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Senate

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, Rev. Dr. Gus Roman, Canaan Baptist Church, Philadelphia, PA.

We are glad to have you with us.

PRAYER

The guest Chaplain, Rev. Dr. Gus Roman, offered the following prayer:

Let us bow our heads, please. Ask and you will receive; seek and you will find; knock and the door will be opened unto you. Let us pray:

In reverence we beseech You for Your presence, eternal God of love, justice, and power, whose providence and purpose have resulted in the emergence of the nations and governments. We thank You for this our country and for the inspired leaders of the past and present who have dedicated themselves and developed and shaped our Nation which has become a beacon for freedom, human rights, and justice. We thankfully present to You these men and women who continue the evolving legislative legacy of our Government to fulfill our national and global destiny to address the issues and challenges we face today.

O God, as they deliberate and make decisions, give them the awareness of Your presence, Your wisdom, understanding, and courage that with their determination, Your purpose will be accomplished. Keep before them Your mandate that justice must run down like water and righteousness like a mighty stream. Give them the assurance and confidence that truth and human rights will prevail in spite of the forces of injustice and evil. We offer our prayers in the spirit of Jesus. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BILL FRIST, a Senator from the State of Tennessee, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. FRIST). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before making opening announcements on behalf of the leader, I yield to my distinguished colleague from Pennsylvania, Senator SANTORUM. Then I will have a few comments about the Reverend after Senator SANTORUM concludes.

Mr. SANTORUM. I thank my colleague from Pennsylvania, Senator SPECTER.

REVEREND DR. GUS ROMAN

Mr. SANTORUM. Mr. President, I welcome Rev. Gus Roman from Canaan Baptist Church in Philadelphia. Reverend Roman is a giant among pastors in Philadelphia. He has held many leadership positions within the clergy, within the city of Philadelphia, and has been the right arm of Rev. Leon Sullivan, who may be a giant among giants within Philadelphia and around the world.

In particular, I refer to his work reaching into Africa, working on AIDS projects with the terrible scourge that is crossing Africa today. Reverend Roman is on the front line urging not only his church but other churches to respond to the need in America, as well as the wonderful things we have been able to accomplish—Reverend Roman and myself and others—in the community in Philadelphia. He has been a great leader, someone who has been a real tour de force not only in evangelizing the word of God but in putting God's will into action in the community.

It is an honor to have him here today. We certainly welcome him wholeheartedly to the Senate.

Mr. SPECTER. Mr. President, I join my distinguished colleague, Senator SANTORUM, in words of praise for Rev. Gus Roman. As a fellow Philadelphian, I have had an opportunity to watch his work. He has an outstanding record and an outstanding reputation.

It was very nice of him to come to Washington and lead the Senate in the opening prayer. When Senator SANTORUM makes comments about the work of Reverend Sullivan, that has been acclaimed nationally and internationally. I had my first opportunity to work with Reverend Sullivan many years ago when he took a deserted police station in north Philadelphia and turned it into the Opportunities Industrialization Corps, providing job training. It is worthy to note that Reverend Sullivan is in town today. There is an African American summit dinner tonight at the ballroom of the Washington Hilton—not to give too many advertisements in conjunction with the prayer.

Reverend Sullivan's work, as Reverend Roman's work, is very distinguished and a great contribution to America.

SCHEDULE

Mr. SPECTER. Mr. President, today the Senate will be in a period of morning business until approximately 10 a.m., with Senators AKAKA and LOTT in control of the time. Following morning business, the Senate will begin consideration of H.R. 4577, the Labor-Health Human Services appropriations bill. Amendments are expected to be offered and debated during this morning's session. At 1:20 p.m. today, the Senate will resume consideration of the foreign operations appropriations bill to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

debate final amendments. Votes will begin at 2 p.m. on the remaining amendments and on final passage of foreign operations and on any votes ordered in relation to the Labor appropriations bill. Further votes are expected throughout this evening's session. I thank my colleagues for their cooperation.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with the time to be equally divided between the Senator from Hawaii, Mr. AKAKA, and the majority leader, or his designee.

The Senator from Hawaii.

TRIBUTE TO ASIAN PACIFIC AMERICAN MEDAL OF HONOR WINNERS

Mr. AKAKA. Mr. President, I stand here today to pay tribute to the 22 men who received the Medal of Honor yesterday. As has been indicated by a number of my colleagues, one of those recipients is my dear friend and colleague from Hawaii, Senator DANIEL K. INOUYE. I extend my heartfelt congratulations to:

Senator DANIEL K. INOUYE, Second Lieutenant, 442nd Regimental Combat Team;

Rudolph Davila, Staff Sergeant, 3rd Army;

Barney Hajiro, Private First Class, 442nd RCT;

Mikio Hasemoto, Private, 100th Battalion;

Joe Hayashi, Private First Class, 442nd RCT;

Shizuya Hayashi, Private, 100th Battalion;

Yeiki Kobashigawa, Technical Sergeant, 100th Battalion;

Robert Kuroda, Staff Sergeant, 442nd RCT;

Kaoru Moto, Private First Class, 100th Battalion;

Kiyoshi Muranaga, Private First Class, 442nd RCT;

Masato Nakae, Private First Class, 100th Battalion;

Sinyei Nakamine, Private, 100th Battalion;

William Nakamura, Private First Class, 442nd RCT;

Joe Nishimoto, Private, 442nd RCT;

Allan Ohata, Staff Sergeant, 100th Battalion;

James Okubo, Technical Sergeant, 442nd RCT;

Yukio Okutsu, Technical Sergeant, 442nd RCT;

Frank Ono, Private First Class, 442nd RCT;

Kazuo Otani, Staff Sergeant, 442nd RCT;

George Sakato, Private, 442nd RCT;

Ted Tanouye, Technical Sergeant, 442nd RCT;

Francis Wai, Captain, 34th Division.

Mr. President, these 22 Medal of Honor recipients have joined an elite group of soldiers honored for exceptional valor in service to our country. It may have taken half a century, but the passage of time has not diminished the magnificence of their courage. These 22 men truly represent the best that America has to offer. They answered the call to duty and proved that patriotism is solely a circumstance of the heart. These men answered the call of duty with conviction and courage, at a time when these virtues were most in demand by a needy Nation. In the face of discrimination and injustice at home, these men set aside personal consideration to defend our great Nation on foreign battlefields. By their actions, these 22 men proved that patriotism is not based on the color of one's skin, but on the courage and strength of one's convictions.

I am pleased to have contributed to the process that finally led to the appropriate recognition of these soldiers. Legislation initiated by the Senate required the military to review the records of all Asian Pacific American recipients of the Navy Cross or Distinguished Service Cross during World War II to determine if any merit upgrade to the Medal of Honor.

Many times I have been asked why I thought review was necessary. The review provision was offered and adopted out of concern that Asian Pacific American veterans have never been fully recognized for their military contributions during the Second World War.

Many in Hawaii know of the exploits of the 100th Infantry Battalion, 442nd Regimental Combat Team. It came as a surprise that few on the mainland were familiar with the service of this famous all-Nisei, second generation Japanese unit, or of the secret Military Intelligence Service whose members served in the Pacific.

Twenty of the twenty two Medal of Honor recipients honored yesterday and today are from the 100th Infantry Battalion, 442nd Regimental Combat Team. Of the remaining two recipients, Sergeant Francis Davila served with the 7th Infantry and Captain Francis Wai served with the 34th Division.

Few people realize the history of the 442nd Regimental Combat Team. On December 7, 1941, during the attack on Pearl Harbor, a call went out for all University of Hawaii ROTC members to report for duty. These students, most of whom were Americans of Japanese ancestry, responded to the call and were fully prepared to defend the United States. 370 of the Japanese American ROTC cadets were sworn into the Hawaii Territorial Guard and guarded the most sensitive and important installations in Hawaii.

Due to the shock at the attack on Pearl Harbor and an unfortunate ignorance by some of the culture and racial makeup of the citizens of Hawaii, there were individuals who opposed Japanese Americans serving in the Territorial Guard. The 370 Japanese Americans who had served faithfully, willingly, and patriotically during the weeks following Pearl Harbor, were dismissed from the Territorial Guard because of their ancestry. Instead of rebelling, resigning, or protesting, these men wrote to the Commanding General of the Hawaiian Department and stated their ''willingness to do their part as loyal Americans in every way'' and offered themselves for ''whatever you may see fit to use us.''

These men formed the Varsity Victory Volunteers and worked at the quarries, constructed roads, helped construct warehouses, renovated quarters, strung barbed wire, and built chairs, tables, and lamps. They even donated blood and bought bonds. We cannot forget that these men were students and could have been making money in white collar jobs.

Instead, they devoted their time to doing what they could to help the military. It was this group of Japanese American volunteers, the Varsity Victory Volunteers, who were eventually given the authorization by the War Department to form the 442nd Regimental Combat Team, which would earn the distinction as the ''most decorated unit for its size and length of service in the history of the United States.''

Their motto, ''Go for Broke,'' is a perfect description of their spirit and character as men and as a fighting unit. The 442nd and 100th Battalion captured enemy positions and rescued comrades. They completed missions that seemed impossible. Ignoring danger, they repeatedly placed themselves in harm's way, gaining a reputation for fearless and fierce fighting. Throughout the Army their bravery earned them the nickname the ''Purple Heart Battalion.''

In 1943, when the War Department decided to accept Nisei volunteers, over 1,000 Hawaii Nisei volunteered on the first day. The spirit and attitude of these volunteers is captured in the senior Senator from Hawaii's memoir, ''Journey to Washington.''

I want to read an excerpt from the book describing an exchange between young DAN INOUYE and his father as he left to report for induction.

> After a long period of silence between us, he said unexpectedly, ''You know what 'on' means?''
>
> ''Yes,'' I replied. On is at the very heart of Japanese culture. On requires that when one man is aided by another, he incurs a debt that is never canceled, one that must be repaid at every opportunity.
>
> ''The Inouyes have great on for America,'' my father said. ''It has been good to us. And now it is you who must try to return the goodness. You are my first son, and you are very precious to your mother and me, but you must do what must be done.''

Mr. President, for over 60 years, my friend and colleague, the senior Senator from Hawaii, has returned to

America the goodness and service to honor his father's admonition. On the field of battle in Italy, in the territorial legislature, and for over 40 years in Congress, DAN INOUYE has served his country with distinction and courage. His leadership on national defense, civil rights, and a host of other issues have made America a stronger and better country. I am proud to serve with him in the United States Senate.

Mr. President, the people of Hawaii are also very proud that 12 of the 22 men awarded the Medal of Honor are from Hawaii.

My Honolulu office received a call the other day from a constituent in Waianae, a small community on the leeward coast of Oahu, who wanted to make sure that people knew that three Medal of Honor recipients were from Waianae.

Indeed, the people of Hawaii are proud and grateful for all the local boys who have served in defense of our nation. They are well aware of the sacrifice and hardship endured by our men in uniform during World War II and subsequent conflicts.

Out of the 22 men honored, 10 were killed in battle. Five of the recipients survived World War II, but have passed on prior to knowing that their medals were upgraded. That leaves us with seven living recipients, five of whom, I am proud to say, are from the State of Hawaii.

I see this as an opportunity to inform the American public about the degree and level of participation of Asian Pacific Americans in the war effort. I thank President Clinton, Secretary of Defense William Cohen, and Secretary of the Army Louis Caldera for the painstaking and thorough manner in which the review and nomination process was conducted. I commend Secretary Caldera and all the Army personnel who conducted this review in a thorough and professional manner. They carried out the difficult task of identifying the records of more than one hundred veterans.

I would also like to acknowledge the 442nd Veterans Club, and Club 100 for their unwavering support and assistance in the review process. I want to thank Ed Ichiyama, Sakae Takahashi, and Iwao Yokooji for their tremendous work in recognizing the contributions of Asian Pacific Americans in military intelligence and the frontlines of battle. The accounts documented for each of the 104 Distinguished Service Cross recipients underscore our faith in a Nation that produces such heroes and are a wonderful legacy for our children and grandchildren.

I would also like to pay tribute to the Military Intelligence Service, whose unit citation was signed by Secretary Caldera last night, because in a profound way, my interest in this area began with the MIS.

About 10 years ago, I heard of the late Colonel Richard Sakakida's remarkable experiences as an Army undercover agent in the Philippines during World War II. His MIS colleagues worked to have his extraordinary service honored by our Government and the Government of the Philippines.

While working to have Colonel Sakakida's service acknowledged with appropriate decoration, I realized that there were many war heroes whose valiant service had been overlooked. I recalled that only two Asian Pacific Americans received the Medal of Honor for service during World War II. The number seemed too low when you consider the high-intensity combat experienced by the 100th and 442nd, the service of 12,000 Filipino Americans in the U.S. Army, and the dangerous assignments taken by the 6,000 members of the MIS.

President Truman recognized it for what it was on a rain-drenched day in 1945, when during a White House ceremony honoring the 100th and 442nd, he observed, ''you fought not only the enemy, you fought prejudice, and you have won.''

Mr. President, these men are not being awarded the Medal of Honor because of their race. They are being given their due recognition for their exceptional acts of valor. Fifty-five years ago, our country refused to appropriately recognize that these men distinguished themselves by gallantry and audacious courage, risking their lives in service above and beyond the call of duty.

This is a great day to be an American, and I am honored to stand before the Senate to pay tribute to these 22 men who fought to defend our great Nation. In their memory and in celebration of our Nation's everlasting commitment to justice and liberty, I honor these 22 men and their achievements and offer them the highest praise for all they have done to keep us free.

Mr. STEVENS. Mr. President, some people have inquired about why I have been so interested in the award of a Congressional Medal of Honor to our distinguished friend from Hawaii, Senator DANIEL INOUYE. I come to the floor to explain that.

As a young boy, I attended school in Redondo Beach, CA. That high school was also attended by a substantial number of Japanese students. On December 7 of 1941, we had the terrible attack on the United States. Following that attack, almost half of the young boys, young men of our high school class, did not return to school. They were Japanese young men.

Within a few weeks, they and their families were interned and taken to local racetracks and other places and put into internment camps. I never saw those young men again. They were young men with whom I played football and knew very well. Many of them joined the same unit Senator INOUYE was in, the 442nd.

It was not until 1996, when Senator AKAKA, Senator INOUYE's colleague, introduced an amendment, that I realized there had been probably one of the greatest mistakes made by the American military in its history. On February 10, 1996, Senator AKAKA offered an amendment that became section 524 of Public Law 104–106. It was for this purpose:

Review regarding upgrading of Distinguished-Service Crosses and Navy Crosses awarded to Asian-Americans and Native American Pacific Islanders for World War II service.

It required the Secretary of the Army to review the records relating to the awards of the Distinguished-Service Cross and the Secretary of the Navy to review the records relating to the Navy Cross awarded to these people to determine whether or not the people who had received those awards should be upgraded to the Medal of Honor.

As a result of that review, as we all know, yesterday we attended, at the White House, the Medal of Honor ceremony that did result in the upgrading of these awards that had been previously made to 21 different individuals. One of them was to my great friend, the Senator from Hawaii.

The Senate will have a reception, sponsored by Senator BYRD and myself, for Senator INOUYE this afternoon. At this time, at noon, he is becoming a member of the Medal of Honor Society at the Offices of the Secretary of the Army. We have invited every Member of the Senate, and I do hope they will come by.

The ceremony will start at 4:30. The room will be opened at 4 o'clock. It is the Caucus Room in the Russell Building. At my request, Stephen Ambrose, who wrote the D-Day book and other books very well known to our people, will be there to make some remarks concerning Senator INOUYE.

I have decided this citation should appear in the RECORD. I ask unanimous consent that it be printed in the RECORD as it appears in the document presented by the President of the United States to those of us who attended the ceremony yesterday.

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

CITATION

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to:

SECOND LIEUTENANT DANIEL K. INOUYE

UNITED STATES ARMY

for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty:

Second Lieutenant Daniel K. Inouye distinguished himself by extraordinary heroism in action on 21 April 1945, in the vicinity of San Terenzo, Italy. While attacking a defended ridge guarding an important road junction, Second Lieutenant Inouye skillfully directed his platoon through a hail of automatic and small arms fire, in a swift enveloping movement that resulted in the capture of an artillery and mortar post and brought his men to within 40 yards of the hostile force. Emplaced in bunkers and rock formations, the enemy halted the advance with crossfire from three machine guns. With complete disregard for his personal safety, Second Lieutenant Inouye crawled up the treacherous slope to within five yards of the nearest machine gun and hurled two grenades, destroying the emplacement. Before the enemy

could retaliate, he stood up and neutralized a second machine gun nest. Although wounded by a sniper's bullet, he continued to engage other hostile positions at close range until an exploding grenade shattered his right arm. Despite the intense pain, he refused evacuation and continued to direct his platoon until enemy resistance was broken and his men were again deployed in defensive positions. In the attack, 25 enemy soldiers were killed and eight others captured. By his gallant, aggressive tactics and by his indomitable leadership, Second Lieutenant Inouye enabled his platoon to advance through formidable resistance, and was instrumental in the capture of the ridge. Second Lieutenant Inouye's extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit on him, his unit, and the United States Army.

Mr. STEVENS. Mr. President, we are all honored to serve with this Senator. I hope every Member of the Senate will attend the reception for him.

Mr. WELLSTONE. Mr. President, all of us thank Senator STEVENS and Senator BYRD for having a gathering this afternoon for Senator INOUYE.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I ask unanimous consent to be given 10 minutes in morning business.

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

PERMANENT NORMAL TRADE RELATIONS WITH CHINA AND THE CHINA NONPROLIFERATION ACT

Mr. THOMPSON. Mr. President, we will shortly be taking up the matter of permanent normal trade relations with China.

Mr. President, normally, I do not think matters of trade should be encumbered by other non-trade considerations; however, in the case of China, the situation is different. Not only are we considering trade with someone other than an ally, someone other than a nation that shares our values and outlooks on life, but we are beginning a new relationship with a nation that is actively involved in activities that go against the national security of this nation, and go against the security of the entire world. China still is one of the world's leading proliferators of weapons of mass destruction. We are right now engaged in a debate in this country over a national missile defense because of the activities of certain rogue nations and the weapons of mass destruction that they are rapidly developing. They're developing those weapons, Mr. President, in large part because of the assistance they're getting from the Chinese.

The Rumsfeld Commission reported in July of 1998 that ''China poses a threat as a significant proliferator of ballistic missiles, weapons of mass destruction, and enabling technology. It has carried out extensive transfers to Iran's solid fuel ballistic missile programs, and has supplied Pakistan with the design for nuclear weapons and additional nuclear weapons assistance. It has even transferred complete ballistic missile systems to Saudi Arabia and Pakistan. China's behavior thus far makes it appear unlikely it will soon effectively reduce its country's sizable transfers of critical technology, experts, or expertise, to the emerging missile powers.

Mr. President, I speak today not to get into the middle of the PNTR debate, because that is yet to come, but because something has come to my attention that I think deserves comment.

Under issue cover dated June 22—today—the Far Eastern Economic Review reports this:

Robert Einhorn, the U.S. Assistant Secretary of State for Nonproliferation, left Hong Kong on June 11 with a small delegation bound for Beijing. Neither the American or Chinese side reported this trip. Einhorn is on a delicate mission to get a commitment from Beijing not to export missile technology and components to Iran and Pakistan. China has agreed in principle to resume nonproliferation discussions with the U.S. in July. But Einhorn's trip has an added urgency because recent U.S. intelligence reports suggest that China may have begun building a missile plant in Pakistan. If true, it would be the second Chinese-built plant there. A senior U.S. official declined comment on the report, but said that Washington is concerned that China has resumed work on an M–11 missile plant it started building in Pakistan in 1990. Work stopped in 1996 when Pakistan, facing U.S. sanctions, pledged itself to good behavior.

Mr. President, if this report is true, I must say it's totally consistent with everything else the Chinese have been doing over the past several years. In summary, they have materially assisted Pakistan's missile program; they have materially assisted North Korea's missile program; they have materially assisted Libya's missile program. They have now been responsible apparently for two missile plants in Pakistan. The India-Pakistan part of the world is a nuclear tinder box. They are going after one another with tests of missiles with the Indians saying they're responding to the Pakistanis' tests. The Pakistanis in turn are developing capabilities almost solely dependent on the Chinese. All of this activity by China is in clear violation of the Missile Technology Control Regime, which they have agreed to adhere to. In addition, they have assisted in the uranium and plutonium production in Pakistan. This is in violation of the Nuclear Non-Proliferation Treaty. They have been of major assistance to the Iranian missile program. They have supplied guidance systems to the Iranians. They have helped them test flight their Shahab-3 missile. They have now successfully conducted a test flight of that missile. They have supplied raw materials and equipment for North Korea's missile program. Plus, in addition, they have supplied cruise missiles to Iran, and they have supplied chemicals and equipment and a plant to Iran to help them produce chemical weapons.

Now, all of these have to do with reports, most have to do with intelligence reports, that we have received in open session before Congressional committees year after year after year where the Chinese have promised that they would do better, promised that they would adhere to international regimes and norms of conduct, and they have consistently violated them. We cannot turn a blind eye to these factors as we consider PTNR.

What is to happen to a nation that will not protect itself against obvious threats to its national security? That's why, Mr. President, we have introduced a bill that will establish an annual review mechanism that assesses China's behavior with regard to the proliferation of weapons of mass destruction. And if it is determined that they continue this conduct, we will have responses. They will be WTO-compliant; for the most part they will not be trade-related. They address things like Chinese access to our capital markets. They now are raising billions of dollars in our capital markets, and there's no transparency. We do not know what the monies are going for. We know precious little about the companies except that they are basically controlled by the Chinese government. Many people feel like the money is going back to enhance their military and other activities such as that. There needs to be transparency. They need to be told that if they continue with this pattern of making the world less safe, creating a situation where we even need to have to worry about a national missile defense system, assisting these rogue nations with the capability of hitting us with nuclear and biological and chemical weapons, that there's going to be a response by this country. It will be measured; it will be calculated; it will be careful; it will be tiered-up in severity based upon the level of their activities. And this is what we're going to be considering in conjunction with the PTNR debate.

I thought it was important that I bring this latest information concerning the Chinese activities in building apparently another missile plant in Pakistan, which is a nuclear tinder box, even at the time—even at the time—that we have under consideration permanent normal trade relations with them. That shows no respect for us; it shows no respect for the international regimes which seek to control such things, and it is time we got their attention. I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Delaware.

Mr. BIDEN. Mr. President, are we still in morning business?

The PRESIDING OFFICER. We are.

Mr. BIDEN. I ask unanimous consent if I could proceed in morning business for 10 minutes. If the committee is prepared to begin their deliberation, I will withhold.

Mr. SPECTER. We are prepared to begin our deliberations, but if the Senator from Delaware wants some time, I will defer to him.

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

Mr. BIDEN. Before the Senator from Tennessee leaves, let me say that I think his rendition of Chinese behavior and proliferation is accurate. I remind all Members to keep that in mind when we vote on a national missile defense system.

Right now, I point out, as my friend on the Intelligence Committee knows, China has a total of 18 intercontinental ballistic missiles. If we go forward with the national missile defense system that we are contemplating, and if we must abrogate the ABM Treaty in order to do that, I am willing to bet any Member on this floor that China goes to somewhere between 200 and 500 ICBMs within 5 years.

It is bad that China still proliferates missile technology. It is even more awesome that they may decide they are no longer merely going to have a ''city buster'' deterrent, which is no threat to our military capability in terms of our hardened targets and silos. If we deploy a national missile defense, they may decide that they must become a truly major nuclear power.

I also point out that, notwithstanding that everything the Senator said is true, I do believe there is hope in engagement. There is no question that the reason North Korea is, at least at this moment—and no one knows where it will go from here—is withholding missile testing, at least at this moment adhering to the deal made with regard to not reprocessing spent nuclear fuel, at least has begun discussions with South Korea, is in no small part because of the intervention of China.

As the Senator from Tennessee and the rest of my colleagues know, foreign policy is a complicated thing. We may find ourselves having to balance competing interests. I am not defending China's action. As the Senator may know, I am the guy who, with Senator HELMS 5 years ago, attempted to sanction China for their sale of missile technology to Pakistan. However, I think that as this develops and we look at the other complicated issues we will have to vote on, we must keep in mind that, as bad as their behavior is, we sure don't want them fundamentally changing their nuclear arsenal. I don't want them MIRVing missiles. I don't want them deciding that they are to become a major nuclear power.

I respectfully suggest that before we make a decision on national missile defense, we should know what we are about to get, for what we are bargaining for. Maybe we can build a defensive system that could intercept somewhere between 5 and 8 out of 7 or 10 missiles fired from North Korea.

As they used to say in my day on bumper stickers, ''One nuclear bomb can ruin your day.''

I am not sure, when we balance all of the equities of the concerns about what is in the interest of those pages on the Senate floor and their children, that if deployment of a national missile defense starts an arms race in Asia, it is actually in their interest in the long run.

I thank the Senator for his pointing out exactly what China is doing.

NATIONAL SECURITY

Mr. BIDEN. Mr. President, I thank the managers from Foreign Operations Subcommittee of the Appropriations Committee for accepting my amendment yesterday, which was a resolution arguing that we should restore the moneys that we cut from the NADR funding line in the State Department. The Foreign Operations Appropriation bill cut a lot of money out of a proposal and recommendation from the authorizing committee, the Senate Foreign Relations Committee.

We cut a significant amount of money out of some vital programs that we have to support nonproliferation, antiterrorism, and related programs. As a matter of fact, the 10 programs in this category are all on the front line of protecting our people from terrorism and weapons of mass destruction. Unfortunately, the funding in the Foreign Operations bill for 7 of those 10 programs was 37 percent below the levels requested by the President. And that is without counting another $30 million that was cut because the Foreign Operations Subcommittee concluded that a new counterterrorism training center had to be funded in the Commerce-State-Justice appropriations bill instead.

The national security and the very things my friend from Tennessee is talking about require that we provide substantially more of those requested funds.

Let me describe the programs that are treated so badly. In the nonproliferation field, we have the Department of State's Export Control Assistance program, which helps foreign countries to combat the proliferation of weapons of mass destruction. Recently, Customs agents in Uzbekistan, for example, stopped the shipment of radioactive contraband to Kazakhstan, which was on its way to Iran with an official destination of Pakistan. Press stories suggest that the shipment was really intended for an Afghanistan terrorist group affiliated with Osama bin Laden, who would have used it to build a radiological weapon for use against Americans.

Those Customs agents were trained in the United States. The equipment they used to detect the radioactive material was provided by the United States. In that case, the funding came from the Cooperative Threat Reduction Program, which is in another appropriations bill. But the Export Control Assistance Program has provided the same sort of assistance when the Nunn-Lugar program could not be used, and it regularly helps other countries enact the laws and regulations they need in order to be effective in export control. The personal ties that are forged by this program with export officials in other countries are equally critical in improving other countries' export controls and their willingness to work with us.

I cite that as one example. We are cutting by 37 percent on average the non-proliferation and anti-terrorism programs. We are cutting by 37 percent on average those programs that allow us to train customs agents and others in detecting the transfer of the very material my friend from the State of Tennessee is talking about being transferred. None of that is transferred in the open. China doesn't say, ''By the way, we are about to send to Pakistan the following.'' They don't do that. It is all done surreptitiously. How we are cutting funds to deal with the transport of materials that cause the proliferation to rise as it has is beyond me. It is absolutely beyond my comprehension.

There are many other aspects of the program. Last year Congress increased funding for this program from $10 million to $14 million. Indeed, the report for the Foreign Operations Appropriation bill takes credit for the increase. This year the President asked for $14 million to maintain the level we set up last year. But what happened? The appropriations bill cut it back down to $10 million. I don't get this. Hello? What is going on here? The committee takes credit for raising this program's budget and then cuts it back down? If there is a logic here, I fail to see it.

The fact is that last year, when it came to this program, the appropriators were right. This year they should do again just what they did last year. But they did not. That is why my cosponsors and I offered our amendment, and I am grateful to the managers for their acceptance of that amendment; I hope the conferees will take it to heart.

We need more export control assistance to help other countries keep nuclear materials out of the hands of their dangerous neighbors. Earlier this month the National Commission on Terrorism warned that it:

> . . . was particularly concerned about the persistent lack of adequate security and safeguards for the nuclear material in the former Soviet Union.

That is a cogent concern, one my friend from Tennessee and I and others have talked about on this floor. Export control assistance is one of the programs that helps keep those dangerous materials from crossing the former Soviet borders.

The Foreign Relations Committee is on record as favoring full funding of the request for this program. Indeed, it was suggested by Senator HELMS we add another $5 million to our security assistance to support strategic cargo X-ray facilities that would be used in the free port of Malta. Malta is a crossroads for shipping in the Mediterranean area and sometimes it has been the doorway for contraband flowing to Libya. You might think appropriators

would pay attention to such a sensible suggestion, but the Foreign Operations Appropriation bill did the opposite.

Another non-proliferation program, International Science and Technology Centers, would provide safe employment opportunities for former Soviet experts. There are thousands and thousands of Soviet experts, nuclear experts. They are not getting paid. They don't have housing. Their economy is in the toilet. We have a program: We want to hire them. We don't want Qadhafi hiring them. We don't want them being hired in Libya. We don't want them hired in North Korea. So we have a sensible program.

I will end with this. There are 4 more examples, but I will not take the time.

What do we do? We cut these programs. Then we all stand—and I am not speaking of any particular Senator—and say we are going to fight terrorism, and nonproliferation is our greatest concern, and we are worried about this technology changing hands. The bottom line is the programs that help to do that are cut. That is why it is so important that our amendment of yesterday be implemented in conference.

I yield the floor and thank my colleague from Pennsylvania.

Mr. SPECTER. Mr. President, before proceeding to the bill, I compliment my colleagues, the Senator from Tennessee and the Senator from Delaware, for their comments this morning, calling attention to the major international problems on nuclear proliferation. This body will soon be voting on legislation to have permanent normal trade relations with China. As noted by the Senator from Tennessee, the People's Republic of China happens to be a major violator in proliferating nuclear weapons. They sent the M–11 missiles to Pakistan, which have been the basis for the nuclear arms confrontation between India and Pakistan. They have helped to proliferate weapons in Iran and North Korea. It is my view that the best way to restrain the People's Republic of China from posing an enormous international threat is to continue to give them permanent trade relations on an annual basis.

I have discussed this many times with my distinguished colleague from Tennessee. I hope he will join me in ultimately opposing normal trade relations as the best leverage to try to keep the people's Republic of China in line.

We have seen, again and again, problems that the executive branch cannot be, candidly, relied upon, with waivers being granted. Separation of powers has been established. The Senate is here and the House is here in order to see that there is another view about what is happening with China. The most effective leverage is to have an annual checkup on them, and to have the normal trade relations as the leverage, which would be very, very important.

I urge my colleague from Tennessee and others to consider that when that vote comes up. There is more involved in that issue than just the money; the future of civilization may be on the line if we do not contain the People's Republic of China from proliferating weapons of mass destruction.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION, AND RELATED AGENCIES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to H.R. 4577, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4577) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for fiscal year ending September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that all after the enacting clause be stricken, and the text of the S. 2553, as reported by the Senate Appropriations Committee, be inserted in lieu thereof, the bill as amended be considered as original text for the purpose of further amendment, and no points of order be waived by virtue of this agreement.

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

AMENDMENT NO. 3590

(The text of the amendment (No. 3590) is printed in today's RECORD under ''Amendments Submitted.'')

Mr. SPECTER. Mr. President, I am pleased to make the opening statement on the pending appropriations bill for the Departments of Labor, Health, Human Services and Education. The subcommittee, which the distinguished Senator from Iowa and I work on, has the responsibility for funding these three very important and major departments. We have come forward with a bill which has program level funding of $104.5 billion. While that seems like a lot of money—and is a lot of money—by the time you handle the priorities for the nation's health, by the time you handle the priorities for the nation's education—and the Federal Government is a relatively minor participant, 7 percent to 8 percent, but an important participant—and by the time you take care of the Department of Labor and very important items on worker safety, it is tough to find adequate funding.

We have structured this bill in collaboration with requests from virtually all Members of the Senate who have had something to say about what the funding priorities should be based on their extensive experience across the 50 States of the United States. We have come forward on the Department of Education with a funding budget in excess of $40 billion, more than $4.6 billion more than last year, and some $100 million over the President's request. We have established the priorities which the Congress sees fit. We have increased the maximum Pell grants. We have increased special education by $1.3 billion, trying to do a share of the Federal Government on that important item. We have increased grants for the disadvantaged by almost $400 million.

We have moved on the Department of Health and Human Services for a total budget of over $44 billion, which is an increase of almost $2.5 billion over last year. We have increased Head Start by some $1 billion, so it is now in excess of $6 billion. We have structured a new drug demand reduction initiative, taking the very substantial funds which are available within our subcommittee, and redirecting $3.7 billion to try to deal with the demand reduction issue.

It is my view that demand reduction is the long-range answer—that and rehabilitation—to the drug problem in America. We may be spending in excess of $1 billion soon in aid to Colombia, and it is my view that there is an imbalance in the $18 billion which we now spend, with two-thirds—about $12 billion—going to so-called supply interdiction and fighting street crime. They are important. As district attorney of Philadelphia, my office was very active in fighting street crime against drug dealers.

In the long run, unless we are able to reduce demand for drugs in the United States, suppliers from Latin America will find a way to grow drugs, and sellers on America's street corners will find ways to distribute it, which is why we have made this initiative to try to come to grips with the demand side.

Last year, we structured a program to deal with youth violence prevention. We have increased the funding by some $280 million so that now it is being directed in a coordinated way against youth violence, and some substantial progress has been made in the almost intervening year since this program was initiated.

A very substantial increase in funding has been provided in this bill for the National Institutes of Health. I would suggest that of all the items for program level funding in this $104.5 billion bill, the funding for the National Institutes of Health may well be the most important.

I frequently say that the NIH is the crown jewel of the Federal Government, and add to that, in fact, it may be the only jewel of the Federal Government. Senator HARKIN and I, in conjunction with Congressman PORTER and Congressman OBEY on the House side, have taken the lead on NIH. Four years ago, we added almost $1 billion; 3 years ago we added $2 billion; last year we added $2.3 billion, which was cut slightly in across-the-board cuts to

about $2.2 billion; and this year we are adding $2.7 billion.

There have been phenomenal achievements by NIH in a broad variety of maladies. There is nothing more important than health. Without health, none of us can function. It is so obvious and so fundamental.

These maladies strike virtually all Americans. I will enumerate the diseases which NIH is combating and making enormous progress: Alzheimer's disease, AIDS, amyotrophic lateral sclerosis, also known as Lou Gehrig's disease, Parkinson's disease, spinal cord injury, cancers—leukemia, breast, prostate, pancreatic, lung, ovarian—heart disease, stroke, asthma, multiple sclerosis, muscular dystrophy, autism, osteoporosis, hepatitis C, arthritis, cystic fibrosis, diabetes, kidney disease, and mental health.

I daresay that there is not a family in America not touched directly by one of these ailments. For a country which has a gross national product of $8 trillion and a Federal budget of $1.85 trillion, this is not too much money to be spending on NIH. We are striving to fulfill the commitment that the Senate made to double NIH funding in the course of 5 years. We are doing a lot. We are not quite meeting that target, but we are determined to succeed at it.

