not occur.

This resolution asks the Chinese government to face reality, to listen to its people, to release prisoners of conscience.

On June 3, 1989, police officers attacked students with tear gas, rubber
It was no accident that the Chinese government played the victim, trying to squeeze the Administration for concessions. It was no accident that the Chinese government called off its human rights dialogue and nonproliferation talks. 

Mr. President, the moral high ground that the Chinese regime attempted to seize from the accidental bombing has no equivalency to its own treatment of its citizens, to the massacre of the students in Beijing ten years ago. We must never forget the nature of the regime in China. The leaders may be different, but the treatment of Chinese citizens is the same.

Even this week, pro-democracy activist, Yang Tao, was arrested for planning a commemoration to mark the 10th anniversary of Tiananmen Square. This week it was reported that police took Jiang Qisheng (chee sheng) from his home in Beijing on May 18 for urging Chinese to light candles in commemoration of those killed in Tiananmen Square. I urge all of my colleagues to join with me in supporting this bipartisan resolution—to recognize this regime for what it truly is and to never forget the tragedy that occurred ten years ago on June 3 and June 4, 1989.

Mr. FEINGOLD. Mr. President, I thank the Senator from Arkansas again for his leadership on this critical issue.

S. Res. 103 marks the 10th anniversary of the Tiananmen Square massacre, when a still unknown number of Chinese—some say hundreds, others, thousands—died at the hands of the People's Liberation Army. Despite the denials of this tragedy, China's leaders remain unwilling to re-examine the events of June 4, 1989. Indeed, they would like nothing more than to have Tiananmen fade from the world's memory.

But today, the memory of Tiananmen remains vivid in our minds. In particular, we remember one man who defined the spirit of the day as he stood, with only freedom at his side, and faced down an army tank. We saw him then, and as we think of him today, when he faced the tank on June 4, 1989.

The memory of Tiananmen refuses to fade because the human rights situation in China remains abysmal. According to Amnesty International more than 200 individuals may remain in Beijing prisons for their role in the 1989 demonstrations. And hundreds, if not thousands, of individuals continue to be detained or imprisoned for their political or religious beliefs.

The failure to adopt a resolution condemning China's human rights practices at the UN Commission on Human Rights makes it all the more urgent that we continue to demand improvements in China's policies.

We cannot betray the sacrifices made by those who lost their lives in Tiananmen Square by tacitly condoning through our silence the abuses that continue to this day.

This resolution reminds the leaders in Beijing that we will not forget what was done 10 years ago and will not look the other way when they again deny the Chinese people their rights.

Until we see genuine progress on human rights, the memory of Tiananmen Square will continue to haunt us.

We must not forget. And we must never let the rulers in Beijing forget.

Mr. HUTCHINSON. Mr. President, I want to speak briefly in support of S. Res. 103, a resolution concerning the tenth anniversary of the Tiananmen Square massacre which occurred on June 4, 1989. This bipartisan resolution expresses sympathy for the families of those killed in the peaceful protests, calls on the Government of China to live up to international standards by releasing prisoners of conscience, ending the harassment of Chinese citizens, and calls upon the Chinese Government to ratify the International Covenant on Civil and Political Rights.

We must never forget the heroic young man who stood in the path of a column of PLA tanks 10 years ago. We must never forget the brave men like Wang Dan, who spent years in prison for daring to exercise his inalienable rights. We must never forget those students who were so inspired by our own experiment in self-government and freedom and democracy that they erected a 37-foot model of our Statue of Liberty. We must never forget those who still languish in prison in China today, simply because they have democratic aspirations, because they have religious convictions, because they have a desire to be free.
CONGRESSIONAL RECORD—SENATE

We must never forget men like Wang Wenjiang and Wang Zechen, members of the Chinese Democracy Party, who were detained for circulating a petition calling for a reassessment of the Tiananmen verdict. We must never forget pro democracy activist Yang Tao arrested for planning a commemoration tomorrow of the tenth anniversary of the Tiananmen Square massacre. We must not forget Jiang Qisheng, who was taken from his home in Beijing on May 18 for urging the Chinese to light candles in commemoration of those killed in the massacre ten years ago. For asking for a peaceful memorial, the lighting of candles, he has been arrested.

According to the Wall Street Journal today, over 50 dissidents have been detained in recent days leading up to the tenth anniversary of the Tiananmen Square massacre, and at least 14 are currently being held. The Chinese government knows what it has done. It is afraid of its own people. Otherwise, these series of arrests would not have occurred. This resolution asks the Chinese government to face reality, listen to its people, and to release prisoners of conscience.

Mr. President, I am just afraid that in the midst of all of our talk of the espionage of the Chinese government—which we should pay attention to—with all of the talk of the unfortunate, tragic bombing of the Chinese embassy, with all of the talk about the accession of China to the WTO and a permanent normal trading status for China, we will forget that there are tens of thousands today who are oppressed, and hundreds remain in prison, and there are multitudes who desire freedom and want a better political system for their country, who want democracy, and I am afraid they will be forgotten in all of the milieu concerning our relationship with China. So it calls upon us to remember. And I will—if no one else does—offer this resolution year after year. It is a special anniversary. It is the tenth anniversary of the tragedy that occurred.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution, as amended, be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table, and finally, that any additional statements appear at this point in the RECORD.

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

Mr. HUTCHINSON. The amendment was agreed to.

The Clerk will report.

Mr. HUTCHINSON. The amendment (S. Res. 103), as amended, was agreed to.

The preambles was agreed to.

The resolution, with its preamble, is as follows:

Whereas freedom of expression and assembly are fundamental human rights that belong to all people and are recognized as such under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas the death of the former General Secretary of the Chinese Communist Party of the People’s Republic of China, Hu Yaobang, on April 15, 1989, gave rise to peaceful protests throughout China calling for the establishment of a dialogue with government and party leaders on democratic reforms, including freedom of expression, freedom of assembly, and the elimination of corruption by government officials;

Whereas after that date thousands of pro-democracy demonstrators continued to protest peacefully in and around Tiananmen Square in Beijing until June 3 and 4, 1989, when Chinese authorities ordered the People’s Liberation Army and other security forces to use lethal force to disperse demonstrators in Beijing, especially around Tiananmen Square;

Whereas nonofficial sources, a Chinese Red Cross report from June 7, 1989, and the State Department’s Human Rights Practices for 1989, gave various estimates of the numbers of people killed and wounded in 1989 by the People’s Liberation Army and other security forces, but all agreed that hundreds, if not thousands, were killed and thousands more were wounded;

Whereas 20,000 people nationwide suspected of taking part in the democracy movement were arrested and sentenced without trial to prison or reeducation through labor, and many were reported tortured;

Whereas human rights groups such as Human Rights Watch, Human Rights in China, and Amnesty International have documented that hundreds of those arrested remain in Chinese prisons;

Whereas the Government of the People’s Republic of China continues to suppress dissent by imprisoning pro-democracy activists, journalists, labor union leaders, religious believers, and other individuals in China and Tibet who seek to express their political or religious views in a peaceful manner; and

Whereas June 4, 1989, is the tenth anniversary of the Tiananmen Square massacre; Now, therefore, be it

Resolved, That the Senate—

(A) express sympathy to the families of those killed as a result of their participation in the democracy protests of 1989 in the People’s Republic of China, as well as to the families of those who have been killed and to those who have suffered for their efforts to keep that struggle alive during the past decade;

(B) condemn all citizens of the People’s Republic of China who are peacefully advocating for democracy and human rights; and

(C) condemn the ongoing and egregious human rights abuses by the Government of the People’s Republic of China and calls on that Government to—

(1) release all prisoners of conscience, including those still in prison as a result of their participation in the peaceful democracy protests of May and June 1989, provide just compensation to the families of those killed in those protests, and allow those exiled on account of their activities in 1989 to return and live in freedom in the People’s Republic of China;

(2) put an immediate end to harassment, detention, and imprisonment of Chinese citizens exercising their legitimate rights to the freedom of expression, freedom of association, and freedom to select their own leaders; and

(3) demonstrate its willingness to respect the rights of all Chinese citizens by proceeding quickly to ratify and implement the International Covenant on Civil and Political Rights which it signed on October 5, 1998.

AMENDING THE OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1999

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1379 and the Senate then proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1379) to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to an emergency supplemental appropriation for international narcotics control and law enforcement assistance.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 1379) was read the third time, and passed.

DESIGNATING JUNE 5, 1999, AS ”NATIONAL RACE FOR THE CURE DAY”

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate by unanimous consent.

Mrs. HUTCHINSON. Mr. President, this resolution, submitted by Senator FEINSTEIN and I, commemorates the Tenth Anniversary of the National Race for the Cure. We are pleased to be joined by over 40 other Senators, including Majority Leader LOFT and Minority Leader DASCHLE.

Mr. President, on June 5, 1999, the National Race for the Cure will take place in Washington, D.C. This will be the Tenth Anniversary of this Race—that has drawn national attention and thousands of volunteers and runners.

All are united by one goal—to eradicate breast cancer from our lives.

Mr. President, I ask unanimous consent that the bill be read the third time, and passed.
CONGRESSIONAL RECORD—SENATE
May 27, 1999

The Resolution we are introducing today will designate June 5th as National Race for the Cure Day.

This Resolution has a very special meaning for me. The Race for the Cure was started by the Susan G. Komen Foundation which is located in my hometown, Dallas, Texas.

The Susan G. Komen Foundation was founded in 1982 by Nancy Brinker. The Foundation honors her sister, Susan Komen, who tragically died of breast cancer at the young age of 36. Nancy promised herself that she would fulfill Suzy’s plea to help others confronted with this disease.

The mission of the Foundation is to eradicate breast cancer as a life-threatening disease by advancing research, education, screening, and treatment.

Nancy Brinker’s pledge to her sister has grown to be a major factor in fighting breast cancer. The Foundation has 35,000 volunteers and 106 offices across the United States.

The Komen Foundation’s Grant Program is regarded as one of the most innovative in funding breast cancer research today. The Komen Foundation has financed 325 grants at 72 institutions in 25 states.

The Foundation’s most public event, however, has become the Race for the Cure. The Race for the Cure has become the largest series of 5 kilometer runs in the world.

The Race series stated as one event in Texas with 800 participants. But, this year, there will be 98 races across the United States with over 700,000 people participating.

The Komen Foundation and the Race for the Cure have raised over $136 million for breast cancer research.

On June 5th, the National Race for the Cure will celebrate its tenth anniversary. It is the largest of the Races in the world.

Breast cancer is the leading cause of death of women between the ages of 35 and 54. A woman in the United States will be diagnosed with breast cancer every three minutes, and every 12 minutes a woman will die of breast cancer.

The Race for the Cure is one day, when Americans of all walks of life, can come together united in a great cause to wipe out this terrible disease.

Mr. President, I would urge the Senate to adopt this resolution. It is also want to thank the numerous other Senators who have part of this effort. Thank you, Mr. President.

Mrs. FEINSTEIN. Mr. President, today I am pleased to cosponsor with Senators KAY BAILEY HUTCHISON, PETE DOMENICI and CONNIE MACK a resolution commending the Susan G. Komen Breast Cancer Foundation, the Komen National Race for the Cure for their commitment to eradicating breast cancer. June 5 will be the Komen National Race for the Cure and this resolution urges the President to issue a proclamation calling upon the American people to observe the day with appropriate activities.

Washington, D.C., will host the Race and there will be 98 races across the country will over 700,000 people participating.

There are 2.6 million women in this country living with breast cancer and more than 178,000 women will be diagnosed with breast cancer. Over 43,000 will die.

Diagnostic tools for breast cancer are now very limited. Treatments for breast cancer are at best imperfect. We don’t know how to prevent it. We don’t know how to cure it. We need to redouble our effort to stop breast cancer now.

Congress is taking some steps. During the FY 2000 appropriations process, I hope we can increase researching funding for all cancers. We must pass legislation, such as S. 784 which I have sponsored, to require Medicare coverage of routine costs of clinical research trials and S. 6, to require private insurance coverage of the routine costs of clinical research trials. We should enact legislation assuring access to specialists and coverage of second opinions. We should pass Medicaid coverage for women who are screened by CDC’s breast and cervical cancer program but have no way to pay for treatment when they learn they have cancer.

I call on my colleagues to join us in supporting the 10th anniversary Race for the Cure which the President this year has agreed to. This resolution will be passed by unanimous consent.

The resolution (S. Res. 110) was agreed to.

The preamble was agreed to.

The Resolution, with its preamble, is as follows:

S. Res. 110

Whereas breast cancer is the leading cause of death for women between the ages of 35 and 54;

Whereas every 3 minutes a woman will be diagnosed with breast cancer and every 12 minutes a woman will die of breast cancer;

Whereas the Komen National Race for the Cure is celebrating its 10th Anniversary during 1999;

Whereas the Komen National Race for the Cure Series, an event of the Susan G. Komen Breast Cancer Foundation, is the largest series of 5 kilometer races in the world;

Whereas there will be 98 Komen National Race for the Cure events throughout the United States during 1999; and

Whereas the Susan G. Komen Breast Cancer Foundation and the Komen National Race for the Cure has raised an estimated $136,000,000 to further the mission of eradicating breast cancer as a life-threatening disease by advancing research, education, screening, and treatment: Now, therefore, be it

Resolved,

SECTION 1. COMMEMORATION AND DESIGNATION.

The Senate,—
(1) commemorates the 10th Anniversary of the National Race for the Cure;
(2) designates June 5, 1999, as “National Race for the Cure Day”;
and
(3) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

DESIGNATING JUNE 6, 1999, AS “NATIONAL CHILD’S DAY”

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 111, introduced earlier today by Senator GRAHAM and others.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 111) designating June 6, 1999, as “National Child’s Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAHAM. Mr. President, this resolution designates the first Sunday of June as National Child’s Day.

Our children are our future. Over 5 million children, however, go hungry at some point each month. There has been a 60 percent increase in the number of children needing foster care in the last ten years. Many children today face crises of grave proportions, especially as they enter their adolescent years.

The designation of National Child’s Day helps us to focus on our children’s needs and recognize their accomplishments. It encourages families to spend more quality time together and highlights the special importance of the child in the family unit.

In these crucial times, it is important that we show our support for the youth of America. It is our hope that this simple resolution will foster family togetherness and ensure that our children receive the attention they need and deserve.

I urge my colleagues to join me in designating the first Sunday in June as National Child’s Day.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the Record.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be
agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the Record at the appropriate place as if read.

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

The resolution (S. Res. 111) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 111

Whereas June 6, 1999, the first Sunday in the month, falls between Mother’s Day and Father’s Day;

Whereas each child is unique, a blessing, and holds a distinct place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas, whenever practicable, it is important for both parents to be involved in their child’s life;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities;

Whereas because children are the responsibility of all people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

Whereas the designation of a day to commemorate the children will emphasize to the people of the United States the importance of the role of the child within the family and society: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 6, 1999, as “National Child’s Day”; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

DESIGNATING JUNE 5, 1999, AS “SAFE NIGHT USA”

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 112, introduced earlier today by Senator FEINGOLD. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 112) to designate June 5, 1999, as “Safe Night USA.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. FEINGOLD. Mr. President, I rise today to introduce a resolution designating June 5, 1999, as “Safe Night USA.” Safe Night USA is an exciting program that is helping reduce youth violence, as well as drug and alcohol abuse, in my home state of Wisconsin and around the nation.

Safe Night is a low cost, high-profile way to focus national attention on the importance of communities working with safe alternative activities and tools for conflict resolution, anger management and mediation. I am proud to report Mr. President that Safe Night first began in 1984 in Milwaukee, Wisconsin and has grown to all fifty states, Puerto Rico, and the Virgin Islands will participate in this exciting program.

Mr. President, Olusegan Sljuwade, a Milwaukee Health Department educator and former police officer, developed Safe Night in response to more than 300% increase in violent death and injury in Milwaukee between 1983 and 1993. The Safe Night program in Wisconsin began with 4,000 youth in Milwaukee and by 1996 involved more than 10,000 participants in over 100 sites spread across the state. And now, on June 5, 1999, a million kids are expected to participate in Safe Night programs in 1,200 sites across the country.

Mr. President, last week Congress debated and voted on the Juvenile Justice bill. The resolution I am introducing today is indeed timely and an appropriate response to the juvenile crime statistics we were reminded of last week. These include the over 220,000 juveniles arrested last year for drug abuse and the over 1,000,000 juvenile victims of a violent crime. I believe community-based violence prevention models, like Safe Night USA, are extremely important to stem the rise in juvenile crime. By educating youth, community leaders and parents, Safe Night promotes secure environments for kids and families while reducing the alienation that so often leads to violent crime and substance abuse.

Very simply, Mr. President, Safe Night brings community partners together to provide a place for youth to have fun during high-risk evening hours, with three ground rules: no guns, no drugs and no fighting allowed. A typical Safe Night consists of a party, planned by kids and adults in the community, including police officials, church leaders, doctors, teachers, parents, and other volunteers. Held at a school, a church, or a community center, a Safe Night event could have a dance with a disc jockey, an athletic event, or a large dinner, usually interspersed with targeted violence-reduction activities. These activities include role playing, trust-building games, and other methods of teaching kids stress management and alternatives to violence.

