

(B) Recommendations for legislative language to make illegal the possession of the biological pathogens;

(C) Recommendations for legislative language to control the domestic sale and transfer of the equipment so identified under subparagraph A;

(D) Recommendations for legislative language to require the tagging or other means of marking of the equipment identified under subsection A.

We believe that these provisions are invalid under the Recommendations Clause, which provides that the President "shall from time to time . . . recommend to [Congress] . . . such Measures as he shall judge necessary and expedient." U.S. Const. art. II, §3. Legislation requiring the President to provide the Congress with policy recommendations or draft legislation infringes on powers reserved to the President by the Recommendations Clause, including the power to decline to offer any recommendation if, in the President's judgment, no recommendation is necessary or expedient. Legislation that requires the President's subordinates to provide Congress with policy recommendations or draft legislation interferes with the President's efforts to formulate and present his own recommendations and proposals and to control the policy agenda of his Administration.

The constitutional concerns raised by the proposed amendment would be addressed by revising these provisions in either of the following ways: (1) provide that the reports the Attorney General submits may, instead of shall, include recommendations or (2) provide that "the Attorney General shall, to the extent that she deems it appropriate," submit such recommendations to Congress.

More generally, we understand that this amendment may bypass the hearing and referral process and be appended immediately to S. 2507, the Intelligence Authorization bill, now headed for consideration on the floor of the Senate. Given the complexity of the issues, we would welcome a more considered dialogue between the branches of Government.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

ROBERT RABEN,  
Assistant Attorney General.

**SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION**

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

(Dollars in millions)		
	Budget authority	Outlays
Current Allocation:		
General purpose discretionary .....	\$607,973	\$597,098

(Dollars in millions)		
	Budget authority	Outlays
Highways .....		26,920
Mass transit .....		4,639
Mandatory .....	327,787	310,215
Total .....	935,760	938,872
Adjustments:		
General purpose discretionary .....	+468	+105
Highways .....		
Mass transit .....		
Mandatory .....		
Total .....	+468	+105
Revised Allocation:		
General purpose discretionary .....	608,441	597,203
Highways .....		26,920
Mass transit .....		4,639
Mandatory .....	327,787	310,215
Total .....	936,228	938,977

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

(Dollars in millions)			
	Budget authority	Outlays	Surplus
Current Allocation: Budget Reso- lution .....	\$1,534,078	1,495,819	7,381
Adjustments: Emergencies .....	+468	+105	-105
Revised Allocation: Budget Reso- lution .....	1,534,546	1,495,924	7,276

**COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT**

Mr. GORTON. Mr. President, I regret I was unable to vote on the final passage of the Colorado Ute Indian Water Rights Settlement Act, S. 2508. Had I been present, I would have voted in favor of this legislation.

This legislation has the support of the Governor and Attorney General of Colorado, the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe, the Native American Rights Fund, the Clinton Administration, not to mention the bi-partisan efforts of the Colorado and New Mexico delegations.

In addition, I would have voted in favor of the H.J. 115, the continuing resolution.

**TRIBUTE TO SENATOR MOYNIHAN**

Mr. FEINGOLD. Mr. President, today I rise to pay tribute to one of the greatest public servants among us: DANIEL PATRICK MOYNIHAN. For 24 years he has lent us the wisdom of his experience, the insights of his keen mind, and above all, the honor of his friendship. Senator MOYNIHAN reminds all of us what a Senator was intended to be. He is a leader who not only addresses the needs of his state, but who wrestles with the challenges facing the nation. Senator MOYNIHAN has been a great servant to the people of New York, but the legacy of accomplishments he leaves reach beyond New York's borders to touch the lives of every American.

With a brilliant intellect and an unwavering dedication, DANIEL PATRICK MOYNIHAN has helped us think through some of the toughest issues before this

body, from welfare reform to taxation policy. He has worked to return secrecy to its limited but necessary role in government, an effort which I applaud. And he has lent his support to "The Fisc," the annual compilation of the balance of payments between the states and the federal government, which brings needed attention to the "donor" status of New York, Wisconsin and other states. He has done a great service to our understanding of federal spending with his longtime support of this effort.