This bill also includes $11.6 billion for the Department of Labor, an increase for Job Corps, an increase for youth offenders, trying to deal with juvenile offenders to stop them from becoming recidivous. There is no doubt if one takes a functional illiterate without a trade or skill and releases that functional illiterate without a skill from prison, that illiterate, unable to cope in society, is likely to return to a life of crime. Focusing on youthful offenders, we think, is very important.

We have met the President's figures on occupational safety and health, NLRB, mine safety, and for a specific problem we have topped the President's figure slightly by $2.5 million, seeing the ravages of black lung and mine safety-related programs that I have personally observed both in Pennsylvania's anthracite region in the northeastern part of my State and the bituminous area in the western part of my State.

I was dismayed when the subcommittee came forward with its budget to have the President immediately articulate a veto message. I note my distinguished colleague from Iowa nodding in the affirmative. He did a little more during the Appropriations Committee markup and not in the affirmative. I left it to my colleague to have a comment or two about the President of his own party. I learned a long time ago, after coming to the Senate, that we have to cross party lines if we want to get anything done in this town.

I am pleased and proud to say Senator HARKIN and I have established a working partnership. When he chaired this subcommittee, I was the ranking member. I like it better when I chair and he is the ranking member. He spoke up in very forceful terms criticizing the President, the President's men, and the President's women for coming forward with that veto statement when we have strained to put together this total bill of $104.5 billion, and it has been tough going to get the allocations from the Appropriations Committee.

I thank Senator STEVENS, the chairman, and Senator BYRD, the ranking member, for coming up with this money. When the President asked for $1.3 billion for construction and $1.4 billion for additional teachers and class size, we put that money in the budget. We did add, however, that if the local boards make a determination, factually based, that the money is better used in some other line, the local school boards can spend the money in that line, giving priority to what the President has asked for, but recognizing that cookie cutters do not apply to all school districts in America.

We have structured some different priorities in this bill. The last time I read the Constitution, it was Congress who had the principal authority on appropriations. It is true the President must sign the bill, but to issue a veto threat after the subcommittee reports out a bill, before the full committee acts on it, before the full Senate acts on it, before there is a conference seems to me to be untoward.

Regrettably, in the past, this bill has not been finished until after the end of the fiscal year, so we have been unable to engage in a discussion with the President and a discussion with the American people about what are the priorities established by Congress. I emphasize that this is a bill which receives input from virtually all Members. We have hundreds of letters which pour into this subcommittee which we consider, and the same is true on the House side. This is no small matter as to who may be assessing the priorities for America. For the President to say his priorities are the only ones to be considered seems to me untoward.

That is as noncritical a word as I can fashion at the moment. I thank the majority leader, Senator LOTT, for scheduling this bill early. We intend to conference this bill promptly with the House and have a bill ready for final passage in July—hopefully in early July—and then let us see the President's reaction.

We are prepared to take to the American people the basic concept that if school districts do not need additional buildings, they ought to be able to use their share of the $1.3 billion for something else. If some school districts do not have a problem with the number of teachers they have, they ought to be able to use their share of the $1.4 billion for something else.

This is a very brief statement of a very complicated bill.

At the outset, I thank my colleague, Senator HARKIN, for his diligence and his close cooperation in bringing the bill to the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am pleased that the Labor-HHS bill has reached the floor relatively early this year. In the past few years, we have been sort of on the caboose end of the train.

It is an extremely important bill. It addresses many issues that are vital to the strength of our Nation—our health, education, job training, the administration of Social Security and Medicare, biomedical research, and child care, just to name a few.

Given its importance, I think it should be one of the first appropriations bills considered. But this is certainly the earliest this bill has gotten to the floor in many years. I am thankful for that.

At the outset, I thank my chairman, Senator SPECTER, and his great staff for their hard work in putting together this bill. As usual, Senator SPECTER has done so in a professional and bipartisan fashion. We all owe him a debt of gratitude for his patience.

This is always one of the most difficult bills to put together. This year the job has been especially difficult. I also thank the chairman of the full committee, Senator STEVENS, and the ranking member, Senator BYRD, for their support this year. Their help has been invaluable.

Before I say a few words about the contents of the bill, I think it is important to briefly discuss this year's budget resolution because we operate within its framework.

I believe this year's budget resolution shortchanged funding for important discretionary activities, including education, health, and job training. The funds were, instead, used to give tax cuts to the wealthy and to give the Department of Defense more money than it even requested. Our subcommittee's inadequate allocation was the inevitable result of that ill-advised budget resolution.

But that allocation forced our subcommittee to reach outside its normal jurisdiction to find mandatory offsets to fund the critical programs in this bill. Some may criticize the bill for that reason. Some of those criticisms are valid.

For example, I hope to work with my colleagues—hopefully when we get to conference—to reverse the reductions in social services block grants.

There are many good provisions in this bill. It increases funding for NIH, as Senator SPECTER said, by a historic amount, $2.7 billion. Education programs are increased by $4.6 billion. Head Start is increased by $1 billion.

The $2.7 billion increase for NIH will keep us on our way to doubling NIH funding over 5 years. We are on the verge of tremendous biomedical breakthroughs as we decode the mysteries of the human genome and explore the uses of human stem cells. We are doing the right thing by continuing to support important biomedical research.

The bill increases funding for child care from the $1.2 billion level last year to $2 billion this year. The availability, affordability, and quality of child care are major concerns for working families, and they desperately need these funds. Only about 1 in every 10 eligible children is served by this program. These dollars will go to working Americans who really need the help.

Again, I want to make sure the record reflects that last year, during our negotiations, our chairman, Senator SPECTER, guaranteed that we would have this increase this year. He lived up to that commitment. We had a tremendous increase in the child care program, and we thank Senator SPECTER for his commitment and for keeping his word to get that increase for child care this year.

I am proud we could also increase funding for education programs by, as I said, $4.6 billion. That includes a $350 increase in the maximum Pell grant to $3,650, the highest ever.

In this year that we celebrate the 10th anniversary of the Americans with Disabilities Act, the bill includes a $1.3 billion increase in funding for the Individuals with Disabilities Education Act, or IDEA.

We have also funded a new Office of Disability Policy at the Department of Labor. At HHS, we were able to add funds for several other programs funded under the Developmental Disabilities Act.

This bill also places great importance on women's health and includes over $4 billion for programs that address the health needs of women. I again might add that Senator SPECTER and I worked together on a women's health initiative that is part and parcel of this bill, and that is what that $4 billion is for.

The bill also includes a $50 million line item to address the issue of medical errors and to help health care practitioners and health care institutions, hospitals, and other health care facilities, to begin the process of developing methodologies and ways of cutting down on medical errors.

Medical errors are now the fifth leading cause of death in America. As we have looked at this, we found it is not just one person or one institution or one cause; there is a whole variety of different reasons. Quite frankly, I think our institutions and our practitioners have not kept up with the new technologies of today which in most of the private sector have helped us so much with productivity and which I believe in the health care sector can really help us cut down on medical errors. But that is what that $50 million is there to do.

The bill is not without its problems. As I mentioned, we do have a problem with the social services block grant. Hopefully, we will get this bill to conference and we will be able to fix that at that time.

Also, the provisions in the bill that have the money for school modernization and for class size reductions are not targeted enough. They are just broadly thrown in there. Again, we had this battle last year. When it finally came down to it, the Congress agreed with the White House, in a partnership, that we needed to put the money in there for class size reduction. I believe the same needs to be done for school modernization.

We only put in 7 cents out of every dollar that goes for elementary and secondary education in America. We only provide 7 cents. A lot of that goes for, as I said, the Individuals with Disabilities Education Act. A lot of that goes for title I programs to help low-income areas. When it is all over with, we have just a penny or two left of every dollar that we can give out to elementary and secondary schools.

So when we put in money for school modernization, we ought to make sure that is what it goes for. Schools desperately need this money. Our property taxpayers all over this country are getting hit, time and time again, to pay more in property taxes, which can be very regressive, to help pay for modernizing their schools.

As we know, most of the schools need to be modernized; they have leaky roofs, and toilets that won't flush, water that is bad, and air conditioning—a lot of times they don't even have air conditioning—heating plants that are inadequate. As I pointed out, one out of every four elementary and secondary schools in New York City today are still heated by coal. And again, these tend to be in the lowest income areas. So we need to target that money. It is not in this bill. That is one of the problems with it. Again, I hope we can work that out as we go to conference.

It is a national disgrace that the nicest places our children see are shopping malls, sports arenas, and movie theaters, and the most run down places they see are their public schools. Again, we have to fix these in conference.

I thank Senator SPECTER, once again, for being so open and working with us in a very strong bipartisan fashion.

We worked together to shape this bill. Overall, it is a good bill, with a few exceptions that we have to fix once we go to conference.

I want to make clear, I support the bill in its present form. I hope we get a good vote on it as it leaves here and goes to conference. I reserve my right, however, on the conference report, when it comes back. I am hopeful we can get it to conference with a strong vote, sit down with our House counterparts, and work out our differences. Hopefully, we can come back to the floor having fixed the class size, school modernization, and social services block grant problems we have in this bill.

I thank Chairman SPECTER for working in a bipartisan fashion. I hope we can get through this bill reasonably rapidly today, hopefully get to conference next week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 3593

(Purpose: To limit the use of funds for standards relating to ergonomic protection)

Mr. ENZI. Mr. President, I call up the amendment I have at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 3593.

Mr. ENZI. 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 23, between lines 12 and 13, insert the following:

SEC. . None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

Mr. HARKIN. I didn't hear the unanimous consent request.

The PRESIDING OFFICER. It was to dispense with the reading of the amendment.

The Senator from Arkansas.

AMENDMENT NO. 3594 TO AMENDMENT NO. 3593

(Purpose: To limit the use of funds for standards relating to ergonomic protection)

Mr. HUTCHINSON. Mr. President, I have a second-degree amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 3594 to amendment No. 3593.

Mr. HUTCHINSON. 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 all after the first word, and insert the following:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

The PRESIDING OFFICER. The Senator from Iowa.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued the call of the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, the amendment has been offered dealing with ergonomics, and it is not an unexpected amendment. This has been a contentious issue on this bill for many years. We have had the matter before. I have conferred with Senator HARKIN, and there is no doubt we ought to proceed with the debate and let people have their say and let us see how the debate progresses.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I want to make sure we understand late today that we are not the ones who have offered this contentious amendment. This is a very important bill that involves hundreds of billions of dollars. The two managers have worked on this, and they have a bill we can make presentable to the rest of the Senate. I just want to make sure, when I am called upon, and others are called upon, we are not the ones who offered this contentious amendment. We are not going to move off this amendment—that is the point I am making—until it is resolved one way or the other. If there is some concern about that, I think the people who want this bill moved should try to invoke cloture. It won't be invoked, but that is the only alternative.

AMENDMENT NO. 3594, AS MODIFIED

Mr. HUTCHINSON. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The amendment is modified.

The amendment (No. 3594), as modified, reads as follows:

Strike all after the first word, and insert the following:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

This amendment shall take effect October 2, 2000.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, let me just make an observation. I hear the threats that they are going to filibuster this amendment. This amendment deals with Labor-HHS appropriations. The Senate has the right to vote on whether or not we are going to spend the money in the Department of Labor to implement regulations that have a dramatic impact on business, on workers. We have a right to vote on it. The House voted on it; the Senate is going to vote on it.

We have voted on this amendment in one way or another almost every year since 1995. This is not a new issue. So now some people are saying, wait a minute, we are not going to take this tough vote. Didn't we just have a vote on hate crimes? I think we had two. Didn't we have a vote on campaign finance? Some people didn't want to vote on those two issues on this side of the aisle. Didn't we vote on a Patients' Bill of Rights?

Really, what the minority is saying is, we want to vote on our issues, but not on an issue that is relevant. Every amendment I just mentioned was not relevant to the underlying Department of Defense authorization bill. But still we ended up allowing those votes. We didn't have to. Now we have a relevant amendment to the underlying bill, Labor-HHS, the Department of Labor appropriations bill. We think the administration is going too far in the proposed regulations which they planned on having effective in December—these regulations the Clinton administration is trying to run through without significant hearings and without oversight and real analysis of how much it would cost.

Here is an example. On cost alone, the Department of Labor said—OSHA said—this regulation will cost $4 billion. The Small Business Administration, which they control, said the cost could be 15 times as much, or $60 billion a year. This Congress is not going to vote on a regulation that could cost $60 billion a year as estimated by the Small Business Administration? The private sector estimates range to over $100 billion per year. Wow, that is a lot of money. Shouldn't we vote on it?

Are these good regulations or not? Are we going to be able to stop them or not? Do we want to stop them? What are the regulations? They deal with ergonomics and with motion. OSHA—the Occupational Safety and Health Administration—is saying: We want to have some control over motion, and we think maybe this is harmful, and therefore we are going to control it. It may mean lifting boxes, or sitting at your desk, or anything minuscule, or something large.

The Department of Labor is coming in and saying: You need a remedy, you need to change the way you do business, because we know how to do your business better, and if it increases costs, that is too bad—not to mention the fact that they say we are going to change workers comp rules in every State in the Nation. I wonder what Senator BYRD from West Virginia thinks about changing workers comp rules in West Virginia.

I used to serve in the Oklahoma legislature. I worked on those laws and rules in our State. Are we going to have the Federal Government come up with a reimbursement rate of 90 percent when our State already passed a workers comp rule of 67 percent? Does the Federal Government know better?

My suggestion is that my colleagues from Arkansas and Wyoming, in introducing this amendment, have every right to offer an amendment that says: We are going to withhold funds on this regulation. We don't want a regulation to go into effect in December without us having additional time to consider it, without knowing how much it is going to cost. Maybe it should be postponed or suspended; maybe we should let the next administration deal with it. Let's vote on it.

For people to say, wait a minute, we don't like this amendment, so we are going to filibuster—there are probably a lot of amendments I don't like. Are we going to filibuster all of those? I think that would be grossly irresponsible. We need to let the Senate work its way.

Mr. HARKIN. Will the Senator yield for a question?

Mr. NICKLES. Yes.

Mr. HARKIN. Would the Senator tell us under which Secretary of Labor and how long ago this proposed ergonomics rule was promulgated? How many years of study have we put in on it?

Mr. NICKLES. The original rule came out, I believe, in 1995, and it made very little sense. The latest proposal had over 600 pages. The business community and others who looked at it said it was not workable. The Department of Labor has come back and said let's revise it and make it more workable. Did they show us results? No. They said let's overrule the States' workers comp.

If this went into effect—and I don't think it will, so maybe that is why people don't want to vote on it. But does this Congress really want to overrule every States' workers comp law? I don't think so. I think it would be a mistake.

To answer the question, this administration has been trying to promulgate this rule for about 5 years. We have been successful most of those years in putting in restrictions to stop them. Unfortunately, we didn't get it in last year. To me, it was one of the biggest mistakes Congress made last year—not stopping this administration. Now they are trying to promulgate the rule, I might mention, right after the elections, right before the next President. I think a delay is certainly in order.

Mr. HARKIN. Will the Senator yield for a further question on that?

Mr. NICKLES. Yes.

Mr. HARKIN. Again, it was my understanding that it was former Secretary of Labor Elizabeth Dole who first committed the Department to issue an ergonomic standard to protect workers on carpal tunnel syndrome and MSDs, as they are called. It has been under study for 10 years; is that right?

Mr. WELLSTONE. The Senator is right.

Mr. NICKLES. I think he asked me. They may have been working on this Department of Labor takeover of, I don't know what—workers involvement. But they issued the rule on November 23 of last year—a rule that has 600 pages. They may have been working on it for 10 years, but I doubt that. This administration hasn't been in office quite that long. But with enormous expense.

I think, again, we should have a vote. To give an example, I came from manufacturing, and we lifted and moved a

lot of heavy things. I don't really think somebody from the Department of Labor could come into Nickles Machine Corporation and say: Hey, we know the limits on what somebody can lift as far as pistons and cylinders and bearings are concerned. Therefore, we suggest you put a maximum on it. Or maybe every Senator—everybody has a machine shop, or every Senator has a bottling company. Somebody comes into the Senate every day and loads the Coke machines and the Pepsi machines.

This rule says that you can't lift that many cases; that you can't lift two cases at once, or one case, or maybe you can only lift a six-pack or something. The net result would be an estimate that bottlers would have to hire twice as many people. Maybe this is an employment bill.

My point is you could increase costs dramatically with draconian results without even knowing what we are doing.

I think a delay and not to have a regulation with this kind of economic consequence coming right after the election and right before the swearing in of a new administration makes good sense.

Let's postpone this until the next administration.

I thank my colleagues for their efforts.

I yield the floor.

Mr. WELLSTONE. Mr. President, my colleague has the floor. But could I have my colleagues' forbearance for a 15-second request?

Mr. President, I would like to respond to some of what was said by the Senator from Oklahoma; in other words, after Senator ENZI, and go back and forth on this, pro-con.

Mr. ENZI. Mr. President, I ask unanimous consent that following my speech, Senator WELLSTONE be recognized as ranking member of the subcommittee that deals with this, and I ask unanimous consent that Senator HUTCHINSON be allowed to follow that.

The PRESIDING OFFICER (Mr. ALLARD). Is there objection?

Without objection, it is so ordered.

Mr. ENZI. Mr. President, I thank the ranking member. This is not a new issue for either of us. We have been holding hearings on it. It has been in the press. We both knew about it. He was here to debate it. This is not a surprise.

I am pleased that I am going to be able to make my floor statement. I think perhaps after the floor statement maybe the other side would like to join me in proposing this amendment. I think there will definitely be additional Members who will want to join me in this.

Mr. President, I rose today and offered an amendment that simply prohibits the Occupational Safety and Health Administration, OSHA, from expending funds to finalize its proposed ergonomics rule for 1 year. It was mentioned before that last year we didn't get a prohibition against them proceeding with it. You will hear in a bit how much that little error has cost us.

But before I tell you why this amendment is critically necessary, I want to tell you what this amendment is not about.

This amendment is not about whether or not OSHA should have any ergonomics rule. It is not a prohibition on ergonomics regulations generally. And it is most definitely not a dispute over the importance of protecting American workers. Clearly protecting workplace safety and health is of paramount importance.

As the chairman of the subcommittee that deals with worker safety, I feel a special responsibility to oversee the agency charged with safeguarding these workers. But I am not fulfilling this responsibility if I merely rubber stamp anything OSHA does just because OSHA says it is acting in the interest of worker safety and health. I have a duty to make certain that OSHA is acting responsibly, appropriately, and in the best interests of workplace safety and health. Sadly, OSHA has not done so with this proposed ergonomic rule. That is what this amendment is about.

Because of this rule and the way OSHA is going about it, the amendment merely requires that OSHA wait a reasonable 1-year period before issuing a final ergonomics rule. That is to keep OSHA from making drastic mistakes to add to those already made.

Let me tell you why it is imperative that Congress act now to require OSHA to take this reasonable additional amount of time for this rulemaking.

In a nutshell, OSHA is using questionable rulemaking procedures; OSHA omitted the analysis of the economic impact; OSHA hasn't resolved conflicting laws; and this rule infringes on State workers compensation—to name a few of the problems that riddle this overly ambitious rule. OSHA's haste to get through the rulemaking process is very clear. The rule OSHA has proposed is arguably the largest, broadest, most onerous and most expensive rule in the history of the agency—probably any agency. But OSHA has made it very clear that it intends to finalize the rule this year—just over a year from the time the proposed rule was published. This narrow-minded commitment to year's end can only mean that OSHA has already made up its mind in favor of the rule and thinks it will leave a mammoth and far-reaching legacy for the current Presidential administration. I would suggest it will be closer to the legacy of the OSHA home office inspections.

Perhaps you remember the letter issued by OSHA about the time we left for Christmas recess, the one that suggested OSHA was going to go into each home where people work and look for safety violations. From the time we found out about it, it only took 48 hours to see how far-reaching, imposing, and stupid that decision was. Of course, the whole Nation realized the implications of the home inspections even quicker.

I am extremely concerned that OSHA is blinded by the motivation to get it done during this administration and is not taking the time to carefully consider all the aspects and effects of this important rule.

For example, the public comment period for the proposed rule was much shorter than OSHA typically permits—even for much less significant rules. OSHA has never before finalized such a significant rule in a year's time. Moreover, in its haste to get through this rulemaking process, OSHA, until recently, omitted an analysis of the economic impact of the rule on the U.S. Postal Service, on State and local government employees in State plans, and on railroad employees—all together, over 10 million employees. These aren't optional economic impacts. These are mandatory, in light of the dollars involved. OSHA is apparently so busy with other things that it did not do the analysis for these entities until the end of last month, despite the fact that the Postal Service requested an analysis 5 months prior.

To add insult to injury, OSHA has only given these folks 2½ months to comment on the complex analysis that OSHA forgot to do, and OSHA won't even consider extending the overall comment deadline for these folks.

It is because they are trying to get it done this year. They have had 5 months to prepare it, and they tell the Postal Service that they have to analyze it in 2½ months—no extension.

Even more troubling than the fact that OSHA is rushing the rule is the way OSHA is going about it. OSHA's ambitions with this rule are so big and overreaching that OSHA has truly bitten off more than it can chew, and may be playing fast and loose with the rulemaking process and your tax dollars. In fact, OSHA has bitten off so much with this rule that it is apparently paying others to chew for it—too big a bite. They can't chew it all. So to make it happen in 1 year, they are going to pay others to do some of their chewing. I use the word ''apparently'' because of the difficulty getting answers.

Responding to inquiries first made by Congressman DAVID MCINTOSH, OSHA recently disclosed that it has paid at least 70 contractors a total of $1.75 million—almost $2 million—to help it with the ergonomics rulemaking. They are paying these contractors with our tax dollars in order to speed the process up on a bad rule. Congressman MCINTOSH's staff discovered that OSHA may have failed to disclose an additional 47 contracts for who knows how much more money. OSHA's own documentation reveals that it paid 28 contractors $10,000 each to testify at the public rulemaking hearing.

Going through some of the accounting information, I even noticed that one contractor had turned in an

itemized bill for less—and was still paid the $10,000.

When I asked OSHA for evidence of public notification that it was paying these witnesses, OSHA gave me none. I am very concerned that OSHA is paying so much money for outside contracts for this rulemaking that I intend to hold a hearing to get to the bottom of this issue. Let me state things I already know. I think you will be convinced, as I am, that we absolutely need to put the brakes on this rulemaking and force OSHA to straighten this mess out before it finalizes the rule.

First, OSHA does not seem to want to have me have this information. Some of it is just good accounting stuff. As the only accountant in the Senate, I am really interested. I have requested documents from OSHA that would give a clear picture of its relationship with some of these contractors, but OSHA has so far refused to give them to me, claiming a ''privilege.'' That applies to private citizens, not to Congress. We have the right to know where the dollars that we are spending go, unequivocally.

Now, Congressman MCINTOSH has been able to obtain some key documents from the contractors themselves, but OSHA placed strict constraints on Congressman MCINTOSH's ability to share them with fellow lawmakers. This is stuff that came from the contractors, and OSHA can still get its hands in and keep us from using it the way it ought to be used. OSHA did grudgingly agree that I could look at the documents—not take them or copy them or quote from them—but only in Congressman MCINTOSH's office. When I asked OSHA, as a courtesy, to permit Congressman MCINTOSH's staff member, Barbara Kahlow, to bring the documents to me, just to look at them, abiding by the rules, OSHA said no.

I am so concerned about this issue that I went over to Congressman MCINTOSH's office last night after I finished working at the Senate to look at these documents for myself. Now, fortunately, Congressman MCINTOSH's negotiations made that possible.

Can anyone believe that documents concerning money we are spending have to have special negotiations before I can look at them? It comes under my committee. I am in charge of the oversight on that committee. Let me recap that: I was told that the contracts and expenditures are privileged. I was told that information couldn't be brought to my office. I was told I could not copy any information. I was told I could not quote any information. I was told that I couldn't quote from the documents. I had to use extra time to go to the House side to even see those documents. I am not afraid of a little walk over to the House. I just couldn't understand why OSHA was going to so much trouble to keep the documents from me. I physically went to Congressman MCINTOSH's office last night and looked at the documents.

Because of OSHA, I can't quote these documents. I can't show you copies. But I can tell you what I saw. I saw that not only did OSHA pay 28 expert witnesses $10,000 a pop, and one of them didn't even ask for that much, it also appears that OSHA did the following: OSHA gave detailed outlines to at least some of the witnesses telling them what they were to say in the testimony; second, they had OSHA lawyers tell at least one expert witness that they wanted a stronger statement from the witness regarding the role of physical factors. That is an important scientific issue. These are supposed to be experts. They told him to make it stronger. Third, heavily edited testimony of at least some of the witnesses is evidenced. OSHA held practice sessions to coach the witnesses in their testimony. I have never heard of that around here. This sounds a lot like OSHA told its expert witnesses what to say. This sounds like OSHA made up its mind a long time ago in favor, and has been stacking the evidence to support its position.

I respect OSHA's need to enlist expert assistance in technical or scientific rulemaking. I expect them to get the right information. I would like to think it wasn't biased when they got it. And I have to say, I don't respect any agency paying witnesses to say what the agency tells them to say, and then holding the witnesses' testimony up as ''best available evidence.'' Best available evidence is what the OSH Act requires to support this standard. It doesn't say anything about paying witnesses or coaching witnesses. It doesn't say anything about telling them to change their testimony.

How can OSHA expect the public and Congress to have any confidence that it is promulgating regulations in the best interest of worker safety and health if it is asking supposed experts to tell OSHA what it wants to hear, so OSHA can promulgate whatever rule the administration thinks is in its own interest?

That has been the problem with the past years of looking at regulating ergonomics. OSHA makes up the rules. OSHA does the tests. OSHA says their tests are good. OSHA gets ready to propose a rule and realizes they have made a drastic mistake. That has happened in the past. That is why this little document is the first published proposed ergonomics regulation. It didn't happen until November of last year. This document, this is the first time we have gotten a look at this document. It is the first time it has been officially printed.

How can OSHA expect the public and Congress to have any confidence in its promulgating regulations in the best interest of worker safety and health if it is asking supposed experts to tell OSHA what it wants to hear, and has already told them what to say, so that OSHA can promulgate whatever rule the administration thinks is in its own interest? No wonder OSHA has promulgated such a greedy, overreaching rule.

Maybe I could pass all the OSHA reform legislation I wanted if I could pay 28 witnesses $10,000 apiece to come in and say what I wanted them to say in my hearings. Does that seem like a conflict of interest?

I wouldn't do things that way. In fact, we had a hearing recently about one of the most objectionable parts of this rule, the work restriction protection provisions. I will talk about those in a few minutes. We had to tell one of the witnesses we selected that we couldn't pay his transportation costs—not a $10,000 bonus to testify; we couldn't pay his transportation costs. We did this in part for financial reasons and in part because we wanted to avoid the appearance of impropriety that can result from spending taxpayers' dollars on a witness who is supposed to be giving an unbiased opinion. This witness came to Washington anyway—on his own dime. He didn't have his State pay for it. He paid for it out of his pocket to testify at my hearing because he felt so strongly about the terrible effects of this ergonomics rule.

Needless to say, I am very disturbed by what I have seen to date about this issue. OSHA's response is that it has always paid witnesses for their testimony. I can't find that in any public documents. I can't find that disclosure. I can't find where they actually said that they were paying them, and this was paid testimony. It seems that ought to be disclosed. Whether or not this is true, it remains to be seen whether OSHA has ever paid this many witnesses this much money and participated this thoroughly in crafting the substance of a witness' testimony. OSHA has also tried to give me the typical excuse of a teenager caught doing something wrong: Hey, everybody is doing it.

To that, let me first respond with the typical, but sage parental response: If everybody were jumping off a bridge, would OSHA jump off a bridge, too? That doesn't sound like good safety to me.

Second, everybody is most certainly not doing it. Representatives of both the Department of Transportation and the Environmental Protection Agency, two agencies that promulgate lots of supertechnical regulations, dealing with scientific things, have stated publicly that they do not pay expert witnesses, except possibly for travel expenses.

Let me say that again. The Department of Transportation and the Environmental Protection Agency, agencies that promulgate lots of supertechnical regulations, have stated publicly—you can read it in the paper—that they do not pay expert witnesses, except possibly for travel expenses. As the DOT general counsel put it ''Paying experts would not get us what we need to know.''

Finally, just because OSHA may have these things in the past, in my book that does not make this practice OK in this instance. On the contrary, it

makes any other instances of witness coaching equally objectionable. Two wrongs don't make a right. We can't do anything about past rulemakings, but we can do something about this one—if we act now.

Clearly, more needs to be learned about this subject, but if we don't pass this amendment, OSHA is going to forge ahead and finalize a document that they have already determined is the perfect answer even before the comments have been sifted through. They will finalize a possibly—no, almost assuredly—be a tainted rule, and we won't have another opportunity to stop them. A vote for this amendment makes certain that we will have sufficient time to conduct a thorough congressional investigation into this issue and force OSHA to clean up its rulemaking procedures if necessary.

Lest you think my concerns about this rule are only procedural, rest assured these procedural concerns are only half the problem here. This rule has serious substantive flaws. Much has been written and debated about the many problems with this rule—its vagueness, its coverage of preexisting and non-work related injuries, the harshness of its single trigger. I expect you have all heard something about these topics and my colleagues will talk more about these later today. In my investigation of the rule, I found two particularly troubling issues. Both involve the reach of the long arm of this overly ambitious rule into arenas outside of OSHA's jurisdiction—both with disastrous effects.

First, the rule will have a devastating effect on patients and facilities dependent on Medicaid and Medicare.

OSHA has created a potential conflict between the ergonomics rule and health care regulations. Congress recognized the importance to patient dignity of permitting patients to choose how they are moved and how they receive certain types of care when it passed the Nursing Home Act of 1987. This act and corresponding regulations mandate this important freedom of choice for patients. The ergonomics rule, on the other hand imposes many requirements on all health care facilities and providers concerning patient care and movement. Thus, these facilities and providers may be forced to choose between violating the ergonomics rule or violating both the Nursing Home Act and the patient dignity.

Moreover, OSHA's rule forces impossible choices about resource allocation between patient care versus employee care. The only way for businesses to absorb the cost of this rule under any situation is to pass the cost along to consumers. However, some ''consumers'' are patients dependent on Medicaid and Medicare. The Federal Government sets an absolute cap on what these individuals can pay for medical services. Thus, the facilities that provide care for these patients simply cannot charge a higher cost.

Simply put, these facilities and providers are unable to absorb the cost of the ergonomics rule. And there is no question these facilities will face a cost. OSHA's own estimate of the cost of compliance in the first year will total $526 million for nursing and personal care facilities and residential care. And you have to remember, we are saying that they really use conservative, from their point of view, estimates of costs. The industry estimates that the per-facility cost for a typical nursing home will be $60,000. But my issue with this rule is not that it will cost these facilities so much money—it is that it will cost elderly and poor patients access to quality care. You have probably heard about some of the facilities going out of business because of some appropriations measures we passed. We have corrected them a little bit. But my issue with this is not what it will cost these facilities, but what it will cost the elderly and the poor in access to quality care. Sadly these patients are already in danger of losing quality care. Many facilities dependent on Medicaid and Medicare are in serious financial straits due in part to the Balanced Budget Act of 1997. Ten percent of nursing homes are already in bankruptcy. And the Clinton administration just announced a request for an additional $20 billion for Medicaid and Medicare so that the reimbursement cap can be raised. All this is before the costly ergonomics rule places its additional tax on an already overtaxed system. Implementing this sweeping and expensive proposed ergonomics standard is simply more than this industry can bear.

Let me assure those who say this Medicaid/Medicare quandary will not have very broad impact—let me assure them that it will. Nearly 80 percent of all patients in Nursing Homes and over 8 million home health patients are dependent on Medicare or Medicaid. How will these patients receive health care if the ergonomics rule forces nursing homes and home health organizations out of business? The answer is, they won't. But it does not appear that OSHA has even considered that consequence. Perhaps OSHA is assuming that Congress will clean up after it by raising reimbursement rates to accommodate OSHA's rule? If this is the case, then OSHA itself has invited us to step in, prohibit OSHA from finalizing this rule and OSHA back to the drawing board. A vote in favor of this amendment will ensure that OSHA resolves the mess its rule creates for providers and patients before issuing a final rule. That ought to be a basic consideration for us in this body.

The second problem I am very concerned with is OSHA's encroachment into State workers' compensation. A provision of the rule would require employers to compensate certain injured employees 90 to 100 percent of their salary. OSHA calls this requirement ''work restriction protection'' or WRP. But it sounds an awful lot like workers' compensation doesn't it? They told us they don't have the money to do the job, and now OSHA apparently wants a new job—to be a Workers Compensation Administration. That is why we held a hearing, to see what was involved in that. But there are two problems with that. First, the statute that created OSHA tells us that OSHA is not to meddle with workers' compensation. Second, OSHA's intrusion into the world of workers' compensation will hinder its ability to perform its true and very important function—improving workplace safety and health. All of the States already do Workers Comp.

Thirty years ago, when Congress wrote the Occupational Health and Safety Act, it made an explicit statement about OSHA and workers' compensation. It wrote that the act should not be interpreted to:

> . . . supersede or in any manner affect any workmen's compensation law, or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.

Twice this provision uses the broad phrase ''affect in any manner'' to describe what OSHA should not do to State workers' compensation. As someone with the privilege of being one of this country's lawmakers, it is hard for me to imagine how Congress could have drafted a broader or more explicit prohibition on OSHA's interference with State workers' compensation.

Perhaps more importantly, this provision of the law makes good sense. All 50 States have intricate workers' compensation systems that strike a delicate balance between the employer and employee. Each party gives up certain rights in exchange for certain benefits.

For example, an employer gives up the ability to argue that a workplace accident was not its fault, but in exchange receives a promise that the employee cannot pursue any other remedies against it. The injury gets taken care of, the injury gets paid for, and the worker gets compensated.

Each State has reached its own balance through years of experience and trial and error. Many of us have served in State legislatures where one of the perpetual questions coming before the legislature is changes to workers compensation. It is a very intricate process.

Significantly, Congress has never taken this autonomy away from the States by mandating Federal workers compensation requirements and, in fact, put those statements in, to which I referred earlier, where they are clearly not to get into workers compensation. The States have special mechanisms set up for resolving disputes and vindicating rights under the workers compensation systems.

OSHA wants to create its own Federal workers compensation system, but

only for musculoskeletal disorders, MSDs. But OSHA does not have the mechanisms or the manpower to decide the numerous disputes that inevitably will arise because of the WRP provision. I ask all Senators to talk with their State workers compensation people. I have not found any of them who did not think this was intrusive, who did not think this gets into their business which they have crafted for years and years.

OSHA does not have the mechanisms or the manpower these States have to decide the numerous disputes that will arise. All of a sudden, OSHA will have to decide disputes over the existence of medical conditions, the causation of the medical conditions, the right to compensation.

But what happens to workplace safety and health while OSHA is being a workers compensation administration? The devastating effect on workers compensation has been recognized by workers compensation commissioners across the country. The Western Governors' Association has issued a resolution harshly criticizing the WRP provisions. Moreover, Charles Jeffress met with a large group of workers compensation administrators, and when I asked him how many spoke in favor of this provision, he answered: None. It was not quite that definite, but he answered definitely none.

Significantly, this meeting took place before the proposed rule was published, so Mr. Jeffress obviously did not take their lack of support to heart in drafting the proposed rule.