Safe Night USA 1999 will occur in both rural and urban areas. The Public Broadcasting Service (PBS) and the Black Entertainment Television (BET) Network will broadcast the events nationally. The following community partners have joined with Safe Night USA: the Corporation for Public Broadcasting, National Civics League, 100 Black Men of America, the Resolving Conflict Educators for Social Responsibility, American Academy of Pediatrics, Boys and Girls Clubs of America, Community Anti-Drug Coalitions of America and the National 4-H Youth Council.

Mr. President, it is critical that both families and communities understand that we are not powerless to help prevent destructive behaviors, such as drug abuse, in our children. Safe Night USA helps develop a strong, committed partnership between schools, community and families to foster a drug-free and violence-free environment for our youth. I believe Mr. President that Safe Night USA is a wise investment up front—it is a simple idea that works—and I am proud that it originated in my home state of Wisconsin. I thank my colleagues for their cooperation in passing this resolution and I wish the 10,000 local Safe Night USA events great success on June 5, 1999, as they join in one nationwide effort to combat youth violence and substance abuse.

I yield the floor.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the Record at the appropriate place as if read, without intervening action.

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

The resolution (S. Res. 112) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 112

Whereas over 1,500,000 people, 220,000 of them juveniles, were arrested last year for drug abuse;

Whereas over 1,000,000 juveniles were victims of violent crimes last year;

Whereas local community prevention efforts are vital to reducing these alarming trends;

Whereas Safe Night began with 4,000 juvenile participants in Milwaukee during 1994 in response to a 300 percent increase in violent
death and injury in that city between 1983 and 1993; whereas Safe Night involved over 10,000 Wisconsin participants and included 100 individual Safe Nights throughout Wisconsin in 1996; whereas Safe Night has been credited as a factor in reducing the teenage homicide rate in Milwaukee by 60 percent in just the first 3 years of the program; whereas Wisconsin Public Television, the Public Broadcasting Service, Black Entertainment Television, the National Latino Children’s Institute, the National Civics League, 100 Black Men of America, the Resolving Conflict Creatively Center and Educators for Social Responsibility, the Boys and Girls Club of America, the Community Anti-Drug Coalitions of America, the National 4-H Youth Council, Public Television Outreach, and the American Academy of Pediatrics have joined with Safe Night USA to lead this major violence prevention initiative; whereas community leaders, including parents, teachers, doctors, religious officials, and business leaders, will enter into partnership with youth to foster a drug-free and violence-free environment on June 5, 1999; whereas this partnership combines stress and anger management programs with dances, talent shows, sporting events, and other recreational activities, operating on only basic rules—no weapons, no alcohol, and no arguments; whereas Safe Night USA helps youth avoid the most common factors that precede acts of violence, provides children with the tools to resolve conflict and manage anger without out violence, encourages communities to work together to identify key issues affecting teenagers, and creates local partnerships with you that will continue beyond the expiration of the project; and whereas June 5, 1999, will witness over 10,000 local Safe Night activities joined together in one nationwide effort to combat youth violence and substance abuse. Now, therefore, be itResolved.

SECTION 1. DESIGNATION. The Senate—(1) designates June 5, 1999 as “Safe Night USA”; and (2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SEC. 2. TRANSMITTAL OF RESOLUTION The Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Safe Night USA.

FEDERAL PRISONER HEALTH CARE COPAYMENT ACT OF 1999

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 59, S. 704.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 704) to amend title 18, United States Code, to combat the over-utilization of prison health care services and control rising prisoner health care costs.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Prisoner Health Care Copayment Act of 1999”.

SEC. 2. HEALTH CARE FEES FOR PRISONERS IN FEDERAL INSTITUTIONS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

§4048. Fees for health care services for prisoners.

(1) DEFINITIONS.—In this section—

(A) the term ‘account’ means the trust fund account (or institutional equivalent) of a prisoner; (B) the term ‘Director’ means the Director of the Bureau of Prisons; (C) the term ‘health care provider’ means any person who is—

(A) authorized by the Director to provide health care services; and (B) operating within the scope of such authorization; (D) the term ‘health care visit’ means a visit, as determined by the Director, to a prisoner on the basis that—

(1) the prisoner is incarcerated in an institution under the jurisdiction of the Bureau of Prisons; or (2) any other individual, as designated by the Director, who has been charged with or convicted of an offense against the United States.

(2) FEES FOR HEALTH CARE SERVICES.—(A) IN GENERAL.—The Director, in accordance with this subsection and with such regulations as the Director shall promulgate to carry out this section, may assess and collect a fee for health care services provided in connection with each health care visit requested by a prisoner. (B) EXCLUSION.—The Director may not assess or collect a fee under this section for preventative health care services, as determined by the Director.

(C) PERSONS SUBJECT TO FEE.—Each fee assessed under this section shall be collected by the Director from the account of—

(1) the prisoner for health care services in connection with a health care visit described in subsection (b)(1); or (2) in the case of health care services provided in connection with a health care visit described in subsection (b)(1) that results from an injury inflicted on a prisoner by another prisoner, the prisoner who inflicted the injury, as determined by the Director.

(3) AMOUNT OF FEE.—Any fee assessed and collected under this section shall be in an amount of not less than $2.

(D) NO CONSENT REQUIRED.—Notwithstanding any other provision of law, the consent of a prisoner shall not be required for the collection of a fee from the account of the prisoner under this section.

(1) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this section may be construed to permit any refusal of treatment to a prisoner on the basis that—

(A) the account of the prisoner is insolvent; or (B) the prisoner is otherwise unable to pay a fee assessed under this section.

(2) USE OF AMOUNTS.—(A) RESTITUTION TO SPECIFIC VICTIMS.—Amounts collected by the Director under this section from a prisoner subject to an order of restitution issued pursuant to section 3663 or 3663A shall be paid to victims in accordance with the order of restitution. (B) ALLOCATION OF OTHER AMOUNTS.—Amounts collected by the Director under this section from prisoners not subject to an order of restitution issued pursuant to section 3663 or 3663A—

(A) 75 percent shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 1661); and (B) 25 percent shall be available to the Attorney General for administrative expenses incurred in carrying out this section.

(3) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of the Federal Prisoner Copayment Act of 1999, and annually thereafter, the Director shall submit to Congress a report, which shall include—

(1) a description of the amounts collected under this section during the preceding 24-month period; and (2) an analysis of the effects of the implementation of this section, if any, on the nature and extent of health care visits by prisoners.

(b) CLERICAL AMENDMENT.—The analysis for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

§4048. Fees for health care services for prisoners.

SEC. 3. HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

Section 4013 of title 18, United States Code, is amended by adding at the end the following:

(c) HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.—(A) IN GENERAL.—Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess and collect a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—

(A) the prisoner is confined in a non-Federal institution pursuant to an agreement between the Federal Government and the State or local government; (B) the fee—

(1) is authorized under State law; and (2) does not exceed the amount collected from State or local prisoners for the same services; and (C) the services—

(1) are provided within or outside of the State by a person who is licensed or certified under State law to provide health care services and who is operating within the scope of such license; (2) are provided at the request of the prisoner; and (3) are not preventative health care services.

(2) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this subsection may be construed to permit any refusal of treatment to a prisoner on the basis that—

(A) the account of the prisoner is insolvent; or (B) the prisoner is otherwise unable to pay a fee assessed under this subsection.

AMENDMENT NO. 518

(Purpose: To clarify certain provisions)

Mr. HUTCHINSON. Mr. President, Senator LEAHY has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. HUTCHINSON). For Mr. LEAHY, proposes the following amendments numbered 518.

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

May 27, 1999
The amendment is as follows:

On page 8, strike lines 1 through 3 and insert the following:

"(4) the term ‘health care visit’—

(A) means a visit, as determined by the Director, initiated by a prisoner to an institution or noninstitutional health care provider; and

(B) does not include a visit initiated by a prisoner—

(i) pursuant to a staff referral; or

(ii) to obtain staff-approved follow-up treatment for a chronic condition;

On page 8, line 20, after "services insert "—.

emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment.

On page 10, line 16, strike "2 years" and insert "1 year".

On page 10, line 21, strike "24-month" and insert "12-month".

On page 12, strike lines 6 through 9 and insert the following:

"(ii) constitute a health care visit within the meaning of section 404(a)(4) of this title; and

(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment.

Mr. LEAHY. I want to thank Senator JOHNSON for his leadership on this matter and for bringing this matter to my attention. Vermont does not have a copayment requirement for prisoners' health care, so the problems that his Marshal had brought to his attention last year, were not matters that had arisen in Vermont.

I also want to thank those at the Department of Justice who have made suggestions to improve the proposals on this subject over the last couple of years. I am glad the I have been able to contribute constructively to that process of improvement over the past weeks and again today.

A most important part of this bill is its protection against prisoners being refused treatment based on an inability to pay. I am glad to see my suggestion that the protection of section 2(f) in this regard be included in section 3 of the bill, as well, be incorporated in the substitute amendment accepted by the Judiciary Committee and reported to the Senate. I thank the Department of Justice for having included this suggestion in its recent April 27 letter.

Today we make additional improvements to the bill to ensure that it can serve the purposes for which it is intended. In particular, I have suggested language to make clear that since the goal of the bill is to deter prisoners from seeking unnecessary health care, copayment requirements should not apply to prisoner health care visits initiated and approved by custodial staff, including staff referrals and staff-approved follow-up treatment for a chronic condition. In addition, the amendments I have suggested adds to those health care visits excluded from the copayment requirement visits for emergency services, perinatal care, diagnosis or treatment of contagious diseases, mental health care and substance abuse treatment. Like preventative care, all these types of health care for prisoners should be encouraged and not discouraged by a copayment requirement. It would be harmful to custodial staff and detrimental the long term interests of the public to create artificial barriers to these health care services.

Finally, I have suggested that we review this new program and its impact next year rather than delaying evaluation for the 2-year period initially provided by the bill. The bill constituents a shift in federal corrections and custodial policy and it is appropriate that the impact of these changes be evaluated promptly and adjusted as need be.

I continue to be concerned that we are imposing an administrative burden on the Bureau of Prisons greatly in excess of any benefit the bill may achieve. I wonder about alternatives to cut down on unnecessary health care visits besides the imposition of fees, many of which are not collected. The contemplated $5 a visit fee for prisoners compensated at a rate as low as 11 cents an hour seems excessive, but that is how the BOP wishes to proceed.

I also fear that the effort will lead to extensive litigation to sort out what it means and how it is implemented. As we impose duties and limitations on correctional authorities, that is one of the consequences of such duties.

I will be interested to see whether funds end up being received by victims of crime either with respect to restitution orders or by the Victims of Crime Fund through the elaborate mechanisms created by this legislation. I hope that victims will benefit from its enactment as opposed to experiencing another false promise. In this regard, I wonder why there is no benefit to victims from the fees collected from federal prisoners held in nonfederal institutions. If we benefit victims, the ownership of the facility ought not deter that policy. Surely the copayment fee is not designed as payment for the health care treatment itself or even payment for the administrative overhead of the system.

Despite my concerns, this bill does have the support of the BOP and U.S. Marshals Service. Just as I facilitated the bill being reported from this Committee today I am acting to allow the Senate to pass an improved version of the bill.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, the bill read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

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

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, the bill be referred to the Committee on Indian Affairs and that at such time as the Committee on Indian Affairs reports the measure, it be referred to the Committee on Energy and Natural Resources for a period not to exceed 60 calendar days and that if the Committee on Energy and Natural Resources has not reported the measure prior to the expiration of the 60-calendar-day period the Energy Committee be discharging from further consideration of the measure and that the measure then be placed on the calendar.

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

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, committees have from 11 a.m. until 1 p.m. on Wednesday, June 2, in order to file legislative matters.

Mr. HUTCHINSON. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, for the information of all Senators, the Senate will begin the DOD appropriations bill on Monday, June 7, and hopefully will complete action on that bill by close of business on Tuesday, June 8. In addition, on Monday, it will be the leader's intention to move to proceed to S. 1138, the new compromised Y2K bill on Monday and file a cloture motion on the motion for a cloture vote on Wednesday, June 9.

Also, on Tuesday, June 8, it will be the leader's intention prior to the recess or adjournment that evening to move to proceed to the lockbox issue and file a cloture motion on that matter for a cloture vote on Thursday, June 10. Members who have an interest in the important Social Security savings bill should plan to participate in that debate Tuesday evening and Tuesday night.

Needless to say, when the Senate reconvenes following the Memorial Day recess, there will be a tremendous amount of legislation needing passage by the Senate. Therefore, the leader wishes all Members a safe and restful Memorial Day and looks forward to the
cooperation of all Members when the Senate reconvenes.

ORDERS FOR MONDAY, JUNE 7, 1999

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 noon on Monday, June 7. I further ask that on Monday, 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. I further ask unanimous consent that the Senate be in a period of morning business for 2 hours equally divided between the majority leader, or his designee, and the Democratic leader, or his designee.

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

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that at 2 p.m. on Monday, the Senate begin consideration of S. 1122, the Department of Defense appropriations bill.

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

PROGRAM

Mr. HUTCHINSON. Mr. President, for the information of all Senators, the Senate will be in a period of morning business from 12 noon until 2 p.m. on Monday. Following morning business, the Senate will begin consideration of the Department of Defense appropriations bill, with the expectation of completing the bill early in the week. Therefore, Senators should be prepared to offer amendments to the bill as early as possible next week.

ORDER FOR ADJOURNMENT

Mr. HUTCHINSON. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the provisions of S. Con. Res. 35, following the remarks of Senator LANDRIEU.

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

55TH ANNIVERSARY OF THE D-DAY LANDINGS

Mr. CAMPBELL. Mr. President, June 6, 1999, will be the 55th Anniversary of the historic Allied invasion of Europe on the beaches of Normandy, France, that spelled the beginning of the end for Nazi Germany.

In America today, with unprecedented prosperity and material comfort, it is hard to appreciate the American experience leading up to World War II and the war itself.

When the Japanese bombed Pearl Harbor in 1941, the United States was not only caught off guard, we were also caught unprepared for the war that loomed in Europe and in the Pacific that would involve the United States for 5 long years.

Still plagued by the Great Depression, unemployment sky high and poverty all around, Americans accepted the challenge and responded like no people ever had.

With scrap metal drives, rubber drives, gasoline and food rationing, and other efforts American men and women pulled together and contributed to the massive war effort.

Americans of all races, creeds, colors, and backgrounds joined the military, worked in industrial plants, and assisted in too many ways to mention as the Nation joined together to battle tyranny and oppression.

America’s economic and military might was called on to produce hundreds of thousands of planes, tanks, trucks, ships, boats, and weapons. We not only produced the materials for our own efforts but kept our Allies supplied with civilian and military goods to ensure an Allied victory.

The “Arsenal of Democracy” was running high at year’s end from 1941 on, and all of these efforts came to a head in June, 1944.

Even after the successful Africa campaign showed that the German war machine was not invincible, America and her Allies looked for a “second front” to draw Nazi Germany’s attention and resources into other battles.

Under the leadership of General Dwight D. Eisenhower, the Allies began planning for just such a front with an amphibious invasion in Europe and America’s fighting forces made the necessary preparations.

Millions of men, and millions of tons of equipment, supplies, vehicles and weapons were delivered from the United States to Europe and England in preparation for the assault.

Postponed several times because of poor weather in the English Channel, on June 6, 1944, General Eisenhower gave the final order that would unleash the historic battle.

In the morning hours of June 6th, over 175,000 men from the streets of Philadelphia to Indian reservations of Arizona, from Alaska to Florida, landed on the beaches of Normandy, France.

In the years since that day, we have seen movies about this, the most ambitious amphibious invasion ever attempted in history. Just last year we saw it unfold once again with the movie “Saving Private Ryan” in what the soldiers themselves said was an accurate portrayal what occurred so many years ago.

As a veteran, and having read many eyewitness accounts of that day, I think that the real horrors of that day, and especially the first minutes of that historic landing, are simply unimaginable to us.

Though the Allies enjoyed complete air superiority in the Normandy area, clouds shrouded the beaches diminishing the effect of Allied air power.

At the landing beach that quickly became known as “Bloody Omaha”, the Americans took the brunt of the German defenses.

Entire companies of men were chopped down seconds after the doors dropped on the landing craft. The Germans poured fire down on the Americans, but they kept coming ashore wave after wave.

Only after an exhaustive day of fighting and dying, was the beachhead established.

In 1999, it is easy to think of the D-Day invasion and of the Allied success in World War II as pre-determined. In 1944, it just was not so. Eisenhower and the Allied leaders knew that at that point victory was not assured and that the war could still be lost.

It is humbling to read the never-disclosed address General Eisenhower penned in case the Allies were driven back into the sea.

In it, Eisenhower assumed all fault for a failed invasion attempt. Thankfully, he never had to deliver that address.

From the beaches at Normandy, the Allies broke out, fought through the hedgerows, and went on to liberate Paris in July, 1944.

From Paris to the Battle of the Bulge in the Ardennes, through the low countries and ultimately sweeping on to Berlin the Allies—with the Americans taking the lead—secured victory over Nazi Germany in April, 1945.

It took four more months of island-to-island combat to defeat the Japanese Empire in August, 1945, and to achieve complete and total victory in World War II.

This Nation owes a great debt of gratitude to the men and women who made Normandy and the entire war effort the success it was.

With each day, scores of D-Day veterans, many in their late 70’s and 80’s, pass away. As a generation, this group was unique in living and making real their unspoken code: faithfulness and duty to God, family, and country.