Recently, I was proud to work with Senator MOYNIHAN on the Mother-to-Child HIV Prevention Act of 2000, S. 2032, the substance of which was incorporated into the Global AIDS and Tuberculosis Relief Act of 2000, and signed into law in August. It was an honor to work with him to get this legislation to the President's desk. Senator MOYNIHAN's keen grasp of foreign affairs, as well as his mastery of domestic and urban issues, will be missed as he retires from the Senate.

Senator MOYNIHAN's lifetime of public service, his wisdom and experience, have been a wonderful gift to this body. I know my colleagues join me in my admiration for Senator MOYNIHAN as a public servant, my respect for him as a colleague, and my appreciation for him as a friend. It has been a distinct honor for me to serve with Senator MOYNIHAN since I came to this body in 1993. PAT, I wish you all the best as you retire from the U.S. Senate, and I look forward to your continued contributions to the nation as one of the greatest political thinkers of our age.

**TRIBUTE TO RETIRING SENATOR CONNIE MACK**

Mr. FEINGOLD. Mr. President, I rise today to pay tribute to the career of Connie MACK as he retires from the Senate. Senator MACK has served the people of Florida with distinction during his two terms in the Senate, as well as during his three terms in the House of Representatives. Throughout his career in public service, Senator MACK has been willing to address complex issues and help move the debate forward.

On matters of fiscal policy, Senator MACK and I have not often agreed, but I have admired his willingness to engage these issues in a serious way that fosters the kind of discussion we need in the Senate to deliberate on the difficult questions before us.

Senator MACK has been a steadfast advocate for increased NIH funding, and I have been proud to support his efforts, including his proposal, passed as an amendment to the fiscal year 1998 budget resolution, to double funding for NIH over the next five years. I share his belief that increasing funding for biomedical research is one of the most important ways we can improve

the quality of life for America's families. Groundbreaking research, development of drug therapies and new medical procedures, all of these steps move us closer to life-saving medical breakthroughs that can detect, prevent, and eliminate life-threatening disease.

I have also been pleased to support Senator MACK's effort, along with Senator GRAHAM, to restore the Everglades. His work to preserve and restore this unique and beautiful area, home to fragile habitats and many endangered species, will undoubtedly be one of his greatest legacies.

It has been a pleasure to serve with Senator MACK over the last seven years. As he leaves the Senate, I wish him all the best and thank him for his many years of distinguished public service.

#### TRIBUTE TO BOB KERREY

Mr. FEINGOLD. Mr. President, when I first heard that BOB KERREY had decided not to run again, I knew the Senate was losing a true American original, and a big part of what makes the Senate special.

From my first moments in the Senate back in 1993, there was one thing I could tell right away—BOB KERREY is a true leader. In an age of poll-driven politics, BOB KERREY isn't afraid to ruffle a few feathers to raise the level of debate and work for the greater good. He has sparked debate on the big issues: saving Social Security, controlling federal spending, guaranteeing the right to health insurance, and helping the poor, just to name a few.

I was proud to work with him on the bipartisan deficit reduction package he spearheaded with former Senator Hank Brown of Colorado, and I'm proud to have a colleague with such a sincere commitment to fiscal responsibility. He fought to balance the federal budget when others said it could not be done. As Chair of the Bipartisan Commission on Entitlement and Tax Reform, BOB KERREY directed our attention to the long-term challenges that we need to heed.

BOB KERREY is a pleasure to work with, but he is also a courageous public servant who is willing to stand alone when it is necessary. In addition to his heroic record of public service, he is a hero who served his country valiantly in the Vietnam War. BOB KERREY brings great honor to the Senate as only the fifth Medal on Honor winner to serve in this body, and while he never makes a big deal about the honors he has received, every day he has served in the U.S. Senate, BOB KERREY has exhibited the strength of character that befit those tributes.

And while all those things are important, it is also essential to have a sense of humor, and we all know that BOB possesses that quality in spades. He is a pleasure to be around, and a good

friend. I wish him all the best as he moves on to head the New School, and in everything he does.