If this lack of responsiveness is any indication, we can have no confidence OSHA will take this provision out of the final rule. A vote for this amendment ensures that OSHA will have to take additional time to consider all the negative feedback it has received on this issue alone. Hopefully, with this additional time, OSHA will recognize that it should stay out of the workers compensation business and get back to the important business of truly protecting this country's working men and women.

From all of these facts and circumstances, I hope it is as clear to you as it is to me that OSHA is not ready to take sensible, informed, reliable action on ergonomics. Unfortunately, it is equally clear that OSHA is going to push forward anyway unless we take some action. Because of the magnitude of this issue, it is absolutely imperative that cool heads prevail over politics. We must ensure that OSHA takes the time to investigate and solve problems with the rule without taking shortcuts. Nobody puts them under the deadline except themselves, but they are obviously convinced of the deadline.

If we do not act now to impose a reasonable 1-year delay of the finalization of the rule, OSHA will forge ahead and produce a sloppy final product that not only fails to advance worker health and safety, but also threatens the viability of State workers compensation, health care, the poor and elderly, not to mention businesses all across the country.

If even one of these issues I raised troubles you—and I think they should all trouble all of us deeply—then you must recognize the desperate need for a 1-year delay.

I urge your support of this amendment. I am joined in offering this amendment by my colleagues, Senators LOTT, NICKLES, JEFFORDS, BOND, HUTCHINSON, BROWNBACK, SESSIONS, HAGEL, DEWINE, CRAPO, BENNETT, THOMPSON, BURNS, COLLINS, FRIST, GREGG, COVERDELL, VOINOVICH, FITZGERALD, ABRAHAM, SNOWE, ASHCROFT, GRAMS, HUTCHISON, THOMAS, and ALLARD. I ask unanimous consent that they all be added to the amendment as original cosponsors.

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

Mr. ENZI. Mr. President, I urge my colleagues to vote in favor of the amendment that will ensure we have this delay to do it right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I do not know quite where to start. My colleague from Oklahoma had said earlier, and both my friends from Wyoming and Arkansas had said, we ought to have a debate. We will. We ought to be focusing on this issue. We will focus on this issue.

There are many important issues we should focus on in the Senate. This is an important issue. I want to speak about it. In my State, by the way, two-thirds of senior citizens have no prescription drug coverage at all. I would like to focus on that issue. I would like to make sure 700,000 Medicare recipients have coverage. Education, title I—I would like to talk about a lot of different issues, but this issue is before us. I hope we will be able to speak to many different issues in several months to come.

First, my colleague, Senator ENZI, complains about the rule, but there is no final rule. It is not final yet. That is the point. OSHA, which is doing exactly what it should do, Secretary Jeffress is doing exactly what he should do by law—holding hearings, getting input—they are going to issue a final rule. They have not issued a final rule.

My colleague jumps to conclusions and joins the effort over 10 years to block a rule, but the rule has not been made. There may be significant changes. When my colleague complains about the rule, let's be clear, they have not finished the process. We do not know what the final rule is yet. But for some reason, my colleagues on the other side of the aisle are so anxious to block this basic worker protection that they already feel confident about attacking a rule that does not exist.

Second, my colleagues say that OSHA is rushing.

Senator HARKIN was quite right in saying to Senator NICKLES: Wait a minute, didn't this go back to Secretary Elizabeth Dole? Wasn't Secretary Dole the first to talk about the problem of repetitive stress injury and the need to provide some protection for working men and women in our country? This has been going on for a decade. And Senator JEFFORDS and OSHA and the administration are rushing?

By the way, I say to my colleagues, time is not neutral. From the point of view of people—I am going to be giving some examples because this debate needs to be put in personal terms. It is about working people's lives, from the point of view of people who suffer from this injury, from the point of view of people who are in terrible pain, from the point of view of people who may not be able to work, from the point of view of people who can have their lives destroyed because of this injury, because of our failure to issue a standard. We are not rushing. Can I assure all Senators that we are not rushing from their point of view?

Then my colleague talks about home office inspections. This is a red herring. We agree, OSHA agrees, they are not going to be inspecting home offices. Why bring up an issue that is not an issue?

My colleagues talk about the WRP, the work restriction protection, and all about the ways in which it will undercut State worker comp laws. But you know what, in our committee hearing, we heard from witnesses that it has no effect on workers comp laws. We will debate that more. But no one, no Senator should be under the illusion that OSHA is about to issue a rule that is going to undercut or overturn State comp laws.

Then I hear my colleague, my good friend, complain about OSHA's use of contractors. They have hearings all across the country. They hire people to help them go through all of the paperwork. They hire people so that we do not have unnecessary delay. That is exactly what they should be doing. Frankly, I think these arguments that we hear on the floor of the Senate are just arguments in trying to prevent OSHA from doing exactly what its job is.

What is its job? There are today 1.8 million workers who suffer from work-related MSDs and 600,000 workers who have serious injuries and lost work time. That is a lot of men and women who are in pain and who struggle because of these workplace injuries.

Elizabeth Dole, a Republican, Secretary of Labor, recognized this 10 years ago. For 10 years, some of my colleagues have done everything they know how to do to block OSHA from issuing a rule to protect working people in this country. They come up with all these arguments, complaining about a rule—but we do not know what the rule is—saying that OSHA is rushing—when we have been at this for a decade—talking about the horror of

home office inspections—which will not take place; there will be no home office inspections—and so on and so forth.

Frankly, I think this is nothing more than an effort to make sure there is no rule issued at all. Because you know what, we are not arguing about even what kind of rule. That is the irony of this debate. I hope it will not become a bitter irony. We are arguing over whether OSHA should be allowed to issue any rule. Some of my colleagues are so comfortable with the status quo.

We have 600,000 workers with serious injuries, lost work time, and there are those who do not want OSHA to issue any rule.

Women workers—when you vote on this, one way or the other, remember women workers are particularly affected by these injuries. Women make up 46 percent of the overall workforce, but in 1998 they accounted for 64 percent of repetitive motion injuries, and they accounted for 71 percent of the reported carpal tunnel syndrome cases—women in the workplace, in pain, injured. We do not want to provide any protection?

I say to my colleagues, the only rush I see here is not OSHA's rush to provide some protection for working men and women, the only rush I see is the rush on the part of my colleagues to block OSHA from providing any protection.

Why the rush to block protection for working people in our country? That is my question.

The cost of these injuries to workers, employers, and the country as a whole is enormous. The worker compensation costs are estimated to be about $20 billion annually; overall costs, $60 billion.

I will have more to say about this later on in the debate, but when I hear about the nursing homes, and how if we have any kind of ergonomic standard, the nursing homes will go out of existence, I think of two things. No. 1, I wonder how many of my colleagues voted for the 1997 balanced budget amendment. I did not. But if you did, you ought to talk about a piece of legislation that was destined, given the draconian reductions in Medicare reimbursement, to play havoc especially with our hospitals and our nursing homes in rural America, and that is it.

Actually ergonomics programs save employers money because you prevent injuries, you cut worker compensation costs, you increase productivity, and you decrease employee turnover. I do not think that is really very difficult to grasp.

Let me repeat it. Ergonomics programs save employers money, save nursing homes money, because if you can prevent the injuries, you can cut the worker comp costs, you can increase productivity, and you can decrease employee turnover, which, by the way, is a huge problem in our nursing homes, as is the case with child care workers.

OSHA's proposed ergonomics rule would prevent about 300,000 injuries each year and save about $9 billion in worker compensation and related costs. I don't know, maybe you can come out with a figure of a little less or a little more, but that is significant.

Ergonomic injuries can be prevented. That is what is so outrageous about this amendment. Ergonomics programs implemented by employers, such as Ford Motor Company, 3M in my State of Minnesota, and Xerox Corporation, have significantly reduced injuries, lowered worker comp costs, and improved worker productivity. But only one-third of employers currently have effective programs.

On the House side, first of all, we have had the debate about whether or not there would be good science. Initially, back in 1999, we had an agreement between the Republicans and the Democratic leaders and the Clinton administration, which would fund a scientific study by the National Academy of Sciences of the scientific evidence on ergonomics with the understanding that OSHA's ergonomics standard would proceed. That was the understanding. That understanding clearly no longer counts. All the discussion about how we needed good science obviously was not the issue. My colleagues are not interested in any of that. They are only interested in one thing: They want to block OSHA from issuing any kind of rule that would provide protection to these working people.

Again, 1.8 million workers suffer from work-related MSDs, 600,000 workers from serious injuries. My colleagues come out on the floor and make arguments that amount to nothing more than delay because they want to block OSHA from issuing any regulation. They don't even want to wait to see what the regulation is. They just want to block it. They are for the status quo, but the status quo is not acceptable because we ought to provide some protection for these women and men in the workplace.

I could, but I will not, spend time with a lot of stories. I want to give my colleagues some sense of what this debate means in personal terms. That is what it is really about. It is not about a rule because the rule has not been promulgated. We don't know what the rule is. It is not about a rush on the part of OSHA because, if we go back 10 years, it was Elizabeth Dole, a Republican, who was first talking about the problem with these injuries. It is not about the scope of the rule because we don't know what it is. It is about whether or not we are going to have political interference to block an agency which has the mandate and the mission of protecting working men and women in this country. It is also about people's lives.

I say this to my colleague from Wyoming, whom I like and enjoy as a friend, to the extent people get a chance to spend any time with one another here:

I think this debate will be a sharp debate because I think there are some real differences between Senators on this question that make a real difference. I cannot help but express my indignation on the floor of the Senate that when you have 600,000 workers seriously injured every single year because we have not issued any kind of ergonomic standard and because there is no protection for them, I find this effort to block OSHA from issuing any kind of rule or protection to be really unconscionable. I find it to be unconscionable because we are talking about people's lives.

Keta Ortiz is a New York City sewing machine operator. I will quote from her testimony, which was at one of the public hearings on OSHA's proposed ergonomic standard.

My name is Keta Ortiz. I was sewing machine operator, a member of UNITE Local 89 for 24 years. I was 52 years old in 1992 when my whole life came crashing down around me.

You know what a cramp is, right? A terrible pain, it lasts a couple of minutes. Imagine you got cramps so powerful and painful they woke you up every night.

My cramps lasted one or two hours, without relief. I woke up with hands frozen like claws and I had to soak them in hot water to be able to move my fingers.

I was awake two or three hours every night, often crying. Exhausted every day. But I had no choice but to work. In the beginning the pain got better on the weekend. Then it didn't.

By the way, Mr. President, I was just saying to a close friend this morning as I read Ms. Ortiz's testimony that having struggled with back pain, my definition of pain is when you can't sleep at night. That is the worst. You get through it during the day, but in the evening you can't sleep because of the pain, and that is real pain.

This agony lasted months, then a year, and then five long years.

There are not words to explain what went through my mind in those hours in the middle of the night. The desperation, the fear that eats at your mind. The terror I felt when I realized I was going to have to stop working and didn't have money to pay the rent.

I thought, ''When will this ever end? How can I support my child? God, why have you abandoned me?''

I worked and worked through the pain, until I couldn't take it any more. Without work I was disoriented, very depressed, empty. I thought, ''I am useless, a vegetable.'' Negative thoughts invaded my mind and took over my days.

Who are these people who oppose an ergonomics standard? Have they ever worked in a factory?

Tell them it took me two and a half years before I saw my first workers' comp check. Tell them the operation I needed was delayed over two years by the insurance company . . . that I lost my and my family's health insurance.

Tell them that after dedicating so many years to my job, I destroyed my hands, damaged my mental health, and sacrificed the joy I felt in living. And I get barely $120 a week in workers' compensation payments.

Now, listening to Ms. Ortiz, I think this is a class issue. I think it is a class issue. I think that if these workers—these women and men like Ms. Ortiz—were sons and daughters, or brothers or

sisters, or our mothers and fathers and they were in the upper-income class, or professional class, there would be a hue and cry for an immediate rule to be issued by OSHA to protect them. But they are not the givers, the heavy hitters. This is a reform issue, too. They are not the players. I doubt whether Ms. Ortiz has contributed $500,000 in soft money—to either party, I say to my colleagues, so that I can make it clear this isn't aimed at any one individual Senator. I doubt whether she is maxed out at $2,000 a year in the primary and general election. I doubt whether she is enlisted as somebody who contributes $200 a year. I doubt whether she hires any lobbyist. But I have no doubt that she is a hard-working factory worker whose life has been destroyed.

I have no doubt that we ought to pass this so OSHA should be able to do its work. OSHA should be able to perform its mission of providing protection for workers.

I remember when OSHA legislation first passed in the early 1970s. I remember that there was a book I used to assign to students, I think, by Paul Brodeur, called ''Expendable Americans.'' I think it was about a group of chemical workers who were working and who basically lost their lives because of asbestos, and they struggled with asbestosis and other lung-related diseases. The author's thesis was that these were people who were expendable.

We should not make Ms. Ortiz and other working people expendable. We should pay attention when 1.8 million workers a year struggle because of this kind of disease, MSDs, and 600,000 workers are in real jeopardy, with serious injuries and lost work time. They should not be made expendable.

Janie Jones, UNITE Local 2645, Arkadelphia, AR, poultry plant worker:

Good Morning, my name is Janie Jones. I'm President of Local 2645. I am also a member of the joint Union-Management safety Committee. I work at the Petit Jean Poultry de-boning facility, in Arkadelphia, Arkansas. I've been employed there for 7 years. In 1994, I was diagnosed with Carpal Tunnel Syndrome. At the time of my injury I was deboning thighs, since then I have been placed on numerous other jobs.

Let me describe a few of my previous jobs for you:

Breast pulling: the birds come down the dis-assembly line, we pull the breast from the bird, removing the skin as we do this. Approximately 9 birds a minute is required of the workers: one every seven seconds.

De-boning the thighs: six people used to do three different cuts to the thigh: arching, opening and de-boning. Now there are only three people doing these three cuts. Also, after the bone is taken from the thigh, a thigh-trimmer inspects and cuts out any bone that may be left. There used to be three people, and now one person cuts out the bone. But the line speed is still 28 per minute.

Now, I load the line. This means picking up the birds from a metal bin to my right and placing them on cone on a conveyor belt to my left. We are required to put 28–32 birds a minute on these cones. These birds are cold, sometimes frozen and they can weigh as much as six pounds. That's about 67,500 pounds that I have to reach and stretch to lift about 2½–5 feet every day.

When an injured worker goes to the nurse with pain and swelling, the nurse will usually treat the worker with a rub and arthritis cream and sends you back to your job. If you keep complaining, she'll also give you a heat pad, and then she'll send you back to your job. Then, if you still keep complaining, she'll do the rub, the heat pad, and send you to a light duty job. Sometimes, management then tells her they need this person on their old job, and she just agrees and they put the worker back on the job that injured them.

When workers are diagnosed with CTS by their own doctors, company will move you to another job which is not as fast-paced. But as soon as the pain gets better, they send you back to your old job, only to get worse again. This goes on until people can't take it anymore, and then they quit.

I say to my colleague from Arkansas that this is not a filibuster and I will be finished in a few minutes. I know he is anxious to speak. I want to put his mind at rest.

Let me give one more example, although if the debate goes on I can give you many, many examples.

This is the testimony of Eugenia Barbosa, Randolph, MA, an assembly line worker. By the way, this is testimony before OSHA during their public hearings when working men and women came and talked about their own lives in the hope that OSHA would be able to perform or fulfill its mission by law of providing some protection, which means issuing an ergonomics standard that can provide people some protection. My colleagues, through this amendment, want to block OSHA from issuing any standard—no standard, no help, no protection.

If you are not working at this kind of job, and you are not the one who is suffering from stress injury, it is easy to do. But for these workers, these people—I am a Senator from Minnesota and they are a big part of my constituency. They need the protection. That is why this debate is so important. It really is in the words of an old labor song by Florence Reece, wrote it, ''Which Side Are You On?'' This is a classic example.

I am on the side of Keta Ortiz and Janie Jones.

Eugenia Barbosa, Randolph, MA an assembly line worker:

Thank you for giving me this chance to come here today and share my story with all of you. My name is Eugenia Barbosa, an American citizen. I am an Injured Worker.

I came to America from Cape Verde with my family and started working at age 17 to help my mother and father. For the last 28 years of my life, I have worked in a factory that manufactures parts for major car companies. I worked in an assembly line making dashboard switches.

I produced 400 pieces or more per hour. To make the switches I used my thumb and forefinger to press and insert a rocker switch into the housing. To complete the dashboard switches, I assembled an additional piece using three springs, two pins, and plastic caps, also using my thumb and forefinger.

In 1991 I started feeling severe and constant pain in my right wrist. I was sent to the company doctor. I was given a splint and Motrin, and placed on light duty for two weeks. After two weeks I was sent back to my original position with a wristband for my right wrist, which I wore every day.

Between 1991 and 1995, I was in constant pain. When I spoke to management, they told me that they would decide when I was in enough pain to go to the doctor. The pain was so severe that I had to hang my arm while working to relieve some of the pain. I suffered emotionally and physically as the pain continued to get more severe.

That is what this debate is about.

In October 1995 my life changed. The pain was no longer in my right wrist; it was also in my right shoulder, arm, back, and neck. I told management about the pain which was so severe I couldn't even move. I was ignored.

Finally I was sent to the company doctor again. He gave me another splint to be used 24 hours a day, an elbow support and pain medication, and told me to do light modified work with my left hand. He also told me to rest my arm on an arm rest chair while working. The company was supposed to provide me with the arm rest chair but never did.

After 5 weeks I was called into my manager's office and was told it was time to remove my splint and go back to the assembly line. I was in so much pain that I started to cry.

The company put me on incentive work but with only my left hand to make 975 pieces an hour. I asked my manager why. He told me he didn't want to hear any garbage and that I should go back and do my job.

In March 1996 I started having pain in my left wrist, arm, shoulder, back and neck. It became so severe that I was rushed to the Emergency Room. The company doctor said there is nothing wrong with me.

I went to see another doctor who tested me and found that I had severe damage to my rotator cuff, radial nerve, and wrist. Since that time, I have had surgery three times, on my right shoulder, arm, and wrist. I still need surgery on my left shoulder and wrist. After my injury my life has complete changed for myself and for my family, and everyday I must deal with my pain. I am no longer able to work, I am now financially struggling to put my son through college, I'm unable to cook and clean for my family and even combing my hair and taking care of my own personal needs is now very difficult for me.

Their testimony was before an OSHA hearing on this ergonomics standard.

Elizabeth Dole, in 1990, tried to help these workers. We have been at it 10 years. Assistant Secretary Jeffress of OSHA is trying to move forward to issue a rule. They are doing the right thing. This is their mandate. This is what they are supposed to do under the law.

This amendment amounts to blatant political interference to prevent them from doing their job—which is to hold the hearings; which is to have careful deliberation; which is to decide on the final rule. They have not even decided on the final rule, but keep attacking a rule that doesn't exist, a final rule that will be reasonable and sensible but will provide protection to these workers—to these men and women all across the country.

Senators, Democrats and Republicans, there couldn't be a more important issue before us. This is a real clear

question of where you stand. I think we ought to stand for these working people. I think we ought to make sure that OSHA can do its job. I think there should be a rule that provides these workers with some protection. That is the right thing to do.

I urge you to oppose this amendment.

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, the Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I wish to respond to a few things that my colleague from Minnesota said.

First of all, I mention that my father spent more than 20 years in the poultry plants of Arkansas, Alabama, and Mississippi doing exactly the kind of repetitive motion work that the Senator from Minnesota described. I believe, if my father were on the floor of the Senate today, that he would as vehemently and strongly and vigorously oppose this OSHA draconian power move as much as I am going to oppose it.

Senator WELLSTONE emphasized that it is not yet a final rule and therefore it is premature for us to act. I don't think so. I hardly think it would be prudent on our part to wait until after they enacted the rule, and then come back and try to change it when employers would have already faced the rule that was in place. It is anticipated, as I understand it, that the rule will be finally promulgated by the end of this year. If we are going to act, we must act now.

Again, Senator WELLSTONE said they are not done yet. This is the 600 pages that they are to right now. I am concerned if we wait much longer that it may be 900 pages before the end of the year. This is the time for us to act.

One of the things that I appreciate about my distinguished colleague from Minnesota is that he believes what he is saying, and he doesn't mince words about it. He made it very clear that from his viewpoint this is class warfare. It is those mean, uncaring employers; it is those managers; it is those businesspeople—they just don't care about their employees. Then we have anecdote after anecdote.

That assumption is wrong. I think OSHA will state that does not describe 99.9 percent of the employers in this country. They do care. They have every incentive in the world in caring for those who work for them, ensuring there is a healthy and safe workplace.

Beyond that, we ought to talk about the small business man or woman who are struggling to meet every other regulatory burden that this Government has placed upon them and meet all of the tax burdens we placed upon them, trying to keep their heads above water, trying to make ends meet, trying to provide jobs for their employees, and trying to make a contribution to their community. And a rule such as this will have some of the most dramatic effects upon business and upon the economy of any rule ever promulgated by any agency. What about them?

As Senator ENZI pointed out, what about the senior citizen on Medicare or those senior citizens on Medicaid or those poor people who are on Medicaid and dependent upon them? What will happen to their health care when we tell health care providers they have to meet the new requirement, they have to comply with the new rule?

There is no increase in their budget. There is no change in the reimbursement formulas. You will get what you got before, but now you will have to meet all of the additional burdens.

I suggest those who are going to be hurt the most by this rule are those who are the most vulnerable in our society.

The Enzi amendment would simply prevent OSHA from finalizing an ergonomics program in fiscal year 2001. That is all it does. It gives the National Academy of Sciences the time it deserves to complete its ongoing, taxpayer-funded study and allow the public to then evaluate the merits of the proposal as well as the NAS study.

On Friday, November 19, 1999, Congress adjourned for the year, having completed its work for the 1st session of the 106th Congress. After we left town to return home, OSHA announced the following Monday its new ergonomic proposal. As a member of the Senate authorizing committee and the Subcommittee on Employment Safety and Training, I received no notice, no advance warning, no copy of the proposal—nothing. None of my colleagues serving on the committee received that same courtesy, either. With Congress heading home, OSHA decided it was in America's best interest to launch the largest regulatory proposal ever to be put forth by an administration. Shotgunning the proposal through its hoops in less than 12 months, OSHA refused to wait for the completion of the $890,000 NAS study, bought and paid for with hard-earned tax dollars.

The Subcommittee on Employment, Safety and Training, chaired by Senator ENZI, reacted as it should have. After weeks of evaluating the impact this proposal would have if actually enforced, we held our first hearing in April, addressing just one of many portions of the OSHA proposal, the work restriction protections, WRP. The WRP provisions would require employers to provide temporary work restrictions up to and including complete removal from work, based either upon their own judgment or on the recommendation of a health care provider. If the employer places work restrictions upon an employee which would allow them to continue to perform some work activities, the employer must provide 100 percent of the employee's after-tax earnings and 100 percent of work benefits for up to 6 months. If the employee is completely removed from work, the employer must still provide 90 percent of the employee's after-tax earnings and 100 percent of benefits for up to 6 months.

The hearing revealed that the WRP provision is a direct violation of section 4b(4) of the 1970 OSH Act. There is no ambiguity in the wording. I have it on this chart.

Nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of employment.

This is in reference to the State workers compensation act. When the OSH Act was enacted back in 1970, the clear intent, explicitly stated, was that OSHA was never to impact the State workers compensation laws. Believe me, what they are proposing in this rule would do so entirely. Congress specifically withheld OSHA having that right to supersede or affect those State workers compensation laws. Congress did this because State workers compensation systems are founded upon the principle that employers and employees have both entered into an agreement to give up certain rights in exchange for certain benefits in the area of work-related injury and illnesses. Most often, employers give up most of their legal defenses against liability for the employees' injuries, and the employees give up their right to seek punitive and other types of damages in turn.

The crucial factor that makes State workers compensation systems possible is that the remedies it provides to employees are the exclusive remedies available to them against their employers for work-related injuries and illnesses.

Anyone who served in the State legislature, as Senator ENZI and I have, knows that this is always one of the biggest issues of debate, discussion, and ultimately, hopefully, consensus between labor and management. It has been a workable system. But it is dependent upon that idea that this is the exclusive remedy.

WRP's provisions are in direct contradiction of section 4b(4) and will shake the foundation upon which the State workers systems rests because they will provide another remedy for employees for work-related injuries and illnesses. That is an absolute contradiction of what the OSH Act, establishing this agency, intended in 1970.

Since WRP provisions conflict with workers compensation systems, there will certainly be confusion to say the least as to who is liable. That is precisely why Congress put section 4b(4) in the act 30 years ago. To be sure, I dug deeper and found the conference report filed December 16, 1970, accompanying the act. As it pertains to section 4b(4) it reads:

The bill does not affect any Federal or State workmen's compensation laws, or the rights, duties, or liabilities of employers and employees under them.

It is clear in the language of the statute as well as in the conference report, that Congress did not intend OSHA to have the power to affect and supersede State workmen's compensation laws. I

say to my colleagues, it doesn't get any clearer. How can it be misconstrued by OSHA? And they are simply in violation of the act that established them.

OSHA is not listening to Congress. Frankly, it also is not listening, not paying any attention to what other Federal agencies are saying about their proposal. According to the Small Business Administration, OSHA has grossly underestimated the cost impact of its proposal. The SBA ordered an analysis of OSHA's Data Underlying the Ergonomics Standard and Possible Alternatives Discussed by the SBREFA Panel.

Policy Planning & Evaluation, Incorporated, PPE, prepared the analysis that was issued September 22, 1999. The PPE reported that:

> OSHA's estimates of the costs in its Preliminary Initial Regulatory Flexibility Analysis of the draft proposed ergonomics standard, as furnished to the SBREFA Panel, may be significantly understated, and that OSHA's estimates of the benefits of the proposed standard may be significantly overstated.

This is the conclusion that we find another Federal agency coming to that OSHA has overstated what the benefits will be and they have significantly understated what the costs are going to be. The PPE further reported that OSHA's estimates of capital expenditures on equipment to prevent MSDs—the musculoskeletal disorders—do not account for varying establishment sizes, and seem quite low even for the smallest establishment size category.

The PPE attributed the overstatement of benefits that the rule will provide to the fact that OSHA has not accounted for a potentially dramatic increase in the number of MSDs resulting in days away from work as workers take advantage of the WRP provisions.

OSHA estimated the proposal's cost to be $4.2 billion annually—that is OSHA's best estimate. That is their cost estimate upon the economy and upon American business, $4.2 billion annually. That is not insignificant. But the PPE estimates that the cost of the proposed standard could be anywhere from 2.5 to 15 times higher than OSHA's estimate. That moves the cost from $10.5 billion to as much as $63 billion or higher. That is just one Federal agency versus another. That is the Small Business Administration saying what OSHA is preparing to do is going to cost small business in this country $60 billion or more.

Whom are you going to believe? Are you going to believe OSHA's estimate of a minimal impact? Are you going to believe the Small Business Administration? I don't know, but I don't want to risk the jobs of the American people. I don't want to risk the economy on conflicting opinions by two Federal agencies.

Finally, the PPE report for the Small Business Administration shows that the cost-benefit ratio of this rule may be as much as 10 times higher for small businesses than for large businesses. It is very easy for the other side, the proponents of this drastic, dramatic rule change, to come down and rail against big business. Do they not realize that small businesses, the tiny businesses, the mom and pop operations struggling to exist in this country, are going to be impacted 10 times more than large businesses?

So if you don't care about the impact upon the economy as a whole, if you don't care about the impact upon large employers, then please consider the impact upon those small businesses out there and what they are going to have to pay to try to comply with this ill-advised rule. The cost disparity is not some slight discrepancy. We are talking about $60 billion a year.

Who covers that cost? Who is going to cover the $60-plus billion a year imposed upon the business community of this country? OSHA has an answer. OSHA's answer is: Pass it off on the consumer. Just pass on the cost. That is easy enough. Of course it is inflationary, of course it hurts the economy, but we can solve the problem of this added cost. Just let the consumer pay.

Senator ENZI has well noted that cannot be done in Medicare. It cannot be done in Medicaid. It cannot be done on those businesses reimbursed by the Federal Government, where their reimbursement is capped. There is nobody to pass the cost to. No bother, OSHA is going to push forward anyway, and that is what they have done.

I have listened to the opponents of the Enzi argument make the case that if this rule is delayed any longer, thousands of additional employees will suffer. Let's be clear, please, colleagues. Let's be clear. With or without this, with or without the 600-page—so far—proposed ergonomics regulation, rule, OSHA can still enforce its current law. The current law states this in the ergonomics proposal, on page 65774. It is on the chart before us. This is it. Let me quote what their proposed rule says. This is under the general duties provision. OSHA says:

> [Every employer] shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees; and shall comply with the Occupational Safety and Health Standards promulgated under this Act.

This is the general duty provision which OSHA has used widely in enforcing conditions in the workplace that they believe are detrimental to the worker. They already have that tool, and they are not hesitant about using that authority. They don't have to have a new ergonomics proposal. They don't have to have a new ergonomics regulation in order to protect the American worker.

By the way, this is not about whether or not we are going to address ergonomics at some point—we should. But we should do it in the right way. We should do it with due scientific study, based upon good scientific principles. It is not whether or not there is going to be an ergonomic standard. The issue is how it is going to be done and whether it is going to be done in a thoughtful way, respecting not only the worker but the needs of the employer. But I say again, OSHA currently has the authority under this general duty clause, and they can enforce ergonomics violations currently.

According to the proposal:

> OSHA successfully issued over 550 ergonomic citations under the general duty clause.

They even list a number of employers, too. They have the authority, and they are proud of the fact that over 550 times they have issued citations on ergonomics violations under the general duty clause.

The point is, OSHA is not a crippled agency—far from it. It is a full-fledged regulatory agency that has the power to put any business out of business.

This proposal contains serious flaws which just beg the question: Who is really calling the shots as OSHA? This is not the first regulatory blunder to come out of OSHA in recent days. Just last January, they announced their intention to regulate private residences, our homes. Perhaps my distinguished colleague, for whom I have the utmost respect, Senator WELLSTONE, would say whether they are just doing their job in that case?

The American people rightly rose in outrage that OSHA would think they have the authority to go into the American home and regulate it as a workplace. After being publicly ridiculed and repeatedly humiliated, OSHA dropped the issue. They didn't drop it, they said they want to talk about it next year. Good thing, too, since 10 percent of working Americans work from home at least part-time, and their pursuance would have caused a chilling effect on modern technology.

OSHA's home regulation should be mentioned during this debate because many of the hazards OSHA wanted to regulate would be ergonomic-regulated: keyboard height, monitor height, desk height, even the type of chair you might sit in, in your home workplace. The list doesn't stop there. It also includes other potential OSHA violations including the number of outlets, adequate lighting, exit signs, even the bannister height.

Neither OSHA nor the 1970 OSH Act provides any guidance as to how to carry out their responsibilities.

We raised even more questions: Are employers required to ensure that home offices remain clear of toys at all times so employees don't trip and fall? What about an employer's smoking policy? Does that apply to the home, too? Most important, what about liability for employees' accidents in their employees' homes? How could employers possibly monitor this based upon what OSHA was asking?

In that same vein of questions asked in January, we are here again questioning the validity of OSHA's ergonomics proposal: What statutory right does OSHA have to regulate State workers compensation?

Senator WELLSTONE says they are just doing their job. There is no doubt what they have proposed will impact State workers compensation law in violation of the 1970 OSH Act. What reason does OSHA give to why its WRP compensation package would not encourage fraud and abuse? Who would oversee fraud if it did occur? What about the cost estimates posed by another Federal agency, the Small Business Administration?

Again, it is not about how much we are willing to pay for an employee's safety but, rather, one agency's estimates being 15 times higher than another's, and then OSHA saying we have enough information, we have a solid basis to move forward.

Why are we funding the Small Business Administration if we are going to absolutely ignore their cost estimate in an area they ought to be experts? That is, experts on small business. They say it is 15 times higher than what OSHA says. If OSHA is going to shotgun an ergonomics proposal through the rulemaking process, at least I say they should do it right.

So I say to OSHA, put your love of regulating on hold and listen to what America is saying. You have 7,000 public comments submitted. Consider them all, not just a few that happen to support the agenda you seem to be pursuing.

Is it a love of regulating? This is a quote I think Senator ENZI used earlier. It is by Marthe Kent, who is the director of safety standards, the leader of OSHA's ergonomics effort, recently quoted in the Synergist magazine of May 2000. This is what was said:

I love it; I absolutely love it. I was born to regulate. I don't know why, but that's very true. So long as I am regulating, I'm happy.

That is one person's statement, though they are deeply involved in the ergonomics issue and the drafting of the ergonomics rule. But I think that might well reflect the way a lot of regulators feel.

So, concluding my comments, I just believe there is something much deeper at stake here, a very genuine and real philosophical difference.

Senator WELLSTONE believes, and those on the other side who support this rule believe, OSHA is just doing their job, and I believe we need to do our job. OSHA was not elected by the people, we were.

Not a day goes by that I do not have constituents in Arkansas call our office and complain about some regulatory agency that has gone afield, that has gone off on their own agenda.

Thomas Jefferson well recognized that the great threat to freedom of any individual comes when power becomes concentrated. Concentration of power, whether in the private sector, public sector, in a regulatory agency, in a corporation, if there is enough power accumulated in a single place, it threatens the individual's liberty.

I believe regulatory agencies today have become a fourth branch of Government unto themselves, unresponsive to what we say, unresponsive to what we do, until we are forced into a position of having only one tool left, and that is to cut off the funding for the implementation of the rule. That is what Senator ENZI has sought to do. That is why I think, on a bipartisan basis, so many realize this step is necessary.

I say to Chairman ENZI of the Senate Subcommittee on Employment Safety and Training that I appreciate his dedication to worker safety—no one doubts it—and for taking the high road when dealing with such highly contentious issues. And he has. Nobody told me when I joined his subcommittee that these issues were going to be easy. They have not been. But that is no reason for us to avoid asking the tough questions and, when necessary, taking the tough votes.

Until we get the answers—and OSHA does not have them now—until we get the answers to these tough questions, I ask my colleagues to take a hard, hard look at this ill-advised proposal. Look through it. It may take a week or two, but look through it, and you may understand why the Enzi amendment is so essential.

I ask my colleagues on both sides of the aisle to simply postpone, delay OSHA moving forward in this fiscal year with an ergonomics proposal that is going to dramatically impact the economy of the United States, I believe, and negatively impact the safety and the health of senior citizens on Medicare and Medicaid. Delay it by supporting the Enzi amendment. Allow the NAS the time necessary to complete their study and then maybe move forward with a good ergonomics rule to protect the workplace for American workers on the basis of sound science.

I thank the Chair, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment offered by the Senator from Wyoming. This amendment would prevent the Occupational Safety and Health Administration (OSHA) from issuing ergonomic standards to protect workers from back injuries, carpal tunnel syndrome and other work-related musculoskeletal disorders (MSDs)

MSDs caused by ergonomic hazards are the most widespread safety and health problem in the workplace today. Every year 1.8 million workers suffer as a result of work-related MSDs bone or muscle disorders and one-third of those workers lose work time as result of these disorders.

These injuries are a burden on workers, and they are a burden on the economy. These injuries result in $20 billion per year in workers' compensation claims. OSHAs proposed ergonomic regulations would cut in half the cost of workers' compensation claims.

Ergonomic programs have slashed costs for businesses throughout California.