The brave men of Normandy—all the survivors and those buried in the American Cemetery just up the hill from the landing beaches—from both humble and privileged beginnings, deserve to be honored by the Senate and the Nation as whole.

In this spirit I urge my colleagues to support me in honoring the veterans of D-Day and all veterans who have sacrificed for this great Nation.

DOD AUTHORIZATION

Ms. LANDRIEU. Mr. President, I rise after this very long but, I think, good debate on the defense authorization bill to thank the distinguished chairman of our committee, the Senator
from Virginia, and our ranking member, the Senator from Michigan, for their hard work on this bill. I have to add all the staff that worked very hard too.

It is a huge authorization, as you know, Mr. President. It represents 16 percent of the total expenditures of our Government, for the Department of Defense. We fund and try to prepare for the finest military and strongest military operations in the world; over a million men and women—1.4 million active-duty men and women. This bill has provided, because of the hard work on both sides of the aisle, some significant and much-needed increases to support our men and women, to help our forces be even more ready, more professional, better trained and better prepared for all the new threats that we face this world today.

So I thank them for their work, and acknowledge that in this bill that received an overwhelming vote, we had one of the largest increases of expenditures for the readiness of those active forces, which has to help make our salaries more competitive with the booming economy we are currently enjoying here in the United States.

Thanks to the leadership of our great colleague from Georgia, Senator Cleland, we were able to add some additional funding for GI benefit expansions, the first in over two generations, so the men and women in our armed services can share those benefits with their spouses and their children, improving educational opportunities across the board.

There are many other provisions funding the increase in technology, the first downpayment on our missile defense system, which has come a little bit too late, some and right on time for others. I think it is the right step for our Nation.

I join my colleagues in thanking the leadership that has brought this bill to final passage today. There is more work to be done. There were some disappointments, obviously some shortcomings, but no piece of legislation is perfect. We will have opportunities to work in the future, as this Congress progresses.

Because the floor was so busy earlier today I waited until now to take this opportunity, but I did not want this day to end without noting the historic event that took place today with the indictment of Yugoslavian President Milosevic by the International War Crime Tribunal. As was recorded earlier, Justice Louise Arbour announced that he and his four deputies and military leaders have in fact been indicted for their roles in the atrocities they have committed. This body passed almost unanimously—almost unanimously for those present—a resolution earlier this week, urging the Tribunal to act, saying the United States will put up what resources are necessary to make sure justice is done; that not only can war criminals be identified, but cases can be built in the proper and legal way so that they can be successfully prosecuted for what has occurred.

I was particularly moved by an article I plan to pass around to the Members of the Senate and to send to family and supporters around the Nation, written by Carol Williams of the Los Angeles Times. That reported in horrific detail some of the crimes being committed against the Kosovars. What was particularly troubling in this article was her focus on the systematic use of rape as a weapon of war.

She recounted in great detail the experiences of a group of young women, young girls—very young, 12, 13, 14 and 15—who had been violated over and over again; sometimes, as she outlined the terrible details, with great dis- tance—but not sight or comfort—of parents. In this particular part of the world, though, what makes this doubly horrifying and horrifying and tough is that victims of rape often accuse themselves if they themselves committed the crime. There is shame that is brought, in this particular culture, to them and to their families. So after having barely lived, surviving this ordeal, they are then turned away, in many instances, from their fathers, their mothers, their brothers, their sisters.

So there is a tremendous injustice that is occurring. Many of the women in the Senate talked at great length today about this and were joined by our colleagues in various meetings throughout the day. I just want to say, as we break for this Memorial Day, that while we may take a few days of rest from our work, as one Senator said, I am prepared to come back and daily, weekly, monthly and for years if necessary, continue to come to this floor and talk about war crimes and justice and holding people accountable. Had we done a better job of this in Bosnia, I think we could have perhaps prevented the atrocities we are seeing in Kosovo today.

I hope the international community in every way—whether it is a large country or small country, and the people in the United States—will let their elected officials know we want these war criminals prosecuted, we want justice brought to these families, and we want the resources and the comfort and counseling available to these young women—women of all ages—who have lived through the horror and the terror of what has been wrought in that part of the world.

Thank God we live in this country. It is not perfect, terrible things have happened, but I can say on the eve of this weekend, I am proud how proud I am and mindful and grateful of the great sacrifice that has been made by men and women in uniform who have given their lives so that we, in this country, can live in relative peace and prosperity without fear of being pulled from our homes at night, having our homes burned and our family members violated or executed.

We have gone through periods of history of which we are not proud. But I am proud of the work this Congress does in putting forth legislation and financial support efforts that are so important, like the one in which we are engaged. We will not stop until we have a military victory. We will not stop until the diplomatic means have been accomplished. We will not stop until we have been able to help the Kosovars move back into their nation and help this part of Europe join the mainstream of Europe so they can live in peace, prosperity, and democracy and, finally, until justice is done to the women, children, and families who have been so barbarically handled in the last several months.

Again, I thank the leadership for their good work on this legislation. I thank the Chair.

ADJOURNMENT UNTIL MONDAY,
JUNE 7, 1999

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment, in accordance with the provisions of S. Con. Res. 35, until Monday, June 7, 1999, at 12 noon. Thereupon, the Senate, at 8:36 p.m., adjourned until Monday, June 7, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 27, 1999:

The Judiciary
Charles R. Wilson, of Florida, to be United States Circuit Judge for the Eleventh Circuit, vice Joseph W. Hatchett, retired.
Patricia A. Coan, of Colorado, to be United States District Judge for the District of Colorado vice Zita A. Weinshenker, retired.
Dolly M. Gee, of California, to be United States District Judge for the Central District of California vice John G. Davies, retired.
William Joseph Haynes, Jr., of Tennessee, to be United States District Judge for the Middle District of Tennessee vice Thomas A. Higgins, retired.
Victor Marrero, of New York, to be United States District Judge for the Southern District of New York vice Sonia Sotomayor, elevated.
Fredric D. Woocher, of California, to be United States District Judge for the Central District of California vice Kim McLanen Wardlaw, elevated.

DEPARTMENT OF THE TREASURY
Larry L. Levitan, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years. (New Position)
Steve H. Nickles, of North Carolina, to be a Member of the Internal Revenue Service Oversight Board for a term of four years. (New Position)
Robert M. Tobias, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years.
Oversight Board for a term of five years.

James W. Wetzler, of New York, to be a Member of the Internal Revenue Service Oversight Board for a term of three years.

Karen Hastie Williams, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term of three years.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

J. Brady Anderson, of South Carolina, to be Administrator of the Agency for International Development, vice J. Brian Atwood.

DEPARTMENT OF STATE

Donald Keith Bandler, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

Johnnie Carson, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Thomas J. Miller, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

Bismarck Myrick, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

M. Osman Siddique, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.
HONORING OUR ARMED FORCES ON MEMORIAL DAY

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. HOYER. Mr. Speaker, I rise today to recognize and remember the millions of women and men who have given their lives to serve in our Nation’s Armed Forces. Their courageous efforts have been honored at this time of year since the fighting of the Civil War. During the Civil War numerous families began their heartfelt commemorative efforts and since then the countless events which followed have generated an uncompromising level of respect and reverence for our beloved soldiers.

Yet we must not forget the reasons for which our Armed Forces have fought for our Nation: to preserve and protect the blanket of freedom under which we have rested with security for over 200 years. Since the end of the Civil War so much has changed, and yet so much in us as a Nation remains the same. Those Soldiers fought to protect our inalienable rights as humans and have continued to do so from that day to this.

Even today our men and women sacrifice their lives to protect our interests overseas. We must remember them in these times of conflict. Our sentiments go out not only to the soldiers who have fought in our conflicts of yesteryear. We must include today’s Armed Forces in our thoughts and our prayers for they continue to struggle and rightfully defend our beliefs in life, liberty, and freedom in Europe and around the world.

Entering into the 21st century we look forward to a time of peace in which our decisions to take direction are reserved for reflection. I remind you Mr. Speaker that we do not remember in joy, but in sorrow. We do not reflect with happiness, we reflect in pain. The millions of men and women dedicated their lives to fight so that we can look forward to a time in which we shall fight no more and we must never forget them.

Since the first official commemoration of our soldiers of war on May 30, 1868, as Decoration Day, our Country has devoted a continuous and conscious effort to support our troops and the battles they have fought. In 1971, to recognize the weight of their importance, Congress declared Memorial Day a National holiday.

Mr. Speaker, to continue our recognition of our soldiers’ tireless efforts, I am currently introducing a bill to grant the Korean Veterans Association a Federal Charter. Granting this Federal Charter is a small expression of appreciation that, we as a Nation, can offer to these men and women to show our continued support, one which will enable them to work as a unified front to ensure that the “Forgotten War” is forgotten no more.

Please join with me in expressing full recognition and thanks to those who have served our Nation and its Armed Forces on this Memorial Day. The respect and debt of gratitude we owe these honorable men and women for preserving our Nation and our freedom is immeasurable.

TRIBUTE TO DR. AARON S. GOLD:
RABBI, TEACHER, SCHOLAR, SPIRITUAL LEADER

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. FILNER. Mr. Speaker and colleagues, I rise today to congratulate Rabbi Dr. Aaron S. Gold on his retirement after serving the Rabbinate for 50 years, and for his dedication and service to the San Diego community. Rabbi Gold has been a spiritual and community leader to many individuals in San Diego—and I would like to take a moment to honor him and his accomplishments.

Rabbi Gold was born in Poland and came to America during the depression years, prior to World War II. He graduated from Wisconsin State College with Highest Honors in the English and Speech Departments. He later received his M.A. from Columbia University where he studied Education for Marriage and Family Life, and later completed his Ph.D in Family Education.

Rabbi Gold came to San Diego in 1974, and immediately became an active community leader. He was invited to join the boards of the United Jewish Federation, Jewish Community Relations Council and the Bureau of Jewish Education. He is particularly known for his work in promoting spiritual harmony and understanding among all religions, and has been active with the National Conference of Christians and Jews and the Ecumenical Council. He has also appeared on a number of radio and television shows to promote interfaith activities.

His initiation of a joint Thanksgiving Service with the San Carlos United Methodist Church was so successful that it became the annual Thanksgiving service for the Tifereth and many churches of the Navajo Interfaith Association—he is lovingly called “our Rabbi” by the members of the San Carlos United Methodist Church. His ecumenical efforts have been recognized with a number of plaques and citations.

Rabbi Gold has also reached out to the youth in our community by helping establish the Coalition for the Jewish Youth for San Diego, San Diego Jewish Academy and the Community High School of Jewish Studies.

He also served as the President of the San Diego Rabbinical Association for two years, and he and his wife Jeanne were Rabbinic Couple for Jewish Encounter weekend in the San Diego area, where they helped 1,000 couples enhance theirs and their children’s lives.

In addition to his many contributions to the San Diego community, he has served our country as the Chaplain for Suffolk County Air Force Base in Long Island; Cancer patients in Long Island; the Boy Scouts Councils in Wisconsin, Long Island, Philadelphia, and Pennsylvania; and Nellis Air Force Base in Nevada. Rabbi Gold has had an amazing life and an incredible career. He has touched the lives of many people and has served our country well. I congratulate Rabbi Gold on all of his accomplishments and wish him the best in his retirement.

CHELTENHAM ELEMENTARY SCHOOL, MCKINLEY ELEMENTARY SCHOOL, AND THOMAS FITZWATER ELEMENTARY SCHOOL ARE WINNERS OF THE BLUE RIBBON SCHOOLS AWARD

HON. JOSEPH M. HOEFFEL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. HOFFEL. Mr. Speaker, I rise today to recognize the outstanding efforts of three elementary schools in Pennsylvania’s Thirteenth Congressional District, which I am proud to represent.

On behalf of the entire Montgomery County community, I congratulate these schools for winning a national competition to earn recognition as Blue Ribbon Schools of excellence. The U.S. Department of Education recently named Cheltenham Elementary School in Cheltenham, Pennsylvania; McKinley Elementary School in Willow Grove, Pennsylvania; and Thomas Fitzwater Elementary School in Elkins Park, Pennsylvania; and Thomas Fitzwater Elementary School in Willow Grove, Pennsylvania as 1998-1999 winners of the prestigious Blue Ribbon Schools Award.

The Blue Ribbon Schools Program was established by the U.S. Secretary of Education in 1982 with three goals in mind: identify and recognize outstanding public and private schools across the United States, offer a comprehensive framework of key criteria for school effectiveness, and facilitate the sharing of best practices among schools. Over the years, the program has developed a reputation of offering a powerful tool for school improvement in addition to providing recognition.

Before winning the national Blue Ribbon Schools Award, Cheltenham, McKinley, and Thomas Fitzwater Elementary Schools all were named as Pennsylvania Blue Ribbon schools and were nominated for national recognition by the Pennsylvania Department of Education. Each school had to work very hard to earn the Blue Ribbon status, going through...
a demanding self-assessment experience that involved the entire school community, including students, teachers, parents, administrators, and business partners.

Each of these schools have been judged particularly effective in meeting local, state, and national goals. In addition, each school displayed strong leadership, clear vision, and a sense of mission shared by the entire school community, high quality teaching, challenging and up-to-date curriculum, policies that ensure a safe environment conducive to learning, family involvement, and equity in education to assure that all students are helped to achieve high standards.

Blue Ribbon schools do not rest on their laurels. Each is committed to sharing best practices with other schools, and to helping to identify their strengths and weaknesses.

Special congratulations are due to Cheltenham Elementary School for designing a curriculum that the Superintendent feels are very sensitive to these expectations. Regular education children assist in these programs and accomplish such as Thomas McRae’s school building. Throughout the county, the Intermediate Unit provides classes for children with low-incidence handicaps. Four of these classes are housed in Thomas Fitzwater’s school building. Regular education children assist in these classes and are very sensitive to these expec- tional children’s needs. As a result of this collaboration, many special education students have been integrated into regular education classes. McRae has taken the school high with its motto, “Success For All Students,” and every school in the county should endeavor to meet this standard.

**INTRODUCTION OF THE MEDICARE COMMUNITY NURSING DEMONSTRATION EXTENSION ACT OF 1999**

**HON. JIM RAMSTAD**
**OF MINNESOTA**

**In the House of Representatives**

*Thursday, May 27, 1999*

Mr. RAMSTAD. Mr. Speaker, as a strong supporter of home- and community-based services for the elderly and individuals with disabilities, I rise to re-introduce legislation similar to that which I sponsored in the 104th and 105th Congresses to extend the demonstration authority under the Medicare program for Community Nursing Organization (CNO) projects.

CNO projects serve Medicare beneficiaries in home- and community-based settings under contracts that provide a fixed, monthly capitation payment for each beneficiary who elects to enroll. The benefits include not only Medicare-covered home care and medical equipment and supplies, but other services not presently covered by traditional Medicare, including patient education, case management and health assessments. CNOS are able to offer extra benefits without increasing Medicare costs because of their emphasis on primary and preventative care and their coordinated management of the patient’s care.

The current CNO demonstration program, which was authorized by Congress in 1987 and extended for 2 years in the Balanced Budget Act of 1997, involves more than 6,000 Medicare beneficiaries in Arizona, Illinois, Minnesota, and New York. It is designed to determine the practicability of prepaid community nursing as a means to improve home health care and reduce the need for costly institutional care for Medicare beneficiaries.

To date, the projects have been effective in collecting valuable data to determine whether the combination of capitated payments and nurse-case management will promote timely and appropriate use of community nursing and ambulatory care services and reduce the use of costly acute care services. Authority for these effective programs is now set to expire on December 31, 1999.

Mr. Speaker, while I am glad Congress extended the demonstration authority for the CNO projects last session, I am disappointed that the Health Care Financing Administration has not undertaken the demonstration authority for the Medicare Community Nursing Organization (CNO) projects.

Mr. Speaker, it is important to recognize that the extension of this demonstration will not increase Medicare expenditures for care. CNOS actually save Medicare dollars by providing better and more accessible care in home and community settings, allowing beneficiaries to avoid unnecessary hospitalizations and nursing home admissions. By demonstrating what a primary care oriented nursing practice can accomplish with enrollees who are elderly or disabled, CNOS are helping show us how to increase benefits, save scarce dollars and improve the quality of life for patients.

Mr. Speaker, I urge my colleagues to consider this bill carefully and join me in seeking to extend these cost-savings and health care-enhancing CNO demonstrations for another three years.

**DEDICATION OF THE NEW CITY HALL**

**HON. JACK KINGSTON**
**OF GEORGIA**

**In the House of Representatives**

*Thursday, May 27, 1999*

Mr. KINGSTON. Mr. Speaker, the volunteer efforts of so many people in Offerman have been so extraordinary that one is tempted to suggest that the federal government consider this method of putting up new buildings in order to save ourselves from the cost overruns, delays, and problems that seem to plague this kind of enterprise all too often.

The efforts of people like the Edward Daniel family, Mrs. Lucille Chancey, Mrs. Ethel Roberson, the Cas Gnash family, the Ray Cason family, the Harvey Dixon family, the Ellis Denison family, and so many, many others have been so inspiring that the entire community has created a feeling of togetherness that is similar to the feeling one experiences at a family reunion.

And speaking of families, the extended Cason family contributed to the enterprise in a way that brought generations together.