#### TRIBUTE TO FRANK LAUTENBERG

Mr. FEINGOLD. Mr. President, as this Congress draws to a close, I want to take a moment to thank my friend FRANK LAUTENBERG for his 18 years of service in the body. The people of New Jersey are losing a skilled legislator and a gifted advocate. Whether he is fighting racial profiling or taking on the tobacco industry, FRANK LAUTENBERG has consistently fought for a healthier, safer, more just world for all of us.

After a successful career in the private sector, FRANK ran for the U.S. Senate motivated to give something back to his state and the nation. And never has he had greater success than during his 18 years in public service. It has been a pleasure to serve with Senator LAUTENBERG on the Budget Committee, where he has provided outstanding leadership as the committee's ranking member. Senator LAUTENBERG played a crucial role in crafting the bipartisan budget agreement of 1997 which led to the balanced budget, and putting this body back on the road to fiscal responsibility.

I stood side by side with Senator LAUTENBERG in the fight to implement the gift ban in 1995. And I've been especially proud to work with him to end racial profiling—the abhorrent law enforcement practice that targets African Americans, Hispanic Americans and other minorities for traffic stops based on the color of their skin. Together Senator LAUTENBERG and I introduced S. 821, the Traffic Stops Study Act, to require the Attorney General to conduct an initial analysis of existing data on racial profiling and then design a study to gather data from a nationwide sampling of jurisdictions. We've worked together on this issue for more than two years, and I believe our legislation will prevail, if not in this Congress, then in the next one.

I will proudly continue the fight to pass the Traffic Stops Study Act in the next Congress, but I will miss greatly FRANK's leadership on this issue. When we do finally pass this simple bill to get an accurate picture of racial profiling on our nation's roadways, we'll owe a big part of that victory to Senator LAUTENBERG.

Today I thank FRANK LAUTENBERG for his leadership on racial profiling and so many other issues that matter to the people of this nation. I wish him and his family all the best in his retirement, and thank him for his many contributions to the U.S. Senate, and to the American people.

#### THE SMALL BUSINESS INNOVATION RESEARCH'S RURAL OUTREACH PROGRAM

Mr. ENZI. Mr. President, I rise today to speak about giving small businesses the tools they need to be successful in today's competitive marketplace. I am committed to providing those tools by fully supporting the continuation of the Small Business Innovation Research (SBIR) Rural Outreach Program. Congressional commitment to small business development has created a network of people nationwide, especially in Wyoming, that is excited and knowledgeable about the SBIR Rural Outreach Program.

The SBIR Rural Outreach Program provides an excellent funding opportunity for individuals and small businesses in rural areas that have a passion to explore, develop and commercialize their innovative ideas. Created in 1982, the SBIR Program is a highly competitive program that encourages small business to explore their technological potential and provides the incentive to profit from its commercialization. By including qualified small businesses in the Nation's research & development arena, high-tech innovation is stimulated and the United States gains entrepreneurial spirit as it meets its specific research and development needs.

The SBIR Program is designed to target the entrepreneurial sector because that is where most innovation and innovators thrive. However, the risk and expense of conducting serious R&D efforts are often beyond the means of many small businesses. By reserving a specific percentage of federal R&D funds for small business, the SBIR Program protects the small business and enables it to compete on the same level as large businesses. The SBIR Program funds the critical startup and development stages and it encourages the commercialization of the technology, product, or service, which, in turn, stimulates the U.S. economy.

Each year, ten federal departments and agencies are required by the SBIR Program to reserve a portion of their R&D funds for award to small business. Such agencies include the Department of Agriculture, Department of Commerce, Department of Defense, National Aeronautics and Space Administration, and National Science Foundation.

Following submission of proposals, agencies make SBIR awards based on small business qualification, degree of innovation, technical merit, and future market potential. Small businesses that receive awards or grants then begin a three-phase program. Phase I is the startup phase, awarding up to \$100,000 for approximately 6 months support exploration of the technical merit or feasibility of an idea or technology. Phase II awards of up to \$750,000, for as many as 2 years, expanding Phase I results. During this time,