In 1997, Sun Microsystems average MSD disability claim dropped to $3,500, from $55,000, in 1993.

The Vale Health Care Center, in San Pablo, California, reduced the number of back injuries from ten per year to one per year.

The Fresno Bee, three years after establishing an ergonomics program, reduced workers' compensation costs by over 95 percent, and associated lost workdays and surgeries were eliminated.

Xandex, in Pentaluma, California; Silicon Graphics, in Mountain View, California; Rohm and Haas, in Hayward, Califoria; Blue Cross of California; Varin Associates, a California electronics manufacturing business, the city of San Jose, Pacific Bell, FMC Defense Systems Corporation, AT&T Global Information Systems, in San Diego, and Intel, in Santa Clara, California, have all implemented successful ergonomics programs.

Ergonomic standards have been studied ad nauseam.

There are more than 2,000 published studies on MSDs, and the scientific evidence strongly supports the conclusion that ergonomics programs can and do reduce MSDs.

In 1991, Secretary of Labor Elizabeth Dole believed there was sufficient scientific evidence that ergonomic injuries were a major problem in the workplace, and she committed the Labor Department to address the issue.

In 1991, Secretary of Labor Lynn Martin committed the Department of Labor to develop and issue a standard using normal rule-making procedures.

In 1998, at the request of the Representatives Livingston and BONILLA, the National Academy of Sciences (NAS) received a $490,000 grant to conduct a literature review of MSDs. Later in 1998, NAS released its findings. It concluded that ''research clearly demonstrates that specific interventions can reduce the reported rates of musculoskeletal disorders for workers who perform high-risk tasks.'' In other words, workplace ergonomic factors cause MSDs, but specific interventions can reduce the number of cases.

Congress then appropriated another $890,000 for another NAS literature review on workplace-related MSDs. This study will be completed early next year.

If the results are the same as the previous study, and I assume they will be, we should not prevent the Department of Labor from issuing ergonomic standards.

Ergonomic programs have proven to be effective in reducing motion injuries and other MSDs, and suggest that OSHA must be permitted to go forward with sensible regulations to ensure a safe workplace.

The problem is real, but it is a problem we can fix, and we can save businesses billions of dollars in workers' compensation claims by doing so.

I strongly urge my colleagues to help improve workplace safety by joining me in opposing this amendment.

Mr. KERRY. Mr. President, I would like to spend a few minutes today talking about the importance of the Department of Labor's ergonomics regulation, which seeks to protect the health and safety of American workers. I'd like to urge my colleagues to vote against the amendment proposed by Senator ENZI that would prevent the Department of Labor's Occupational Safety and Health Administration from issuing any standard or regulation addressing ergonomics concerns in the workplace.

Mr. President, let's be very clear about the issue before us, about the ergonomics issue, about employer health and safety, about the number of people nationwide—600,000 each year—that suffer from musculoskeletal injuries. In my state of Massachusetts, last year nearly 21,000 workers suffered serious injuries from repetitive motion and overexertion. Mr. President, if this amendment were to be passed by this body, then hundreds of thousands of people will continue to needlessly suffer on the job. The solution to this problem is NOT doing nothing, Mr. President, and that is what the Enzi amendment purports to do. Ergonomics injuries are real. They are prevalent in the workplace. And we must respond to this treacherous workplace hazard.

Ergonomics is the science of fitting workplace conditions and job demands to the capabilities of the working population. Mr. President, the scientific community understands that effective and successful ergonomics programs assure high productivity, avoidance of illness and injury risks, and increased satisfaction among the workforce. Ergonomics disorders include sprains and strains, which affect the muscles, nerves, tendons, ligaments, joints, cartilage, or spinal discs; repetitive stress injuries, that are typically not the result of any instantaneous or acute event, but are usually chronic in nature, and precipitated by poorly designed work environments; and carpal tunnel syndrome.

Many businesses, both large and small, have already responded to the threat of ergonomics injuries in the workplace. Mr. President, when businesses ensure that their workplaces are safe and protect workers from these types of injuries, their productivity rises! When workers are healthy, employers lose far fewer hours in productivity. Last year Assistant Secretary of Labor Charles Jeffress testified before the House Committee on Small Business and he reported that programs implemented by individual employers reduce total job-related injuries and illnesses by an average of 45 percent and lost work time and illnesses by an average of 75 percent. Mr. President, these numbers mean something, they indicate results, and they prove that making the workplace safe is crucial to increasing worker safety. But let me explain what these numbers really mean.

Beth Piknik is a registered nurse at the Cape Cod hospital. Ms. Piknik's 21-year career as an intensive care unit nurse was cut short due to a preventable back injury. On February 17, 1992, she suffered a back injury while assisting a patient. The injury required major surgery—spinal fusion—and two years of major rehabilitation before and after surgery. The injury was devastating to Ms. Piknik, both professionally and personally. Prior to her injury, Beth led a very active life, enjoying competitive racquetball, waterskiing, and white-water rafting. But most importantly, she enjoyed her work as an ICU nurse, which had been her career since 1971. The loss of her ability to take care of patients led to a clinical depression, which lasted four and a half years. She now administers TB tests to employees at the hospital. Her ability to take care of patients—the reason she became a nurse—is gone. Ms. Piknik's injury could have been prevented and so can the crippling injuries suffered by hundreds of thousands of workers every year.

In fact, many employers have already taken action and put into place workplace ergonomics programs to prevent these injuries. For example, the Crane Paper Company in Massachusetts had a serious problem with ergonomics injuries. In 1990, they put in place an ergonomics program to identify and control hazards, to train workers and provide medical management to intervene before workers developed serious injuries. These efforts paid off. Within 3 years of starting their ergonomics programs, Crane reduced their ergonomic injury rate by more than 40 percent.

Mr. President, the Department of Labor took public comments on the proposed ergonomics regulation through 90 days of written comments and nine weeks of public hearings. During the hearings, OSHA heard from hundreds of workers and local union members and representatives from eighteen international unions. These workers and union members—who represent all sectors of the economy including auto workers, nurses and nurses aides, poultry workers, teachers and teachers aides, cashiers, office workers—told OSHA why an ergonomics standard is desperately needed and how ergonomics programs in their workplaces have worked to prevent injuries. I would like to share with my colleagues a couple of statements from some of the workers from my state of Massachusetts who appeared at the hearings.

This is what Nancy Foley, who is a journalist from South Hadley, MA, had to say at one of the hearings. ''I am here today to strongly support an ergonomic standard. I suffer from serious injuries caused by a repetitive job. I want to see the ergonomics standard enacted so that others will not be injured as I have been. In 1988 I earned a masters degree in journalism from the University of Wisconsin-Madison. Most of my career was spent at the Union-News in Springfield, Massachusetts. As a reporter, I spent four to five hours a day typing on a computer keyboard. In 1993, I began having pain in my neck and weakness in my hands. I did not seek medical attention until 1995 when the pain had spread into my left shoulder and left arm, making it difficult for me to sit through the workday. Fear prevented me from seeking medical attention sooner. I was a part-time reporter, and I was afraid I would never be made full-time if my employer knew the job was hurting me. Even after seeking medical attention, I was afraid to go out of work to recover from the injuries. I thought that taking time out of work would hurt my career. In October 1998, I went out of work altogether and was never able to return. I settled my workers' compensation case in 1999, with the insurance company taking responsibility for my injuries and continuing medical payments. I have been diagnosed with repetitive strain injury, carpal tunnel syndrome, cervical strain, thoracic outlet syndrome, and medial epicondylitis. By the time I left the newspaper I was so severely injured, that my recovery has been very slow. I may never fully recover. I live with chronic pain every day. Sitting still triggers pain. I have trouble carrying groceries into my house and doing simple housekeeping tasks. I am trying to retrain to be a schoolteacher, but my injuries make the retraining difficult. I do my school work by lying in bed and talking into a voice-activated computer. That is the way I wrote this statement.''

Mr. President, these are the real voices, the real people, the reality behind the 600,000 injuries. Unfortunately, gauging from the debate so far today my colleagues on the other side of the aisle seem uninterested in talking about how devastating musculoskeletal injuries are. They are content to lambaste the Department of Labor and OSHA. They are content to nitpick at the rulemaking process, Mr. President, because they are incapable of refuting the proposed rule on its merit. They cannot deny that 600,000 a year suffer from musculoskeletal injuries. They cannot deny that workplaces that have adopted good ergonomics policies have increased productivity.

Let's be clear about this Mr. President. These types of injuries are a real problem for American businesses and workers. Industry experts have estimated that injuries and illnesses caused by ergonomics hazards are the biggest job safety problem in the workplace today. The 600,000 workers who suffer from back injuries, tendinitis, and other ergonomics disorders cost over $20 billion annually in worker compensation.

What is most troubling to me, Mr. President, is that these types of injuries are preventable. Something can be done to protect the American worker. In drafting this proposed rule OSHA worked extensively with a number of stakeholders, including representatives from industry, labor, safety, and health organizations, State governments, trade associations, and insurance companies. OSHA is currently in the process of holding stakeholder meetings on the draft rule for all interested parties. These comments are made part of the rulemaking record and OSHA is required to review these comments as the final rule is prepared. Just a few months ago, OSHA's small business liaison met with small business representatives in an open roundtable format. Mr. President, this is not a ''command and control'' regulatory action.

Mr. President, this proposed rule has been criticized by those on the other side of the aisle as unfair, unnecessary, and prohibitively costly for businesses. I disagree. The proposed rule is drafted as an interactive approach between employee and manager to protect the assets of the company in ways that are either already being done, or should be done under existing rules. This new rule is a guide and a tool, not an inflexible mandate.

The rule is a flexible standard that allows employers to tailor their programs to their individual workplaces. Small employers are not expected to have the same kind of program as big employers. The proposed rule exempts small businesses from record keeping requirements, so it does not add to small businesses paperwork burdens. Moreover, OSHA is reaching out to small businesses to provide them information on how to control ergonomics hazards through meetings and conferences and by providing on-site compliance assistance.

According to the Department of Labor, thirty-two states have some form of safety and health program. Four states (Alaska, California, Hawaii, and Washington) have mandated comprehensive programs that have core elements similar to those in OSHA's draft proposal. In these four states, injury and illness rates fell by nearly 18 percent over the five years after implementation, in comparison with national rates over the same period. We are not talking about something that has come out of the blue—ergonomics programs are creating positive results for workers all over the country.

Mr. President, in spite of the arguments for the Enzi amendment, there bulk of the science and the research proves that an ergonomic standard is needed in the American workplace.

The National Academy of Sciences has compiled a report entitled Work-Related Musculoskeletal Disorders. This report summarized 6,000 scientific studies on ergonomics-related injuries and concluded that the current state of science reveals that workers exposed to ergonomic hazards have a higher level of pain, injury and disability, that there is a biological basis for these injuries, and that there exist today interventions to prevent these injuries.

In 1997, the National Institute for Occupational Safety and Health completed a critical review of epidemiologic evidence for work-related musculoskeletal disorders of the neck, upper extremity, and lower back. This critical review of 600 studies culled from a bibliographic database of more than 2,000 found that there is substantial evidence for a causal relationship between physical work factors and musculoskeletal disorders.

Furthermore, Mr. President, we are not talking about a new phenomenon, or the latest fad. Ten years ago in 1990 under a Republican President, Secretary of Labor Elizabeth Dole committed the Department of Labor to begin working on an ergonomics standard. Then-Secretary Dole was responding to a growing body of evidence that showed that repetitive stress disorders, such as carpal tunnel syndrome, were the fastest growing category of occupational illnesses. This rulemaking has been almost ten years in the making. Mr. President, it is time to put safeguards in place for the American worker, and this should not be a partisan issue.

This rule has been delayed for far too long. In 1996, the Senate and the House agreed to language in an appropriations conference report that would prevent OSHA from developing an ergonomics standard in FY 1997. In 1997, Congress prevented OSHA from spending any of its FY 1998 budget on promulgating an ergonomics standard. Last year, money in the FY 1999 budget was set aside for the new National Academy of Sciences study, and the then-Chairman and Ranking Members of the House Appropriations Committee sent a letter to Secretary of Labor Alexis Herman, stating that this study ''was not intended to block or delay OSHA from moving forward with its ergonomics standard.''

Mr. President, we should wait no longer for this standard to be proposed and we should certainly not prevent OSHA from issuing its final ergonomics rule. Workers should not have to wait any longer for safety on the job. The time to protect the American workplace is now.

This standard is a win-win for workers and management: the greater the safety workers have on the job, the more time they spend on the job. The more time they spend on the job, the more productive the workplace. And it is obvious, but it bears restating, that the more productive the workplace, the more productive this country. Workers want to be at work, and their bosses want them at work.

It's been 10 years, Mr. President, since Secretary Dole promised to take action to protect workers from ergonomics injuries and to issue an ergonomics standard. Since that time, more than 6.1 million workers have suffered from serious injuries as a result of ergonomics hazards—injuries that could have and should have been prevented. Workers have waited too long for protections from ergonomics hazards. It's time to stop breaking the promises made to American workers and to support the promulgation of a final OSHA ergonomics standard not to protect workers.

Mrs. MURRAY. Mr. President, I strongly oppose this amendment.

We should be reducing the hazards that America's workers face—not putting roadblocks in the way of increased worker safety.

Ergonomic injuries are the single-largest occupational health crisis faced by men and women in our work force today.

We should let OSHA—the Occupational Safety and Health Administration—issue an ergonomics standard.

Ergonomic injuries hurt America's workers and America's productivity.

Each year, more than 600,000 private sector workers in America are forced to miss time from work because of painful musculoskeletal disorders (MSDs).

These injuries also hurt America's companies because these disorders can cause workers to miss three full weeks of work or more.

Employers pay more than $20 billion annually in workers' compensation benefits due to MSDs and up to $60 billion in lost productivity, disability benefits and other associated costs.

The impact of MSDs on women workers is especially serious.

While women make up 46% of the total workforce and only make up 33% of total injured workers, they receive 63% of all lost work time from ergonomic injuries and 69% of lost work time because of carpal tunnel syndrome.

In addition, women in the health care, retail and textile industries are particularly hard hit by MSDs and carpal tunnel syndrome.

Women suffer more than 90% of the MSDs among nurses, nurse aides, health care aides and sewing machine operators.

Women also account for 91% of the carpal tunnel cases that occur among cashiers.

Despite the overwhelming financial and physical impact of MSDs and the disproportionate impact they have on our nation's women, there have been several efforts over the years to prevent OSHA from issuing an ergonomics standard.

This amendment is intended to stop OSHA from implementing its ergonomic standard, which is scheduled to take place by the end of this year. We have examined the merits of this rule over and over again.

Contrary to what those on the other side of this issue say, the science and data support the need for an ergonomics standard.

We shouldn't be placing roadblocks in the way of its implementation.

The National Institute for Occupational Safety and Health (NIOSH) studied ergonomics and concluded that

there is ''clear and compelling evidence'' that MSDs are caused by work and can be reduced and prevented through workplace interventions.

The American College of Occupational and Environmental Medicine, the world's largest occupational medical society, agreed with NIOSH and saw no reason to delay implementation. The studies and science are conclusive.

Mr. President, the states are getting this right.

My state—the state of Washington—just one month ago became the second state along with California to adopt an ergonomics rule.

The rule will help employers in my state reduce workplace hazards that cripple and injure more than 50,000 Washington workers a year at a cost of more than $411 million a year.

The estimated benefits to employers from reducing these hazards are $340 million per year, with the estimated costs of compliance of only $80.4 million per year.

Now Washington and California both have ergonomic standards. North Carolina proposed an ergonomics standard and I understand that other states are also looking into the possibility of developing their own standards to benefit their workers.

We should take the cue from my state and others who have seen the wisdom of issuing ergonomics standards.

We cannot afford to delay an important standard which will greatly improve workplace safety.

Outside of ergonomics, I want to make one general statement about another provision of the underlying bill.

The Senate bill underfunds the Dislocated Worker programs by some $181 million dollars, and it underfunds vital re-employment services by $25 million.

This will mean that 100,000 dislocated workers will be denied training, job search and re-employment services.

In addition, the cuts in re-employment services would effectively deny 111,000 people seeking unemployment insurance from getting other vital re-employment services.

Last year these programs were very helpful to workers in my state who were laid off through no cause of their own.

For example, the Boeing company, the largest employer in my state, has been especially hard-hit by the trade consequences of overseas competition from Airbus. Thousands of workers have been laid off in the past few years.

Those workers who were laid off have been receiving benefits from these programs, and I think it's irresponsible to abandon these workers who were laid off through no fault of their own. We owe it to the workers of America to fully-fund those programs that benefit them and their families.

I urge my colleagues to correct this funding problem so these workers aren't left behind.

In closing, I urge my colleagues to oppose this amendment.

We should allow OSHA to issue an ergonomics standard.

It will be an important step forward in protecting our nation's workers from crippling injuries.

Mr. AKAKA. Mr. President, in 1970, Congress established the Occupational Safety and Health Administration (OSHA), to ''assure so far as possible every working man and woman in the Nation safe and healthful working conditions.'' Therefore, OSHA is responsible for ensuring that both employers and employees have access to the necessary training, resources, and support systems to eliminate workplace injuries, illnesses, and deaths. To achieve a safe and healthy workplace, OSHA must be pro-active in identifying workplace safety and health problems.

We, in Congress, must not forget our commitment to America's workers. That is why I am here today to speak on behalf of OSHA's effort to establish ergonomic standards.

Each year more than 600,000 workers suffer serious injuries, such as back injuries, carpal tunnel syndrome, and tendinitis, as a result of ergonomic hazards. Last year, in my State of Hawaii, more than 4,400 private sector workers suffered serious injuries from ergonomic hazards at work. Another 700 workers in the public sector suffered such injuries. These injuries are a major problem not only in the State of Hawaii, but across the nation. It affects not just truck drivers and assembly line workers, but also nurses and computer users. Every sector of the economy is affected by this problem. The impact can be devastating for workers who suffer from these injuries.

It is important to note that ergonomics is not new. It has been around as early as World War II, where the designers of our small plane cockpits took into consideration the placement of cockpit controls for our pilots. And, for OSHA this matter is also not new. OSHA has been working on ergonomic standards for 10 years, of which, for the last five years, OSHA has been delayed from finalizing any ergonomic standard. Opponents of a standard have either prohibited OSHA from issuing its standard or delayed its work until such time as the National Institute for Occupational Safety and Health (NIOSH) and the National Academy of Sciences (NAS) can complete their studies and report to Congress. Although NIOSH and NAS completed their reports and both indicated that there was credible research showing a consistent relationship between musculoskeletal disorders and certain physical factors, critics were not satisfied and requested another NAS report in 1998; yet another delaying tactic.

It is unfortunate that OSHA has been prevented from issuing any ergonomic standard for the past five years. It is important to note that some of these delays were part of agreements and promises made to proponents for accepting some of these requests. As we see now, the promises made have been broken. More specifically, in 1997, the leadership of the Appropriations Committee in the House agreed that the coming fiscal year would be the last time in which OSHA would be prohibited from spending any of its funds on issuing proposed ergonomic standards, and again, in 1998, House Appropriations Chair ROBERT LIVINGSTON and Ranking Member DAVID OBEY sent a letter to Secretary of Labor Alexis Herman that stated, ''it is in no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics.'' However, in 1999, legislation was introduced (H.R. 987 and S. 1070) to block OSHA's ergonomic standards, and the House Appropriations Committee adopted a rider that would shut down the rulemaking process and block OSHA's final rule.

American workers cannot afford any more delays. Injuries that result from ergonomic hazards are serious, disabling, and costly. Carpal tunnel syndrome results in workers losing more time from their jobs than any other type of injury. It is estimated that these injuries account for an estimated $20 billion annually in workers compensation.

The most compelling reason to allow OSHA to complete this process is that these injuries and illnesses can be prevented. In fact, some employers across the country have already taken action and put in place workplace ergonomics programs to prevent injuries. However, two-thirds of employers still do not have adequate ergonomic programs in place.

It has been 10 years since Labor Secretary Elizabeth Dole promised to take action to protect workers from ergonomic injuries and to issue an ergonomics standard. Since that time, more than 6.1 million workers have suffered serious injuries as a result of ergonomic hazards. OSHA's proposed rule would prevent 300,000 injuries each year and save $9 billion in workers' compensation and related costs. It is time for Congress to remember the commitment made to the nation's workforce when it established OSHA in 1970, and allow OSHA to continue its issuing of an ergonomics standard.

Mr. JEFFORDS. Mr. President, I rise to make a statement for myself as well as Senator EDWARD KENNEDY, Ranking Member of the Health, Education, Labor and Pensions (HELP) Committee; Senator SUSAN COLLINS; Senator CHRISTOPHER DODD; Senator OLYMPIA SNOWE; Senator DANIEL PATRICK MOYNIHAN; Senator CARL LEVIN; Senator CHARLES SCHUMER; Senator PAUL WELLSTONE; and Senator PATRICK LEAHY.

First, we would like to take this opportunity to commend the hard work and dedication of Senator ARLEN SPECTER. As Chairman of the Labor-HHS Appropriations Committee, he has the formidable task of crafting legislation which funds many of the programs under the jurisdiction of the HELP Committee, which I chair. This year's

bill, like many in recent memory, has proven challenging for Chairman SPECTER and Ranking Member TOM HARKIN, and they have done their best to deliver a fair bill.

There is no doubt; funding is tight. However, we would like to make a plea to appropriators as they put the finishing touches on the Labor-HHS Appropriations bill.

This year, 46 Senators signed a letter in support of the Low Income Home Energy Assistance Program (LIHEAP). Specifically, we asked for $1.4 billion in regular LIHEAP funding, along with $300 million in emergency funding. In addition, we urged $1.5 billion in advance LIHEAP funding for fiscal year 2002. While funding was not as much as we had hoped for in FY2001, our concern centers around the lack of advance FY2002 LIHEAP funding.

As you know, the importance of LIHEAP funding has been demonstrated this past year as many states have faced extreme temperatures and high fuel costs. The clear need for timely energy assistance in the form of consistent regular LIHEAP funding has been demonstrated. For planning purposes, the states have come to rely on the knowledge that our advance funding mark provides them. An advance appropriation allows for orderly planning of programs, as well as creating administrative systems for more efficient program management.

Advance appropriations for LIHEAP has been an effective tool that allows states to determine eligibility, establish the size of the benefits, determine the parameters of the crisis programs and enable the states to properly budget for staffing needs. In addition, states need an idea of the anticipated program's size in order to effectively meet their obligations under the law.

In conclusion, we appreciate the difficult work facing the Appropriations Committee. However, we feel strongly that this advance funding allocation is a critical tool in assisting our states to have the most effective LIHEAP programs possible, and we look forward to working with Chairman SPECTER to restore this funding in conference.

Thank you, Mr. President.

Mrs. FEINSTEIN. Mr. President, the bill the Senate is considering today addresses some of the nation's most pressing problems and is very important to my state, the largest state in the nation, with a population of 34 million people.

California's schools face huge challenges—low test scores, crowded classrooms, teacher shortages, booming enrollments, decrepit buildings.

California has 5.8 million students, more students than 36 states have in total population and one of the highest projected enrollments in the US.

California has 40 percent of the nation's immigrants; we have 50 languages in some schools.

Many of California's students have low test scores and are taught by uncredentialed teachers.

At the college level, the University of California has the most diverse student body in the US. Federal programs provide nearly 55 percent of all student financial aid funding that UC students received. Our colleges and universities are facing ''Tidal Wave II,'' the demographic bulge created by children of the baby boomers who will inundate California's colleges and universities between 2000 and 2010 because the number of high school graduates will jump by 30 percent.

Our needs are huge.

I am pleased that the bill before us increases education by $4.6 billion over last year. The federal share of elementary-secondary education funding has declined from 14 percent in 1980 to 6 percent in 1999.

Devoting more resources to education is critical in my state. On May 17, the American Civil Liberties Union filed a suit against the California Department of Education charging that many of our students do not have the bare essentials for getting an education, basics like textbooks, school supplies, libraries, computers, and credentialed teachers. In some classes, there are not enough seats or desks, the air conditioning and heating systems are broken and the roofs leak. I do not know what the outcome of this suit will be, but it is certainly a sad commentary on the state of our schools.

Clearly, we need to do more and this bill makes a start.

The bill increases the Title I program, the program for disadvantaged students, by $278 million. I am grateful that the committee included two of my requests relating to what is called the ''hold harmless'' provision.

In 1994, Congress put in the law a requirement that the Department of Education annually update the number of poor children so that the allocation of funds would truly reflect the most recent count of poor children. This is a very important provision to growing states like mine. However, despite my opposition, the hold harmless provision has been included in the last three annual appropriations bills and this bill today, effectively overriding the census update requirement and locking in historic funding amounts for states despite the change in the number of poor children.

Secretary Riley said—I wholeheartedly agree—that ''a basic principle in targeting should be to drive funds to where the poor children are, not to where they were a decade ago.'' Because of the hold harmless, my state has lost over $120 million since 1998 and I am disappointed that my efforts to totally eliminate it were not successful. Nevertheless, I appreciate the inclusion of two provisions: (1) a provision that says that the Department of Education cannot apply the Title I ''hold harmless'' to other programs that use the Title I formula in whole or in part; and (2) a provision clarifying that the ''hold harmless'' will not apply to any ''new'' funds, funds exceeding the FY 2000 level. These are steps forward.

Head Start is one of the most important federal programs because it has the potential to reach children early in their formative years when their cognitive skills are just developing. Many studies have confirmed the significance of bringing positive influences to early brain development. But we know that poor children disproportionately start school behind their peers. They are less likely to be able to count or to recite the alphabet.

Providing low-income children with access to programs that encourage cognitive learning and prepare them to enter school ready to learn is important. Head Start has the potential to reach every low-income child, to help every eligible child learn in the preschool years.

The addition of $1 billion in this bill for Head Start could enroll 1 million more children by 2002, a 19 percent increase over last year. This is good first step. Nationwide, only 42 percent of eligible children participate in the Head Start program. I would like to see 100 percent of all eligible children enrolled. I think we can do it. California has 764,462 poor children age 5 and under in poverty, but we are only serving 13 percent of eligible children. We must do better.

The Rand Corporation has found that for every dollar invested in early childhood learning programs, taxpayers save between $4 and $7 later by reducing the need for alcohol and drug treatment programs, special education programs, mental health services, and the likelihood of incarceration. The proposed $1 billion increase is a good step to ensuring that every child gets a head start.

I firmly believe, however, that we must do more with the proposed $1 billion increase than merely enroll more children in the program. We must continue to improve the Head Start program such that children leave the program able to count to ten, to recognize sizes and colors, and can begin to recite the alphabet, to name a few indicators of cognitive learning. We must also continue to raise the standards and pay of Head Start teachers.

We also need to recruit qualified Head Start teachers who have demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of the preschool curriculum. Having qualified teachers is a critical way to jump-start cognitive learning and ensure that our youngsters start elementary school ready to learn.

I am disappointed that the bill ''flat funds'' (provides no increases) for helping newly immigrant children. Appropriations were $150 million in 1998, $150 million in 1999, and $150 million in 2000 and in this bill.

California receives $180.00 for each eligible immigrant child which hardly begins to address the needs these children bring to the classroom. These are

the most at-risk of all children. They speak another language; their schooling has been interrupted and they have huge adjustment challenges. We can do better.

It is disappointing that the bill does not specifically include the President's initiatives on school construction and class size reduction. These are long overdue.

The bill does include in the Title VI block grant $2.7 billion that local districts can use to reduce class sizes and/or to build schools. This will help my state. California will need 300,000 new teachers by 2010. Eleven percent or 30,000 of our 285,000 teachers are on emergency credentials. For school construction, modernization and deferred maintenance, California needs $16.5 billion by 2004. Two million California children go to school today in 86,000 portable classrooms.

California started reducing class sizes in grades K–3 in the 1996–1997 school year. We had then and we still have some of the largest class sizes in the country. And every parent knows that the smaller the class the more individualized attention students receive and the more effective the teacher can be.

I am pleased to see the increase of $817 million for the Child Care and Development Block Grant. Quality, affordable child care helps keep low-income working parents employed and off welfare. The increase in child care funds will help increase the number of available child care ''slots'' and improve the quality of this care.

Health care is another important concern of Californians that is addressed in this bill in several ways.

The California health care system is on the brink of collapse. In my state, 38 hospitals have closed since 1996 and 15 percent more may close by 2005. Over half my state's hospitals are losing money. Seismic safety requirements add more cost strains.

We have an uninsured rate of 24 percent (7.3 million people), far above the national rate of 18 percent. Despite a thriving economy, the number of Californians without health insurance grows by 50,000 per month.

California has the second highest incidence of HIV/AIDS in the US. While the AIDS death rate has declined, it is still too high; 40,000 new infections develop each year. In California, 100,000 people are living with HIV/AIDS.

California ranks 37th overall among states having children immunized by the age of 18 to 24 months.

For NIH, with a 15 percent increase or $2.7 billion, this bill will keep us on the path toward doubling NIH over five years. Even though Congress has given NIH generous increases in the last two years, NIH in 2000 can only fund 31 percent of grant proposals.

Investing in biomedical research has given us longer lives, healthier lives, and cures and new treatments and insights into diseases ranging from asthma to Alzheimers. This is an area of governmental activity that Americans overwhelmingly support. Fifty-five percent of Californians said they would pay more in taxes for more medical research.

This bill increases cancer funding by almost $500 million, raising the National Cancer Institute to $3.8 billion. Dr. Richard Klausner, Director of NCI, indicated during the Subcommittee's hearing on funding for NIH that in order to fund all the meritorious grant applicants NCI would need a 20 percent increase in funding. I am hopeful that the increase in this bill will bring us closer to a cure and will give us the tools to better treat the 1.2 million Americans that will face cancer this year.

While the National Cancer Institute is making great strides in understanding cancer and how to treat cancer, cancer is still the second leading cause of death for all Americans, meaning that one of every four people dies of cancer. Fifty percent of Americans have had someone close them die from cancer.

There are 1.2 million new cases each year. Over 552,000 Americans will die from cancer this year. Because of the aging of our population, the incidence of cancer will continue to grow and reach staggering proportions by 2010, with a 29 percent increase in incidence and a 25 percent increase in deaths, at a cost of over $200 billion per year. The cancer burden will balloon especially in the next 10 to 25 years as the country's demographics change.

Why invest more in cancer research? The Cancer March Research Task Force said we could reduce cancer deaths from 25 to 40 percent over the next 20 year period, saving 150,000 to 225,000 lives each year. Other areas that could be enhanced are bringing new cancer drugs from the laboratory to clinical trials; continuing to identify genes involved in cancer; improving our understanding of the interaction between genes and environmental exposures; finding new ways to detect cancers earlier when they are small, not invasive and more easily treated.

We must also improve participation in cancer clinical trials. Medicare beneficiaries account for more than 50 percent of all cancer diagnoses and 60 percent of all cancer deaths, but only three to four percent participate in clinical trials. Hopefully, with the increases in this bill, NIH can improve recruitment into clinical trials to advance science toward more cures.

I am disappointed that the bill moves FY 1998 funds for the Children's Health Insurance Program to 2003. Unfortunately, 37 states, including mine, have not been able to enroll children as quickly as they had hope and have not used all the funds we provided. Without this bill, California's unspent CHIP funds would be redistributed to other states. Under this bill, states will have until October 1 to spend their 1998 CHIP funds and funds allotted to my state to insure children will not go to other states, as they would without this bill.

We must do more to ensure that all children are fully-immunized by the age of 2. While the bill has $524 million for CDC's program, a 14 percent increase over last year, it falls $75 million short of providing the resources necessary to conduct adequate community outreach in under-served areas, parental and provider education about new vaccines, and the development and operation of state-based immunization registries, and $10 million short of providing adequate funding for the purchase of vaccines.

Do we really want our children to get polio, measles, mumps, chicken pox, rubella, and whooping cough—diseases for which we have effective vaccines, diseases which we have practically eradicated by widespread immunization? My State ranks 37th overall among States having children fully immunized by the age of 18 to 24 months. According to an Annie E. Casey Foundation report, 28 percent of California's two-year old children are not immunized.

Every parent knows that vaccines are fundamental to a child's good health. However, some families do not have access to vaccines through health insurance. Congress must make certain there is adequate funding for immunization programs so that all children are immunized against disease.

The bill increases funds for the Ryan White CARE Act by $55 million, for a total of $1.6 billion. This is important to thousands of Americans with HIV/AIDS. Since 1990, the CARE Act has helped establish a comprehensive, community-based continuum of care for uninsured and under-insured people living with HIV and AIDS. People who would not otherwise have access to care are able to receive medical care, drugs, and support services.

The CARE Act is particularly important to communities of color. AIDS is the leading cause of death among African American men and the second leading cause of death among African American women between the ages of 25 and 44. By comparison, AIDS is the fifth leading cause of death among all Americans in this age group.

A disproportionate number of African Americans and Hispanic/Latinos are also living with AIDS. Whereas African Americans represent only 13 percent of the total U.S. population, they represent 36 percent of reported AIDS cases. Likewise, Latinos represent 9 percent of the population but 17 percent all of AIDS cases. We must do more to target prevention efforts and funding for CARE Act services to the communities most heavily impacted; minority and under-served communities.

Two of California's largest cities, Los Angeles and San Francisco, are among the top four metropolitan cites with the highest number of AIDS cases in the United States. Through the CARE Act, Los Angeles has provided services

to over 43,160 clients since 1996. San Francisco has provided services to 47,440 since 1996. I am disappointed that the Committee's recommendation provides for $70 million less for Ryan White AIDS programs than requested by the administration. We should fully fund the CARE Act. The CARE Act is more important now than ever. The epidemic is not over. In fact, it is reaching into lower-income communities, affecting more women and minorities than previously. HIV/AIDS remains a health emergency in the United States. The Centers for Disease Control estimates that 40,000 new cases are reported annually. According to the Centers for Disease Control, between 650,000 and 900,000 Americans are currently infected with HIV while the number of AIDS cases has nearly doubled over the past five years.

Community health center programs are the ''medical home'' to millions of uninsured and low-income individuals. Current resources only allow health centers to serve 10 percent of the Nation's 44 million uninsured. This is troubling given that the number of our Nation's uninsured continues to grow at a rate of 100,000 per month. At this rate, by 2008 we can expect our nation's uninsured to reach 58 million. As the number of uninsured continues to grow, community health centers will become even more important as more people will rely on these centers to access health care.

Community health centers are the backbone of our Nation's safety-net. I am committed to doubling funding for these centers over the next five years. This requires an increase of at least 15 percent in each of the next five years, including an increase of $150 million in 2001. Although the $100 million increase in the bill is a good step, it is not enough. We need to add $50 million to the program to meet this goal.

Community health centers are vital to California's 7.3 million uninsured. Over 80 of California's clinics are located in under served areas and provide primary and preventive services to 10 percent of the uninsured people in the state. With a much needed increase in funding, these clinics could provide care to more of my State's uninsured. The care provided by health centers reduces hospitalizations and emergency room use, reduce annual Medicaid costs, and help prevent more expensive chronic disease and disability. Increasing appropriations to health centers makes good sense.

I am disappointed in the cuts in the bill to train health professionals. Almost one in five Californians lives in a health professions shortage area. We are facing a nursing shortage and will need 43,000 more nurses by 2010, which is a conservative estimate based on a projected 23 percent increase in the state's population. I hope these cuts will be restored.