Mr. Speaker, while I am glad Congress extended the demonstration authority for the CNO projects last session, I am disappointed that the Health Care Financing Administration has not undertaken the demonstration authority for the Medicare Community Nursing Organization (CNO) projects.

AND THEY WERE JOINED BY THEIR CHILDREN, AND THE RAY CASON FAMILY AND GRANDCHILDREN, WITH SOME AS YOUNG AS THE 1ST GRADERS HELPING WITH THEIR LITTLE TOOL SETS IN THE BEST WAY THEY COULD.

MANY OF THOSE WHO VOLUNTEERED THEIR TIME HAD FULL-TIME JOBS, AND SO THEY CAME TO HELP ON SATURDAYS.

EVENINGS AND WEEKENDS—ANY TIME THAT WAS FREE—WENT INTO THE TASK OF COMPLETING A JOB WHOSE PROGRESS THEY WISHED TO SEE.

COMMUNITIES UNITED TO COME TOGETHER DURING THE MIDDLE AGES TO CONSTRUCT SPECTACULAR CATHEDRALS, FOR THEY WERE THE CENTER OF PUBLIC LIFE AND THE BEAUTIFUL CHURCHES THEY BUILT WERE THE PRIDE OF THE COMMUNITY.

THE CATHEDRALS WERE OFTEN MULTI-YEAR PROJECTS, AND THEY CALLED UPON THE LABORS OF VIRTUALLY EVERYONE IN THE COMMUNITY.

THE FAMOUS CATHEDRALS OF NOTRE DAME IN FRANCE, FOR EXAMPLE, WAS BUILT OVER A PERIOD OF 157 YEARS BY THE TIME IT WAS FINALLY COMPLETED. IT WAS THE PRIDE OF KINGDOM, AND ARTISTS AND CARPENTERS CAME FROM GREAT DISTANCES TO HAVE THE HONOR OF PARTICIPATING IN SUCH A SPECTACULAR UNDERTAKING.

ANOTHER FAMOUS CATHEDRAL IS THE STUNNINGLY BEAUTIFUL CATHEDRAL OF CHARTRES, ALSO IN FRANCE. 50 YEARS AFTER IT WAS BUILT, IT WAS COMPLETELY DESTROYED BY FIRE.

SO THE COMMUNITY DECIDED IT WOULD HAVE TO BE REBUILT—EVEN BETTER THAN BEFORE.

IT TOOK 26 YEARS, BUT AS GENERATIONS TO FOLLOW WOULD ATTEST, IT WAS WORTH THE EFFORT.

THE SAME SPIRIT OF COMMON ENTERPRISE EVIDENT THEN HAS BEEN EVIDENT IN THE CONSTRUCTION OF OFFERMAN'S NEW CITY HALL.

THE ENTIRE COMMUNITY WAS INVOLVED, AND FOR THE PAST TWO YEARS, THERE WAS NO ESCAPING THE PROGRESS OF THE PROJECT, AS THE RESULTS WERE THERE FOR ALL TO SEE.

WELL, TODAY WE SEE THE FINAL RESULT OF SO MANY LABORS.

THE CITIZENS OF THIS GREAT CITY HAVE DEVOTED TIME, MATERIALS, LABOR, AND NOT A FEW BLISTERS, OVERCOMING MANY OBSTACLES AND UNANTICIPATED HICCUPS ALONG THE WAY.

THIS NEW ADDITION TO OFFERMAN WILL BE MUCH MORE THAN A NEW BUILDING WE CALL CITY HALL.

IT WILL INCLUDE A LIBRARY AND COMPUTER FACILITIES FOR STUDENTS AND ADULTS; AND IT STANDS NEXT TO A PUBLIC PARK WITH PICNICS AND OTHER RECREATIONAL FACILITIES THAT ARE TAILOR-MADE FOR OFFERMAN FAMILIES.

THIS FACILITY PROMISES TO BE A NEW CENTER OF PUBLIC ACTIVITY FOR THE CITIZENS OF OFFERMAN, AND IT IS WITH GREAT ENTHUSIASM AND PRIDE THAT I JOIN YOU IN DEDICATING THIS NEW CITY HALL AND DECLARING "OPEN HOUSE" TO ALL.

THANK YOU VERY MUCH FOR ALLOWING ME AN OPPORTUNITY TO SHARE IN THE CELEBRATION OF ALL THIS.
INTRODUCTION OF THE AMERICAN HANDGUN STANDARDS ACT

HON. ELLEN O. TAUSCHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mrs. TAUSCHER. Mr. Speaker, today I am introducing the American Handgun Standards Act so we can finally eliminate junk guns from our streets by demanding that domestically produced handguns meet common sense consumer product protection standards. This bill is companion legislation to S. 193 introduced by Senator BARBARA BOXER.

EXTENSIONS OF REMARKS

HON. ELLEN O. TAUSCHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

I find it unbelievable that we subject toy guns to strict safety regulations, but we do not apply quality and safety standards to real handguns. There are currently no quality and safety standards in place for domestically produced firearms. In fact, domestically produced handguns are specifically exempted from oversight by the Consumer Product Safety Commission; however, imported handguns are subject to quality and safety standards. This disparity in standards had led to the creation of a high-volume market for domestically manufactured junk guns.

Saturday night specials or junk guns are defined as non-sporting, low quality handguns with a barrel length of under three inches. These guns are not favored by sportsmen because their short barrels make them inaccurate and their low quality of construction make them dangerous and unreliable. These guns are favored by criminals because they are cheap and easy to conceal. The American Handgun Standards Act, will amend current law to define a "junk gun" as any handgun which does not meet the standard imposed on imported handguns.

According to the Bureau of Alcohol, Tobacco, and Firearms, in 1996 approximately 242 million firearms were either available for sale or possessed by civilians in the United States. This total includes 72 million handguns, 76 million rifles and 64 million shotguns. Most guns available for sale in the US are produced domestically. We need to make sure these guns are subject to very strict safety standards. My legislation will make it unlawful for a person to manufacture, transfer, or possess a junk gun that has been shipped or transported in interstate or foreign commerce.

I urge my colleagues to support this bicameral, commonsense legislation.

HOTEL DOHERTY IS A SHINING PIECE OF MID-MICHIGAN'S HISTORY

HON. DAVE CAMP
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. CAMP. Mr. Speaker, I rise today to speak about the Hotel Doherty, a building that has become a cherished landmark in the 4th Congressional District. I would like to bring to the attention of my colleagues this magnificent structure and the pride it has brought the people of Clare County.

In 1924, State Senator A.J. Doherty, grand-father of A.J. Doherty, built the hotel as a way to try to return to the people of Clare a fraction of what they had given to him. He had been given a piece of property in Clare with the sole requirement that he erect a hotel costing more than $60,000. Mr. Doherty far exceeded this figure and eventually the hotel was valued at $1,000,000. It is a special privilege for me to be the Representative for a district that has such a magnificent establishment as the Hotel Doherty.

The Hotel Doherty is also exceptional because it has maintained family operated since it opened. Its current operators are Dean and Jim Doherty, the fourth generation of Dohertys to hold that honor.

Through the years, the hotel has changed with the times. It has undergone four expansions and renovations in its existence, but has still retained the charm and class that has made it an institution in mid-Michigan.

It is a special privilege for me to be the Representative for a district that has such a magnificent establishment as the Hotel Doherty. In our quickly changing world, it is comforting to know that the Hotel Doherty has been a shining piece of mid-Michigan's history for 75 years. I am confident that under the Doherty's stewardship, it will continue to be a vital part of its future for many years to come.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-MCDONALD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Ms. MILLENDER-MCDONALD. Mr. Speaker, on Tuesday, May 25, 1999, I was unavoidably detained while conducting official business and missed rollcall votes 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, and 157. Had I been present I would have voted "yea" on rollcall votes 152, 153, 154, and 155, and missed rollcall votes 147, 148, 149, and 150.

I would have voted "present" on rollcall vote 151, the Quorum Call of the Committee. Finally, I would have voted "nay" on rollcall votes 152, 153, 154, 155, 156, and 157.

WORKERS MEMORIAL DAY: LEADERSHIP AWARD

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize Mary Grillo, who is honored by the San Diego-Imperial Counties Labor Council, AFL-CIO, with its Leadership Award.

Mary helped rebuild a small local union over the last ten years to become one of the largest, most visible and powerful unions in San Diego, the Service Employees International Local 2028. Her efforts have created a new and strong force in San Diego’s labor and political landscape.

Mary has been an enormous inspiration, particularly to those unions who represent women, Latinos, African Americans and Asian constituencies.

She has fought the County of San Diego’s Executive Bonus plan, forced the County to make changes and won a new and improved
introduction of h.r. 1977. the harold hughes, bill emerson substance abuse treatment parity act

hon. jim ramstad
of minnesota
in the house of representatives

thursday, may 27, 1999

mr. ramstad. mr. speaker, every day, politicians talk about the goal of a “drug-free america.”

mr. speaker, let’s get real! we will never even come close to a drug-free america until we knock down the barriers to chemical dependency treatment for the 26 million ameri

That’s right, mr. speaker. 26 million alcoholics and addicts in the United States today. 150,000 americans died last year from drug and alcohol addiction.

alcohol and drug addiction, in economic terms, cost the american people $246 billion last year. american taxpayers paid over $150 billion for drug-related criminal and medical costs alone in 1997—more than they spent on education, transportation, agriculture, energy, space and foreign aid combined.

according to the health insurance association of america, each delivery of a new child that is complicated by chemical addiction results in an expenditure of $48,000 to $150,000 in maternity care, physicians’ fees and hospital charges. we also know that 65 percent of emergency room visits are drug/alcohol related.

the national center on addiction and substance abuse found that 80 percent of the 1.7 million prisoners in america are behind bars because of drugs and/or alcohol addiction.

another recent study showed that 85 percent of child abuse cases involve a parent who abuses alcohol or other drugs. 70 percent of all people arrested test positive for drugs. two-thirds of all murders are drug-related.

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Another recent study showed that 85 percent of child abuse cases involve a parent who abuses alcohol or other drugs. 70 percent of all people arrested test positive for drugs. two-thirds of all murders are drug-related.

Mr. speaker, how much evidence does Congress need that we have a national epidemic of addiction? an epidemic crying out for a solution that works. Not more cheap political rhetoric. Not more simplistic, quick fixes that obviously are not working.

Mr. speaker, we must get to the root cause of addiction and treat it like other diseases. the american medical association told congress and the nation in 1956 that alcoholism and drug addiction are a disease that requires treatment to recover.

Yet today in america only 2 percent of the 16 million alcoholics and addicts covered by health plans are able to receive adequate treatment.

That’s right. Only 2 percent of alcoholics and addicts covered by health insurance plans are receiving effective treatment for their chemical dependency. notwithstanding the purported “coverage” of treatment by their health plans.

That’s because of discriminatory caps, artificially high deductibles and copayments, limited treatment stays as well as other restrictions on chemical dependency treatment that are different from other diseases.

If we are really serious about reducing illegal drug use in america, we must address the disease of addiction by putting chemical dependency treatment on par with treatment for other diseases. providing equal access to chemical dependency treatment is not only the prescribed medical approach; it’s also the cost-effective approach.

We have all the empirical data, including actuarial studies, to prove that parity for chemical dependency treatment will save billions of dollars nationally while not raising premiums more than one-half of one percent, in the worst case scenario!

It’s well-documented that every dollar spent for treatment saves $7 in health care costs, criminal justice costs and lost productivity from job absenteeism, injuries and sub-par work performance.

A number of studies have shown that health care costs, alone, are 100 percent higher for untreated alcoholics and addicts compared to recovering people who have received treatment.

Mr. speaker, as a recovering alcoholic myself, i know firsthand the value of treatment. as a recovering person of almost 18 years, i am absolutely alarmed by the dwindling access to treatment for people who need it. over half of the treatment beds are gone that were available 10 years ago. even more alarming, 60 percent of the adolescent treatment beds are gone.

Mr. Speaker, we must act now to reverse this alarming trend. we must act now to provide greater access to chemical dependency treatment.

That’s why today i am introducing the harold hughes, bill emerson substance abuse treatment parity act—the same bill that had the broad, bipartisan support last year of 95 cosponsors.

This legislation would provide access to treatment by prohibiting discrimination against the disease of addiction. the bill prohibits discriminatory caps, higher deductibles and copayments, limited treatment stays and other restrictions on chemical dependency treatment that are different from other diseases.

This is not another mandate because it does not require any health plan which does not already cover chemical dependency treatment to provide such coverage. it merely says those which offer chemical dependency coverage cannot treat it differently from coverage for medical or surgical services for other diseases.

In addition, the legislation waives the parity for substance abuse treatment if premiums increase by more than 1 percent and exempts small businesses with fewer than 50 employees.

Mr. speaker, it’s time to knock down the barriers to chemical dependency treatment. it’s time to end the discrimination against people with addiction.

It’s time to provide access to treatment to deal with america’s no. 1 public health and public safety problem.

We can deal with this epidemic now or deal with it later.

But it will only get worse if we continue to allow discrimination against the disease of addiction.

as last year’s television documentary by bill moyers pointed out, medical experts and treatment professionals agree that providing access to chemical dependency treatment is the
EXTENSIONS OF REMARKS

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Mr. MENENDEZ. Mr. Speaker, I am pleased today to introduce the Children’s Lead Screening Accountability for Early-Intervention Act of 1999. This important legislation will strengthen federal mandates designed to protect our children from lead poisoning—a preventable tragedy that continues to threaten the health of our children.

Childhood lead poisoning has long been considered the number one environmental health threat facing children in the United States, and despite dramatic reductions in blood lead levels over the past 20 years, lead poisoning continues to be a significant health risk for young children. CDC has estimated that about 890,000, or 4.4 percent of children between the ages of one and five have harmful levels of lead in their blood. Even at low levels, lead can have harmful effects on a child’s intelligence and his, or her, ability to learn.

Children can be exposed to lead from a number of sources. We are all cognizant of lead-based paint found in older homes and buildings. However, children may also be exposed to non-paint sources of lead, as well as lead dust. Poor and minority children, who
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typically live in older housing, are at highest risk of lead poisoning. Therefore, this health threat is of particular concern to states, like New Jersey, where more than 35 percent of homes were built prior to 1950.

In 1996, New Jersey implemented a law requiring health care providers to test all children under the age of 6 for lead exposure. But during the first year of this requirement, there were actually fewer children screened than the year before, when there was no requirement at all. Between July 1997 and July 1998, 13,596 children were tested for lead poisoning. The year before that more than 17,000 tests were done.

At the federal level, the Health Care Financing Administration (HCFA) has mandated that Medicaid children under 2 years of age be screened for elevated blood lead levels. However, recent General Accounting Office (GAO) reports indicate that this is not being done. For example, the GAO has found that only about 21% of Medicaid children between the ages of one and two have been screened.

Based on these reviews at both the state and federal levels, it is obvious that improvements must be made to ensure that children are screened early and receive follow up treatment if lead is detected. That is why I am introducing this legislation which I believe will address some of the shortcomings that have been identified in existing requirements.

The legislation will require Medicaid providers to screen children and cover treatment for children found to have elevated levels of lead in their blood. It will also require improved data reporting of children who are tested, so that we can accurately monitor the results of the program. Because more than 75%—or nearly 700,000—of the children found to have elevated blood lead levels are part of federally funded health care programs, our bill targets not only Medicaid, but also Head Start, Early Head Start and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). Head Start and WIC programs would be required to perform screening or to mandate that parents show proof of screenings in order to enroll their children.

Education, early screening and prompt follow-up care will save millions in health care costs; but more importantly will save our greatest resource—our children.

PERSONAL EXPLANATION

HON. DEBBIE STABENOW
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Ms. STABENOW. Mr. Speaker, I was unavoidably detained on May 24, 1999 and was therefore unable to vote on H.R. 1251 and H.R. 100.

Had I been present, I would have voted “yea” on H.R. 1251.

Had I been present, I would have voted “yea” on H.R. 100.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE TEACHER EMPOWERMENT ACT

HON. WILLIAM F. GOODLING
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GOODLING. Mr. Speaker, today I am joining with the distinguished Chairman of the Subcommittee on Postsecondary Education, Training and Life-long Learning, Mr. MCKEON, Mr. CASTLE, the Speaker of the House, the Majority Leader, Mr. WATTS, Mr. BLUNT, Ms. PRICE, and other distinguished Members of the House to introduce the Teacher Empowerment Act. As someone who has spent a lifetime in education as a parent, a teacher, a school administrator, and a Member of Congress, I know that after parents, the most important factor in whether a child succeeds in school is the quality of the teachers in the classroom. An inspirational, knowledgeable, and qualified teacher is worth more than anything else we could give a student to ensure academic achievement.

The Teacher Empowerment Act will go long way toward helping local schools improve the quality of their teachers, or to hire additional qualified teachers, and to do this in the way that best meets their needs. The Teacher Empowerment Act will provide $2 billion per year over 5 years to States and local school districts to help pay for the costs of high quality teacher training and for the hiring of new teachers. We do this by consolidating the following programs: Eisenhower Professional Development, Goals 2000, and “100,000 New Teachers.”

We have tried to develop legislation that will have bipartisan support, and we will continue to do so as the bill moves along. However, our approach differs significantly from the Administration’s. The Administration’s legislative proposal is prescriptive and centered on Washington. We lift restrictions and encourage local innovation.