The bill reported by the Committee funds the Social Services Block Grant at $600 million or 75 percent less than the authorized level of $1.7 billion. This drastic reduction in funding for SSBG will result in cuts to vital human services for our most vulnerable citizens. I hope we can restore these funds.

If the program were fully funded, California would receive $203.8 million in SSBG funds. If funding is cut to $600 million nationwide, California will receive $71.9 million. This is a reduction of $131.9 million.

California uses this money to fund its developmental disabilities program, which provides services and support to people with developmental disabilities and their families. The State also uses the funds to provide support for in-home care givers to the elderly, blind, and disabled. SSBG is a major source of funding for child protective services and for child care in every state.

This is a good bill, addressing many of the nation's critical human needs. The bill can be improved in several areas.

I hope the leadership and the bill's managers will work hard to restore the cuts I have cited and to send to the President a bill that addresses the nation's many critical health, education and human services needs.

Mr. FEINGOLD. Mr. President, I rise today to join a number of our colleagues in opposition to the amendment offered by the Senator from Wyoming [Mr. ENZI].

I strongly support the efforts of the Occupational Safety and Health Administration (OSHA) to promulgate fair and responsible ergonomics standards and regulations. I believe that such standards are instrumental in helping to reduce the occurrence of preventable workplace injuries.

More than 600,000 American workers suffer from workplace injuries caused by repetitive motions including typing, heavy lifting, and sewing. These injuries have an impact on every sector of our economy, and are particularly prevalent among women because many of the jobs held predominately by women require repetitive motions or heavy lifting. And these preventable injuries, including the painful and often debilitating carpal tunnel syndrome, cost more than $60 billion annually, $20 billion of which is from workers' compensation costs.

I want to say this again, Mr. President, repetitive stress injuries are particularly prevalent among women.

According to the Department of Labor, almost 230,000 women miss at least some time at work each year because of ergonomics injuries related to their jobs. To further emphasize the impact that these injuries have on women, let me cite the following statistics from the Department of Labor:

In 1997, women experienced 33 percent of all serious workplace injuries that required time off from work;

But women experienced 63 percent of all repetitive motion injuries, including 91 percent of injuries cause by repetitive typing or keying and 61 percent from repetitive placing;

These injuries include 62 percent of all work-related tendinitis cases and 70 percent of carpal tunnel syndrome cases; and

Recuperation from carpal tunnel syndrome, an often debilitating condition, requires an average of 25 days away from work.

The proponents of this amendment argue that further study is required before OSHA can promulgate its final ergonomics standard. I disagree. It is clear that more needs to be done to prevent these needless injuries, and that there is already a significant body of research outlining the need for national ergonomics standards from sources including the National Academy of Sciences, the National Institute for Occupational Safety and Health, and the General Accounting Office.

And further proof can be found in the existing ergonomics programs. Companies across the country have reduced the instances of preventable workplace injuries by designing and implementing their own ergonomics programs. In my home state of Wisconsin, the popular maker of children's clothing, OshKosh B'Gosh, redesigned its workstations. This common sense action cut the company's workers' compensation costs by one-third, which resulted in a savings of approximately $2.7 million.

Another Wisconsin company, Harley-Davidson, cut workplace ergonomics injuries by more than half after implementing an ergonomics program.

An employee of a health care facility in my hometown of Janesville, Wisconsin, said the following about the joint efforts between her management and fellow employees to design a program to combat injuries that are all too common among health care workers:

Quote—''I am here today to tell OSHA that working in a nursing home is demanding and hazardous work. Those hazards include back injuries as well as problems in the hands, arms, shoulders, and other parts of the body. . . . I am also here to testify that the injuries and pain do not have to be part of the job . . . Together [management and labor] have identified jobs where there are risks of back injuries. After getting input from employees, the employer has selected equipment that has improved the comfort [and] the safety of patients as well as the employees.

. . . What we are doing at the [nursing home] is proof that it is possible to prevent injuries with a commitment from management and the involvement of employees. Our injury prevention program is win-win for everybody: Management, labor, the patients, and their families. I urge OSHA to issue an ergonomics rule so that nursing home workers across the country will have the same protection that we have at the health care center.''—End of quote.

And there are many other success stories in Wisconsin and around the United States.

I commend the efforts of those companies which have proven that responsible ergonomics programs can—and do—prevent injuries resulting from repetitive motions. Unfortunately, not all American workers are protected by ergonomics programs like those I have described.

For example, one of my constituents who testified at an ergonomics event in my state has endured three surgeries over a ten year period to repair damage to his spine caused by repetitive motions at his job. In his testimony, this man said, quote—''Pain is my constant companion and I still need pain medication to get through the day. It is an effort just to put my socks on in the morning. I will never be healthy and pain free.''—End of quote.

Another one of my constituents described the impact that an injury he sustained at work while lifting a 60–80 pound basket of auto parts has had on his once active lifestyle. Quote—''This pain has limited me in many ways. . . . I used to teach soccer to kids. Now I can't walk more than half an hour without pain in my legs and spine. I have to prepare myself for fifteen minutes in the morning just to get out of bed.''—End of quote.

Mr. President, injuries such as those suffered by my constituents—and indeed by workers in each one of our states—can be prevented through sensible and responsible national ergonomics standards.

Repetitive stress injuries are costing American businesses millions of dollars and are costing American workers their health and, in some cases, their mobility. This means that some workers will lose the ability to do certain activities—activities ranging from simple tasks like fastening buttons to more meaningful things including picking up a child or participating in sports.

These are real people, Mr. President. They are our constituents, our family, our friends, our neighbors. We should not block a regulation that will help to stop these preventable injuries from forever changing the lives of countless Americans who are working to provide their families and themselves with a decent standard of living.

I recognize that some industries and small businesses are concerned about the impact, financial and otherwise, that this proposed standard will have on them. I have written to OSHA on behalf of a number of my constituents to communicate their concerns. I hope that the public comment and hearing phases of this rule-making process have adequately brought these concerns to light. I also hope that OSHA will take these concerns into account as that agency continues the process of finalizing this important rule, taking seriously the concerns of employers who fear the new rule will be too burdensome. We need a new rule that protects workers and is fair to all.

Mr. President, repetitive motion injuries can and should be prevented. And I strongly believe that we should have a national standard that affords all workers the same protections from these debilitating injuries. We should not delay these efforts. The health and mobility of countless American workers is at stake.

I again urge my colleagues to defeat this amendment and allow OSHA to move forward in its efforts to promulgate fair and responsible ergonomics standards.

Thank you, Mr. President. I yield the floor.

Mr. INHOFE. Mr President, I am pleased to come to the floor of the Senate today to speak in support of the Enzi amendment to the Labor-HHS Appropriations bill. As my colleagues know, the Enzi amendment is necessary to prevent the Occupational Safety and Hazard Administration from enacting a costly regulation without adequate scientific understanding of the very problem they hope to prevent.

As chairman of the Environment and Public Works Subcommittee on Clean Air, I have seen first hand how this administration refuses to conduct the proper scientific study of regulations they propose to promulgate. The reason, I fear, its rather simple: the scientific evidence does not support their political agenda. Based on my observations, the rule of thumb with this administration is ''if the scientific evidence does not support the goal, ignore the evidence.'' In this instance, we've been asking OSHA to do due diligence concerning the science behind this rule for five years.

I am not necessarily opposed to an ergonomics rule, I am simply opposed to this rule because it is not backed by sound science. I find it very interesting that the National Academy of Sciences is set to release its findings on ergonomics early next year. Why then the rush. The answer is obvious, OSHA fears the science will not support its proposal and wants to rush this into effect before the NAS finishes its work.

The speed at which OSHA is moving on this regulation is unprecedented; this is the single largest regulatory effort to date and OSHA appears to be bending over backwards to avoid congressional scrutiny, which of course is not new for this administration. In addition to dodging congressional scrutiny, OSHA is ignoring the over 7,000 public comments concerning the rule.

In addition to the process related flaws with this rule, another problem is its unrealistic cost estimate. OSHA estimates the rule will cost approximately $4.2 billion per year which is dramatically lower than all other estimates. For instance, the Small Business Administration estimates the cost is $60 billion per year or 15 times that of OSHA's estimate. The disparity of these figures alone should give plenty of reason to rethink this rule.

Yet another reason to oppose this rule is the effect of the rule on Medicare/Medicaid patients. OSHA has repeatedly stated that business should simply pass on the cost of compliance to consumers. Now, as I mentioned above, conservatively that cost will be in excess of $4.2 billion annually. Some of these ''businesses'' OSHA believes should pass on the cost of the rule are hospitals, nursing homes, home health care agencies, and other Medicare/Medicaid dependent health care providers. No where in the rule, has OSHA mentioned how these health care providers should deal with the newly imposed costs. They cannot simply pass on the cost as OSHA has stated so cavalierly.

Medicare/Medicaid providers in my state have been very clear about the existing problems associated with recent cuts in Medicare/Medicaid. I can only image what this new burden will mean for our health care providers.

In all fairness, OSHA has apparently thought about the cost to Medicare/Medicaid because they have done an estimate on the first year compliance cost of the rule. They estimate it will cost about $526 million for nursing and personal care facilities. Now, I don't know about my colleagues, but from the stories I've heard from my constituents, that $526 million could be much better spent providing care to patients. If OSHA implements this rule, we are setting the stage for a greater health care crisis in the country. Are health care providers going to be forced to choose between complying with OSHA regulations or providing health care for patients? I, for one, hope this is not the case.

Another of the significant problems with this rule is its vagueness. In fact, the rule's lack of clarity has prompted the Washington Post, clearly not a mouthpiece of conservative thinking, to say, that the rule is too vague and will cause problems.

There are many unanswered questions that OSHA readily admits it cannot answer and in all probability will never be able to answer. Among these now unanswered questions are: What is a definable ergonomics hazard? How can these undefined hazards be fixed? How will these undefined hazards be enforced?

Since OSHA cannot determine what the potential hazards are or how they can be fixed, it admits that actions that employers take to remedy supposed problems may actually make those problems worse. Since OSHA itself does not know what the extent of the problems are, it should come as no surprise that this is the only rule OSHA has ever put forward that does not provide employers some guidance for implementing appropriate measures to prevent injuries. Instead, the rule, as drafted, only sets forth penalties for employers if they fail to remedy these undefinable dangers.

Given these uncertainties, it is clear that the rule is flawed and should be stopped as is our prerogative. We have no choice. We must reject this rule and demand that OSHA conduct its due diligence before promulgating another.

I hope my colleagues will join me in supporting the Enzi amendment.

Mr. KENNEDY. Mr. President, I strongly oppose this amendment to prohibit OSHA from moving forward with its ergonomics standard. OSHA has been attempting to implement an ergonomics standard for the past 10 years. But each year, Congress has delayed the standard.

As long ago as 1990, the Secretary of Labor Elizabeth Dole in the Bush Administration called ergonomic injuries ''one of the nation's most debilitating across-the-board worker safety and health illnesses.'' Since that time, over 2,000 scientific studies have examined the issue, including a comprehensive review by the National Academy of Sciences.

All of these studies tell us the same thing—it's long past time to enact an ergonomics standard to protect the health of American workers and prevent these debilitating injuries in the workplace.

Each year, over 1.7 million workers suffer from ergonomic injuries and nearly 600,000 workers lose a day or more of work because of ergonomic injuries suffered on the job. Ergonomic injuries account for over one-third of all serious job-related injuries.

These injuries are painful and often crippling. They range from carpal tunnel syndrome, to severe back injuries, to disorders of the muscles and nerves.

Carpal tunnel syndrome keeps workers off the job longer than any other workplace injury. This injury alone causes workers to lose an average of more than 25 days, compared to 17 days for fractures and 20 days for amputations.

Ergonomics is also a women's issue, because women workers are disproportionately affected by these injuries. Women make up 46 percent of the overall workforce—but in 1998 they accounted for 64 percent of repetitive motion injuries and 71 percent of carpal tunnel cases.

The good news is that these injuries are preventable. The National Academy of Sciences and the National Institute of Occupational Safety and Health have both found that obvious adjustments in the workplace can prevent workers from suffering ergonomic injuries and illnesses.

Congress has a responsibility to ensure that the nation's worker protection laws keep pace with changes in the workforce. Early in this century, the industrial age created deadly new conditions for large numbers of the Nation's workers.

When miners were killed or maimed in explosion after explosion, we enacted the Federal Coal Mine Safety and Health Act. As workplace hazards became more subtle, but no less dangerous, we responded by passing the Occupational Safety and Health Act to address hazards such as asbestos and cotton dust. Now, as the workplace moves from the industrial to the information age, our laws must evolve again to address the emerging dangers to American workers. Ergonomic injuries are one of the principal hazards of the modern American workplace—and we owe it to the 600,000 workers who suffer serious ergonomic injuries each year to address this problem now.

Ergonomic injuries affect the lives of working men and women across the country. They injure nurses who regularly lift and move patients, and construction workers who lift heavy objects. They harm assembly line workers whose task consists of constant repetitive motions. They injure data entry workers who type on computer keyboards all day long. Even if we are not doing these jobs ourselves, we all know people who do. They are mothers and fathers, brothers and sisters, sons and daughters, and neighbors—and they deserve our help.

We need to help workers like Beth Piknick from Massachusetts, who was an intensive care nurse for 21 years before a preventable back injury required her to undergo a spinal fusion operation and spend two years in rehabilitation. Although she wants to work, she can no longer do so. In her own words, ''The loss of my ability to take care of patients led to a clinical depression. * * * My ability to take care of patients—the reason I became a nurse—is gone. My injury—and all the losses it has entailed—were preventable.''

We need to help workers like Elly Leary, an auto assembler at the now-closed General Motors Assembly plant in Framingham, Massachusetts. Like many, many of her co-workers, she received a series of ergonomic injuries—including carpal tunnel syndrome and tendinitis. Like others, she tried switching hands to do her job. She tried varying the sequence of the routine. She even bid on other jobs. But nothing helped. Today, years after her injury, when she wakes up in the morning, her hands are in a claw-like shape. To get them to open, she has to run hot water on them.

We need to help workers like Charley Richardson, a shipfitter at General Dynamics in Quincy, Massachusetts in the mid-1980's. He suffered a career-ending back injury when he was told to install a 75 pound piece of steel to reinforce a deck. Although he continued to try to work, he found that on many days, he could not endure the lifting and the use of heavy tools. For years afterwards, his injury prevented him from participating in basic activities. But the loss that hurt the most was having to tell his children that they couldn't sit on his lap for more than a few minutes, because it was too painful. To this day, he cannot sit for long without pain.

We need to protect workers like Wendy Scheinfeld of Brighton, Massachusetts, a model employee in the insurance industry. Colleagues say she often put in extra hours at work to ''get the job done.'' She developed carpal tunnel syndrome from using the computer at work. As a result, Wendy has lost the use of her hands, and is now permanently unable to do her job, drive a car, play the cello, or shop for groceries.

Even though it may be too late to help Beth, Elly, Charley and Wendy, workers just like them deserve an ergonomics standard to protect them from such debilitating injuries.

Some in Congress argue that OSHA is rushing the process too much. But let's review the record. OSHA's rulemaking effort began ten years ago in the Bush Administration under Secretary of Labor Elizabeth Dole. Years of study and development have laid the groundwork for this proposed standard. OSHA held nine stakeholder meetings following its Advance Notice of Public Rulemaking in 1992. OSHA also held 11 best-practices conferences between 1997 and the end of 1999. Since November, 1999, there has been a 100-day pre-hearing comment period and nine weeks of public hearings.

The Agency is currently in the midst of a 30-day comment period on an economic analysis and a 60-day post-hearing comment period on the proposed standard. There will be another public hearing on July 7. All told, the public will have had over 8 months of opportunity for public comment since the publication of the proposed standard last November. After 10 years of attempting to address this serious problem, this amendment would delay OSHA's standard yet again.

Last fall, when we considered the Labor-HHS appropriations bill, opponents of an ergonomics standard wanted us to wait for the National Academy of Sciences to complete a further study before OSHA establishes a standard. But it was just another delaying tactic. As we said then, over 2,000 studies on ergonomics have already been carried out.

In 1997, the National Institute for Occupational Safety and Health reviewed 600 of the most important of those studies. In 1998, the National Academy of Sciences reviewed the studies again. Congress even asked the General Accounting Office to conduct its own study.

The National Academy of Sciences found that work clearly causes ergonomic injuries. They concluded that ''the positive relationship between the occurrence of musculoskeletal disorders and the conduct of work is clear.'' The National Institute for Occupational Safety and Health agreed. They found ''strong evidence of an association between MSDs and certain work-related physical factors.''

The Academy also found that ergonomics programs are effective. As the Academy found, ''Research clearly demonstrates that specific interventions can reduce the reported rate of musculoskeltal disorders for workers who perform high-risk tasks.''

Finally, the GAO concluded that ergonomics is good business. Its report declared, ''Officials at all the facilities

we visited believed their ergonomics programs yielded benefits, including reductions in workers' compensation costs.''

The truth is that the Labor Department's ergonomics rule is based on sound science. In addition to the National Academy of Sciences and the National Institute of Occupational Safety and Health, medical and scientific groups have expressed widespread support for moving forward with an ergonomics rule.

The American College of Occupational and Environmental Medicine, representing over 7,000 physicians, has stated that ''there is * * * no reason for OSHA to delay the rule-making process while the NAS panel conducts its review.'' The American Academy of Orthopedic Surgeons, representing 16,000 surgeons, the American Association of Occupational Health Nurses, representing 13,000 nurses, and the American Public Health Association, representing 50,000 members, all agree that an ergonomics rule is necessary and based on sound science.

Many members of the business community support ergonomics protections, because good ergononics is good business. Currently, businesses pay out $15 to 20 billion each year in workers' compensation costs related to these disorders. Ergonomic injuries account for one dollar in every three dollars spent for workers' compensation. If businesses reduce these injuries, they will reap the benefits of lower costs, greater productivity, and decreased absenteeism.

That's certainly true for Tom Albin of Minnesota Mining and Manufacturing, who said, ''Our experience has shown that incorporating good ergonomics into our manufacturing and administrative processes can be effective in reducing the number and severity of work-related musculoskeletal disorders, which not only benefits our employees, but also makes good business sense.''

Similarly, Peter Meyer of Sequins International Quality Braid has said, ''We have reduced our compensation claims for carpal tunnel syndrome through an effective ergonomics program. Our productivity has increased dramatically, and our absenteeism has decreased drastically.''

This ergonomics rule is necessary, because only one-third of employers currently have effective ergonomics programs.

Further delay is unacceptable, because it leaves workers unprotected and open to career-ending injuries. Since OSHA began working on this standard in 1990, more than 6.1 million workers have suffered serious injuries from workplace ergonomic hazards.

It is time to stop these injuries—and stop all the misinformation too. This year's attack on OSHA's ergonomics standard is just the latest in a long series of attacks against this important worker protection measure.

American employees deserve greater protection, not further delay. It's time to stop breaking the promise made to workers, and start supporting this long overdue ergonomics standard now.

The PRESIDING OFFICER. The Senator from Virginia.

MOTION TO COMMIT WITH AMENDMENT NO. 3598

(Purpose: To amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program)

Mr. ROBB. Mr. President, this past April when the Senate was debating its annual budget resolution, I offered an amendment which stated that if Congress was going to consider massive tax cuts this year, it must first pass legislation that modernizes Medicare through the creation of a prescription drug benefit. Fifty-one Senators voted in favor of this amendment, in favor of putting our Nation's seniors before massive tax cuts, including six of our colleagues from the other side of the aisle—Senators CHAFEE, SPECTER, ABRAHAM, DEWINE, BURNS, and the distinguished occupant of the chair.

I rise today to follow up on the vote that we took in April and to urge a majority of our colleagues to, once again, come together across party lines for our Nation's seniors. Putting seniors before tax cuts was the first step.

Now the Senate needs to take up and pass a comprehensive affordable prescription drug benefit for all Medicare beneficiaries. Unfortunately, it is now mid-June and neither the Senate Finance Committee nor the Senate itself has considered a Medicare prescription drug benefit. With so few legislative days left in the year and so much work to be done, it is crucial that we take this issue up now.

The amendment I am offering today will commit this bill back to the Appropriations Committee with instructions that they report out a new bill that provides a universal, comprehensive, dependable prescription drug benefit for Medicare beneficiaries.

The Medicare Outpatient Drug Act, a bill that I introduced this week with Senators GRAHAM, BRYAN, CONRAD, CHAFEE, BAUCUS, ROCKEFELLER, and LINCOLN, is a moderate bipartisan, commonsense piece of legislation. It combines the best elements of prescription drug proposals offered by Members on both sides of the aisle.

More important, the Medicare Outpatient Drug Act will help every senior better afford the prescription drugs which they so badly need, and the need is real.

Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Objection.

The PRESIDING OFFICER. Is the Senator sending a motion to the desk?

Mr. ROBB. A motion to commit with instructions.

The PRESIDING OFFICER. Will the Senator send the motion to the desk?

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB] moves to commit H.R. 4577, the Labor-HHS appropriations, to the Appropriations Committee with instructions to report forthwith with the following amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

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

Mr. REID. I object.

The assistant legislative clerk read as follows:

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2522, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

HELMS amendment No. 3498, to require the United States to withhold assistance to Russia by an amount equal to the amount which Russia provides Serbia.

NICKLES amendment No. 3569, to provide that not less than $100,000,000 shall be made available by the Department of State to the Department of Justice for counternarcotic activity initiatives.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin, Mr. FEINGOLD, is recognized to call up an amendment relative to Mozambique.

The Senator from Wisconsin.

AMENDMENT NO. 3520

(Purpose: To increase amounts appropriated for international disaster assistance for Mozambique and Southern Africa and to offset such increase)

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 3520.

The amendment is as follows:

On page 17, lines 1 and 2, strike ''$220,000,000, to remain available until expended'' and insert ''$245,000,000, to remain available until expended: *Provided*, That, of the funds appropriated under this heading, $25,000,000 shall be available only for Mozambique and Southern Africa: *Provided further*, That, of the amounts that are appropriated under this Act (other than under this heading) and that are available without an earmark, $25,000,000 shall be withheld from obligation and expenditure''.

AMENDMENT NO. 3520, AS MODIFIED

Mr. FEINGOLD. Mr. President, I ask unanimous consent to modify my

amendment, and I send the modification to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 3520), as modified, is as follows:

At the appropriate place in the text, insert the following:

SEC. . SENSE OF THE CONGRESS REGARDING ADDITIONAL ASSISTANCE FOR MOZAMBIQUE AND SOUTHERN AFRICA

(a) FINDINGS.—The Congress finds that:

(1) In February and March of 2000, cyclones Gloria, Eline, and Hudah caused extensive flooding in southern Africa, severely affecting the Republic of Mozambique.

(2) The floods claimed at least 640 lives and left nearly 500,000 people displaced or trapped in flood-isolated areas.

(3) The floods contaminated water supplies, destroyed hundreds of miles of roads, and washed away homes, schools, and health clinics.

(4) This heavy flooding and the displacement it caused created conditions in which infectious disease has flourished.

(5) The southern African floods of 2000 washed previously identified and marked landmines to new, unmarked locations.

(6) Prior to the flooding, Mozambique has been making progress toward climbing out of poverty, enjoying economic growth rates of 10% per year.

(7) The World Bank estimates that the costs of reconstruction in Mozambique alone will be $430 million, with an additional $215 million in economic costs.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that an additional $168,000,000 should be made available for disaster assistance in Mozambique and Southern Africa.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I thank the managers of this bill for working with me to reach agreement on this modification. I thank them for cosponsoring it. I thank Senator FRIST for joining me in offering it.

This amendment expresses the sense of Congress that the administration's request for flood recovery in southern Africa, and particularly in the Republic of Mozambique, should be fully funded.

Right now the foreign operations bill falls far short of fulfilling the administration's request for flood relief in southern Africa. The floods that took so many lives there, and destroyed so many farms, businesses, schools, and hospitals there, have faded from our television screens. But Mr. President, the terrible destruction of these floods has not receded in Mozambique. On the contrary, the longer Mozambique waits for additional flood relief, the more severe the long-term damage of this disaster will become. In February and March Mozambique was in the news because it was devastated by flooding. But before that Mozambique made headlines with the highest economic growth rate in the world. The people of Mozambique have proven that they are fighters, who worked their way back from a terrible civil war to achieve impressive economic and social progress. But today the people of Mozambique are in a fight that they can't win without the help of their African neighbors, and the help of the United States.

It was not long ago that Americans saw dramatic images of daring rescues and remarkable perseverance in Mozambique. Massive rainstorms and furious cyclones inundated the low lands of Mozambique and flooded the rivers that meander through southeastern Africa. The region was ravage by not one, not two, but three cyclones. As we stand here, thousands of miles away on the floor of the Senate, it's hard to comprehend the human cost of this disaster. But these floods claimed the lives of 640 people, and displaced or trapped 491,000 others. Schools, business, and clinics were destroyed, and, in a devastating blow to rescue efforts and to prospects for economic recovery, hundreds of miles of the transportation system were destroyed.

The floods washed away roads, contaminated water supplies, and forced whole families onto rooftops—even into trees—for days on end. The people of Mozambique have seen their crops flooded, their homes destroyed, and their loved ones drowned by the worst flooding southern Africa has seen in the last 100 years. Yet, alongside these tragedies, we saw vivid images of hope as fellow African nations rose up to help their neighbors—most notably South Africa with its courageous helicopter pilots, but also Malawi and even tiny Lesotho, which helped to get supplies to those in need as quickly as possible. I was proud of the U.S. involvement in these efforts, and I know that many of my constituents shared that pride. It is my intent, with this amendment, to ensure that the people of southern Africa are not forgotten in this bill. The administration asked for $193 million to assist the flood-ravaged countries of southern Africa. This bill provides for only $25 million. That, Mr. President, is simply not good enough.

I urge my colleagues to remember that these floods are particularly tragic because the country most seriously affected by them, Mozambique, has made significant strides toward recovery from its long and brutal civil war. Though the country is still affected by extreme poverty, in recent years Mozambique has enjoyed exceptional rates of economic growth, and while more needs to be done, the country has improved its record with regard to basic human rights. It has been making great strides ever since the end of a civil war that ended in the early 1990's. Up until the flood, Mozambique was registering economic growth at a rate of 10 percent a year. That's an incredible achievement for any nation, Mr. President, and it deserves special recognition as a nation of sub-Saharan Africa, where some of its neighbors have struggled to achieve growth rates a fraction of that size.

The people of Mozambique have been working hard for a better future—too hard to see that future swept away by the floodwaters that have already destroyed so much. They need our help. Recovery assistance is critically needed to help the people of Mozambique to hold on to the opportunities that lay before them before the waters rose. The World Bank estimates that the cost of reconstruction in Mozambique alone will be $430 million. The floodwaters washed landmines into new, unmarked locations, and infectious diseases spread quickly in the wake of the disaster. In Mozambique, forecasts suggest that the floods have led to grain production shortfalls of more than 15 percent. And the outlook for the future could be even worse if we don't act. Without repaired roads, farmers and small businesses will be unable to function. Without working railroad lines, lost revenues will total an estimated $35 million per year. And without working hospitals and sanitation facilities, Mozambique will suffer further outbreaks of disease. If we don't reach out to help Mozambique now, it won't be long until were read about this nation again in headlines, as the people of Mozambique suffer the consequences of these floods alone without help, Mozambique may never be able to regain its footing on the road to stability and prosperity.

I am pleased that both Senators LEAHY and MCCONNELL intend to work to address this issue in conference. I thank them for their cosponsorship, their attention to this, and their assistance with this amendment.

Mr. President, it is my understanding that the managers intend to accept this amendment. With that understanding, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from California is to be recognized to call up two amendments, Nos. 3541 and 3542, on which there shall be a total of 40 minutes of debate.

Mr. LEAHY. If the Senator will yield, what was the disposition of the amendment of the Senator from Wisconsin? Was that accepted?

Mr. FEINGOLD. I think people had assumed there would have to be a vote. It is my understanding that the managers have no objection, and I suggest it be accepted at this point.

Mr. MCCONNELL. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 3520), as modified, was agreed to.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3551, AS MODIFIED; 3553, AS MODIFIED; 3555, AS MODIFIED; AND 3569, AS MODIFIED

Mr. MCCONNELL. Mr. President, I send a group of modified amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 3551, as modified; 3553, as modified; 3555, as modified; and 3569, as modified.

The amendments are as follows:

AMENDMENT NO. 3551, AS MODIFIED

(Purpose: To express the sense of the Senate that the United States should authorize and fully fund a bilateral and multilateral program of debt relief for the world's poorest countries)

On page 140, between lines 19 and 20, insert the following:

SEC. ___. SENSE OF SENATE ON DEBT RELIEF FOR WORLD'S POOREST COUNTRIES.

(1) the relevant committees of the Senate should report to the full Senate legislation authorizing comprehensive debt relief aimed at assisting citizens of the poor countries under the enhanced heavily indebted poor countries initiative;

(2) these authorizations of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) these authorizations should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these authorizations should promote debt relief agreements that are designed and implemented in a transparent manner so as to ensure productive allocation of future resources and prevention of waste;

(5) these authorizations should promote debt relief agreements that have the broad participation of the citizenry of the debtor country and should ensure that country's circumstances are adequately taken into account;

(6) these authorizations should ensure that no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in military or civil conflict that undermines poverty alleviation efforts or spends excessively on its military; and

(7) if the conditions set forth in paragraphs (1) through (6) are met in the authorization legislation approved by Congress.

AMENDMENT NO. 3553 AS MODIFIED

On page 33, line 6 strike ''funds made available under this heading shall be available subject to authorization by the appropriate committees'' and insert in lieu thereof, ''funds made available to carry out the provisions of part V of the Foreign Assistance Act of 1961 or as a contribution to the Heavily Indebted Poor Countries Initiative (HIPC) or the HIPC Trust Fund shall be subject to authorization and approval by Congress''.

AMENDMENT NO. 3555 AS MODIFIED

(Purpose: To provide funds for the President to direct the executive directors to international financial institution to prohibit funds to the Russian Federation if the Russian Federation delivers SN22 Missiles to the People's Republic of China)

At the appropriate place, add the following:

''SEC. . RUSSIAN MISSILE SALES TO CHINA

''It is the sense of the Senate that the Secretary of the Treasury should direct the executive directors to all international financial institutions to use the voice and vote of the United States to oppose loans, credits, or guarantees to Russian Federation, except for basic human needs, if the Russian Federation delivers any additional SS–N–22 missiles or components to the People's Republic of China.''.

AMENDMENT NO. 3569 AS MODIFIED

On page 157, between lines 14 and 15, insert the following:

METHAMPHETAMINE PRODUCTION AND TRAFFICKING

For initiatives to combat methamphetamine production and trafficking, $40 million to be made available until expended: *Provided*, That entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Mr. BIDEN. Mr. President, I am pleased to be part of the effort here today—led by Senator CHAFEE—to put the Senate on record in support of United States' participation in an international program to lift the burden of debt from the poorest countries of the world. That is the HIPC program, named for the Heavily Indebted Poor Countries for which it is intended.

With this amendment the Senate is now on record in support of a simple, but powerful, idea.

Right now, in the poorest countries of the world, desperately needed resources—including both money and some of the best-educated public officials—are used to pay money to the richest industrial economies. That's right—they are sending money to us.

That is happening because, over the years, we and our allies have loaned substantial amounts to those countries, often to pursue our own goals of fighting communism during the Cold War or for other foreign policy purposes. That often meant that we turned a blind eye to the problems in those countries, including how their governments might spend the money, or if they had any hope of repayment.

The perverse result is that, while we seek to promote economic growth and opportunity in the least developed countries of the world, at the same time we continue to collect payments on those debts. At a time when foreign assistance of all kinds is shrinking, we continue to expect these countries to send money to us, most commonly to pay the interest to simply service their debts.

And this is no small problem for these poor countries. Many of them will spend more on just servicing the interest on their debts than they do on childhood immunizations, or education.

That is not just unconscionable, Mr. President, it is bad policy. It defeats many of our best efforts to help those countries turn the corner to more sustainable economic growth and development.

There is so little chance that these countries will ever be able to pay off the principal on these loans that we carry them on our own books at just a few cents on the dollar. That means that it will cost us very little to give a great deal of benefit to these countries.

Those benefits come not just from the lifting of the debt itself. The HIPC program requires that each country that is to receive debt relief must draw up and stick to a plan for social and economic development, reducing poverty and creating sustainable growth.

Banks here in the United States and all around the world know that when there is no chance that a loan will be repaid, you take it off the books.

But the HIPC program is more than just a bookkeeping matter—it is a way of leveraging money that we are unlikely to ever see into essential resources for the neediest countries.

Earlier this year, I made full authorization of the HIPC program my top priority when the Foreign Relations Committee passed its first foreign assistance authorization bill in fifteen years. With the cooperation of Senator HELMS, we reached agreement on all of the pieces needed for full U.S. participation in the HIPC program, participation which we have already pledged, along with our partners among the advanced industrial nations.

That legislation authorized full funding, at the levels requested by the Administration earlier this year, as well as the authorization needed from us to permit the International Monetary Fund to dedicate to the debt relief effort the proceeds from a revaluation of their gold holdings.

As it stands, the Foreign Operations Bill before us today cuts the Administration's request of $262 million for debt relief by $187 million—that's a cut of more than 70 percent. That affects both the HIPC program and another priority of mine, the Tropical Forest Protection Act, a debt-for-nature program that was established with strong bi-partisan support.

While this amendment will not change that situation, it does put the Senate on record in favor of changing it, when this process is once again engaged later on in this session.

Whatever disagreements we have about the IMF, the World Bank, or other aspects of foreign assistance, we should all be able to support this program. The HIPC program comes with its own strong program that the poor countries must comply with to be eligible for debt relief.

It stands on its own merits and should not be tangled up in other debates. Given the heavy burdens on these poor countries, relief delayed is relief denied. Every day that debt relief is put off, those obligations continue to sap their limited resources.

This is a program that has the support of a strong, ecumenical, interfaith effort by the world's major religions. The Pope, the Reverend Billy Graham, and other religious leaders have dedicated their time and effort to making debt relief a reality.

Considering the small and shrinking support we give to the poorest nations, and the importance to us of their economic health and stability, this is an issue where conscience and economic common sense agree.

Again, I want to thank Senator CHAFEE, Senator SARBANES, Senator HAGEL, and all of our cosponsors, for keeping this issue before us. I am confident that at the end of the day, we will do what is right, and fully fund this worthy program.

Thank you, Mr. President.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment sponsored by Senator CHAFEE from Rhode Island. This amendment expresses the sense that the United States should support bilateral and multilateral debt relief for the world's poorest countries with unsustainable debts, and provide the funding for bilateral and multilateral debt relief the Clinton administration has requested.

Last year, United States and other industrialized countries agreed to provide $27 billion in debt relief for heavily indebted poor countries that adopt sound economic policies and use the savings for health, education, and poverty reduction efforts, and the Clinton administration pledged to pay four percent of the total. The $435 million the administration requested for Fiscal Year 2001 is a down-payment on our $920 million pledge.

The countries that will benefit are classified by the World Bank and International Monetary Fund as Heavily Indebted Poor Countries (HIPCs), which means they have unsustainable debts and are extremely poor.

In these countries:

One in ten children dies before his or her first birthday;

One in three children is malnourished;

More than half of all citizens live on less than $1 per day; and

HIV infection rates are as high as 20 percent.

More than two out of three of these countries spend more on debt service than health care.

Every dollar in debt payments these countries make to the United States and other creditors is one fewer dollar to spend on education, health care, and other basic needs.

Many of these countries, including Zambia, Uganda, Togo, Cote d'Ivoire, Mozambique, and Tanzania, to name but a few, are in the midst of a HIV/AIDS pandemic. Every dollar in debt payments these countries make is one fewer dollar to spend on HIV/AIDS prevention and treatment programs.

This debt relief proposal will not solve every problem in these countries, but it will help. Bolivia, our democratic ally, began receiving debt relief in 1997. In 1999, Bolivia saved $77 million in debt service as a result of debt relief provided by multilateral institutions. Most of the savings went to increased spending on health care and education.

Uganda has also received multilateral debt relief. Uganda saved $45 million in debt service payments in 1999, and it increased spending on poverty reduction programs, primary education, and primary health care by $55 million. Since 1997, the primary school enrollment rate has increased by 50 percent.

Uganda is not the only country in desperate need of debt relief in Africa. The World Bank and International Monetary Fund list 33 countries in Africa as HIPCs, meaning they are extremely poor and have unsustainable debts.

As Dr. Jeffrey Sachs, the director of the Center for International Development at Harvard University, wrote in The Washington Post, on May 23, 2000, in regard to malaria, HIV/AIDS, and tuberculosis,

> Debt cancellation for Africa has come down to a matter of life and death. African leaders know very well that for their own countries to muster the internal resources to fight these dread diseases, they will have to be permitted by the creditor nations to shift the funds now spent on debt servicing into public health.

We must provide debt relief to accountable governments, not to dictatorial regimes that waste funds on the military and violate human rights.

This amendment urges the Senate to fund multilateral debt relief efforts carried out by the World Bank and the International Monetary Fund for countries that use the funds transparently, allow participation by civil society, do not grossly violate human rights, and do not spend excessively on the military.

Debt relief will allow Heavily Indebted Poor Countries, which use up to 60 percent of their budgets for debt service on loans made by the United States and other industrialized countries to dictators during the Cold War, to use these precious resources to meet basic needs.

The debt burden condemns these countries to poverty. Relieving the burden from these debts will give these countries a chance to develop. Relieving debts that can never be repaid is the humane thing to do.

The Clinton administration has requested $435 million for this initiative to help the world's poorest people. The United States has committed to this multinational debt relief plan, and we should live up to our commitment.

I urge my colleagues to support this amendment. I urge my colleagues to support funding for debt relief for the world's poorest people. I urge my colleagues to do the right thing.

The PRESIDING OFFICER. Without objection, the amendments, as modified, are agreed to.

The amendments (Nos. 3551, 3553, 3555, and 3569), as modified, were agreed to.

Mr. MCCONNELL. Mr. President, that leaves amendments by Senator BOXER and Senator BYRD as the only amendments left to dispose of.

AMENDMENT NO. 3531, AS MODIFIED

(Purpose: To provide support for the Defense Classified Activities)

Mr. LEAHY. 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 Vermont [Mr. LEAHY], for Mr. BYRD, proposes an amendment numbered 3531, as modified.

The amendment is as follows:

At the appropriate place in Title VI of the bill insert the following:

SEC. .In addition to amounts provided elsewhere in this Act, $8,500,000 is hereby appropriated to the Department of Defense under the heading, ''Military Construction, Defense Wide'' for classified activities related to, and for the conduct of a utility and feasibility study referenced under the heading of ''Management of MASINT'' in Senate Report 105–279 to accompany S. 2507, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request for $8,500,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Mr. BYRD. Mr. President, the amendment I am proposing would provide $8.5 million to the Department of Defense under the heading ''Military Construction, Defense-wide'' for classified activities, to remain available until expended. The entire amount would be designated as an emergency requirement and would be available only to the extent that an official budget request for $8.5 million is transmitted by the President to the Congress. These funds would be used for the conduct of a utility and feasibility study referenced under the heading of ''Management of MASINT'' in Senate Report 106–279. I am constrained from speaking further about this matter due to the nature of the classification of the amendment.

I urge my colleagues to support this amendment.

Mr. LEAHY. I urge adoption of the amendment, as modified.

The PRESIDING OFFICER. Is there objection?

The amendment (No. 3531), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3541, AS MODIFIED

Mrs. BOXER. Mr. President, I send a modification to my amendment No. 3541 to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3541), as modified, is as follows:

At the end, add the following:

SEC. . INTERNATIONAL HEALTH EMERGENCIES.

In addition to amounts otherwise appropriated in this Act, $40 million shall be available for necessary expenses to carry out the provisions of Chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health and related activities: *Provided*, That of the funds appropriated under this section, not less than $30 million shall be made available for programs to combat HIV/AIDS: *Provided further*, That of the funds appropriated under this section, not less than $10 million shall be made available for the prevention, treatment, and control of tuberculosis: *Provided further*, That amounts made available under this section are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amounts shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

On page 155, line 25, strike ''$25,000,000'' and insert ''$35,000,000''.

Mrs. BOXER. Mr. President, I thank the managers of this legislation on both sides for agreeing to this. It isn't everything I had asked for regarding tuberculosis and the HIV/AIDS fight, but it is helpful. It will also take into consideration Senator FEINGOLD's request on the flooding in Mozambique. It will give an additional $30 million for the worldwide fight against HIV/AIDS, an additional $10 million for the worldwide fight against tuberculosis, and $10 million for the flooding in Mozambique. I am proud that Senators FEINGOLD, LEAHY, DURBIN, DODD, and KERRY are sponsors of this amendment.

I want to take a moment of the Senate's time, because we won't need to have a rollcall on this, to simply say that if we are looking at a true emergency, we have one here. The U.N. Security Council met on the issue of HIV, and it was the first time the Security Council ever met on an international health issue.

Last month, our own National Security Council declared that the global spread of AIDS is a direct threat to U.S. national security because of the destabilizing impact of this deadly disease.

One of the reasons they so found was that the CIA did something they call the National Intelligence Estimate. They titled it ''The Global Infectious Disease Threat and Its Implications for the United States.'' I am simply going to read a tiny bit from this report.

New and reemerging infectious diseases will pose a rising global health threat and compromise U.S. and global security over the next 20 years. These diseases will endanger United States citizens at home and abroad, threaten U.S. Armed Forces deployed overseas, and exacerbate social and political instability and keep countries and regions in which the United States has significant interest.

I know that my colleagues are very aware of the horrific problem of AIDS in Africa, particularly sub-Saharan Africa. Mr. President, 84 percent of all the people in the world who have died of AIDS have been from that region. It is now predominantly a women's disease. Many children are left as orphans.

Lastly, as far as tuberculosis is concerned, this is a disease we thought we had eliminated in the 1950s. However, the disease is making a comeback. The World Health Organization estimates that nearly 2 million people die of tuberculosis-related conditions annually. One-third of the entire world's population is infected with tuberculosis—an extraordinary number when you think about it.

I am pleased we have this amendment and it is in agreement. I trust and hope and pray for the sake of people all across this world and in our own Nation that these numbers will hold up in the conference. Believe me, it means so much. We know how to treat tuberculosis. We know how to stop HIV transmission from mother to child. It would be a real sin, it seems to me, if we didn't push as hard as we could to fight these diseases.

I yield to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I took the floor to thank the Senator from California and to ask consent I be included as an original cosponsor. It is a very important amendment and directly connected to people's lives. I thank the Senator for her fine work.

Mrs. BOXER. I am happy for a voice vote, if the manager is ready to do that.

Mr. MCCONNELL. There is no objection.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3541, as modified.

The amendment (No. 3541), as modified, was agreed to.

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

Mrs. BOXER. I move to reconsider the vote.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3542, AS MODIFIED

Mrs. BOXER. How much time remains to explain this next amendment?

The PRESIDING OFFICER. The Senator from California has 35 minutes remaining.

Mrs. BOXER. I assure my friends I do not intend to take anything near that time.

Mr. President, I send my modified amendment to the desk on behalf of Mr. LEAHY and Mr. FEINGOLD.

The PRESIDING OFFICER. Is there objection to the modification of the amendment?

Mr. MCCONNELL. Reserving the right to object, could we see what is being modified?

Mrs. BOXER. This is, at the suggestion of my friend, for a sense of the Senate. It shows support of rules for engagement in Colombia for the Department of Defense.

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

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

Is there objection to the Senator being able to modify her amendment?

Without objection, the amendment is modified.

The amendment (No. 3542), as modified, is as follows:

At the appropriate place, insert:

SEC. . POLICY REGARDING DEPARTMENT OF DEFENSE RESOURCES AND ACTIVITIES IN COLOMBIA.

(a) AFFIRMATION OF POLICY.—The United States Senate affirms and supports the Department of Defense policy that United States Armed Forces personnel in Colombia should make every effort to minimize the possibility of confrontation, whether armed or otherwise, with civilians in Colombia, and that funds appropriated by this Act and other resources of the Department of Defense will not be used—

(1) to support the training of any Colombian security force unit that engages in counter-insurgency operations;

(2) to participate in any law enforcement activity in Colombia, including search, seizure and arrest;

(3) to permit any Department of Defense employee to accompany any United States drug enforcement agency personnel, or any law enforcement or military personnel of Colombia with counter-narcotics authority, on any counter-narcotics field operation; and

(4) to permit any Department of Defense employee to participate in any activity in which counter-narcotics related hostilities are imminent.

The PRESIDING OFFICER. The chair clarifies at this time the amount of time now evenly divided under previous agreement. The intention was to divide 20 minutes equally. The Senator from California has 10 minutes.

Mrs. BOXER. Mr. President, after I make just an opening remark, I will yield 5 minutes to my distinguished colleague from Vermont.

I am offering an amendment which is completely consistent with the Department of Defense guidelines on the activities of their own personnel in Colombia. It actually says that we support these guidelines, we think it is good to put limits on our involvement, and we should express ourselves on that point.

The first part of the amendment supports the prohibition of the DOD using its personnel, equipment, or other resources to get involved in the counter-insurgency; in other words, to get involved in what some call the civil war between the left and the right in that country.

Again, written by the Secretary of Defense in March 2000:

I am directing that no DOD personnel, funds, equipment, or resources may be used to support any training program that engages solely in counterinsurgency operations.

That supports that DOD guideline.

The same thing occurs on the second part of my amendment; that we support the fact they shouldn't be involved, our own personnel, in law enforcement activities in Colombia. Again, that mirrors the position of our Secretary of Defense.

The third part of the amendment says we agree with the Secretaries that our personnel shouldn't conduct any counterdrug field operation in which counterdrug-related hostilities are imminent. That is to protect our people from harm.

Finally, we say we agree with the Secretary of Defense that U.S. military personnel should make every effort to minimize the possibility of confrontations with civilians.

Clearly, what we should do here is support our own Secretary of Defense and our own administration. I don't think it should be controversial.

I am hopeful it can be accepted because I believe we ought to go on record in support of these limits. I think it is sensible. I think the DOD is correct on this.

Yesterday, we voted millions and millions of dollars to send advisers. I think it would be wonderful if we stood with our own DOD and said there ought to be limits on the participation of our own personnel.

I yield 5 minutes to my friend from Vermont.

Mr. LEAHY. Mr. President, it is my understanding that there is another modification on the Boxer amendment.

Mrs. BOXER. That is correct. Senator MCCONNELL has offered a modification.

Mr. LEAHY. Mr. President, I ask the Senator from California if it is her understanding that the most recent modification does not undercut or diminish in any way the so-called Leahy law that is in effect in Colombia and in U.S. operations in Colombia?

Mrs. BOXER. That is certainly my understanding.

I ask Senator MCCONNELL if he would comment on that further.

Mr. MCCONNELL. Mr. President, that is also the understanding of the Senator from Kentucky.

Mr. LEAHY. Mr. President, I hope we can just adopt this as it is and do so by voice vote.

Mr. MCCONNELL. Has the further modification been sent to the desk?

AMENDMENT NO. 3542 AS FURTHER MODIFIED

Mr. LEAHY. Mr. President, I send the further modification we have just been discussing to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is further modified.

The amendment (No. 3542), as further modified, is as follows:

At the appropriate place, insert:

SEC. . POLICY REGARDING DEPARTMENT OF DEFENSE RESOURCES AND ACTIVITIES IN COLOMBIA.

(a) AFFIRMATION OF POLICY.—The United States Senate afirms and supports the Department of Defense policy that United States Armed Forces personnel in Colombia should make every effort to minimize the possibility of confrontation, whether armed or otherwise, with civilians in Colombia, and that funds appropriated by this Act and other resources of the Department of Denfense should not be used—

(1) to support the training of any Colombian security force unit that directly engages in counter-insurgency operations;

(2) to directly participate in any law enforcement activity in Colombia, including search, seizure and arrest;

(3) to permit any Department of Defense employee to accompany any United States drug enforcement agency personnel, or any law enforcement or military personnel of Colombia with counter-narcotics authority, on any counter-narcotics field operation; and

(4) to permit any Department of Defense employee to directly participate in any activity in which counter-narcotics related hostilities are imminent.

Mr. MCCONNELL. Mr. President, what we were hoping to achieve was to voice vote this. A number of Senators are missing important conferences.

The Senator from Florida is interested in seeing the modification.

Mr. GRAHAM. Mr. President, I would like to see the final language of this amendment before we vote on it. Would it be appropriate to suggest the absence of a quorum until we have that opportunity?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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. Mr. President, I raise a point of order against the pending amendment that it violates rule XVI as legislation on an appropriations bill.

The PRESIDING OFFICER. The point of order must await the finalization of all time ordered. Is all time yielded back?

Mr. STEVENS. I apologize.

Mrs. BOXER. I do not yield my time back.

The PRESIDING OFFICER. The Senator from California has not yielded time back.

Mr. STEVENS. Mr. President, is there time left on this side?

The PRESIDING OFFICER. There are 9½ minutes remaining to the opponents and 5 minutes remaining to the sponsor.

Mr. STEVENS. Will the Senator yield me 3 minutes?

Mr. MCCONNELL. I yield to the Senator from Alaska whatever time he may desire of our time.

Mr. STEVENS. Mr. President, this amendment covers resources in the Department of Defense and it deals with matters with which we are dealing in the supplemental right now. I do not want to mislead the Senate. We are trying to settle this matter in a conference on the military construction bill with the supplemental portions associated with it. I am perfectly happy to see the Senate express its point of view on the Colombia money, but in terms of the item as a place in the Department of Defense portion of the Colombia money, it really has been objected to by the Department of Defense, and as chairman of the Defense Subcommittee, I strenuously object to it.

We should be in the position of determining how defense money is spent, how Armed Forces personnel are governed when they are abroad, and we should not take the occasion now to put limitations on the use of defense assets in connection with the war on drugs.

I just returned from Key West, Tampa, and Alameda in California. I know some of the defense assets we are using to supplement the activities in the war on drugs. I am very reluctant to see the Senate act on a bill at this time like this to set down rules that apply to the use of defense personnel, defense assets, and defense money in connection with the war on drugs.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am deeply distressed that the Senator from Alaska raised a point of order. I want to explain why.

Yesterday we voted for almost $1 billion to get involved in a very serious problem in Colombia. Our people will be exposed to a lot of danger there. All we are simply trying to do with this sense-of-the-Senate amendment is to protect them. Further, all we are trying to do is say to Secretary Cohen: You are right on your guidelines that you have issued. And those guidelines simply say our people should not be involved in counterinsurgency, that our people should not be in the line of hostile fire. It is very straightforward, and it is very simple.

Frankly, the way the Senate has responded to this shows me I did the right thing when I never voted for this in the first place. If we cannot stand up in the Senate and support the Secretary of Defense in his very straightforward directive, then I am very concerned about what we are getting ourselves into. I hope I am wrong.

I am distressed the Senator from Alaska did this. When Senator SESSIONS from Alabama, from his side of the aisle, offered legislation on an appropriations bill yesterday, no one said the amendment of the Senator from Alabama, which dealt with this very same subject, was legislation on an appropriations bill. I do not think it is fair to have a double standard. If we are going to use that rule, we ought to use it.

I did not like Senator Sessions' amendment yesterday. Frankly, I viewed it as a way to get us far more

involved in the counterinsurgency, but I did not make a point of order. The fact the Senator did this is distressing.

I am not going to ask for a vote on a procedural motion because that would not even be close to the kind of vote I think I could get on this sense-of-the-Senate amendment. That is what I fear is happening. People do not seem to want to vote on the sense-of-the-Senate amendment. It is not fair.

Mr. LEAHY. Will the Senator yield?

Mrs. BOXER. Yes, I will be happy to yield.

Mr. LEAHY. The Senator does make a good point about the point of order. We should either be consistent on these points of order or not have them, one or the other.

The Senator is correct that when a similar motion was made from the Republican side of the aisle yesterday, Senators on this side of the aisle who wanted to make a point of order refrained because there have been a number of amendments accepted on this bill by both Republicans and Democrats that were subject to the point of order of which the Senator from California speaks. We all refrained from making them.

The Senator from California raises a legitimate point that now, at the end of the bill, on her amendment, which is no more subject to a point of order than those other amendments where a point of order was waived, suddenly she faces the only point of order in this whole bill. I can understand her concern, and I share her concern.

Mrs. BOXER. I thank my friend. I believe it is not fair play, and if there is one thing I expect in the Senate—and I think we all stand for it—it is fair play. We voted huge amounts of money into this region of the world. We have horrible problems there. We have a few disagreements here, but I had hoped we could agree that the Secretary of Defense is correct when he puts limits on the use of DOD personnel.

I am very saddened by this. I do not want to keep repeating it, but it is sad. The people in this country are going to be upset about it. The people in this country, when we get involved in a foreign place, want to know that we in the Senate put restrictions on the use of our personnel.

We have had a lot of experience in this. We have had a lot of tears over this. Yet yesterday we had an amendment from Senator SESSIONS that was clearly legislation on an appropriations bill, which I believe gets us deeper involved because it says we should support the military and the political policies of the Government of Colombia, and no one raised a point of order. But a simple amendment supporting the Secretary of Defense, and where are we? We get a point of order.

I am not going to play that game. I am not going to get caught in a procedural vote. I will just let it go, but I want to make it clear that we have a lot of options later when this bill comes back. If there are going to be things in this bill that violate our parliamentary procedures, some of us are going to get tough on it. It is not right.

This is a sad day, frankly, for this Senate. It is also a sad day for our men and women in uniform that we cannot vote on a simple sense of the Senate supporting our own Secretary of Defense on his views as to how we can, in fact, make sure our people over there are as safe as they can be.

I thank the Chair. I have no need to retain any further time. We will await the decision of the Senator from Alaska.

The PRESIDING OFFICER. The time of the Senator from California has expired. Who yields time? Who seeks recognition?

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

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

Mr. STEVENS. I yield back the remainder of my time.

I make the point of order that the pending amendment No. 3542, as further modified, violates rule XVI as legislation on an appropriations bill.

The PRESIDING OFFICER. The Chair sustains the point of order. The amendment falls.

Mr. LEAHY. Regular order, Mr. President.

AMENDMENT NO. 3498, WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent that the Helms amendment No. 3498 be withdrawn.

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

Mr. BIDEN. Mr. President, by now it should come as no secret that I believe that the bill as it stands right now is inadequately funded. The foreign operations appropriation bill is one of the most important pieces of legislation we pass each year. Yet for the past several years Congress has not been devoting the necessary funds to this portion of the budget.

Due in large part to the crucial need for the Colombia supplemental I am going to vote yes on final passage. The Pastrana government urgently and desperately needs these funds to continue its fight against drug lords who are not only undermining the stability and viability of Colombia as a nation, but who are literally killing the people of two nations: Colombians through violence, and Americans through drugs. The government of Colombia deserves our help as they put their lives on the line to stop the production of illegal drugs. I think the outcome of the votes rejecting the Wellstone and Gorton amendments, which would have significantly decreased the amounts available in the supplemental, showed that the majority of my colleagues agree about the severity of the problem in that country and the necessity of U.S. aid.

During the course of this debate, we have been faced with having to make several other untenable decisions. I and my colleagues have had to come to the floor and in essence attempt to get blood from a rock. I believe that we need more money for non-proliferation, anti-terrorism, and de-mining. My colleague Senator FEINGOLD rightly believes that the amount designated for the Mozambique supplemental appropriation needs to be increased.

Senator BOXER has attempted to channel more funds towards combating HIV/AIDS and tuberculosis.

In every instance, each of us has been stymied by the fact that there is not enough money in this bill. It simply isn't there. So we are left with the option of either not attempting to raise the level of appropriations for programs that we think are important, or of using different political maneuvers, none of which is particularly effective, to get the money that we feel these programs need. We should not have to face a choice between helping victims of flooding in Mozambique, and preventing the spread of AIDS. The United States should be able to help with these activities as well as drug eradication and non-proliferation.

I spoke briefly this morning about the shortfall in the NADR accounts, and at length yesterday about Plan Colombia. These are not the only accounts about which I am concerned. Development assistance is shortchanged, funds for voluntary peacekeeping activities fall below requested amounts, and as the Senator from Wisconsin points out, the President's request for resources to aid victims of the flooding in Mozambique is virtually ignored. I will continue to go on record as being adamantly and staunchly opposed to any attempts to undertake diplomacy on the cheap. That is what the Senate is attempting to do here. By neglecting to grant the administration's request for development assistance and economic support, we are robbing ourselves.

According to a report published in April by a nonpartisan research organization called the Center on Budget and Policy Priorities, spending on development aid—defined as all international development and humanitarian assistance, as well as economic support fund monies—measured either as a share of the federal budget or as a share of the U.S. economy, will be lower than at any time in the fifty years before 1998. The report further states that out of the countries belonging to the Organization for Economic Co-operation and Development, the United States ranked ''the lowest of all . . . OECD countries examined in the share of national resources devoted to development of poor countries.'' Some would argue that this is because the administration has not asked for enough money. I would answer that constitutionally, Congress controls the purse strings, thus we have only ourselves to blame. I suggest that we make a commitment to take

corrective action, because our foreign assistance programs are vital to our national interests.

Foreign assistance helps us further international peace and security. U.S. citizens and citizens of the world benefit from programs that U.S. assistance pays for. I spoke before about programs aimed at keeping Russian scientists from being employed by states intent on developing nuclear and biological weapons of mass destruction. I am sure that we can all agree that keeping these scientists out of countries such as Iraq makes for a safer world.

When the United States provides assistance to Colombia for crop substitution programs, it is the citizens of the United States who benefit. Less drug production means less drugs on the streets of our neighborhoods. When the United States funds vaccines for infectious diseases such as tuberculosis, we are helping to protect our own citizens from being infected by these illnesses.

Every time United States economic support funds help bolster a new democracy, we widen America's sphere of influence in the hopes of increasing security for the United States. And the preceding represent only a few of the ways in which our foreign assistance aids in promoting our national security. I could go on at length about the positive effects of aid to the Middle East, Russia, and Eastern Europe. Programs in these regions have prevented conflict, helped build economic and financial infrastructure, and combated transnational crime and corruption.

Let me conclude by saying this: our foreign assistance is a preventative tool. The idea behind it is to aid in building a community of like-minded states, states free of internal conflict, states that get along with their neighbors. If we are able to do that, if we are successful with our preventative tools in increasing security, then we will never have to use our corrective tool—that of military action—to achieve security. Think about that. If prevention works, correction is not necessary. Given the sentiments of some Members of this chamber about the commitment of our soldiers overseas, doesn't it make sense to make every effort to prevent our troops from having to deploy?

Some of my colleagues urge frugality in our foreign assistance spending. I agree with the notion that Congress should spend wisely. However I would caution against an approach that is penny-wise and pound foolish. Mr. President, I cannot emphasize this point enough, and it brings back to what I said at the beginning of my remarks: We cannot obtain security on the cheap. By stinting on our foreign assistance programs we are shortchanging our national security.

As the administration indicated in their statement regarding this bill, if the sum appropriated for our foreign operations is not increased, the President will have no choice but to veto this legislation. I sincerely hope that as the fiscal year comes to a close, the allocation for the foreign operations appropriation is significantly increased, and conferees distribute any additional amounts wisely.

I yield the floor.

Mr. ROBERTS. Mr. President, I rise today in support of the Baucus-Roberts amendment to engage China on the important issue of rapid industrialization and the environment. The amendment would permit appropriated funds for the US-Asia Environmental Partnership (USAEP)—an initiative of the U.S. Agency for International Development (USAID)—to be used for environmental projects in the People's Republic of China (PRC). In other words, the U.S. government would finally be able to, for example, help U.S. businesses connect with provincial and municipal governments in China to initiate badly needed environmental engineering projects. This work is necessary to attempt to prevent a possible long-term environmental catastrophe resulting from intense industrialization and development in the PRC and Asia in general.

Why should one care whether Chinese or Asian people breath clean air or drink clean water? Besides the obvious humanitarian concern, a ruined environment throughout Asia will—at some point—effect us here in the United States and our interests. This is common sense.

The Baucus-Roberts amendment also sends a strong pro-engagement message to the PRC since the U.S. excluded de jure or de facto the PRC from U.S. foreign aid programs with passage and signing of the FY 90-FY 91 State Department Authorization, specifically section 902 of H.R. 3792.

Our government purports to be concerned about global environmental issues, Mr. President, about avoiding contamination of the world's water, air, and soil. Yet, we prohibit ourselves from consulting and cooperating on a government to government basis with the one nation with the greatest potential to impact the world's environment over the next 50 to 100 years. That makes no sense.

What is the United States-Asia Environmental Partnership? It is a public-private initiative implemented by the U.S. Agency for International Development (USAID). Its aim is to encourage environmentally sustainable development in Asia as that region industrializes at a phenomenal rate. By ''environmentally sustainable development,'' we mean industrial and urban development that does not irreparably damage the air, water, and soil necessary for life. It's really that simple. US-AEP currently works with governments and industries in Hong Kong, India, Indonesia, Korea, Malaysia, Philippines, Singapore, Sri Lanka, Taiwan, Thailand, and Vietnam. In creating US-AEP, the U.S. government recognized the long-term environmental hazards of Asia's rapid industrialization and the need for the U.S. government to engage on the issue.

The program provides grants to U.S. companies for the purpose of facilitating the transfer of environmentally sound and energy-efficient technologies to the Asia/Pacific region. Again, the objective is to address the pollution and health challenges of rapid industrialization while stimulating demand for U.S. technologies. In cooperation with the U.S. Department of Commerce, US-AEP has placed Environmental Technology Representatives in 11 Asian countries to identify trade opportunities for U.S. companies and coordinate meetings between potential Asian and U.S. business partners.

Mr. President, on the basic issue of the global environmental impact of Asian industrialization, specifically Chinese modernization, the Senate has the responsibility to authorize at least some cooperation between Beijing and Washington. I ask for my colleague's support for this common sense amendment.

Mr. KENNEDY. Mr. President, I would like to speak about one of the most important parts of the proposed aid package for Colombia, the human rights conditions.

Narcotics traffickers, rebel forces, and paramilitary groups present a clear threat to democracy and economic development in Colombia. The bill before us provides $934 million to help the Colombian Government meet this threat. About 75 percent of this aid is for military equipment, training, and logistical support. The Colombian Government says it needs this military assistance—especially the helicopters—to enable its armed forces to retake the southern part of the country from the narcotraffickers and the rebel forces who protect and profit from their activities.

Like my colleagues, I am interested in ensuring that this aid does not contribute to human rights abuses. While allegations of human rights violations by military personnel have decreased in the past several years, the State Department's 1999 Country Report on Human Rights Practices concluded that the Colombian Government's human rights record ''remained poor'' and that ''armed forces and the police committed numerous, serious violations of human rights throughout the year.'' The Colombian Armed Forces are consistently and credibly linked to illegal paramilitary groups, which are now responsible for the majority of serious human rights abuses in Colombia, including an estimated 153 massacres in 1999 which claimed 889 lives. These paramilitary groups have stepped up their own illegal narcotics operations, which, according to the Drug Enforcement Administration, include drug trafficking abroad.

When I met with President Pastrana last December, he emphasized his commitment to improving the human rights performance of the Colombian Armed Forces, which have a long history of human rights violations. The

bill before us makes this commitment the basis for new military assistance to Colombia. The bill requires the Secretary of State to certify that the Colombian Government has met or is meeting four conditions before new military aid can be provided.

The first condition requires the Secretary of State to certify that the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional Court.

Currently, the military justice system does not aggressively or consistently pursue cases against high-ranking military personnel accused of human rights abuses. The 1999 State Department Human Rights Report states that ''authorities rarely brought officers of the security forces and the police charged with human rights offenses to justice, and impunity remains a problem.'' It concludes that the ''workings of the military judiciary lack transparency and accountability, contributing to a generalized lack of confidence in the system's ability to bring human rights abusers to justice.''

To rectify this problem, in August 1997, Colombia's Constitutional Court ruled that ''crimes against humanity'' could never be considered acts of military service and that military personnel alleged to have committed such crimes must be prosecuted in civilian courts. However, the military has consistently challenged civilian court jurisdiction. The military has retained jurisdiction by threatening government investigators and by arguing that alleged violations of human rights, such as collusion with paramilitary groups, are simply acts of omission. Acts of omission are considered acts of military service, as if they were simple dereliction of duty. Most importantly, the military continues to retain jurisdiction in human rights by relying on the support of a pro-military block within the Superior Judicial Council, the body responsible for determining the jurisdiction of individual cases.

The U.S. Government has said that these practices undercut the intent of the Constitutional Court ruling. According to the 1999 State Department Human Rights Report, the Superior Judicial Council ''regularly employed an extremely broad definition of acts of service, thus ensuring that uniformed defendants of any rank, particularly the most senior, were tried in military tribunals.'' In the 8 years the Superior Judicial Council has existed, it has never sent a case of a general accused of a human rights violation to a civilian court.

As a result of these practices, the military has retained jurisdiction even in cases of the most egregious atrocities. For example, dozens of civilians were killed, and thousands were forced to flee for their lives, in the town of Mapiripan in July 1997. The Superior Judicial Council ruled that the case involved an act of omission by General Jaime Uscategui. Therefore, as an act of military service, it belonged before a military court. The General was eventually forced to resign, but he has yet to be prosecuted for his crimes.

The Colombian Armed Forces have claimed that they are abiding by the Constitutional Court ruling and accepting civilian court jurisdiction in human rights cases. However, a careful analysis of the military's own statistics demonstrates the opposite. In a recent publication on human rights, Colombia's Defense Ministry asserts that, pursuant to the 1997 Constitutional Court ruling, the Colombian Armed Forces had turned over 576 cases of possible human rights violations to civilian courts for investigation and possible prosecution. For 3 months my office has tried to obtain a breakdown of this number in order to determine the nature of the crimes committed, the number of these cases that were actually prosecuted, and the rank of the personnel involved. To date, the Colombian Defense Ministry has only documented 103 of the 576 cases. Of these 103 cases, only 39 actually involved human rights violations by members of the Armed Forces. The highest ranking officials were two lieutenant colonels. The remaining 64 cases involved abuses by members of the Colombian National Police or common crimes. In other words, the Colombian Defense Ministry grossly misrepresented its record. In fact, the Colombian Armed Forces have transferred only 39 cases of human rights violations, committed by low level officials, to civilian courts in the past 2 years—not the 576 cases that the Colombian Defense Ministry claimed.

Colombian lawyers have analyzed this matter. The highly respected Colombian Commission of Jurists concluded that the requirement in the amendment that the President issue a written directive requiring the military to accept civilian jurisdiction in human rights cases is consistent with President Pastrana's role as Commander-in-Chief of the Armed Forces. In fact, the Commission recently filed a petition with President Pastrana requesting that, as Commander-in-Chief, he order the military to cease disputing jurisdiction in cases involving credible allegations of human rights abuse. This requirement does not compromise the integrity of Colombia's separation of powers or the independence of the executive and judiciary. To the contrary, it would uphold the judiciary's power by obligating the military to abide by civilian rule and the law.

The second condition contained in this bill requires the Secretary of State to certify that the Commander General of the Armed Forces is promptly suspending from duty any Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups.

Currently, there is no automatic process for suspending a member of the Colombian Armed Forces alleged to have violated human rights. The case of Colombian Senator Manuel Cepeda is illustrative. Senator Cepeda was murdered in 1994. The investigation carried out by the Attorney General's Office revealed that the murder had been carried out by the military in collusion with paramilitary groups. Nevertheless, the accused officers remained on active duty for five years, from 1994 until 1999, when they were finally suspended as a result of vigorous protests by the human rights community.

In contrast, General Serrano, who just recently resigned as head of the National Police, had the authority to suspend police suspected of corruption, human rights abuses, or other misconduct. To his credit, General Serrano discharged over 11,000 officers since taking command in 1994.

This condition supports the recent actions of the Colombian Congress. On March 15, the Colombian Congress passed a law to restructure the Armed Forces, including granting the Armed Forces Commander the authority to suspend Armed Forces personnel suspected of misconduct. President Pastrana was given 6 months, until September, to issue the necessary implementing decrees. If he does not, the law becomes null and void.

The third condition contained in the bill requires the Secretary of State to certify that the Colombian Armed Forces and its Commander General are fully complying with the provisions regarding prosecution and suspension of Armed Forces personnel credibly alleged to have committed gross violations of human rights. The Colombian Armed Forces must also cooperate fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed such crimes.

As I discussed earlier, the Colombian Armed Forces have consistently resisted the 1997 Constitutional Court's ruling that transfers jurisdiction for human rights cases from military to civilian courts. They have failed to ensure that Armed Forces personnel who are credibly alleged to have committed human rights abuses are investigated, prosecuted, and punished in the civilian courts. They have resisted suspending military personnel who are alleged to be involved in human rights violations or to have collaborated with paramilitary groups. And they have grossly misrepresented their record, claiming that 576 human rights cases involving Armed Forces personnel were transferred to civilian courts when, in fact, only 39 cases of human rights violations were transferred—and those cases involved low level officials.

The fourth condition contained in the bill requires the Secretary of State to certify that the Government of Colombia is vigorously prosecuting in the

civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups.

According to the 1999 State Department Human Rights Report, paramilitary groups accounted for about 78 percent of human rights abuses in 1999. In a rare televised interview, notorious paramilitary leader Carlos Castaño recently admitted that cocaine and heroin fund an entire unit of 3,200 paramilitary fighters. Overall, he said that 70 percent of his war chest is culled from drug trafficking.

Despite President Pastrana's commitment to eliminate ties between the Colombian Armed Forces and paramilitary groups, the State Department, the United Nations, and human rights groups have documented continuing links. The 1999 State Department Human Rights Report stated that the Armed Forces and National Police sometimes ''tacitly tolerated'' or ''aided and abetted'' the activities of paramilitary groups. According to the report, ''in some instances, individual members of the security forces actively collaborated with members of paramilitary groups by passing them through roadblocks, sharing intelligence, and providing them with ammunition. Paramilitary forces find a ready support base within the military and police.'' The report also concluded that ''security forces regularly failed to confront paramilitary groups.'' The fact that Carlos Castano appeared on Colombian television in March, but remains invisible to Colombian law enforcement agencies, demonstrates the impunity with which he is able to operate in Colombia.

Human Rights Watch has documented links between military and paramilitary groups. These links are not only in isolated, rural areas but in Colombia's principal cities. According to evidence collected by Human Rights Watch, half of Colombia's 18 brigade-level units are linked to paramilitary activity.