The Administration’s proposal is so focused on reducing class size that it loses sight of the bigger quality issue. We try to find the right balance between reducing class size, retraining, and retaining quality teachers. And in our bill, class size is a local issue, not a Washington issue.

In math and science, the Administration increases set-asides and makes no provision for local school districts that do not have significant needs in those areas. Our approach is different because we maintain the focus on math and science, but also provide additional flexibility for schools that have met their needs in those subject areas.

The Administration takes dollars from the classroom by allowing the Secretary of Education to maintain half of all funds for discretionary grants and to expand funding for national projects. Our bill reduces funding for national projects and sends 95 percent of the funds to local school districts.

The Administration wants to put 100,000 new teachers into classrooms, but requiring this would force States and local school districts to put many unqualified teachers in the classroom. We allow schools to decide whether they should use the funds to reduce class size, or improve the quality of their existing teachers, or hire additional special education teachers.

Finally, one point that I would like to make is that improving the quality of our teachers does not mean that we need national certification. In fact, our bill prohibits it. Again, it’s a question of who controls our schools: bureaucrats in Washington, or people at the State and local level who know the needs of their communities.

The Teacher Empowerment Act is good legislation. It provides a needed balance between the quality and quantity of our teaching force. I hope that we can work together on this legislation, in a bipartisan manner, so that we see enactment of this legislation, along with our other reforms in ESEA, in this Congress.

RECTIFYING IRS RULING FOR VETERANS

HON. ELLEN O. TAUSCHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mrs. TAUSCHER. Mr. Speaker, I am pleased to join with my colleague from California, Mr. BRIAN BILBRAY, to introduce a bill to rectify an unjust Internal Revenue Service (IRS) ruling which adversely affected our nation’s veterans.

In a 1962 IRS ruling, an allowance was made for the deduction of flight training expenses from a veteran’s income tax even if veterans’ benefits were received to pay the training costs. Subsequently, many veterans used their G.I. benefits to go to flight school and correctly deducted these expenses on their income tax forms. In 1980, the IRS revised its 1962 ruling by terminating this tax deduction in Revenue Ruling 80–173. However, the IRS decided to apply this new ruling retroactively, which meant that anyone who had utilized this deduction would now have to pay back their tax refund to the IRS. This decision was detrimental to the taxpayers who took the deduction as instructed, and therefore simply unfair.

Naturally, these taxpayers took their case to court. In April 1985, the 11th Circuit Court of Appeals, in Baker v. United States, considered this issue and sided with the taxpayer. The IRS did not appeal the decision to the U.S. Supreme Court. Consequently, the veterans who fought the battle in the 11th Circuit Court of Appeals received refunds of the tax they had been required to pay. At the same time, however, veterans who suffered from the retroactive IRS ruling but who fell outside the purview of that court decision were not given refunds. Similarly situated veterans were therefore being treated differently by the IRS due to geographic location.

This bipartisan legislation will permit those veterans who settled with the IRS on less favorable terms or were precluded from having their claims because of the IRS’s retroactive IRS ruling but who fell outside the 11th Circuit Court of Appeals to file for a refund. This way the remaining veterans and the IRS would have a second chance to come to a much more equitable settlement.
NATIONWIDE, this legislation will affect the approximately 200 remaining veterans who have still not received an equitable settlement from the IRS—roughly 1/3 of these veterans reside in the State of California. Basically this legislation boils down to restoring a sense of fairness. We need to do what is right and put an end to this inequitable situation once and for all. These veterans stood up for America—it’s time we stand up for them.

TRIBUTE TO LIEUTENANT GENERAL LESTER L. LYLES

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Ms. LEE. Mr. Speaker, I rise today to pay tribute to Lieutenant General Lester L. Lyles, United States Air Force, on the occasion of his promotion to General. On May 27, 1999, LTG Lyles will become only the 2nd African American four star commander in the United States Air Force. He is a distinguished soldier whose accomplishments reflect great credit upon himself, the United States Armed Forces. He is a distinguished graduate of the Air Force Academy, and the Defense Systems Management College. He also holds a Bachelor of Science degree in mechanical and nuclear engineering from the Air Force Institute of Technology, at New Mexico State University, Las Cruces.

L TG Lyles entered the Air Force in 1968 as a distinguished graduate of the Air Force Reserve Officer Training Corps program. He served in a variety of both tactical and staff positions throughout his illustrious career. In 1992, LTG Lyles became the vice-commander of Ogden Air Logistics Center, Hill Air Force Base. He served as commander of the center from 1993–1994, then was assigned to command the Headquarters Space and Missile Systems Center, Los Angeles Air Force Base. He served in this capacity until August 1996 when he assumed his current position.

LTG Lyles is a highly decorated soldier. He has received the department’s Distinguished Service Medal, the Defense Superior Service Medal, the Legion of Merit with oak leaf cluster, the Meritorious Service Medal with two oak leaf clusters, and a myriad of other awards. LTG Lyles has an impressive educational background. He is a graduate of prestigious senior service schools including the Armed Forces Staff College, the National War College, and the Defense Systems Management College. He also holds a Bachelor of Science degree in mechanical engineering from Howard University, Washington, DC, and a Master of Science degree in mechanical and nuclear engineering from the Air Force Institute of Technology, at New Mexico State University, Las Cruces.

LTG Lyles serves proudly as a member of the United States Armed Forces. He is a distinguished soldier whose accomplishments reflect great credit upon himself, the United States Air Force, and the United States of America.

On this occasion, Mr. Speaker, I am honored to join his family, friends, and colleagues as we recognize LTG Lester Lyles on his promotion to four star General in the United States Air Force.

THE 150TH ANNIVERSARY OF THE DEATH OF FREDERIC CHOPIN

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. DINGELL. Mr. Speaker, this year marks the occasion of the 150th anniversary of the death of one of the world’s most enduring musicians, Frederic Chopin. Chopin was born in Zelazowa Wola, a village six miles from Warsaw, Poland on March 1, 1810. He suffered from tuberculosis and died in Paris at the age of 39 on October 17, 1849. This year his life and work will be celebrated around the world, and it brings me and my Polish heritage great pride to recognize this event.

Chopin’s abilities were recognized at an early age. At 9, he played a concerto at a public concert. He published his first composition at 15. And at the age of 21, Chopin moved to Paris where he was well-received. He taught piano lessons and often played in private homes, preferring this to public concerts.

One of the best-known and best-loved composers of the romantic period, Chopin was devoted to the piano, and his more than 200 compositions demonstrate his grace and skill. And his admirers included fellow composers Franz Liszt and Robert Schumann. Chopin reportedly fell deeply in love with the novelist George Sand (Aurore Dudevant), and he described her as his inspiration.

His works include two sets of etudes, two sonatas, four ballads, many pieces he titled preludes, impromptus, or scherzos, and a great number of dances. Included among the latter are a number of waltzes, but also mazurkas and six polonaises, dances from his native Poland. Some of these dance pieces are among Chopin’s best-known works, including the Polonaise in A-flat major and the Waltz in C-sharp minor.

Among Chopin’s most engaging works are the Préludes. Intended to serve as improvised beginnings to an intimate recital, these pieces range from gentle melancholy to the dramatic. Many of Chopin’s most beautiful compositions come from the series of short, reflective pieces he called nocturnes. His nocturnes were usually gentle with a flowing bass and described Chopin’s flair for elegant, song-like melodies.

Indeed, Chopin composed some of the most beautiful piano music ever written, and I applaud those who will pay tribute to this remarkable composer and his Polish heritage in this important anniversary year.

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TRIBUTE TO TEACHING FELLOWS FROM STANLY COUNTY, NORTH CAROLINA

HON. ROBIN HAYES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. HAYES. Mr. Speaker, it is my pleasure to congratulate four Stanly County students who are among the 1999 recipients of the North Carolina Teaching Fellows scholarships. Each Fellow receives a $26,000 scholarship loan from the state of North Carolina.

The full loan is forgiven after the recipient has completed 4 years of teaching in North Carolina public schools.

In addition, all Fellows take part in academic summer enrichment programs during their college careers.

The Teaching Fellows Scholarship program was created by the North Carolina General Assembly in 1986 and has become one of the top teacher recruiting programs in the country.

This innovative program attracts talented high school seniors to become public school teachers. This is a common sense, state-based program that will help encourage our best and brightest to come back to their communities to teach.

The 1999 recipients from Stanly County, North Carolina are Catherine Ellen Hinson and Mai Lee Xiong, both of Albemarle High School, Adam Allen Cycotte of South Stanly High School, and Anna Beth Spence of West Stanly High School.

Mr. Speaker, I want to congratulate these individuals for the courage and desire to enter the teaching profession.

REMEMBRANCE OF OLD MARBLEHEAD

HON. JOHN F. TIERNEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. TIERNEY. Mr. Speaker, recently I had the pleasure of joining with my constituents to celebrate Marblehead, Massachusetts’ 350th Anniversary! At the festivities a remarkable young eighth grader from Marblehead Middle School shared her poem, “Remembrance of Old Marblehead” with those assembled. I can attest to the fact that her words and delivery truly “stole the show” and I take great pride in sharing Ms. Katherine Fowley’s fine work with my colleagues:

REMEMBRANCE OF OLD MARBLEHEAD

I stand on the rocks and I listen to the ancient whispers of the sea.

They sing the songs of fishermen, of cannon fire, of boats rich with merchandise.

I lie on the banks of Fort Sewall.

Suddenly, the benches transform into cannons.

Trees become young soldiers.

Townspeople cheer as the proud bow of the Constitution steers into harbor.

At night men gather around a blazing fire.

Their triumphant songs rise to meet the surge of ocean waves.

When I walk on the old roads, I hear the drumming of Glover’s Regiment marching over faddled cobblestones.
On the steps of the Town House the crier is ringing his bell.
It calls out in the salty air like a foghorn leading sailors home. . . .

When I walk by the historic houses, I see the spirits of Marblehead.
A woman stands on a widow’s walk. Her white dress flaps around her like the wings of wild seagulls.
She is waiting for her husband to return.
She is waiting to see the tall mast emerge from the fog.
She is waiting.
The aged bricks and wooden clapboards of these houses are filled with voices.
And the song of these voices is remembered.

STATEMENT FOR THE RECORD ON THE INTRODUCTION OF A BILL TO CLARIFY THAT NATURAL GAS GATHERING LINES ARE 7–YEAR PROPERTY FOR PURPOSES OF DEPRECIATION

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I am joined by Representatives McCrery, Houghton, Watkins, McInnis, and CAMP in the introduction of legislation that will clarify the proper treatment of natural gas gathering lines for purposes of depreciation.

For several years, a level of uncertainty has hampered the natural gas processing industry as well as imposed significant costs on the energy industry as a whole. Consequently, I have worked to bring certainty to the tax treatment of natural gas gathering lines. During this time, I have corresponded and met with a variety of people from the Department of Treasury in an effort to secure the issuance of much needed guidance for the members of the natural gas processing industry regarding the treatment of these assets.

Unfortunately, I have not received satisfactory responses. Protracted Internal Revenue Service audits and litigation on this issue continues without any end in sight. As a result, I chose to introduce legislation in the 105th Congress in order to clarify that, under current law, natural gas gathering lines are properly treated as seven-year assets for purposes of depreciation. This year, I introduced similar legislation, H.R. 674, as a part of the 106th Congress. Today’s bill supersedes my earlier bill, H.R. 674, and contains a few minor technical changes that are necessary to ensure that this legislation achieves its intended effect.

This bill specifically provides that natural gas gathering lines are subject to a seven-year cost recovery period. In addition, the legislation includes a proper definition of a “natural gas gathering line” in order to distinguish these assets from pipeline transportation lines for depreciation purposes. While I believe this result is clearly the correct result under current law, my bill will eliminate any remaining uncertainty regarding the treatment of natural gas gathering lines.

The need for certainty regarding the tax treatment of such a substantial investment is obvious in the face of the IRS’s and Treasury’s refusal to properly classify these assets. The Modified Accelerated Cost Recovery System (MACRS), the current depreciation system, includes “turbine and related production facilities” in the Asset Class for assets used in the exploration for and production of natural gas subject to a seven-year cost recovery period. Despite the plain language of the Asset Class description, the IRS and Treasury have repeatedly asserted that only gathering systems owned by producers are eligible for seven-year cost recovery and all other gathering systems should be treated as transmission pipeline assets subject to a fifteen-year cost recovery period.

The IRS’s and the Treasury’s position creates the absurd result of the same asset receiving disparate tax treatment based solely on who owns it. The distinction between gathering and transmission is well-established and recognized by the Federal Energy Regulatory Commission and other regulatory agencies. Their attempt to treat natural gas gathering lines as transmission pipelines ignores the integral role of gathering systems in production, and the different functional and physical attributes of gathering lines as compared to transmission pipelines.

Not surprisingly, the United States Court of Appeals for the Tenth Circuit recently held that natural gas gathering systems are subject to a seven-year cost recovery period under current law regardless of ownership. The potential for costly audits and litigation, however, still remains in other areas of the country. Given that even a midsize gathering system can consist of 1,200 miles of natural gas gathering lines, and that some companies own as much as 18,000 miles of natural gas gathering lines, these assets represent a substantial investment and expense. The IRS should not force businesses to incur any more additional expenses as well. My bill will ensure that these assets are properly treated under our country’s tax laws.

I urge my colleagues to join me as cosponsors of this important legislation.

HONORING THE ANNIVERSARY OF THE BIRTH OF SAMUEL S. SCHMUCKER

HON. WILLIAM F. GOODLING
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GOODLING. Mr. Speaker, I rise today in recognition of the bicentennial of the birth of Samuel S. Schmucker, who made great contributions to American culture, religion, and education.

Mr. Schmucker was born 200 years ago on February 28, 1799 in Hagerstown, Maryland into a Lutheran parsonage family. At age ten, he moved with the family to York, Pennsylvania. As a young man at a time when there were no colleges under Lutheran auspices, Samuel Schmucker attended the University of Pennsylvania and Princeton Theological Seminary. While attending these schools, he demonstrated exceptional intelligence and leadership skills. After leaving school, Mr. Schmucker was determined to do everything within his power to improve education in his denomination and in his commonwealth. In 1821, at the young age of 22, Samuel Schmucker was ordained, and he quickly began to instruct candidates for the ministry. He founded and served the Lutheran Theological Seminary by preparing hundreds of men for the Lutheran ministry.

In 1832 Mr. Schmucker became the chief founder of Gettysburg College, one of the 50 oldest colleges in the United States today. Although the college was under Lutheran influence, he insisted that no student or faculty member be denied admission based on their religion. Samuel Schmucker remained an active member of the College Board of Trustees for more than 40 years. Throughout his life, he was an ardent supporter of education for women and minorities. He so adamantly opposed slavery and was outspoken on the subject that when confederate soldiers swept through the campus on July 1, 1863, his home and library were ransacked.

I am pleased to recognize the sponsors of this special event: Gettysburg College, the Lutheran Historical Society, and Lutheran Theological Seminary at Gettysburg and I commend them for acknowledging the importance of Samuel Schmucker’s accomplishments.

I am very proud of Samuel Schmucker’s contribution to the educational system and culture of Pennsylvania. His legacy of leadership has benefited many generations of Americans.

INTRODUCTION OF THE MEDICARE’S ELDERLY RECEIVING INNOVATIVE TREATMENTS (MERRIT) ACT OF 1999

HON. JIM RAMSTAD
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. RAMSTAD. Mr. Speaker, I rise today to introduce legislation to promote the coverage of frail elderly Medicare beneficiaries enrolled in innovative Medicare+Choice programs.

This bill will exempt certain innovative programs specifically designed for the frail elderly living in nursing homes from being impacted by the new risk-adjusted payment methodology designed by the Health Care Financing Administration (HCFA) during its phase-in period.

While the concept of a risk-adjusted payment methodology would actually be beneficial for such programs, the interim methodology is limited in scope and is primarily based on hospital encounter data. This focus on hospitalizations will put programs that are designed to provide care in non-hospital settings, thus reducing the need for expensive hospitalizations, at a distinct disadvantage.

One such program is EverCare, an innovative health care program for the frail elderly in Minnesota and other states. A recent study by the Long Term Care Data Institute (LTCDI) has concluded that EverCare’s revenue alone will decrease 42% under this new methodology. The program could not continue with such dramatic cuts.

Recognizing that EverCare and programs like it may be adversely impacted by the new
methodology, HCFA granted certain programs limited exemptions. However, HCFA acknowledged that additional steps may be necessary by stating they would also be “assessing possible refinements to the risk adjustment methodology” as relates to these programs and was considering developing a ‘hybrid’ payment methodology for them.

I am concerned that they have not applied the exemption to other similar programs specifically designed for the frail elderly living in nursing homes.

Along with the bill and statement today, I am submitting some testimonials I have received from families who had unrealistic expectations, their attached letter attests.

To the Chairman and Members of the Subcommittees on the Reimbursement of Nursing Homes:

Sara Roth was a 75 year old EverCare resident of Shadow Mountain Care Center. Sara’s primary diagnosis was S/P frontotemporal craniotomy for a massive subdural hematoma. She was now essentially bedridden and as a result had pressure sores complicating her current medical status. Less than 9 months prior to her enrolling with EverCare, she was essentially alert and dependent. Sara’s family was pursuing legal interventions with her previous health care providers.

Sara’s family felt isolated, tremendously frustrated and out of control prior to her enrolling in EverCare. Sue was able to help this family who had unrealistic expectations, make difficult, but informed decisions. Ultimately, Sara was able to die with compassion and dignity. The family was comforted and supported by the team during this difficult time, as their attached letter attests.

This example truly represents the unique aspects of the EverCare model in action—protecting the quality of life, and when this is no longer possible, creating the most therapeutic environment to protect life’s end.

Scottsdale, AZ

Re Ms. Sue Freeman, nurse practitioner.

Ms. Kathryn Barnoski,
Clinical Director,
EverCare, Phoenix, AZ.

Dear Ms. Barnoski: I write this letter to express our family’s deep appreciation for all of Ms. Freeman’s help in regard to our mother, Sara Roth, who passed away on July 1 at the Shadow Mountain Nursing Home in Scottsdale.

Prior to EverCare, our family felt alone and frustrated, as did Sara’s medical needs at Shadow Mountain. It was difficult reach a doctor or getting answers from her nurses regarding her condition or explanation of medications. EverCare became like a family who operated as Sara’s team. As she deteriorated, a wonderful team approach to caring for our mother. Communication between Dr. Sapp and Ms. Freeman and myself was excellent. Sara was very close to Sue and for that, we will always be grateful.

EverCare works. That is important for you to know. God only knows what would have happened to Sara’s quality of life without Dr. Sapp and Ms. Freeman.

Thank you from the bottom of our hearts.

Sincerely,

Eleanor Shnier.

Rose Deblau was an 82-year old female resident of Mi Casa, patient of Dr. Groco with a history of cervical myopathy, chronic diarrhea. Mrs. Deblau was essentially bedridden and total care because of her cervical myopathy. Of note—Mrs. Deblau is cognitively intact. Her inability to care for herself had added depression to her problem list. Her quality of life was less than optimal due to her inability to get herself to the bathroom, to feed herself, etc. The patient and her family felt there was not hope for improvement in Mrs. Deblau’s condition.

With slow and progressive/incremental physical therapy, occupational therapy and restorative nursing, Mrs. Deblau was able to feed herself, transfer and ambulate to the bathroom with a walker and assist of one. Her chronic diarrhea has finally been controlled. With another round of PT she has become more independent in her transfers and ability to get to the bathroom. She is now able to go outside with her family.

Both Mrs. Deblau and her family are thrilled with her progress. With Mrs. Deblau’s previous medical carrier, physical therapy and occupational therapy have been able to maintain these gains with assistance of the restorative nursing program.

It is very difficult to report only one success story. Team members report successes in practicing the EverCare model on a daily basis. A recent event leading to a letter of appreciation for Mary Ann Allan is one of many examples. Mary Ann has grown especially close to her residents and their families in a very short time as she joined EverCare in June of 1998.

Elizabeth Debruler was an 89-year old resident at the Glencroft Care Center with a primary diagnosis of S/P CVA and Hypertension. Elizabeth is alert, oriented and very functional with no stroke residual. She is up and about daily in the facility ambulating with her walker. Mary Ann and Dr. Kaczar are the primary care team and work together to monitor Elizabeth’s blood pressure and medications.

In December, the nursing staff reported to Mary Ann that Elizabeth was confused with decreased food and fluid intake. Mary Ann examined her, ordered a workup to rule out a treatable cause, and discussed a treatment plan. Antibiotics were given for urinary tract infection and dehydration. The BUN was 56, Creatinine 2.4. A family conference was convened with Elizabeth’s daughter Arlene Latham, Dr. Kaczar, Mary Ann and the nursing staff. Potential treatments were discussed and Advanced Directives were reviewed. Elizabeth’s wishes were considered as well as her daughter’s. Everyone agreed the course of antibiotics would be started and if no improvement in food/fluid intake short term, intravenous fluids for hydration would be given. Elizabeth would remain a moot point. Intravenous fluids would be given in the care center with full support of the Director of the Nursing and the primary care team. Elizabeth did not improve with antibiotics alone and did require intravenous fluids. Mary Ann contacted the Case Manager, Rose Larkin, and it was determined that Elizabeth would qualify for Intensive Care Services for a change in condition and to prevent a hospitalization. As Elizabeth improved, she was moved into a Skilled Nursing facility.

DEAR MS. BARNOSKI: I would like to express my appreciation for the interest taken and care given to my mother, Elizabeth Debruler, by Dr. Philip Kaczar and Mary Ann Allen. Dr. Kaczar’s prompt attention to her recent physical problems have been commendable and the follow-up by Mary Ann has been most impressive. The close attention and efforts to make her comfortable have been very satisfying to me.

EverCare is to be commended for their foresight in selection of these individuals. I feel they are an asset to Ever Care and Glencore Nursing Center.

Sincerely,

Arlene Latham.

Tampa Site
Awakening

Coming “live” in a new facility is always an opportunity for everyone involved; the member and family, the facility, facility staff, EverCare staff, and the primary care team. Choosing a plan and facility is a very daunting task. As a result, the member and family have the opportunity to have their wishes heard before they are signed for. Unfortunately, I have signed my Mom up for this EverCare?!” The staff is wondering how this will work. The nurse practitioner is thinking “how will I fit in with this group?”

One of my new members in a new facility was a 72-year-old woman. She lived there for six months, after suffering a severe CVA, leaving her aphasic, NPO with a feeding tube. She was dependent in all ADL’s, and spent a good portion of her day in a geri chair, watching her soap. She did respond by nodding her head, but it was extremely difficult to assess her level of orientation.

This member’s son had a discussion with the primary care team and all of her medications, including cardiac and seizure, were discontinued, at his request. The member responded to this change, she woke up!

A team effort ensured. Physical therapy and occupational therapy took a plan of care and put it into action. Case management became actively involved. Speech therapy came on board as the member demonstrated gains in other areas. Communication was the key to their success.

The member worked very hard and made continual gains. She is now able to assist...
with bathing and grooming. She can propel her wheelchair, attend to her sanitation, and attend activities. She is able to use a pad to communicate some of her needs. She still likes her soaps. Best of all, she is no longer a tube feeder and can feed herself after set-up.

The member was not just “the CVA.” The office staff could visualize our member and truly feel her pain. The outcome of this team effort was an increase in the quality of life for our EverCare member.

EverCare can make a difference!

33RD ANNUAL PITTSBURGH FOLK FESTIVAL TO TAKE PLACE FROM MAY 28-30, 1999

HON. RON KLINK OF PENNSYLVANIA IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. KLINK. Mr. Speaker, I rise to recognize an extraordinary event that will soon take place in Pittsburgh, Pennsylvania. From May 28-30, 1999, the Pittsburgh Folk Festival, Inc. will entertain the community with the 43rd Annual Pittsburgh Folk Festival. For nearly half a century, this non-profit organization has been dedicated to the preservation and sharing of international cultures and heritages in the Pittsburgh area.

Throughout this three-day festival, the music, dance, cuisine, and crafts of Latin American, Scandinavian, African, Asian, and European countries will be displayed for all to enjoy. The 43rd Annual Pittsburgh Folk Festival will provide not only entertainment, but will also be an opportunity for enlightenment and education about the cultures and heritages of the people of the Pittsburgh area and around the world.

Western Pennsylvania is filled with culturally and ethnically diverse people, and this gala event aims to recognize the different histories and heritages from which we come. Through this celebration, everyone involved will have the ability to learn and experience this multiculturalism.

Mr. Speaker, educating Americans about the diversity of this world must be a top priority. The Pittsburgh Folk Festival has championed this philosophy for 43 years, and I am confident it will continue to do so in the future. I ask my colleagues to please join me in applauding the dedication and hard work of the participants of the Pittsburgh Folk Festival. This organization deserves our thanks for its contributions to the education and enlightenment of my Congressional District and the national community.

HONORING MIMI MOSKOWITZ FOR HER SERVICE TO THE BAYSIDE JEWISH CENTER

HON. GARY L. ACKERMAN OF NEW YORK IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. ACKERMAN. Mr. Speaker, I rise today to note the accomplishments of Mimi Moskowitz, who will be honored by the Bayside Jewish Center, of Queens County, New York, at a testimonial dinner on Monday, June 7.

Mimi is stepping down after two years as President of the Sisterhood of the Bayside Jewish Center, but she will continue to play an active role in the synagogue, as she has done for the past 22 years.

Since moving to Bayside from the Bronx in 1977, Mimi Moskowitz has plowed her energy and her limitless talent into the fundraising efforts and entertainment programs of the Bayside Jewish Center. For many years, she co-chaired the synagogue’s highly successful New Year’s Eve Dinner Dances. These annual events were routinely sold out, and attracted party-goers throughout New York City and Long Island.

In addition, Mimi served the Bayside Sisterhood as Program Vice President and Ways and Means Vice President, prior to her tenure as Sisterhood President. She has coordinated numerous Shabbat Dinners, Holiday Hoe-tannnies, This is Your Life tributes, and Purim Parties; has helped edit the synagogue newsletter, the Voice; and has produced countless promotional flyers. The hours of service she has spent volunteering in the synagogue office are too numerous to count.

Before arriving in Bayside, Mimi honed her talents in service to the B’nai B’rith of Co-op City, and the Sisterhood of the Castle Jewish Community Center. However, Mimi Moskowitz is perhaps best known for her inventive song parodies and poems, which have been the hit of many an enjoyable evening at Jewish Centers in Queens and the Bronx for more than four decades. Who can forget such classics as Pass-over is Coming to Town, It’s Beginning to Look a Lot Like Purim, I’m Dreaming of a Full Sukka, or her seminal work, the full-length production of South Passaic? Indeed, Mimi is believed to be the only person ever to use the phrase Bronx Press Review in a rhyming lyric!

Mr. Speaker, Mimi’s legion of friends will be flocking to the Bayside Jewish Center on June 7 to honor her for her tireless devotion, boundless energy and limitless service to her synagogue and her community. I ask all my colleagues in the House of Representatives to join me in honoring Mimi Moskowitz, congratulating her on the occasion of her testimonial, and extending our best wishes to her for her future health and success.

HON. BOB FILNER OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. FILNER. Mr. Speaker, and colleagues, I rise today to recognize Art Lujan, as he is honored by the San Diego-Imperial Counties Labor Council, AFL-CIO for his leadership in the San Diego movement.

As the Business Manager of the San Diego Building and Construction Trades Council, Art has worked many years at uniting the twenty-six diverse building trade unions in San Diego. As an officer of the Labor Council, he has brought that commitment to promoting a strong labor movement in the County. Art successfully secured a Project Labor Agreement with the County Water Authority resulting in over $700 million in construction projects throughout the next eight years. As a result of these efforts, Art won a $750,000 grant from the Workforce Partnership to establish a groundbreaking pre-apprenticeship program that will create new pathways for low-income San Diegans—particularly women and people of color—into skilled construction jobs that pay living wages.

My congratulations go to Art Lujan for these significant contributions. I can attest to Art’s dedication and commitment and believe him to be highly deserving of the San Diego-Imperial Counties Labor Council, AFL-CIO Leadership Award.

THANK YOU TERRY VANSUMEREN

HON. JAMES A. BARCIA OF MICHIGAN IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. BARCIA. Mr. Speaker, there is no doubt as to the value of the characteristics of dedication, loyalty and perseverance. These are traits that distinguish the ordinary from the extraordinary. Today, I rise to recognize Terry Vansumeren, an extraordinary individual who has served the Hampton Township community every day for the past 32 years.

Terry was born on September 19, 1937, to Lawrence and Mary Vansumeren. After growing up in the area where he would make a name for himself, he was hired by the Hampton Township Department of Public Works on June 5, 1967. This would begin one of the most impressive streaks ever by a local government employee. Since his date of hire, Terry Vansumeren has never taken a sick day—not one single day. Blessed with good health and an unmatched devotion to the residents of Hampton Township, Terry has been there every day for the people of his township.

He has become a very well respected member of the community. Always looking to improve Hampton Township, he is an active member of the township board.

At a time when many people are skeptical about government, the excellent work done by Terry Vansumeren should instill a sense of confidence in the residents of Hampton Township. They have been extremely fortunate to have someone so hard working and devoted to attending to the needs of their community.

Today, Terry retires as the Superintendent of the Hampton Township Department of Public Works, a position he has held for the past 15 years. There is no doubt that as he leaves this position, Terry has made the township a much stronger community. As he now enters into his retirement, Terry will have the opportunity to spend time in his workshop and, more importantly, to spend time with his charming wife, Margaret, his two daughters Kym and Keri, as well as his grandson Zane.

Mr. Speaker, dedication is defined as the act of being wholly committed to a particular course of thought or action. I know of no one
who better exemplifies what it means to be dedicated than Terry VanSumeren. For the past 32 years, he has been wholly committed to the town of Hampton Township. I urge you and all of our colleagues to join with me to congratulate the outstanding accomplishments of Terry VanSumeren and to wish him continued health and happiness.

TRIBUTE TO THE TEACHERS, PARENTS, ADMINISTRATORS AND STUDENTS OF HOLLOW HILLS FUNDAMENTAL SCHOOL

HON. ELTON GALLEGLY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. GALLEGLY. Mr. Speaker, I rise to recognize the parents, students, faculty and staff whose dedication to excellence has earned Hollow Hills Fundamental School, in my hometown of Simi Valley, CA, recognition as a national Blue Ribbon School.

Hollow Hills Fundamental School is a shining example of what can happen when parents, teachers and administrators collaborate on the best approaches for providing a quality education. The school’s motto—Committed to Excellence—is not merely a slogan. It’s a way of life that other campuses would be well served to follow. A combination of a structured, consistent learning environment with an emphasis on basic skills and traditional American values ensures intelligent, socially responsible students and future adults.

Mr. Speaker, the school will be honored at the Ronald Reagan Presidential Library in Simi Valley on Tuesday. It’s a particularly fitting tribute to Hollow Hills, President Reagan once made this statement to a group of educators:

Our leaders must remember that education doesn’t begin with some isolated bureaucrat in Washington. It doesn’t even begin with state or local officials. Education begins in the home, where it is a parental right and responsibility.

That principle is fully integrated into Hollow Hills’ lesson plans. The school was founded in 1982 in collaboration with parents. Every year, Hollow Hills parents, students and educators formally re dedicate themselves to quality education through a “Commitment to Excellence” agreement. The school boasts a strong PTA and dedicated parents who volunteer their spare time to enhance their children’s education.

In addition to stressing basic reading and math skills, the school also emphasizes art, music and technology, guaranteeing students a well-balanced education.

Hollow Hills also stresses attributes that unfortunately are missing in many schools today: personal responsibility, diligence, courtesy, respect to authority, punctuality and respect for the law. These ingredients are just as important to raising intelligence and socially responsible adults.

Mr. Speaker, as our nation works in concert to better our education system, it would serve us well to study the successes of our Blue Ribbon Schools. They are the best of the best and a key to our future. I know my colleagues will join me in applauding Hollow Hills Principal Leslie Frank, her entire staff, and the parents and students of Hollow Hills for raising the bar and setting a strong example for others to follow.

HONORING OUR FALLEN MILITARY PERSONNEL AT GLENDALE CEMETERY

HON. GENE GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. GREEN of Texas. Mr. Speaker, this weekend, in a solemn ceremony at Glendale Cemetery, families will gather to honor those who gave their lives so that future generations may live in freedom. America bows its head in thanks to our fallen heroes. With flags at half-mast, with flowers on a grave, and with quiet prayers, we take time to remember their achievements and renew our commitment to their ideals.

Across our country, Americans will be holding similar ceremonies in remembrance of those who have died under the colors of our Nation. We will remember the brave men and women whose sacrifices paved the way for us to live in a country like America. We will remember the families of our fallen heroes, and we will grieve for their losses. We will remember the men and women who are now serving in our Armed Forces.

Throughout our history, we have been blessed by the courage and commitment of Americans who were willing to pay the ultimate price. From Lexington and Concord to Iwo Jima and the Persian Gulf, on fields of battle across our nation and around the world, our men and women in uniform have risked—and lost—their lives to protect America’s interests, to advance the ideals of democracy, and to defend the liberty we hold so dear.

For more than 200 years, the United States has remained the land of the free and the home of the brave. The NATO military operations in the former Yugoslavia have reaffirmed that international peace and security depend on our nation’s vigilance. Even in the post-Cold War era, we must be wary, for the world still remains a dangerous place.

This spirit of selfless sacrifice is an unbroken thread woven through our history. Whenever they came from, whenever they served, our fallen heroes knew they were fighting to preserve our freedom. On Memorial Day we remember them, and we acknowledge that we stand as a great, proud, and free Nation because of their devotion.

EXPOSING RACISM

HON. BENNIE G. THOMPSON
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 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.

REPORTS: STATE OFFICIALS WILL ADMIT THAT RACIAL PROFILING EXISTS

TRENTON, N.J. (AP)—State law enforcement officials this week will grudgingly admit that state troopers unfairly target minority motorists, according to published reports.

Officials in Gov. Christie Whitman’s administration told several newspapers that a report prepared by the Attorney General’s office will acknowledge that some troopers have engaged in the practice known as racial profiling.

The same officials said the state will drop its appeal of a 1996 court decision asserting that troopers demonstrated race bias in making arrests along the New Jersey Turnpike in Gloucester County.

Attorney General Peter Verniero’s office said his findings on the State Police’s training and practices are due out Tuesday or Wednesday.

The report is expected to confirm what civil rights activists said they have known for years.