The Colombian military has resisted investigating these links. Instead of investigating a credible allegation of military collaboration with paramilitary groups in a civilian massacre that occurred in the town of San Jose de Apartado on February 19, 2000, the Commander of the 17th Brigade filed suit against the non-governmental organization that made these allegations, charging that it had ''impugned'' the honor of the military. If the Colombian Government is serious about severing the links between military and paramilitary groups, it must demonstrate, at all levels of government and the military, that these allegations will be investigated promptly and punished seriously. These links must be severed if the Colombian Government, with United States assistance, is to mount a successful counternarcotics campaign and stop the violence committed by illegal paramilitary groups. If these links are not severed, our Government will be complicit in the abuses.

I recently met with Colombian Senator Piedad Cordoba, the chairman of the Colombian Senate's Human Rights Committee. She personally witnessed this military-paramilitary cooperation during her May 1999 kidnapping by paramilitary leader Carlos Castano. Senator Cordoba told me that the kidnappers' car passed through eight military roadblocks without being stopped or searched. She said that the helicopter that took her to the jungle camp where she was held landed at an airstrip just a few miles from a military base. She told me that Castano boasted when he showed her transcripts of her private telephone conversations, transcripts that he could have only obtained from military intelligence sources.

The strong human rights conditions contained in this bill will ensure that the Colombian Government takes concrete steps to prosecute and punish military personnel alleged to have committed human rights abuses or to have collaborated with paramilitary groups. I commend Senators MCCONNELL and LEAHY for including this language in the bill. The conditions will also encourage the Colombian Government to arrest and prosecute at least some paramilitary leaders and members.

During the conference on this bill, I urge the Senate conferees to insist on retaining these strong and well-considered conditions. The conditions contained in the House version of the bill, while certainly well-intentioned, are both weak and inconsistent with Colombia's Constitution. For example, the requirement to create a Judge Advocate General Corps within the Armed Forces to investigate human rights abuses is contrary to the 1997 ruling of Colombia's Constitutional Court that requires the investigation and prosecution of these abuses in the civilian justice system. The House provision regarding a Presidential waiver of the human rights conditions in case of ''extraordinary circumstances'' seriously degrades the importance of human rights as a fundamental principle of U.S. foreign policy—a principle shared on a bipartisan basis over many years. The protection of human rights should not be a ''waivable'' foreign policy objective. It should be enforced with the same vigor as our anti-drug goals. I ask unanimous consent that a copy of a May 11 letter from Human Rights Watch on the House provisions be included in the RECORD at the end of my remarks. This letter reflects the strong opposition of the human rights community to these House provisions.

Two years ago, the Robert F. Kennedy Memorial presented its annual Human Rights Award to four Colombians who are leaders of grassroots efforts to defend human rights in Colombia. These Human Rights Laureates—Jaime Prieto Méndez, Mario Humberto Calixto, Gloria Inés Flórez Schneider, and Berenice Celeyta Alayón—represented groups that fight for human rights, the rights of displaced persons, and the rights of political prisoners. These courageous individuals, and thousands of others like them throughout Colombia, risk their lives every day. They need and deserve our support. The conditions included in this bill are for them. The conditions are also for us. They will guard against America's complicity in human rights violations in Colombia.

Mr. KERRY. Mr. President, I have followed the issue of narcotrafficking and other international crimes for years, particularly during my tenure as chairman of the Subcommittee on International Operations, Narcotics and Terrorism. Although I have many concerns about this piece of legislation, I believe we have a chance here to provide support to a Colombian administration trying to address its largest problem—drug trafficking.

The line between counternarcotics and counterinsurgency is not at all clear in Colombia, but we cannot let this stop our extension of aid. Withholding aid is not an option. In doing so, we would send the message to Colombia, our important ally in the war on drugs, that when the going gets tough, they must go it alone. We must be very clear: the terrible human rights conditions in Colombia are inextricably tied to the narcoterrorists. That won't change overnight with our support of this assistance package, but it won't change at all without our help. And just as important as our support for this package will be our continuing oversight of its implementation. If human rights abuses continue, or if we begin to get embroiled in the counterinsurgency efforts, the Senate must remain vigilant, ending the program if necessary. But we cannot simply turn our backs and walk away.

Civil conflict in Colombia has worn on for half a century as the government has fought narcoterrorists for control of the country. Opposition groups such as the Revolutionary Armed Forces of Colombia [FARC] and the National Liberation Army has made a business of guerrilla warfare and continue to terrorize the civilian population. Paramilitary groups, formed in the 1980's as anti-guerrilla forces, have resorted to many of the same terror tactics. Opposition and paramilitary groups control much of the country and the vast majority of the drug producing areas. It is clear that drug money fuels the fighting. In the last decade, this conflict has claimed over 35,000 lives and has created a population of over a million and a half internally displaced persons.

Colombian President Andres Pastrana, in sharp contrast to his recent predecessor, is trying to improve human rights conditions and promote democracy, under extremely difficult conditions. Under Pastrana, the Colombian Government has begun the first peace talks ever with the FARC. Though the talks have been slow moving and have encountered setbacks,

Pastrana has clearly made the peace process a top priority.

Plan Colombia was developed by President Pastrana as a comprehensive approach to strengthening the Colombian economy and promoting democracy, with heavy emphasis on fighting drug trafficking. In my view, any successful approach to Colombia's myriad of problems will require a strong counterdrug effort. The United States contribution to Plan Colombia, as proposed by the administration, does this.

Let us be clear, however, that the drug trade in Colombia is not simply a Colombian problem. The United States is the largest and most reliable market for the Colombian cocaine and heroin that is at the center of this conflict. We have approximately 5.8 million cocaine users and 1.4. million heroin users. Based on the most recent National Household Survey on Drug Abuse estimates, fourteen million Americans are current drug users. Clearly we are making a large contribution to the problem and should therefore contribute to finding a solution.

The United States must seize the opportunity presented by President Pastrana's current efforts to fight drug trafficking and bring stability to Colombia. This legislation offers us a chance to play a constructive role in Colombia while simultaneously promoting American interests.

The Plan addresses the major components of the problem. ''Push into Southern Colombia'' is designated to affect the major growing and production areas in the South. It provides for the training of special dedicated narcotics battalions, and the purchase of helicopters for troop transport and interdiction. To complement this effort, interdiction tools will also be upgraded, including aircraft, airfields, early warning radar and intelligence gathering. The Plan also provides increased funding for eradication of coca and poppy, and the promotion of alternative crop development and employment. Perhaps most importantly, the Plan calls for and provides resources for increasing protection of human rights, expanding the rule of law, and promoting the peace process.

As I outlined earlier, Colombia's situation is bleak, and this may be its last chance to begin to dig its way out. If we fail to support aid to Colombia, we can only sit back and watch it deteriorate even further. This Plan presents a unique opportunity to support the Colombian Government's effort to address its problems while at the same time promoting U.S. interests. The Colombian Government, despite immense obstacles, has begun to address significant human rights concerns and is working to instill the rule of law and democratic institutions. Though the United States is not in the business of fighting insurgents, we are in the business of fighting drugs, and this is clearly an opportunity to work with a willing partner in doing so.

While I support a United States contribution to helping Colombia, I believe that if we are going to commit, we must do so in the context of an ongoing process under constant review to respond to changing needs.

My first concern is the fine line that exists between counternarcotics and counterinsurgency operations, particularly since they are so intertwined in Colombia. It is impossible to attack drug trafficking in Colombia without seriously undercutting the insurgents' operations. We must acknowledge that the more involved in Colombia's counternarcotics efforts we become the more we will become involved in its counterinsurgency, regardless of our intentions to steer clear of it. But, because the drug trade is the most destabilizing factor in Colombia, our cooperation with the government will over the long run, advance the development and expansion of democracy, and will limit the insurgents' ability to terrorize the civilian population. But our military involvement in Colombia should go no further than this. Efforts to limit number of personnel are designed to address this.

I appreciate the concerns expressed by my colleagues that the United States contribution to Plan Colombia is skewed in favor of the military, but we must keep in mind that our contribution is only a percentage of the total Plan. The total Plan Colombia price tag is approximately $7.5 billion. The Colombian Government has already committed $4 billion to the Plan, and has secured donations and loans from the International Monetary Fund, the Inter-American Development Bank, the World Bank, the Andean Development Corporation, and the Latin American Reserve Fund. As part of our contribution, and to balance military aid, the United States must continue to support Colombian requests for additional funding from international financial institutions and other EU donors. We must also continue to implement stringent human rights vetting and end-use monitoring agreements, and make sure that our Colombia policy does not end with the extension of aid.

Second, I am concerned that even if the Plan is successful at destroying coca production and reducing the northward flow of drugs, large numbers of coca farmers will be displaced, worsening the current crisis of internally displaced people in Colombia. Colombia has the largest population of internally displaced persons in the world, estimated at over one and half million in November 1999. Seventy percent of those displaced are children, and the vast majority of them no longer attend school. There is every indication that as Plan Colombia is implemented, this population may grow. This problem underscores the importance of supporting the Colombians in their efforts to secure economic aid for alternative development. Unless we strongly support loans and additional donations, the danger remains that desperate farmers will simply move across the borders into Peru and Bolivia, and undo all the eradication progress that has been made in those areas.

My third major concern with respect to this aid package is that it does not adequately address Colombia's human rights problem. The Colombian Government has made a real effort to address human rights and to promote the rule of law. Pastrana has worked to root out members of the military who have committed gross violations of human rights, and has suspended a number of high-level officers. He has also attacked corruption in the legislature, and has come under heavy fire for doing so. Despite this progress, there is no question that recent events in Colombia have raised some cause for concern. The Colombian Government's unfortunate decision to send back to the legislature a bill to criminalize genocide and forced disappearance was a significant setback for the promotion of human rights and the rule of law. I would like to commend my colleagues on the Foreign Operations Subcommittee for bolstering the human rights component of this legislation. In addition to requiring additional reporting from the Secretary of State on the human rights practices of the Colombian security forces, Senator LEAHY's provisions for human rights programs in the Colombian police and judiciary, a witness protection program and additional human rights monitors in our embassy and Bogota, and Senator HARKIN's provision to provide $5 million to Colombian NGOs to protect child soldiers, demonstrate our commitment to improving the human rights situation.

Despite my reservations, the potential benefits of this plan are too large to ignore. In light of the changes made by the committee, I believe the plan can help advance United States interests by reducing drug trafficking and thereby promoting stability and democracy in Colombia. We must now work to ensure that our concerns do not become realities. Recognizing that we are not the sole contributors to this Plan, we must support Colombia's requests for additional aid from our allies, and work closely with them to ensure that additional aid complements our efforts in the areas of human rights and strengthening the rule of law. The committee report recognizes the importance of reducing the drug trade first to build confidence among the Colombian people that progress can be made in other important areas such as economic development and democracy.

Plan Colombia's counterdrug focus will also benefit the United States by reducing the flow of drugs to the United States. The United States is faced with a serious drug problem which must be attacked at both ends—supply and demand. Our consideration of counterdrug aid to Colombia should force us to look inward, reexamine our domestic counterdrug plan, and find ways strengthen it.

The United States has long been the cocaine traffickers' largest and most reliable market, fueling continued and expanded cultivation and production. Without addressing the problem here at home, we present no reason to expect that the growers and traffickers will not continue to shift their operations to maintain access to their best market.

Increasing funding and expanding drug treatment and prevention programs are absolutely imperative if we are to coordinate an effective counterdrug campaign, particularly if we are to expect any real improvement in the situation in Colombia. Levels of drug abuse in the United States have remained unacceptably high, despite stepped-up interdiction efforts and increased penalties for drug offenders.

Our criminal justice system is flooded with drug offenders. Three-quarters of all prisoners can be characterized as alcohol or drug involved offenders. An estimated 16 percent of convicted jail inmates committed their offense to get money for drugs, and approximately 70 percent of prisoners were actively involved with drugs prior to their incarceration.

America's drug problem is not limited to our hardened criminals. The 1997 National Household Survey revealed that 77 million, or 36 percent of Americans aged 12 and older reported some use of an illicit drug at least once in their lifetime. The statistics in U.S. high schools are even more disturbing. According to a 1998 study by the National Institute on Drug Abuse, 54 percent of high school seniors reported that they had used an illicit drug at least once and 41.4 percent reported use of an illicit drug within the past year.

As we support Colombia's efforts to attack the sources of illegal drugs, we need to make sure we are addressing our own problems. According to recent estimates, approximately five million drug users needed immediate treatment in 1998 while only 2.1 million received it. It was also found that some populations—adolescents, women with small children, and racial and ethnic minorities—are badly underserved by treatment programs. Only 37 percent of substance-abusing mothers of minors received treatment in 1997. Drug offenders, when released from jail, are often not ready or equipped to deal with a return to social pressures and many return to their old habits if they are not provided with effective treatment while incarcerated and the social safety net they so desperately need upon release.

It is clear that drug treatment works, and there is no excuse for the high numbers of addicts who have been unable to receive treatment. As we increase funding for supply reduction programs in Colombia, we must increase funding for treatment to balance and complement it. Drug research has made significant strides in recent years, and there are a variety of treatment options now available to help even the most hardcore addicts. These treatments have been successful in the lab studies. Now we must allow these methods to be successful in helping the population for whom they were developed. Access to drug abuse treatment in the United States is abysmal when compared to the resources we have to provide it.

The administration's Office of National Drug Control Policy argues that a balanced approach that addresses both demand reduction and cutting off supply at the source is necessary to significantly reduce drug abuse in America. While Plan Colombia works to cut off the drug supply, we must balance that with increased funding for drug abuse prevention and better treatment programs that reach more of the population that so desperately needs it.

Plan Colombia is an opportunity to help an important ally attack the sources of illegal drug production reduce the flow of cocaine and heroin to the United States. The United States must stay engaged with the Pastrana government and support its critical efforts to combat drug trafficking. Instead of being limited by our reservations, we must use them to carefully craft a policy that addresses economic development, political stability, human rights and the rule of law. Drug trafficking is the major obstacle to the advancement of these goals, and it must be curbed if any progress is to be made in our drug war at home.

AMENDMENT NO. 3546

Mr. REID. Mr. President, in the capital city of India, a woman is burned to death every 12 hours. Earlier this week, NPR reported the story of a courageous survivor of a phenomenon that is commonly referred to as ''dowry deaths.'' Joti Dowan was held prisoner by her husband and mother-in-law for two years because she refused to ask her mother for a $1,000 dowry.

Locked in a tiny room, isolated from friends and family, and rationed only two pieces of bread a day, Joti weighed only 55 pounds when authorities found her. Frequent beatings and malnutrition left her too weak to stand without help. A long scar covers her arm because, at one point during her torture, her husband and his family tried to kill her by dousing her with kerosene. It was only because they feared her screams would alert the neighbors that they extinguished the fire.

Shelanie Agerwall was shot and killed by her husband when he became dissatisfied with the new car that originally came with her dowry. He traded in the vehicle for a more expensive one and demanded his wife's family compensate him for the extra cost. When Shelanie Agerwall's family did not pay him quickly enough, he murdered her.

Death resulting from dowry disputes are on the rise. In 1998, 12,600 women in India were victims of dowry deaths—a 15 percent increase from the previous year. Burning a woman to death is the most common form of dowry death. Commonly referred to as ''bride burning,'' women are doused with kerosene and lit on fire. In many cases, their murder is planned to look like a cooking accident.

The law provides little or no support for the victims of dowry disputes. Corruption is rampant throughout the system—police are bribed by the husbands' families to destroy evidence, doctors are persuaded to change their testimony, and the legal system rarely convicts husbands and families guilty of dowry deaths.

Dowry has evolved from a custom to a form of extortion. The demand for quick money to buy consumer goods has increased the demands for so-called ''dowries'' throughout India. As a result, the use of dowries has spread to communities which never before had a dowry custom. The growing middle class has been met by eager manufacturers. Conspicuous consumption demands greater dowry payments.

In April, a 29-year-old Pakistani woman was shot dead in the law office of a leading human rights activist. Her parents had ordered the killing because she had shamed the family by seeking a divorce.

Perveen Aktar, a 37-year-old woman living in Pakistan, was severely burned in September when her husband, a fruit peddler, threw acid on her. According to Aktar, whose face, back, and chest are badly scarred, her husband wanted to return to his first wife, and she refused. She went to the police, but her husband paid them a series of bribes, and they did not investigate.

These women's struggles are a part of a larger epidemic of ''honor killings''—or culturally sanctioned killing of women in the name of preserving a family's honor. ''Honor crimes'' remain a serious problem in many countries, including: Pakistan, Saudi Arabia, Turkey and Egypt.

Few statistics are available on honor crimes, but the independent Human Rights Commission of Pakistan reported that in 1998 and 1999, more than 850 women were killed by their husbands, brothers, fathers or other relatives in Punjab, Pakistan's most populous province.

In many of those cases, the woman was suspected of what was considered ''immoral behavior.'' According to lawyers and women's rights advocates, many such cases are never brought to trial. Police are easily bribed or persuaded by the men's families to dismiss the complaints as ''domestic accidents.''

Some say that the problems of ''dowry deaths'' and ''honor killings'' are cultural. These problems are criminal, not cultural, and we have an obligation to do something about it.

The amendment I offered would encourage the Secretary of State to meet with representatives from countries that have a high incidence of ''dowry deaths'' and ''honor killings'' to assess ways to work together to increase awareness about these problems and to

develop strategies to end these practices.

The United States, as a world leader, needs to realize its influence in the world. I do not believe it is our place to go into other countries and dictate their traditions. But at the same time, we need to send a message to those countries that condone the brutal killings of innocent women.

INTERNATIONAL RULE OF LAW PROGRAM IN CHINA

Mr. SCHUMER. Mr. President, will my good friend, the senior Senator from Pennsylvania, yield for a question?

Mr. SPECTER. I am pleased to yield to my friend the Senator from New York.

Mr. SCHUMER. I note in the committee's report that $2 million is being designated for the creation of an International Rule of Law Program in China. The report states that the U.S. Agency for International Development is requested to give serious consideration to the proposal of Temple University Law School in cooperation with New York University Law School to establish a Business Law Center in China.

Mr. SPECTER. That is correct. It is the intention of the committee to support these two prestigious institutions in building upon the very important Temple University Masters of Law Program in Beijing, which is the first and only foreign law degree-granting program in China. After reviewing the case of Yongyi Song, a librarian at Dickinson College in Pennsylvania who was released in January after being held under dubious charges in China, I believe the U.S. Congress should support programs that advance the rule of law in China. At a time when the People's Republic of China is seeking permanent most-favored-nation status and seeking entry into the World Trade Organization, it is my hope that the government of the PRC will respect basic norms for due process such as an open public trial and the right to confer with counsel. International Rule of Programs such as the Temple University/NYU Program are important means to build understanding and respect for these basic norms in the Chinese legal community.

Mr. SCHUMER. I agree that this is an important program which the Congress should support, and it is my hope that this funding will be maintained as the bill goes to conference with the House. I have one further question. Is it the committee's intention that the U.S. Agency for International Development provide the full amount of this funding to an individual rule of law program in the People's Republic of China, such as the program by Temple University, in cooperation with New York University, for the creation of their Business Law Center in China?

Mr. SPECTER. That is correct. I certainly encourage AID to release the full funding as designated in the committee's report.

Mr. SCHUMER. I thank my good friend for his helpful clarification.

AMENDMENT NO. 3547

Mr. REID. Mr. President, over the years, I have come to the Senate floor on many occasions to talk about female genital mutilation (FGM). Still, it is very difficult for me to stand here and talk about something as repulsive, as cruel and as unusual as the practice of FGM. But ignoring this issue because of the discomfort it causes us does nothing but perpetuate the silent acquiescence of its practice.

For those who are unfamiliar with this ritual, FGM is the cutting away of the female genitals and then sewing up the opening, leaving only a small hole for urine and menstrual flow. In many cases, the girl's legs are bound together for weeks while a permanent scar forms. It is performed on girls between the ages of 4 and 12.

This is a practice that has been around for thousands of years and is not going to go away overnight. We need to continue to talk about it and insist upon aggressive education of the African communities that practice it, as well as the implementation of laws prohibiting it.

Several years ago, I passed legislation that requires the Health and Human Services Secretary to identify and compile data on immigrant communities in the United States who are practicing FGM. I worked to pass legislation, that is now law, to make criminal the practice of FGM in the United States.

I have offered two amendments that would keep the United States focused on its work to eliminate FGM abroad. One amendment would allow US AID (US Agency for International Development) to spend up to $1.5 million on its activities to eradicate FGM. My second amendment requires the Secretary of State to further study FGM and to submit her findings along with a set of recommendations on how the United States can best work to eliminate the practice of FGM to Congress by June 1, 2001.

US AID has a long history of supporting the eradication of FGM, however, it still has a long way to go. In 1995, Congress mandated that US AID dedicate one million dollars to efforts to end FGM. Since 1995, funding for this program has fluctuated from a low level of $500,000 per year to a high level of $800,000 per year. My amendment will restore funding to this important program.

It is estimated that 130 million girls are genitally mutilated. Every year, two million girls face FGM—that's 6,000 girls every day.

Last year, I met with Waris Dirie, an activist and supermodel, who serves as a special ambassador for the Elimination of FGM for the United Nations Population Fund. A native of Somalia and born to a nomadic family, Ms. Dirie survived the traditional form of FGM that kills hundreds of women every year—her younger sister and two cousins died from the procedure. At age 13, just before she was to be married off to an elderly man, Ms. Dirie ran away from home. She has left the glamour of the fashion world to speak out and work to eradicate this heinous procedure.

As Ms. Dirie will tell you, the initial operation leads to many health complications that will plague the girl throughout her life—if she does not bleed to death during the procedure. But the immediate health risks are not over after a couple of months or even a couple of years after the operation. When a girl is married, her husband either has to force himself upon her, or re-cut her in order to have sexual intercourse.

During child birth, additional cutting and stitching takes place with each birth. All of this re-cutting and stitching creates tough scar tissue. The procedure is usually performed by female laypeople and is most often performed with a razor, knife, or even a piece of glass.

Often, we refer to FGM as a women's issue, but this needs to be seen as a child abuse issue as well. A four year-old girl does not have the ability to consent or to understand the significance and the consequence this ritual will have on her life, on her health, or on her dignity. Young girls are tied and held down, they scream in pain and are not only physically scarred, they are emotionally scarred for life.

We know a lot about the psychological effects of child abuse from studying children of domestic abuse in the United States. Imagine the psychological effect this must have on children from the initial operation throughout adulthood. The health complications are a constant reminder of the mutilation they endured.

I understand that this custom is deeply embedded in African culture. However, that does not mean we should pretend it is not happening. According to a report by Amnesty International, FGM is practiced in African countries where it has already been criminalized. In some of these countries, over 90% of the women undergo FGM, in spite of laws prohibiting it.

This is a cruel and tortuous procedure performed on young girls against their will. The United States must make all efforts to condemn and to curb this practice.

Mr. LAUTENBERG. Mr. President, I rise to speak about the fiscal year 2001 Foreign Operations Appropriations bill, which has been moved to third reading.

Most immediately, the supplemental emergency funding for Assistance to Plan Colombia—requested by the President at the beginning of the year, and passed by the House months ago—can finally be included in the Military Construction Appropriations bill already in Conference.

In Colombia, we have a real opportunity to work with a democratically-elected government which is committed to combatting drug production

and trafficking in a country which supplies most of the heroin and about 80 percent of the cocaine consumed in the United States.

Mr. President, I recently visited Colombia to assess what our aid could accomplish. I went to see the scope of drug crop cultivation and processing, to look into the political context, the human rights situation, the goals of the Pastrana Government, and to assess the capabilities of the military and the police.

I went with an open mind, though I was concerned about the horrendous abuses of human rights and with the effects of Colombian cocaine and heroin on the streets of New Jersey and other states.

I left Colombia convinced that we can help Colombia and help America by cooperating in the fight against drug production, trafficking, and use. Let me briefly share a few of my observations and conclusions:

Aid for Plan Colombia is strongly in the U.S. interest. While there can be legitimate differences of opinion about the exact content of the aid package, we must use the opportunity to cooperate with a fellow democracy to fight the scourge of drugs which harms both our people.

This is a genuine emergency and should be funded as such. Drug crop eradication, training, and counter-narcotics military and police operations have been curtailed for lack of funds. Other elements of the package—like helicopters and alternative development aid—have longer lead times, but the process cannot start until the funds are passed.

Every week we delay, 1,000 more acres of coca are planted, so the problem grows ever larger and narcotics-trafficking groups grow stronger.

Colombia's political will is strong. While the political situation in Colombia is uncertain, President Pastrana and the Colombian Congress have backed away from forcing early elections and appear to be working out their differences. But the Colombian people and their elected representatives want an end to the violence.

They support peace negotiations with the FARC and ELN guerrillas. And they know the violence will not end as long as it is fueled by drug trafficking and its dirty proceeds.

The U.S. and Colombia have a symbiosis of interest in combating drug production and trafficking.

While the Colombians mainly want to end financial support for various armed groups, they are highly motivated to cooperate with our main goal—eliminating a major source of narcotics destined for the United States.

Colombia's military and police need reform and assistance. I was appalled to learn that any conscript with a high school education is exempt from combat duty, so only the poorest, least-educated people serve in front-line units.

Moreover, the standards of training for most military personnel are quite low, and the NCO corps is particularly weak. Colombia needs to accelerate military reforms, some of which require legislation.

But the U.S. can also help a great deal by providing sound training to the Counter-Narcotics Battalions which will be most directly involved in operations supporting the Colombian National Police as they eradicate crops, destroy laboratories and processing facilities, and arrest traffickers.

We need to improve protection for human rights in Colombia. The Colombian people face very real risks of murder, kidnapping, extortion, and other heinous crimes, so they always live in fear. Hundreds of thousands of people have fled the violence. The Colombian Government—including the military and the police—take human rights issues very seriously.

We need to hold them to their commitments to make further progress, as the Senate bill language Senators KENNEDY and LEAHY and I authored would do. I was particularly impressed that the independent Prosecutor General's Office—known as the Fiscalia —is firmly committed to prosecuting criminals, particularly human rights violators.

But in meeting with Colombian human rights groups, I learned that the overwhelming majority of human rights abuses are committed by the paramilitary groups, followed by the guerrillas. Colombia must sever any remaining ties between its military and the paramilitary groups and treat them like the drug-running outlaws they are.

On the whole, winning the war on drugs in Colombia should do more to improve security and safeguard human rights than anything else we or the Colombian government can do.

Mr. President, I reluctantly opposed the Amendment offered by the Senator from Minnesota, Senator WELLSTONE.

I share his conviction that we as a country must do more to reduce the demand for illegal drugs in our society.

In 1998, the most recent year for which I have these statistics, more than 5 million Americans were chronic, hard-core users of illegal drugs.

Just over 2 million—less than half of them—received treatment. I firmly believe that we should provide drug treatment for every drug addict willing to make the tremendous effort to overcome his or her addiction. In my view, we should ensure that no one leaves our prisons—whether federal, state, or local—addicted to narcotics.

We absolutely must do more to reduce demand and thus reduce the use of dangerous drugs and reduce the terrible toll drug use and related crime takes on our society.

Where I differ with the Senator from Minnesota is that I do not believe we should undermine our Assistance for Plan Colombia to pay for increased domestic drug treatment and prevention programs.

Even if we were to fully fund the President's request for Assistance to Plan Colombia, our international programs would account for only about one-tenth of our counter-narcotics budget.

In Colombia, we have a real opportunity to work with a democratically-elected government which is committed to combating drug production and trafficking in a country which supplies most of the heroin and about 80 percent of the cocaine consumed in the United States.

In short, Mr. President, I opposed the Wellstone Amendment because I believe we need to keep working to reduce demand for drugs here in America, but not at the expense of cutting efforts to eliminate a major source of drugs to our country.

I also opposed the Amendment offered by the Senator from Washington, Senator Gorton. I voted against a similar Amendment in the Appropriations Committee, and my subsequent visit to Colombia leaves me more convinced than ever that I was right to do so.

Our vote on the Gorton Amendment was, quite simply, a vote on the proposed Assistance to Plan Colombia. We all know that President Pastrana's Plan Colombia—which includes an aggressive counternarcotics effort—could not go forward with only one hundred or two hundred million dollars in U.S. aid.

Even if the Gorton amendment had merely delayed funding, as its sponsor has argued, it would have prevented President Clinton from seizing the opportunity to act now. In my view, we have waited too long already to address a major source of the narcotics which bring so much harm on the American people.

We have a tremendous opportunity—if we are willing to devote a reasonable level of funding—to drastically curtail the production cocaine and heroin in Colombia while supporting democracy and the rule of law in that country.

I am concerned that other emergency needs have not been met.

The President requested emergency supplemental funds for Kosovo and the Southeast Europe Initiative to help bring peace and stability to that troubled region, but those funds have not been provided.

Funding for the Heavily Indebted Poor Countries, or HIPC, multilateral debt relief trust fund also was not provided, so we cannot fulfill our goals to help relieve the world's poorest countries from the crushing burdens of debt. I hope we will be able to address these deficiencies in Conference with the House on emergency supplemental appropriations.

Let me turn now to the underlying Foreign Operations Appropriations for fiscal year 2001.

As I noted when we considered this bill in Committee, I believe Subcommittee Chairman MCCONNELL and Ranking Member LEAHY, working with other Senators and aided by their capable staff, have done a good job of allocating the resources available to them.

I particularly appreciate their help to include revised language to ensure our aid in Bosnia and elsewhere in the former Yugoslavia is used to help bring war criminals to justice. I also support the creation of an account for Global Health, with increased funding for tuberculosis, AIDS, and other health challenges. And the bill fully funds support for our ally Israel and peace in the Middle East.

That said, Mr. President, I am deeply concerned that the funds provided for the Foreign Operations Subcommittee simply are not sufficient to sustain America's global leadership as we begin a new century.

President Clinton requested increased funding for international programs in fiscal year 2001, though still far less in real terms than we spent in the mid-1980s.

But the bill before us today falls about $1.7 billion short of the President's request.

Let me cite just a few examples of the cuts:

Funding for the Global Environment Facility is more than $125 million below the President's request, so our arrears will continue to mount and environmentally-sustainable development projects in poor countries will not be funded. Even the International Development Association, or IDA—the main institution known as the World Bank—is funded below last year's level and more than $85 million below the Administration's request.

While I appreciate Chairman MCCONNELL's strong funding for Central and Eastern Europe, it's not nearly enough to make up for the Kosovo supplemental which was apparently not funded.

Meanwhile, assistance to the Independent States of the former Soviet Union—many of them still at a critical stage in their economic and political transition—is $55 million below the level requested by the Administration.

The International Narcotics Control and Law Enforcement and Non-Proliferation, Anti-Terrorism and Demining accounts are each cut by nearly $100 million from the President's request.

I don't want to waste the Senate's time citing all the examples, but I hope I've made my point.

President Clinton sought a more responsible level of international affairs spending within his balanced budget, but this bill is more than 11 percent below the Administration's request.

Mr. President, I believe we need to strengthen Foreign Operations funding as this bill goes to Conference with the House. I look forward to working with my colleagues on the subcommittee to make that happen, so we can avoid having this bill vetoed.

We need to work together to achieve a responsible Foreign Operations funding level which will advance America's interest and reflect America's values around the world.

I thank the chair and yield the floor.

Mr. BYRD. Mr. President, the foreign operations appropriations bill that the Senate completed debate on today contains $934 million to launch a major counter-narcotics initiative in Colombia. Other financing attached to the Military Construction and Defense Appropriations bills boosts that total to well over a billion dollars.

This funding will enable the United States to embark on a massive ramping up of its counter-narcotics offensive in Colombia. But curiously enough, the bulk of this program is being implemented through a series of supplemental funding measures. A major anti-narcotics program in Central America, anchored on the provision of U.S. military equipment and U.S. military and State Department advisers, seems to me to be a policy issue that begs for in depth Congressional discussion and consideration. And yet, we are effectively creating it through supplemental appropriations. This may be an expedient way to deal with a difficult problem, but I question its efficacy. I wholeheartedly support aggressive counter-narcotics efforts. Illegal drugs and drug abuse are scourges on our society, and we cannot pretend that the problem will go away if we simply ignore it. But I am concerned about the large number of unanswered questions surrounding the President's plan.

I understand where the money is to be spent, and what it is to be spent on, but I am unclear as to what the results are expected to be. What precise impact is the U.S. assistance expected to have on the production of cocaine and heroin into the United States? What impact will massive U.S. assistance to Colombia have on drug production in other Andean Ridge nations? What impact will intensified U.S. assistance to the government of Colombia's have on Colombia's internal politics and simmering civil war? And, most importantly, what impact will this initiative have on reducing drug abuse and the toll of the illegal drug trade within the United States.

Providing answers to those, and other questions, is the primary intent of a provision that I added in Committee to the foreign operations appropriations bill. My provision requires the Administration to seek and receive congressional authorization before spending any money on U.S. support for the counter-narcotics program in Colombia, called Plan Colombia, beyond the funding contained in this and other relevant spending bills. If this funding is sufficient, all well and good. But if more money is needed to prolong or expand the anti-drug effort, then Congress has a responsibility to re-evaluate the entire program. The purpose of my provision is to prevent the U.S. government from slowly but steadily increasing its participation in the anti-narcotics effort in Colombia until it finds itself embroiled in, at best, a costly and open-ended anti-drug campaign throughout the Andean Ridge, or, at worst, a bloody civil war in Colombia.

A secondary goal of my provision is to limit the number of U.S. personnel engaged in the counter-narcotics offensive in Colombia to specific levels unless Congress approves higher levels of U.S. personnel. The provision, which I modified to address concerns raised by the Defense Department, imposes a ceiling of 500 U.S. military personnel and 300 U.S. civilian contractors working on Plan Colombia in Colombia unless Congress authorizes higher levels.

In testimony before the Senate Armed Services Committee, the Defense Department indicated that it would not be opposed to troop caps. This is a prudent measure that Congress should endorse to ensure that U.S. involvement does not unwittingly spiral out of control in Colombia.

In an effort to ensure that my provision does not impede ongoing counter-narcotics operations in Colombia, I amended it to address concerns raised by the Administration regarding the availability of funds provided in the FY 2001 Defense Appropriations Bill, and the availability of relevant unobligated balances in other spending bills. My amendment protects ongoing programs without giving the Administration the green light to begin empire building in Colombia.

There are those, I am sure, who will say that my provision is too cumbersome, that we should simply handle this huge counter-narcotics offensive in the normal course of business. That, I believe, would be a dangerous course of action, one that would invite mission creep and deep entanglement in the internal affairs of Colombia.

U.S. assistance to Plan Colombia is not, and should not be, business as usual. If the Administration is sincere in its commitment to launch a major, coordinated, inter-agency offensive against the burgeoning drug industry in Colombia, then the Administration should welcome the spotlight that my provision will shine on its efforts. The Administration should welcome the extra safeguards that this language provides against unintended consequences.

Mr. President, winning the war against illegal drugs is vitally important to the future of our nation and to the future of our neighbors, but it is the responsibility of Congress to ensure that we are allocating U.S. taxpayers dollars in the most effective manner possible. Congress cannot make that determination without fully exploring the goals and potential ramifications of this effort to provide assistance to Colombia. My provision provides the minimum necessary safeguards to ensure congressional oversight of Plan Colombia. I commend the Senate for maintaining the integrity and the intent of this provision.