“Racial profiling is the worst-kept secret in New Jersey,” Black State Police Council of New Jersey executive director Rev. Reginald Jackson told The Star-Ledger of Newark for Tuesday’s editions. “I don’t think anybody reasonable will say that it doesn’t happen.”

State Police leaders have consistently argued that the agency does not engage in racial profiling. The issue cost State Police Superintendent Col. Carl Williams his job earlier this year and threatens to impact the political fate of both Whitman, who is expected to run for the U.S. Senate, and Verniero, who has been nominated for the state Supreme Court.

State officials face a Wednesday deadline to decide if they want to continue their appeal of the 1996 decision in state Superior Court in Gloucester County. The court decision, which could affect dozens of pending criminal cases, found evidence of racial profiling.

The newspaper reports come one day after state officials announced official misconduct indictments against the two troopers involved in last year’s controversial shooting along the Turnpike in Mercer County.

Troopers John Hogan and James Kenna allegedly made false statements on the race of motorists they pulled over. Such data was requested by the 1996 court decision.

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charges against 26 minority defendants arrested by the same troopers in the past two years. Attorneys representing those suspects said prosecutors will be reluctant to call Hogan and Kenna as witnesses now that they face charges against someone else.

“I don’t think these cases will ever go to trial,” defense lawyer John Wetcshel told The Record of Hackensack for Tuesday’s edition.

Sources told The Star-Ledger that the Attorney General’s report will recommend sweeping reforms and continued monitoring of the police force.

The state legislature’s Black and Latino Caucus on Tuesday will host the second round of its three-day hearings on racial profiling Tuesday in Newark.

BASE OFFICIALS INVESTIGATE RACIAL EPITHESES DRAWN ON SLEEPING MARINE

Jacksonville, N.C. (AP)—Officials at Camp Lejeune are investigating allegations that three white Marines drew racial epithets on the face and arm of a black Marine assigned to their unit.

A 20-year-old black Marine whose name has not been released, reported to city police last week the other Marines wrote the words “KKK” around his forehead and “Go back to Africa” on his left arm as he slept in a motel room.

The Marine told police April 11 he work up the next morning, activity was slow. A handwritten sign taped inside the front door reminded the last person out to lock up.

An investigation nothing to the inmate-generated threat, the school superintendent said Monday.

Nevertheless, parents kept 1,080 students, or 32 percent of those enrolled at Jasper’s two elementary schools, the middle and high school, at home on Monday, said Doug Koebenrick, superintendent of the Jasper Independent School District.

“Some parents picked up on that, so in the interest of the safety of their children, parents kept them home,” Koebenrick said. “It was just rumor generated.”

John William King, 24, an avowed white supremacist, was convicted and sentenced to death in February for Byrd’s murder. Goodyear defendant Lawrence Russell Brewer, 32, faces the same fate when his capital murder trial begins May 17. A trial for the third defendant, 24-year-old Shawn Allen Berry, has not been scheduled.

DEFENSE BEGINS CASE IN TRIAL OF TWO WHITE SUPREMACISTS

LITTLE ROCK, Ark. (AP)—Defense attorneys for two white men accused of murder and conspiracy to set up a whites-only nation have tried to deflect the prosecution’s incriminating testimony by suggesting that others were responsible for the crimes.

This week, the defense gets to provide jurors a clearer view of its strategy for freeing Chevie Kehoe and Daniel Les, both 26, of the charges in federal court.

Kehoe, of Colville, Wash., and Lee, of Yukon, Okla., are charged with racketeering, espionage and conspiracy in the murder of three members of the Oklahoma Family. The defense calls the allegations a red herring.

The family was staying on the nights of Sept. 27 and Sept. 28, 1998. The family had been given shelter after fleeing the approach of Hurricane Georges, authorities said.

The victims were a black man, his white wife and their children who were staying temporarily with the wife’s sister after fleeing south Louisiana as Hurricane Georges approached.

The indictment alleged that one of the men said: “No blacks sleep in Goldonna.”

Authorities alleged the scheme was hatched at a grocery store. After the cross was burned on the first night, a second, larger cross was built and burned the following night.

Whether a cross burning is illegal depends upon its purpose. Cross burning for ceremonial purposes is not illegal. But it is a federal crime to burn a cross for racial motives in an attempt to intimidate or oppress someone.

“While some may try to minimize this as nothing more than a prank, finding a burning cross on your front lawn in the middle of the night is not a laughing matter,” said U.S. Attorney Mike Skinner. “It is a tactic of federal and intimidation, and when it interferes with federally protected rights to every citizen, those responsible will be brought to justice.”

BASKETBALL COACHES Sue TEXAS CITY, POLICE OVER DETAINMENT

(By Sonja Barisic)

Norfolk, Va. (AP)—A women’s basketball coach whose husband and an assistant coach have filed a $30 million lawsuit alleging racial bias after being detained by police in Lubbock, Texas.

The lawsuit filed Monday contends that the city and its police engaged in racially discriminatory behavior when they stopped
May 27, 1999

RACIAL PROFILING BILL HEADS TO HOUSE
AGSTPPR

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. GILMAN. Mr. Speaker, today I'm introducing H.R. 1817, legislation to improve cellular telephone service in three rural areas located in Pennsylvania, Minnesota, and Florida. Joining me as cosponsors are Representatives CAROLYN MALONEY and ANNA ESHOO.

Most rural areas of this country have two cellular licensees competing to provide quality service over their respective service territories. Competition between two licensees improves service for businesses, governments, and private users, at the same time, improves response times for emergency services.

Unfortunately, three rural service areas in Pennsylvania, Minnesota, and Florida do not enjoy the benefit of this competition. The Pennsylvania rural service area has only one cellular operator. The Minnesota rural service area and the Florida rural service area each have two operators, but one of the operators in each area is operating under a temporary license and thus lacks the incentive to optimize service. The reason for this lack of competition is that in 1992 the FCC disqualified three part-

terest that was non-O.K. to target people based on their race or ethnicity. If it is happening, let's figure out how to monitor it in a way that does not unnecessarily burden the innocent that it does.

Minority drivers have complained they are sometimes stopped and queried by police because of their race, especially when driving an expensive car or driving through affluent neighborhoods.

Penn, who says he was a target of profiling in Trumbull three years ago, also wants police departments to set up a system to deal with complaints about profiling. If they don't, he wants the towns to be fined.

The suit also says police violated their constitutional rights of due process, equal protection, and protection from unreasonable and illegal arrests, searches and seizures.

"The city of Lubbock and its police department have known and tolerated . . . . the selection and targeting of police officers who have exhibited racist attitudes toward African-Americans and other minorities," the lawsuit said.

Tony Privett, a spokesman for the city of Lubbock, would not comment.

The Bibbes and Kelso were detained outside a Lubbock Wal-Mart by officers responding to a customer's complaint that someone tried to steal her. The three were handcuffed and held for several hours.

The three were suspected of trying a "pigeon drop" in which claims they had found a purse with cash in it and persuaded the victim to put up money for a lawyer so they could both lay claim to the cash—and then disappear.

Police studied security tapes from the store, determined that the Bibbes and Kelso had no contact with the shopper and said no charges would be filed.

The Bibbes and Kelso had no comment on the suit Monday, said Victoria L. Jones, a spokeswoman for the university in southeastern Virginia.

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Mr. Speaker, today I'm introducing H.R. 1817, legislation to improve cellular telephone service in three rural areas located in Pennsylvania, Minnesota, and Florida. Joining me as cosponsors are Representatives CAROLYN MALONEY and ANNA ESHOO.
service area licensing proceeding within 90 days after the date of the enactment of this Act.

(b) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an applicant being granted a license pursuant to a covered rural service area licensing proceeding, the applicant shall provide cellular radio-telephone service to subscribers in accordance with sections 22.946 and 22.947 of the Commission’s rules (47 CFR 22.946, 22.947); except that the time period applicable under section 22.947 of the Commission’s rules (or any successor rules adopted pursuant to §§20.946 and 20.947 of the Commission’s regulations) shall apply to the date an application is filed under this Act.

(c) CALCULATION OF LICENSE FEE.—(1) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider:

(A) the average price paid per price paid per person served in the Commission’s Cellular Unserved Auction (Auction No. 12); and

(B) the settlement payments required to be paid by the permittees pursuant to the consent decree in the Commission order, In re the Tellesis Partners (7 FCC Rcd 3688 (1992)).

(2) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by section 1(a)(2), the Commission shall notify each applicant of the fee established for the license associated with its application.

(d) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant is granted a license, each applicant shall pay to the Commission the fee established pursuant to subsection (c) of this section for the license granted to the applicant under subsection (a).

(e) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to section 1(a)(2) of this Act, the Commission finds that the applicant is ineligible for grant of a license to provide cellular radio-telephone services for a rural service area or the applicant does not meet the requirements under subsection (c) of this section, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to paragraph (b) of subsection (a) of section 308(j) of the Communications Act of 1934 (47 U.S.C. 308(j))) by competitive bidding pursuant to section 308(j) of the Communications Act of 1934 (47 U.S.C. 308(j)).

SEC. 3. PROHIBITION OF TRANSFER.

During the 5-year period that begins on the date that an applicant is granted any license pursuant to section 1, the Commission may not authorize the transfer or assignment of that license under section 316 of the Communications Act of 1934 (47 U.S.C. 316). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to section 1 from contracting with other licensees to improve cellular telephone service.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(A) APPLICANT.—The term ‘‘applicant’’ means—

(1) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectees for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term ‘‘Commission’’ means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term ‘‘covered rural service area licensing proceeding’’ means the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term ‘‘tentative selectee’’ means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission’s rules for grant of the license.

HONORING ROSE ANN VUICH

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to introduce a brief biography on Senator Rose Ann Vuich, who, for her ethical leadership, has been honored with an award in her namesake. The Rose Ann Vuich Ethical Leadership Award is designed to increase ethical sensitivity, raise expectations for behavior and acknowledge personal integrity. The first recipient of the award was Fresno County Supervisor Sharon Levy. This year’s recipient is Lindsay Mayor Valenano Saucedo.

Rose Ann Vuich was the daughter of immigrants who grew up on a farm in rural Tulare County. She became a small-town accountant and went on to the California State Senate as the first woman ever to serve in that body. Although at first she was reluctant to run for the office, she eventually (in her own words) “took the plunge” by competing in the primary election. She won the primary by only 242 votes and faced an uphill battle in the run-off. Despite comments from political pros that she didn’t have a chance, she kept moving forward in a very simple and effective campaign and eventually won the election by more than 2,600 votes in 1976.

Rose Ann’s first election was the last hard-fought election she would face. She so handily beat her challenger in 1980 and 1984 that nobody ran against her in 1988. Had she chosen to run in 1992, it’s likely she would have run unopposed again.

The reason she became progressively more unbeatable came not only out of the deep roots and wide networks she had in her home district, but because she served in public office in exactly the way she promised she would.

In 1992, after a 16-year career as one of the most respected and esteemed legislators in California history, Senator Vuich retired from office and returned to her home, here in the Valley.

Rose Ann Vuich was more than honest. She took her public responsibilities very seriously and believed in giving the voter, the constituents, what they deserve: fair, ethical consideration of issues and conscientious, cost-effective delivery of service.

In addendum to her biography, I would be remiss if I failed to recognize Rose Ann for her recent dedication to the valley of the Rose Ann Vuich Interchange. The Interchange, which links three major Fresno freeways, was named after the lawmaker who got it built. Vuich made the completion of Freeway 41 the centerpiece of her 1976 election campaign. Her vision has finally been realized.

Mr. Speaker, it is with great pleasure that I recognize Rose Ann Vuich, a woman of vision and integrity. I urge my colleagues to join me in wishing her a bright future, and many years of continued success.

CONGRATULATING THE CITY OF HALEYVILLE, ALABAMA AS THE HOME OF 911

HON. ROBERT B. ADERHOLT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. ADERHOLT. Mr. Speaker, I would like to pay tribute to the City of Haleyville, Alabama as it holds the annual 911/Heritage Festival in June of each year. On Friday February 16, 1968 the Speaker of the Alabama House, Rankin Fite dialed 911 in Haleyville Mayor James Whitt’s office and Congressman Tom Bevill picked up the receiver in the Haleyville Police Station resulting in America’s first emergency dial telephone service.

Since that first call in 1968, the overall plan to establish this service nationwide has been implemented and become second nature to the American people. Today anyone can dial 911 in any type of emergency, such as sickness, fire, police, or ambulance and a police man on duty will immediately summon the help needed. Although there are no specific figures available, it is clear the 911 service has saved countless lives across the country. This impressive accomplishment all began in the city of Haleyville which is in the Fourth Congressional District of Alabama. As a life-long resident of the city of Haleyville, I am proud of this achievement and pay tribute to this accomplishment which is something we can all support.

HONORING ROBERT ROGERS’ UPON HIS RETIREMENT FROM THE EWIN MARION KAUFFMAN FOUNDATION

HON. KAREN MCCARTHY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to honor Robert “Bob” Rogers upon his retirement from the position of Chairman of the Board of the Ewing Marion Kauffman Foundation, which he has held since 1993. Fortunately, Mr. Rogers will continue to serve
as the Chairman Emeritus on the Board and pursue his involvement in civic and community service at an even higher level. I know his valuable work will continue as he serves on the boards of the Independent Sector, The Council on Foundations, America's Promise, the Alliance for Youth, American College Testing, and the Corporation for National Service.

During his tenure as Chairman of the Board for the Ewing Marion Kauffman Foundation, Mr. Rogers was instrumental in the development of the strategic direction of both Foundation operating divisions: Youth Development and the Kaufman Center for Entrepreneurial Leadership. Under his guidance, these two divisions have effectively impacted youth development and entrepreneurial causes.

Before his career with Ewing Marion Kauffman, Mr. Rogers had a distinguished career in the private sector, working for Coopers & Lybrand, TWA, Waddell & Reed, and Gateway. In this era and as well as his personal life experiences have allowed him to shape and guide the Ewing Marion Kauffman Foundation to a position as an effective leader of youth development programming and entrepreneurial training into the new millennium.

Mr. Rogers is an inspiration to me—his dedication and commitment to public service serves as example to all of us who work to make our constituents lives better. Please join me in thanking him for his service to our community and the nation, Mr. Speaker.

A TRIBUTE TO THE MAXEY FAMILY

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to the Maxey Family in the 4th District of Colorado. Started by Loren Maxey in 1969, Maxey Companies will celebrate their thirtieth anniversary this June.

When Maxey Companies was started thirty years ago it was comprised of one division. Today Carl Maxey, Loren’s son, and his wife Marla have expanded the company to four divisions. This expansion took twelve years of labor which I believe mirrors the work ethic of Colorado’s 4th District.

Today Maxey Companies’ four divisions manufacture, equip, distribute and sell trailers, truck bodies, truck equipment and snow removal equipment. Mr. Speaker, on June 4th, 1999, Maxey Companies will officially open the doors to an expansion of Max-Air Trailer Sales, 9715 Brighton Road, Brighton, Colorado.

On a personal note Mr. Speaker, I have known the Maxey family for many years and am proud to count them among the best of my friends. The Maxeys are known widely as a family dedicated to their community.

The Maxeys are always there for their friends, neighbors and associates. I know of no family that outpaces the Maxeys when it comes to volunteerism and leadership. Loren, for example, has punctuated his community dedication by distinguished service on the Fort Collins City Council.

Kathy Maxey, and Marla Maxey have accumulated countless hours of volunteer time too, serving area youth and those suffering mental illness and developmental disabilities.

As a strong close-knit family, the Maxeys are the finest example of real America. The loving bond of the Maxeys family is their trademark. A model for all, the Maxeys inspire those who know them through their honesty, hard work, generosity, kindness, and peity.

I hereby commend the example of the Maxeys to my colleagues in Congress and salute this brilliant Colorado Family upon their great success.

The entire Maxey family, their business, employees, and their collective good works are truly among Colorado’s greatest assets.

John P. Barrett: Boys Hope Girls Hope Heart of Gold Award recipient

HON. ROB PORTMAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the contributions of John Barrett, a friend, distinguished constituent and community leader who will receive Cincinnati’s Boys Hope/Girls Hope’s highest honor the Heart of Gold Award, on June 1, 1999.

As a member of the Board of Boys Hope/Girls Hope in Cincinnati, John Barrett has given countless hours of his personal time to further the organization’s important mission of helping vulnerable young people in our area. Boys Hope/Girls Hope works to overcome the obstacles of poverty, abuse and neglect and provide a structured, caring educational experience for those deserving students through high school and college. John’s enthusiasm for this organization is contagious and he has been instrumental in attracting others in the business community to this most worthy cause.

John Barrett believes in giving back to his community and he is particularly committed to improving the lives of the young people in our area. In addition to the tremendous work he does for Boys Hope/Girls Hope, he serves on the boards of the Children’s Hospital, the Dan Beard Council/Boy Scouts of America, and the Greater Cincinnati Scholarship Association.

All of us in Greater Cincinnati owe John a debt of gratitude and congratulate him on receiving the Heart of Gold Award.

John Barrett, Boys Hope Girls Hope Heart of Gold Award recipient

HON. BARBARA CUBIN
OF WYOMING
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mrs. CUBIN. Mr. Speaker, production of oil and gas from our public lands is fast becoming a rarity. Today I am introducing a bill, together with Rep. Joe Sken of New Mexico, which we trust will stem this decline, and encourage investment in federal mineral leases.

We call it the Federal Oil and Gas Lease Management Improvement Act of 1999. Senator Murkowski has already introduced a companion bill in the other body.

The “oil patch” in the United States is in tough shape. Consumers blissfully enjoyed record low gasoline prices until very recently, but producers have suffered immeasurably from the diminished proceeds they have received for their crude oil for many, many months. Even the recent slow climb back to semi-respectable oil and gas prices in the last few weeks has turned back down again in the last week of trading. Our bill, is will provide some incentives to federal oil and gas lessees to “stay the course” when prices drop below $18 per barrel, or $2.30 per million BTU’s for...
natural gas. Furthermore, our bill says to producers "you know better than the government what your make or break price threshold is, so if low prices are sustained your leases are suspended, at your option, not the Secretary of the Interior.""

But, Mr. Speaker, its not just producers who are being squeezed by today's global oil price environment. So are the oil patch states for which their share of federal mineral receipts are critical in meeting budget priorities. For many public land states, these receipts are dedicated to education trust funds, yet since 1991 these states have had to "share" in the burden of the federal government's costs to administer the Mineral Leasing Act before receiving their half of the remaining revenue. My home state of Wyoming has had over seven million dollars annually taken from the receiptsflowing into its Treasury because of this law. And, these states, until now have had no option to take over the federal government's responsibilities and perform the same tasks more cost effectively.

That will change with the Federal Oil and Gas Lease Management Improvement Act. This bill offers states the opportunity to take over post-lease issuance duties from the federal Bureau of Land Management and allow the state's oil and gas conservation commission to perform those functions on federal leases within their borders, if they so choose. As an incentive to take over the fed program, thereby saving federal budget outlays, volunteering states would no longer have to share in the federal administrative burden which unfairly diminishes their school funds.

Mr. Speaker, I urge my colleagues from other public land states to cosponsor this legislation and work with me toward its passage. This bill seeks the balance necessary to keep producing oil and gas. Furthermore, our bill says to producers "you know better than the government what your make or break price threshold is, so if low prices are sustained your leases are suspended, at your option, not the Secretary of the Interior.""

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. STARK. Mr. Speaker, I rise today with several of my colleagues from the Ways and Means Committee—Representative MATSUI, Representative LEWIS (GA), Representative THURMAN, and Representative BECERRA—to introduce the Anesthesia Outcomes Study Act of 1999.

When the Health Care Financing Administration issued regulations to remove a Federal requirement of physician supervision of nurse anesthetists and instead leave that decision up to State rules, it thrust a technical, medical debate into the realm of Congress.

I have absolutely no idea who is right or wrong on the issue or whether there is a quality difference with or without physician supervision. Yet, we are being asked to choose sides and advocate for the nurse anesthetists or for the anesthesiologists on this matter. I am very uncomfortable with Congress making decisions about which type of health professional should provide which type of service.

My colleagues and I advocate that this issue be resolved on a scientific, rather than political, basis. For that reason, we are introducing the Anesthesia Outcomes Study Act of 1999. This bill calls for the Secretary of HHS to conduct a study of mortality and adverse outcome rates of Medicare patients by providers of anesthetics services. In conducting such a study, the Secretary is to take into account the supervision, or lack of physician supervision, on such mortality and adverse outcome rates. This report is due to the Congress no later than June 30, 2000.

The goal of this legislation is to provide us with the facts that are lacking today so that the final decision on this matter is a medically appropriate decision. Congress should not take action without that data.

EXTENSIONS OF REMARKS

HON. JERRY F. COSTELLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Emma Buck, who recently celebrated her 95th birthday at her farm in my congressional district.

To visit Miss Buck's farm and the stories that it bears, is also a visit to a quiet memory of the early American experience. This farm, a virtual self-contained world, is both the foundation and legacy of a woman for whom complete self-sufficiency is essential to survival.

Her family's story begins as many American families do. It starts with her great-grandparents, young and hopeful pioneers, who left their Native Germany aboard a ship with hundreds of other immigrants to America. Across the Mississippi River her maternal grandparents, the Henkes, and her paternal great-grandparents, the Bucks, both settled in neighboring communities in rural, southern Illinois.

Rather than fading to lore, as the heritage of many families do, Emma Buck embraced and sustained the life that her great-grandparents began in Monroe County. She still lives in the log cabin that her grandfather built. She still works in the farm that has provided so much for her family's sustenance for so long. This is not a farm transformed by the power of modern technology; rather, it is the one that honors the rudimentary tools of the past.

Miss Buck remains the sole curator of this farm, which was named a national landmark of our nation. As she has for over 90 years, in accordance with the methodical teaching of her father and grandfather, Emma rises each morning to tend the tasks at hand. She fixes the split-rail fences, she weeds the gardens, she prunes the trees. Farming has since been left to interested neighbors, but the fields, the tools, and the dedication of her ancestors remain in the Buck Farm's name.

As the 20th Century ends and the beginning of the new millennium approaches, Emma Buck reminds us of our nation's heritage. The advances in technology made each day continue to fortify our nation's capabilities, but it is the individual life stories of simplicity and complete fulfillment, in which our future generations may find inspiration.

Mr. Speaker, I ask my colleagues to join me in honoring Emma Buck, and in doing so honoring our nation's history.

TRIBUTE TO FRESNO ELKS LODGE #439

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Fresno Elks Lodge as they continue in their 100th year of service. The Fresno Elks Lodge was founded May 12, 1898, and has remained true to the mission of the "Benevolent and Protective Order of Elks," dedicated to responsible and charitable interaction in their communities, and the preservation of American heritage.

Maintaining its emphasis on charity, justice, brotherly love, and fidelity, the order provides millions of dollars in charitable goods and services. It services disabled children through the Elks Major Project by offering scholarships and in-home therapies. It provides active youth programs, veterans assistance programs, community service programs, drug abuse awareness education and alternative activity programs for inner-city youth. Also, the Elks are second to the Federal Government in providing scholarships to students pursuing a college education.

During times of national crisis such as natural disasters or the bombing of the Federal building in Oklahoma, the Elks are among the first to respond with offers of help both in manpower and money to communities and their families.

Proud of its patriotism, the order is the first to come to the defense of its nation and flag. From building and staffing the first V.A. Hospital in the United States, to helping to restore the Statue of Liberty, Elks continue to guide America forward.

Mr. Speaker, I rise today to congratulate and pay tribute to the Fresno Elks Lodge #439 on occasion of its 100th year of continued service. I urge my colleagues to join me in wishing the Fresno Elks Lodge continued success in their quest to uphold and improve the American community.
TRIBUTE TO CAPTAIN STEPHEN ERIC BENSON OF THE UNITED STATES NAVY

HON. OWEN B. PICKETT
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. PICKETT. Mr. Speaker, I rise today to pay tribute to Captain Stephen Eric Benson, Commanding Officer of Naval Air Station Oceana, who has served in the United States Navy for twenty-five years of faithful duty to his country.

For the past three years, Captain Benson has served as the Commanding Officer of Naval Air Station Oceana Virginia Beach, Virginia located in my congressional district. During his tenure as Commanding Officer, Captain Benson has distinguished himself by his exceptional efforts to establish and improve the relationship between the community and the Naval Air Station. It is a testimony to these efforts that as he leaves his post in June of this year, the relationship between the base and the City of Virginia Beach is one of the best in the nation.

The tenacious efforts of Captain Benson to enhance the cooperation with the surrounding community and his goal of serving as a “good neighbor” has not only helped the Navy but also made a direct contribution to the goals of the City of Virginia Beach. His open communication policy with both the Mayor of Virginia Beach and with the local congressional delegation has been exemplary and productive for all concerned.

Captain Benson has worked hard to improve the quality of life for the sailors stationed under his command. New living quarters and recreational improvements have been either built or have been funded. With the assistance of congressional leadership, local political leaders and businesses, a new barracks for enlisted personnel and a new recreational facility have either been funded or are near completion as he executes his next assignment.

Captain Benson has overseen the movement of ten F/A-18 squadrons and their families to Naval Air Station Oceana from Naval Air Station Cecil Field, Florida. A total of one hundred fifty-six aircraft and nearly nine thousand personnel and dependents have made the transition to their new home in Virginia Beach with minimum impact to operations and family members.

Again enhancing community relations, he has developed and nurtured the local Military Air show into a community affair, aligned with the City of Virginia Beach’s Neptune Festival. This event, once known as the NAS Oceana Air Show, is now known as the Neptune Festival. The show has been not only profitable to the Military Welfare and Recreation Fund which has a direct impact on the improvement of quality of life issues for the sailors at NAS Oceana, but was awarded the Best Military Air Show in the Northeast for 1998 by the International Council of Air Shows. This is a true win-win scenario which has brought recognition to not only the base, but to the community at large.

Captain Benson has personally conducted hundreds of community presentations focusing the best base-community relationships within the Hampton Roads region. He has been lauded by both the Mayor of the City of Virginia Beach and myself for his efforts in working with the local political groups and businesses for the betterment of all concerned.

Under his charge, Naval Air Station Oceana has won two consecutive Environmental Awards in 1998 and 1999 for efforts to maintain the environment on this installation. From
these efforts, to rapid response teams for fuel spills, to responses to Environmental Protection Agency (EPA) inquiries, NAS Oceana has been praised on all fronts.

Captain Benson is an active member of the Hampton Roads Rotary and the City of Virginia Beach Neptune Festival Committee, further enhancing the cooperation and community leadership between the base and the public at large.

A totally dedicated professional, Captain Benson has set a superior personal example of all military leaders to emulate. His many contributions will continue to be felt for many years to come in the Hampton Roads area. Because of his outstanding and distinguished record of accomplishments, his tenacious efforts to keep the local community informed and his outgoing personality, Captain Benson is truly worthy of recognition. We will surely miss him at Oceana Naval Air Station.

IN RECOGNITION OF JOSEPH POSEDEL

HON. MIKE THOMPSON
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. THOMPSON of California. Mr. Speaker, I am pleased today to recognize Joseph F. Posedel who is retiring as Business Manager of Plumbers and Steamfitters Local 343 under the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry.

In his 36 years with the union, Mr. Posedel has worked to create a solid foundation for Local 343. He joined the union in 1963 as a building trades apprentice. He became a trustee with the distinguished Chairman of the Trust Fund in 1970. Subsequently, he served as Vice President, President, Business Agent and Apprenticeship Coordinator for the union. In January 1986 he assumed the important leadership position of Business Manager.

As Business Manager, Mr. Posedel successfully negotiated an improved wage package, including health, welfare, and pension benefits, for union members.

Mr. Posedel is a native of the San Francisco Bay area. He grew up in Rodeo and attended St. Mary’s High School, graduating in 1955. He also attended St. Mary’s College in the same community. He and his wife, Patricia, have been married for 39 years. They have three children and six grandchildren.

Following his retirement, Mr. Posedel will continue to serve Local 343 as a Trustee of the Trust Fund.

Mr. Speaker, because of Joseph F. Posedel’s long and devoted service to Local 343 of the Plumbers and Steamfitters Union, it is fitting and proper to honor him today for his accomplishments, and to wish him well in his retirement.

Mr. SPEAKER. The gentleman from California is recognized.

Mr. PRYCE. Mr. Speaker, I yield to the gentleman from California.

Mr. THOMPSON. Mr. Speaker, today I am pleased to recognize Joseph F. Posedel who is retiring as Business Manager of Plumbers and Steamfitters Local 343 under the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry.

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EXTENSIONS OF REMARKS

THIRD ANNIVERSARY OF TAIWANESE PRESIDENT LEE IN OFFICE

HON. BENJAMIN A. GILMAN
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GILMAN. Mr. Speaker, permit me to take this opportunity to convey to Taiwanese President Lee Teng-hui, on the eve of his third anniversary in office, our best wishes and congratulations. Taiwan is very fortunate to have Dr. Lee as its President.

A man of vision, President Lee supports the reunification of Taiwan and mainland China according to the principles of democracy, freedom, and the equitable distribution of wealth. During his tenure in office, he has made every effort to resume the cross Strait dialogue and to maintain peace and security in the Taiwan Strait.

Accordingly, I invite my colleagues to join in extending congratulations and best wishes to President Lee and we look forward to his continuing accomplishments in the coming years.

INTRODUCTION OF THE TEACHER EMPOWERMENT ACT

HON. HOWARD P. “BUCK” MCKEON
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. MCKEON. Mr. Speaker, today I am joining with the distinguished Chairman of the Committee on Education and the Workforce, Mr. GOODLING, Mr. CASTLE, the Speaker of the House, the Majority Leader, Mr. WATTS, Mr. BLUNT, Ms. PRYCE, and other distinguished Members of the House to introduce the Teacher Empowerment Act. This legislation will make a significant and positive impact on how we prepare our Nation’s teaching force by providing States and local school districts with needed funding for the provision of high quality teacher training and for the hiring of new teachers, where necessary.

In the development of the Teacher Empowerment Act, we have made every effort to put together a bill that is in the best interests of children, parents, and teachers. We have also tried to include the best elements of teacher training proposals from the Governors, the Administration, and different Members of Congress, on a bipartisan basis. I hope that by the time this legislation is considered by the full House, we will have a bipartisan proposal that will vastly expand training opportunities for our Nation’s teachers and increase the achievement of all of our Nation’s students. I intend to work closely with Mr. Martinez, the Ranking Democrat Member on the Subcommittee on Postsecondary Education, Training and Life-long Learning, and others, on a bipartisan basis, to bring this bill to the floor of the House as rapidly as possible.

We believe that parents and other taxpayers have the right to information about student achievement and the quality of the teachers in their schools. Our bill holds schools accountable for raising student academic achievement, and we ensure that parents know the quality of their children’s teachers.

We encourage intensive, long-term teacher training programs, focused on the subject matter taught by the teacher. We know that this works. If localities are unable to provide such professional development, teachers will be given the choice to select their own high quality teacher training programs. For the first time, we’re giving teachers a choice in how they upgrade their skills. Our Teacher Opportunity Payments will empower individual teachers, or groups of teachers, to choose the training methods that best meets their classroom needs.

The Teacher Empowerment Act maintains an important focus on math and science, as under current law, but the legislation expands teacher training beyond just the subjects of math and science. The legislation ensures that teachers will be provided with training of the highest quality in all of the core academic subjects.

By combining the funding of several current Federal education programs, the Teacher Empowerment Act provides over $2 billion annually over the next five years to give States, and more importantly local school districts, the flexibility they need to improve both teacher quality and student performance. This legislation also encourages innovation in how schools improve the quality of their teachers. Some localities may choose to pursue tenure reform or merit-based performance plans. Others may want to try differential and bonus pay for teachers qualified to teach subjects in high demand. Still others may want to explore alternative routes to certification.

The Teacher Empowerment Act continues to support local initiatives to reduce class size. In fact, schools would be required to use a portion of their funds for hiring teachers to reduce class size. However, unlike the President’s program, no set amount is required for the hiring of new teachers. Schools will be allowed to determine the right balance between quality teachers and reducing class size. Schools will also be allowed to hire special education teachers with these funds.

All of these are feasible in our legislation, because we don’t try to tell schools what the approach should be. We don’t want to impose any one system that every school must follow in order to upgrade the quality of its teachers. That won’t work, because one size does not fit all.

The Teacher Empowerment Act is good, balanced legislation. It provides the flexibility that States and local school districts need to improve the quality of their teaching force with two goals in mind: increases in student achievement; and increases in the knowledge of teachers in the subjects they teach. I encourage all of my colleagues in the House to support this important legislation as we work to improve our nation’s schools.
Ms. PELOSI. Mr. Speaker, I rise today to congratulate San Francisco State University and to celebrate the 100th anniversary of its founding. It has grown from a teacher training school in 1899 with a student body of 31, to its status today as a racially and ethnically diverse, major urban university serving more than 27,000 students. While San Francisco State University was founded on March 22, this year graduation will be held on May 29. As SFSU graduates its 100th class, I’d like to recognize their contributions during the last century.

Throughout its first century, this University has led the way in providing accessible higher education for California’s residents, promoting excellence in teaching and learning, embracing diversity, and creating community partnerships that enrich the cultural and economic life of the Bay Area, while strengthening the educational experience of our students.

San Francisco State University should be commended for its many achievements including, making global headlines for discovering new planets outside our solar system; establishing the nation’s first College of Ethnic Studies; creating the only academic research facility on the San Francisco Bay; building one of the nation’s top two Conservation Genetics Laboratories; creating the largest multimedia studies program in the country; and housing nationally recognized biology, creative writing and journalism programs.

SFSU should be proud of the linkages that its programs and quality faculty have built for sustained community involvement and partnership throughout its history. SFSU serves as a national model of a community-engaged urban campus, housing more than 100 centers, institutes and other special programs and projects addressing such varied issues as the health of the San Francisco Bay; K-12 student math skills; and small business success and science skills for inner city youth throughout the state. The University has also sustained collaborative partnerships throughout San Francisco and the Bay Area, including the Valencia Health Clinic, Step to College, Community Science Workshops for California, the Vistacion Valley Community Service Center, the Muir AlternativeTeacher Education program, and the Community Outreach Partnership Center.

San Francisco State is truly a model institution, making significant contributions in the Bay Area and beyond. They deserve to be congratulated for all their successes during the last 100 years and we wish them the best for the next century.