Mr. SARBANES. Mr. President, I am pleased to join with several of my colleagues, including Senator CHAFEE, Senator MACK, Senator BIDEN, and Senator LEAHY in sponsoring this Sense of

the Senate amendment to the Foreign Operations Appropriations Bill. I am also very pleased that agreement has been reached for the amendment to be accepted. The amendment calls on the Senate to support full authorization and funding for international debt relief. I worked with Senator MACK last year in introducing the ''Debt Relief for Poor Countries Act of 1999,'' and am glad to work with him again on this important issue.

The purpose of this amendment is to highlight one of the major shortcomings in the Foreign Operations Appropriations Bill, as reported out of Committee, which only included $75 million for the purposes of debt relief. That allocation falls far short of what the Administration has requested and what is needed to meet our obligations to the HIPC (Heavily Indebted Poor Countries) trust fund and bilateral debt relief commitments. The Administration has requested $210 million for FY 2000 for HIPC and $225 million for FY 2001 ($150 million to HIPC and $75 million for bilateral debt relief). This money is necessary for us to meet our commitments to the HIPC trust fund, estimated at $600 million over the next three years, and our commitments to bilateral debt reductions, estimated at $375 million over the same period.

The Administration has also requested an authorization from Congress to support use for HIPC debt relief of the full earnings on profits from IMF off-market gold sales.

Why is debt relief so important? Many poor countries are saddled with large debt payments. All too often, payments on the foreign debt—which account for as much as 70 percent of government expenditures in some countries—mean there is little left to meet basic human needs of the population, such as health, education, nutrition, sanitation, and basic social services.

As a group, HIPCs post some of the world's lowest human development indicators: one in ten children dies before their first birthday; one in three children is malnourished; the average person attends only three years of school; half of all citizens live on less than $1 dollar a day; HIV infection rates are as a high as 20 percent.

In effect, debt service payments are making it even harder for the recipient governments to enact the kinds of economic and political reforms that the loans were designed to encourage, and that are necessary to ensure broad-based growth and future prosperity.

Last year, President Clinton pledged to cancel all $5.7 billion of debt owed to the U.S. government by 36 of the poorest countries. Canceling the debt will not cost the full $5.7 billion because many of the loans would never have been repaid and are no longer worth their full face-value. It does not make economic sense to keep these loans on the books.

Additionally, I believe U.S. leadership is at stake. As the richest country in the world and as one that has long been interested in the development of poor countries, we risk losing our moral authority in the international arena if we cannot, especially during our country's time of prosperity, alleviate the crushing debt burden of many poor countries.

Mr. MCCAIN. Mr. President, I would like once again to address the issue of unrequested and unnecessary earmarks in the annual foreign operations appropriations bill.

It is a constant struggle, Mr. President, to maintain a reasonable—if not always adequate—amount of funding for foreign operations when the public overwhelmingly opposes foreign aid programs. It is therefore incumbent upon those of us who believe that foreign aid programs are an important component of U.S. national security policy to spend that budget wisely. As usual, the foreign operations appropriations bill before us squanders vital financial resources for unnecessary, low-priority and unrequested programs. Once again, pressuring the Agency for International Development to fund research into the future welfare of the Waboom tree; providing millions of dollars for organizations like the Orangutan Foundation, the Peregrine Fund's Neotropical Raptor Center, the Missouri Botanical Garden, the Dian Fossey Gorrilla Fund, and the World Council of Hellenes—none of which was requested by the Agency for International Development or the Department of State—was deemed preferential to higher priority activities that unquestionably contribute to regional stability in less developed countries.

Mr. President, the notion that funding from the foreign aid budget not requested by the Administration should only go to organizations and programs following an objective, rigorous and competitive process eludes the Appropriations Committee. I am not reflexively opposed to all of the programs for which funding was added in this bill. I do take strong exception to the process by which funding is earmarked for parochial reasons. The bill before us today is replete with such examples. A long list of earmarks for university programs, the vast majority of which coincide with membership on the Appropriations Committee, is more evidence than even the O.J. Simpson jury would need that reasonable doubt exists as to whether such objective criteria are employed.

United States military forces are being deployed at record levels; conflicts in Africa and elsewhere are raging out of control, bringing with them untold misery, and we continue to pass spending bills of such dubious merit. I will support passage of the foreign operations appropriations bill, but only because it is imperative that funding for Israel, Egypt, refugee and migration assistance, and other vital programs receive the timely assistance they require. But to be forced to swallow such questionable earmarks as the $1 million for the Fort Valley State University agribusiness program in Georgia—and I should point out that the Republic of Georgia has no greater friend in the Senate than me—without the benefit of a competitive analytical process is more than a little painful. I suppose it is only appropriate that, once again, we are adding funding, this year to the tune of $4 million, for the International Fertilizer Development Center. There is something strangely appropriate that we spend tens of millions of dollars to fund the fertilizer center given the process by which this bill is put together every year.

Mr. President, I ask unanimous consent that this statement appear in the RECORD, accompanied by the list of earmarks and directive language that I have assembled.

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

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT FOR FISCAL YEAR 2001 (S. 2522)

DIRECTIVE LANGUAGE AND EARMARKS

Report language provisions

Iodine Deficiency/Kiwanis: Recommends that AID provide at least $5 million to Kiwanis International via UNICEF

Streetwise Program: Encourages AID to provide $50,000 for the program

Morehouse School of Medicine: Expects AID to provide $5.5 million for the Morehouse School of Medicine's International Center for Health and Development

Iowa State University: Recommends that $1 million provided to support Iowa State University's International Women in Science and Engineering program

International Executive Service Corporation: Strongly supports the efforts of the IESC, believes that AID has underutilized the corporation, and urges AID to grant funds to IESC to expand its programs

International Rice Research Institute: Recommends $5 million for the institute

Donald Danforth Plant Science Center: Recommends up to $500,000 to train Thai researchers at the center, and recommends up to $500,000 for research into bacterial and virus problems related to rice

Tropical Plant and Animal Research Initiative: Urges AID to fund a joint Israel-State of Hawaii research and development project to enhance the competitiveness of the tropical fish and global plant market

Protea Germplasm: Urges AID to fund meritorious aspects of a joint South Africa-U.S. protea industry proposal to create a repository to safeguard protea germplasm

Missouri Botanical Garden: Directs AID to increase funding for biodiversity conservation above current level and to work with the Missouri Botanical Garden to protect biodiversity

Orangutan Foundation: Provides $1.5 million to support organizations such as the Orangutan Foundation

Dian Fossey Gorilla Fund International and the Karisoke Research Center: Provides $1.5 million to support the fund and the center

Peregrine Fund: Recommends $500,000 for the Peregrine Fund's Neotropical Raptor Center

Pacific International Center for High Technology Research: Encourages AID to provide up to $500,000 for the center

Soils Management Collaborative Research Support Program/Montana State University:

Recommends that AID provide $3 million for the SM–CRSP, and encourages AID to provide $500,000 through the SM–CRSP to Montana State University-Bozeman

U.S./Israel Cooperative Development Program and Cooperative Development Research Program: Urges an increase in funding for CDP/CDR

Patrick J. Leahy War Victims Fund: Recommends that $11 million be made available to support the fund's work

American Schools and Hospitals Abroad: The Appropriations Committee regularly allocates funds for specific institutions, usually the same institutions every year, under the American Schools and Hospitals Abroad program. The following are specified as deserving of further support:

The Lebanese American University, International College

The Johns Hopkins University's Centers in Nanjing and Bologna

The Hadassah Medical Organization

The Feinberg Graduate School of the Weizmann Institute of Science

American University in Beirut: encourages consideration of a plan to establish a Palestinian scholarship and education initiative

City University-Bellevue, Washington: encourages AID to provide adequate resources to build a new administrative center and expand the program to educate Eastern European students in democratic practices and principles

University Development Assistance Programs: The Committee annually earmarks or ''recommends'' funding for specific universities around the United States without benefit of competitive analytical processes to determine the value of the activity and whether it can best be done in an alternate manner. The following universities are expected to continue to receive such funds:

University of Vermont, $500,000, to establish and advanced telecommunications link between three hospitals in Vietnam and the University of Vermont College of Medicine

Champlain College, for the U.S.-Ukraine Community Partnerships Project

American University in Bulgaria, to sustain the university's program

Utah State University, $1.1 million, for the university's proposed World Irrigation Applied Research and Training Center, and $1 million for the university to assist the Arab-American University of Jenin to establish a College of Agriculture of Jenin

University of Missouri, $2 million, for establishment of the Center for Livestock Infectious Disease

University of Mississippi, $2 million, for the National Center for Computational Hydroscience and Engineering, for the purpose of transferring technology to the Polish Academy of Sciences

Mississippi State University, $2 million, for the Office of International Programs

Boise State University, $2 million, to continue and expand the university's involvement with the National Economics University's Business School in Vietnam

University of Miami, $3.5 million, for the Cuban transition project

University of Northern Iowa, for the Orava Project in Slovakia

Washington State University, Purdue University, South Carolina University, and the University of Jordan, $1 million, for water research in the Middle East

Washington State University, $2.46 million, for research, education, and training in international food security in collaboration with the State of Washington, the International Center for Maize and Wheat Improvement, and institutions in Central Asia and the Caucasus

University of South Carolina, $1 million, for the International Urban Growth Network; $1 million, for the Earth Sciences and Resources Institute; $2.5 million, for joint Chernobyl-effect research with Texas Tech University

George Mason University, $2 million, for health care in developing countries

Loyola University, $1 million, for the Family Law Institute for Latin American Judges

Louisiana State University, $1 million, for the International Emergency Management Training Center

Historically Black Colleges, $1 million, for the Renewable Energy for African Development Program

St. Thomas University, $5 million, for the Institute for Democracy in Africa

University of Notre Dame, $1.2 million, to support human rights & democracy in Colombia in collaboration with Inter-American Dialogue and the Colombian Commission of Jurists

Western Kentucky University, $2 million, for an independent media initiative

University of Louisville, $1.5 million, to work with impoverished South African communities in partnership with Rand Afrikaans University

China Rule of Law/Temple Law School: Recommends $2 million for an International Rule of Law program and urges AID to consider a proposal for Temple Law School, in collaboration with New York University School of Law, to operate a Business Law Center in China

Tibet/Bridge Fund: Recommends $1.5 million to support development projects administered by the Bridge Fund

Sharada Dhanvantari Charitable Hospital: Recommends $250,000 for the Sharada Dhanvantari Charitable Hospital to administer health care in Karnataka, India

University of Chicago/Chicago House: Urges AID to continue to support the Chicago House in Luxor, Egypt

Northern Ireland Voluntary Trust: Urges the International Fund for Ireland to support the work of this organization

Academic Consortium for Global Education: Expects AID to continue funding the consortium at the current level

Florida State University: Recommends AID support a distance learning project being developed by the university

University of South Carolina: Directs AID to provide $750,000 for the University of South Carolina College of Criminal Justice's Moscow Police Command College

Magee Womancare International: Encourages AID to work with Magee Womancare International to distribute vitamins and educate at-risk Russian women on the importance of nutrition in pregnancy and infancy

World Council of Hellenes: Urges the Department of State to provide $1.5 million for the council's Primary Health Care Initiative

Rotary International/Anchorage Interfaith Council/Municipality of Anchorage: Supports $5 million for providing medical and other assistance to improve the lives of Russian orphans, and expects AID to work with Rotary International, the Anchorage Interfaith Council, and the Municipality of Anchorage to do so

International Republican Institute/National Democratic Institute: Directs AID to assure continuity in support for IRI & NDI efforts to contribute to political reforms in Ukraine

University of Louisville: Earmarks $1 million for training in water and wastewater management in the Republic of Georgia

Fort Valley State University: Earmarks $1 million for training in agribusiness in the Republic of Georgia

City University of New York: Earmarks $1 million for training in transportation in the Republic of Georgia

Colombia Child Soldiers: Instructs the Secretary of State to transfer $5 million to the Department of Labor for rehabilitation and demobilization of child soldiers, and urges the Department of Labor to work with the Colombia Coalition to Stop the Use of Child Soldiers, Justapaz, Asoda, Ceda Vida, and Defense for Children International to develop and fund programs to counsel, educate, and reintegrate former child soldiers

Bill Language

Substitutes 30 Blackhawk helicopters requested by the Administration and the Colombian Government for a total of 60 Huey II helicopters

University of Missouri: Earmarks $1 million for International Laboratory for Tropical Agriculture Biotechnology

University of California-Davis: Earmarks $1 million for research and training foreign scientists

Tuskegee University: Earmarks $1 million to support a Center to Promote Biotechnology in International Agriculture

International Fertilizer Development Center: Earmarks $4 million for the center

United States Telecommunication Institute: Earmarks $500,000 for the institute

American Schools and Hospitals Abroad: Earmarks $17 million for ASHA programs

International Media Training Center: Earmarks $2 million for the center

Carelift International: Provides up to $7 million for Carelift International

American Educational Institutions in Lebanon: Provides $15 million for scholarships and direct support of the American educational institutions in Lebanon

American University in Cairo: Provides up to $35 million for the relocation of the American University in Cairo

Egypt Endowment/Theban Mapping Project: Provides up to $15 million for the establishment of an endowment to promote the preservation and restoration of Egyptian antiquity, of which $3 million may be made available for the Theban Mapping Project

American Center for Oriental Research: Earmarks $2 million for the center

Cochran Fellowship Program in Russia: Earmarks $400,000 for the program

Moscow School of Political Science: Earmarks $250,000 for the school

University of Southern Alabama: Earmarks $1 million to study environmental causes of birth defects

Ukranian Land and Resource Management Center: Earmarks $5 million for the center.

Mr. ASHCROFT. Mr. President, the Senate today will pass the foreign operations appropriations bill and I rise to speak in support of the additional funding for the Drug Enforcement Administration (DEA) that is contained in this legislation. The bill makes additional FY2000 funds available for the DEA to step up efforts against the burgeoning epidemic of methamphetamine—commonly called ''meth''. This funding is needed for the DEA to combat the explosive meth problem which is emerging as one of the fastest growing threats in our country, especially in Missouri.

With its roots on the west coast, the meth epidemic has now exploded in middle America. Meth is today what cocaine was to the 1980s and heroin was to the 1970s—the hot, ''in'' drug with a catastrophic potential to destroy all those it comes in contact with—financially, spiritually, and physically. It is currently the largest drug threat we face in Missouri. Unfortunately, it is most likely coming soon to a city or town near you.

If one wanted to design a drug to have the worst possible effect on the community, one would make methamphetamine. It is highly addictive, highly destructive, cheap, and easy to manufacture.

To give my colleagues an idea on the scope of the problem in Missouri alone, let me share with you these frightening statistics: during the whole year of 1992, law enforcement seized two clandestine Meth labs in Missouri and in 1994, the number of Meth labs seized increased to 14. By 1998, the number of seized labs mushroomed to 679. Based on reports of the figures collected in 1999, that number jumped again last year to over 900 labs in Missouri alone. According to the latest national statistics from the DEA, reported meth lab seizures in 1999 for the entire United States totaled 6,438, up from 5,786 in 1998 and 3,327 in 1997. This is nearly a 100% increase in only two years.

The rapid increase and spread of meth across the country has brought with it the problems that we too often see with illegal drug use. As the ''popularity'' of meth has increased, we have seen the proportional increases in domestic abuse, child abuse, burglaries and drug related murders. In addition, from 1992 to 1998 meth-related emergency room incidents increased by 63 percent.

What is most unacceptable to me is that meth is ensnaring our children. In 1998, the percentage of 12th graders who used meth had doubled from the 1992 level. In recent conversations I have had with local law enforcement officers in Missouri, they estimated that as many as 10% of high school students know the recipe for meth. In fact, one need only log-on the Internet to find numerous web sites giving detailed instructions for setting up a meth lab. This is troublesome.

We in Congress have taken these indicators seriously. Despite yearly appropriations to combat meth abuse and trafficking, the meth problem continues to grow. I believe it is time to dedicate more resources to stopping this scourge once and for all. To that end, earlier this year I joined a number of my colleagues in the Senate in sending letters to President Clinton and Attorney General Reno requesting that at least $10,000,000 in additional funds be made available for the DEA to assist state and local law enforcement in the proper removal and disposal of hazardous materials recovered from clandestine methamphetamine laboratories. This funding would provide the necessary resources for the DEA and state and local law enforcement officials to combat this growing meth problem.

Meth presents us with a formidable challenge. We have faced other challenges in the past and we can face this one as well. In fact, the history of America is one of meeting challenges and surpassing people's highest expectations. Meth is no exception. All it takes is that we marshal our will and channel the great indomitable American spirit.

In order to successfully combat this growing meth problem, we must provide law enforcement officials with adequate resources to stifle this growing epidemic. To this end, I support the increased level of funding in this foreign operation bill, and I encourage the conferees to maintain adequate funding in the Supplemental appropriations measure for fighting the scourge of methamphetamine. Through legislative efforts like this to assist law enforcement efforts to combat meth, we will meet this new meth challenge and defeat it.

Mr. L. CHAFEE. Mr. President, I would like to thank the managers of this bill, Senators MCCONNELL and LEAHY, for accepting a revised version of the amendment I submitted yesterday. This amendment addresses international debt relief.

Today we are at the dawn of the new millennium—2000 is the Year of Jubilee. It is in this year that people throughout the world have been inspired by the Book of Leviticus in the Hebrew Scriptures. This book describes a Year of Jubilee, in which slaves are freed, land is returned to original owners, and debts are canceled.

The Bible's teachings of the Year of Jubilee has led to a worldwide movement to have the world's wealthiest nations forgive the debt of the world's poorest nations. Great Britain, Canada, the Philippines, Australia, Ireland, Austria, Germany, Sweden, South Africa, and the United States have national campaigns in this regard. The most prominent churches and relief groups worldwide also endorse this goal.

This spiritual movement in turn is helping motivate the United States and our G–7 allies to put forth the heavily indebted poor countries (''HIPC'') initiative. This groundbreaking effort will provide substantial debt relief to poor nations conditioned on making real progress towards economic growth and poverty reduction. It will also emphasize greater budget discipline within recipient countries so that scarce resources, rather than being wasted, are directed where they are needed most.

Although the President requested $435 million this year for the U.S. contribution to the HIPC initiative, the appropriations bill before the Senate today provides just $75 million. The amendment I have authored expresses the sense of the Senate that the United States should authorize and appropriate full funding. This amendment is cosponsored by seventeen of my colleagues, including those who have been leaders on this issue during the past several years. Cosponsors of my amendment are Senators MACK, SARBANES, BIDEN, HAGEL, WELLSTONE, LIEBERMAN, LANDRIEU, DODD, JEFFORDS, LAUTENBERG, GORDON SMITH, DEWINE, LUGAR, FEINSTEIN, GRAMS, INOUYE, and BRYAN.

I believe it is important to draw attention to this critical issue, and would again like to thank the bill's managers for accepting my amendment. I am hopeful that in the coming weeks, we will make further progress towards full U.S. participation in the HIPC initiative. Thank you.

Mr. JEFFORDS. Mr. President, as Americans, we have two vital tasks in our relations with Colombia. We are obligated to help a neighbor that is struggling to build democracy and civil society, and it is in our best interest to assist them in halting the flow of lethal narcotics from the Andean mountains of Colombia to American communities. These are the two underlying grounds for the Clinton Administration's ''Plan Colombia,'' a request for $1.07 billion in emergency supplemental funds over the next two years to aid Colombia.

After a painful decade of violence, the Colombian people have boldly elected an unassailable ally of democracy and reconciliation, President Andres Pastrana, and they are demanding an end to human rights abuses and impunity by both the paramilitaries and the FARC guerillas. At the same time, the lawlessness and violence of southern Colombia have permitted the narcotics dealers to widen their cultivation and consolidate their delivery routes into the U.S. With the remarkable success of U.S. Government anti-narcotics programs in Peru and Bolivia, eighty percent of the heroin consumed in the U.S. is now cultivated in Colombia. We have no choice now but to focus our anti-drug efforts in Colombia.

While I realize that we must bring pressure to bear on the drug cartels, my experience with Central America in the 1980s leads me to be very skeptical about the utility of the military response to social and political problems. I therefore have been wary of the Administration's Plan Colombia. My chief concerns with it have been the Colombian military campaign against narcotics cultivation, and the abysmal human rights record of paramilitary groups that have frequently been linked to the military forces. I am also concerned that we not get dragged into a major, long-term counter-insurgency effort which is not our fight.

In the end, though, I decided to go along with the Administration's proposal as significantly improved by the Senate Foreign Operations Subcommittee. The Subcommittee downsized the scale of the Colombian military effort, and shifted the funding from Blackhawk to Huey helicopters. Smaller and more agile, the Hueys are more suited to fighting narcotics cultivation, while the Blackhawks are more suited to counter-insurgency combat. The Subcommittee also increased the bill's sizable human rights component, including new programs to bolster the rule of law and fight corruption. The Subcommittee also shares my concern for U.S. Government responsibility for this expensive anti-narcotics effort by increased funding for

end-use monitoring. Given the well-documented human rights problems in Colombia, heightened monitoring is an extremely important component of this program. Although we will be funding a military effort, I note that U.S. military personnel are barred from any military operation, and that the Leahy Amendment puts strict safeguards on the activities of any U.S. funded partner, so that the human rights behavior of the Colombian military will now be under a microscope.

An integral component of the final legislation is sizable funding to encourage judicial reform, strengthen the rule of law, and improve the quality of life for all Colombians. Without greater social and income equality and greater respect for human rights, all our efforts will fail. The military aid can only provide an opening for those who are trying to build the foundation for civil society. By electing President Pastrana, the Colombian people have indicated their desire for a future free of drugs and violence. We must ensure that U.S. assistance is instrumental in helping them achieve that goal.

Let's make no mistake. If this bill becomes law, the U.S. will have made a major commitment to helping Colombia eradicate the narco-business that plagues both it and us. We are pledging to stand beside President Pastrana, an enlightened and popular leader with a broad mandate to pursue this campaign, while he also resolutely holds negotiations with entrenched but highly unpopular insurgents. I think that, for his sake and ours, we must give him the tools and the confidence to see this through.

Mrs. BOXER. Mr. President, today I voted for S. 2522, the Senate version of the Fiscal Year 2001 Foreign Operations Appropriations Act. I voted for the bill despite serious reservations about parts of it because it also funds some very important priorities.

First, the bill provides economic and military assistance to some of America's most important allies, at the level requested by the President.

The bill includes $450 million for international family planning programs, less than requested by the President but more than last year.

S. 2522 also provides funding for many very important international programs, including the Peace Corps, U.N. peacekeeping operations, refugee assistance, and antiterrorism efforts.

I am especially pleased that, with the passage of my amendment to add $40 million, the final bill includes $51 million for international tuberculosis control and treatment and $255 million to fight HIV/AIDS in developing countries.

Unfortunately, attached to the foreign operations bill this year was almost $1 billion in emergency spending for counter-narcotics efforts in Colombia. I am disappointed that the Senate rejected an amendment offered by Senator WELLSTONE, which I cosponsored, which would have transferred the military aid portion—$225 million—to domestic drug treatment programs.

We would have done more to fight the so-called drug war by putting those dollars into proven drug treatment programs here to reduce demand. A Rand Corporation study found that for every dollar spent on demand reduction you have to spend 23 dollars on supply reduction in order to get the same decrease in drug consumption.

And because I fear that the military assistance may lead to further U.S. involvement in the 40-year-old civil war in Colombia, I tried to offer an amendment to simply affirm current Defense Department policy regarding activities of DoD personnel in Colombia. This policy states that DoD funds may not be used to support training for Colombian counter-insurgency operations, participate in law enforcement activities or counternarcotics field missions, or join in any activity in which counter-narcotics related hostilities are imminent.

I was not allowed a roll call vote on my amendment because the chairman of the Appropriations Committee made a point of order that it was legislation on an appropriations bill. However, less than 24 hours earlier, the Senator from Alabama, Senator SESSIONS, had an amendment accepted which also dealt with U.S. policy toward Colombia, and which was also subject to the very same point of order. But no senator objected to the Sessions amendment.

This selective enforcement of Senate rules is a double standard and is unfair. I am particularly bothered because I had strong concerns about the Sessions amendment. This is another breakdown in comity and civility in the Senate, and I am very troubled by it.

Mr. COVERDELL. Mr. President, I rise today in support of the amendment offered by my colleague from Connecticut, Senator DODD, to increase funding for the U.S. Peace Corps.

This amendment will increase funding for the Peace Corps by $24 million, restoring funding to the enacted FY2000 level of $244 million. Even with passage of this amendment, $244 million is well below the amount authorized under the four-year Peace Corps Authorization Act which I sponsored with Senator DODD and that passed Congress with overwhelming bipartisan support last year. The Act authorizes an FY2001 level of $298 million to expand the Peace Corps to 10,000 volunteers, just as President Reagan originally intended fifteen years ago. This amendment will allow the Peace Corps to keep pace in reaching this important goal of 10,000 Volunteers within the next five years.

I remind my colleagues that the Peace Corps represents just 1 percent of the international affairs account. Over the past several years the Peace Corps has worked to increase the number of Volunteers through modest increases in its budget and more efficient management that reduced costs and staff.

As former Director of the Peace Corps, I have learned first-hand of the tremendous impact that the relatively small amount we spend on the Peace Corps has throughout the world. Not only does the Peace Corps continue to be a cost effective tool for providing assistance and developing stronger ties with the international community, it has also trained over 150,000 Americans in the cultures and languages of countries around the world. Returned volunteers often use these skills and experiences to contribute to myriad sectors of our society—government, business, education, health, and social services, just to name a few.

This amendment will help put the Peace Corps on the firm footing it needs and deserves as we enter the 21st century. I firmly believe that a rejuvenated Peace Corps will help ensure that America continues to be an engaged world leader, and that we continue to share with other countries our own legacy of freedom, independence, and prosperity. This is an investment in our country and our world that we need to make.

Mr. STEVENS. Mr. President, I move we go to third reading.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, all Senators have worked very closely on this. We tried to accommodate Senators on both sides of the aisle. I hope we will go to third reading. I am waiting for the chairman of the subcommittee to come back to the floor. I see him on the floor now. We can go to third reading. I hope we will support this bill.

This is not a perfect bill, by any means. It does not do anywhere near enough on debt forgiveness, which is something we are going to have to address, I hope, in conference, and I hope we will have a larger allocation for that. It does not do enough on infectious diseases for the poorest of the poor countries, especially in Africa. It does not do enough for Mozambique and other areas. But it is a considerably well-balanced bill within the resources we had. I do compliment the senior Senator from Kentucky in working as hard as he has to accommodate Senators on both sides of the aisle to do that.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I extend my appreciation to my good friend from Vermont. I have enjoyed working with him on this bill. And I express my particular gratitude to Robin Cleveland, Billy Piper, Jennifer Chartrand, Jon Meek, Chris Williams, Cara Thanassi, and all of my staff involved in developing this measure.

Are we now ready for third reading?

Mr. President, I ask for the yeas and nays on third reading.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the bill be engrossed and advanced to third reading?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—95

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

NAYS—4

Feingold	Thomas
Smith (NH)	Wellstone

NOT VOTING—1

Johnson

The bill was ordered to be read the third time.

The PRESIDING OFFICER (Mr. L. CHAFEE). The clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill is now returned to the calendar.

Mr. LOTT. I move to reconsider the vote.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I thank the managers of this very important legislation, the foreign operations appropriations bill. It has a lot of important provisions in it, funds that are critical to our foreign policy. We did have two very significant votes with regard to the Colombian aid. I think probably some Members were surprised by the show of support, with 89 votes against cutting the funds in one instance and maybe 79 in the other instance.

This has been good work. It did take patience by the managers and some cooperation on both sides of the aisle. We were able to get it done in a very short period of time. I thank all concerned for their good work. I hope we can continue that and make real progress on the Labor, HHS, and Education appropriations bill this week. After the work we have already done, I think we can show we are doing the people's business.

I commend Senator MCCONNELL and I commend Senator LEAHY for being willing to stay here last night and suggest we were going to have more votes last night. That helped get this done. I thank the Senators.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. LEAHY. Mr. President, I want to also thank the distinguished majority leader for his work in bringing this up. This can sometimes be a contentious bill, as he knows. His efforts in working also with the distinguished Democratic leader, Senator DASCHLE, paid off. And the distinguished majority leader had the patience to allow Senator MCCONNELL and me to work through an awful lot of amendments on both sides of the aisle.

I thank the distinguished Senator from Nevada, Mr. REID. We heard periodically the crunch in the Cloakroom as he broke a few arms, but we moved it through and got an overwhelming vote.

Senator MCCONNELL showed close cooperation with me and with Senators on both sides of the aisle throughout the process. I enjoy working with him. I know he agrees we need more resources for some of these issues, and we will work together to get them.

We have many interests around the world. We know U.S. leadership costs money. I think Senator MCCONNELL and I have tried to show a bipartisan cohesion on that.

I thank the staff. They spent many long days and late nights, many long weekends in getting this far. I appreciate that. Robin Cleveland, Senator MCCONNELL's chief of staff on the Foreign Operations Subcommittee, as always, has been a pleasure to work with. She shows enormous competence and knowledge. I appreciate that. Her assistant, Jennifer Chartrand, was indispensable to this. Jay Kimmitt on the committee staff and Billy Piper on Senator MCCONNELL's personal staff have all been of great help.

On the Democratic side, I mention several. First, I want to mention Cara Thanassi of my staff who was there from start to finish. Ms. Thanassi, on the floor now with me, is a Vermonter. She will be heading back to graduate school, only after she spends a month in East Timor. I am proud of her and what she has done for the Senate. She has shown the best attributes of a true Vermonter.

J.P. Dowd, my legislative director, helped on the Senate floor during the many busy times of the last few days. Of course, Tim Rieser, the Democratic clerk on the Foreign Operations Subcommittee, has worked on these issues in the Senate for nearly 15 years. He probably has as great an institutional memory on the foreign policy issues as anybody in the Senate staff or Senate and was truly indispensable.

Again, I thank the leader for his help in getting the Senate this far.

I yield the floor.

APPROPRIATIONS FOR THE DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES—Continued

MOTION TO COMMIT WITH AMENDMENT NO. 3598

Mr. LOTT. Mr. President, I ask for the yeas and nays on the pending motion.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I again ask for the yeas and nays on the pending motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3600 TO INSTRUCTIONS OF THE MOTION TO COMMIT

(Purpose: To limit the use of funds for standards relating to ergonomic protection)

Mr. LOTT. I send an amendment to the desk to the pending motion to commit with instructions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3600 to the instructions of the motion to commit.

Mr. LOTT. Mr. President, I ask consent that reading be dispensed with.

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

The amendment is as follows:

In lieu of the amendment insert:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer any proposed, temporary, or final standard on ergonomic protection.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3601 TO AMENDMENT NO. 3600

(Purpose: To limit the use of funds for standards relating to ergonomic protection.)

Mr. LOTT. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3601 to amendment No. 3600.

Strike all after the first word, and insert the following:

''Of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

''This section shall take effect on October 4, 2000.''

Mr. LOTT. Mr. President, I ask consent there be 2 hours equally divided in the usual form prior to a vote in relation to amendment No. 3599.

Mr. REID. I object.

Mr. LOTT. I ask there be 4 hours equally divided in the usual form prior to a vote in relation to amendment No. 3599 and the Democrats' motion to commit with instructions.

Mr. REID. Reserving the right to object, we have just finished several hours on other matters and we have a number of Senators with whom I need to check before we can agree to this unanimous consent agreement. Therefore, I object.

Mr. LOTT. Mr. President, I certainly understand that the Senator would want to consider the situation, where we are, and consult with a number of Senators. In fact, we need to do the same thing on our side.

I ask my colleagues on the Democratic side to see if we can't come to an agreement that is suitable on both sides of the aisle with regard to the amount of time and that we get a direct vote on this very important issue of ergonomics. It is germane to this Department of Labor, HHS, and Education appropriations bill.

We have had a good working relationship together over the past 2 weeks. There is no question we couldn't have made the progress on the appropriations bills if we hadn't had diligent work on the Republican side and a lot of cooperation on the Democratic side including, specifically, the Democratic leader, Senator DASCHLE, and the whip and assistant leader, HARRY REID. All have done good work.

I worry now that we are into a situation where we have an amendment that Members feel very strongly about, that is going to have dramatic impact on business and industry in this country, which is germane, and that we are being told we can't give you a time agreement, we are not going to give you a direct vote.

We have had direct votes over the past couple of weeks on the Patients' Bill of Rights issue, on hate crimes, on gun violence, on the Cuba commission, on abortion issues, on education class size—even though on some of the issues we would have preferred not to have voted or voted not on them with regard to that particular bill. It would also include, of course, the disclosure issue, which we think is a good issue, which should get voted on, but it was a problem being offered on the Defense authorization bill.

We were able to work through that. We got a reasonable agreement. We got a direct vote, and we moved on.

I have already talked with Senator DASCHLE. We are looking for a reasonable way to get this done. I hope we can find it because this is one of the biggest and one of the most important bills the Senate will consider this year. It is the funds for education, for the National Institutes of Health, for the Departments of Health and Human Services and Labor.

I would hate for it to stop at this point. We can make progress this afternoon. We can make progress on Friday. We can make progress on Monday. We could be having votes. With a little focus, maybe we can even finish this bill by Tuesday night or Wednesday. That is what I want to see happen, but we need to get it done and then go on to the Interior appropriations bill, a bill that also is very important and a bill, by the way, Senator GORTON has worked very hard to keep off controversial issues. The so-called rule XVI points will be objected to.

I urge Senator REID and my friend, Senator DASCHLE, to think about this. This is not the end of the trail, but we can have a vote on this important germane amendment, and then we can move on to other amendments and get our work done. I know we will be working together in the next few hours to see what we can come up with. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We have been able to complete, under great difficulty, five appropriations bills. They have had hundreds of amendments. We have been able to finish those bills.

I suggest the best thing to do, as I think the leader has already said he is going to do, is move forward with the debate on this amendment. There are tremendous feelings on both sides of the issue. People feel strongly about it. We should debate it for a while and see if something can be resolved. I hope, if we cannot do that, we might be able to move on to something else that needs to be completed.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 3594, AS MODIFIED

Mr. BOND. Mr. President, I rise today to support in the strongest possible way the Enzi-Bond amendment to the Labor-HHS appropriations bill relating to ergonomics. This amendment will save businesses, small businesses particularly, and other employers, and primarily their employees, from the ravages of OSHA's regulatory impulses running rampant.

As many in this body know, I have questioned OSHA's approach to formulating an ergonomics regulation for several years. Last year, I introduced a bill, which currently has 48 cosponsors, to force OSHA to wait for the results of the study that we and the President—and the President—directed the National Academy of Sciences to conduct on whether there is sufficient scientific evidence to support this regulation.

This measure is known as the Sensible Ergonomics Scientific Evidence Act, or the SENSE Act. Sadly, this issue, as administered by OSHA, has been lacking in common sense in the years that OSHA has been working on it.

We were not able to move the SENSE Act last year, nor were we able to convince OSHA they needed to put some common sense into their regulatory process before going forward with the proposed rule. At this time last year, we were fearful of what OSHA might come up with because it did not look as if they were going about it in a reasonable, responsible way. When the proposed rule was finally published in November and we found out what they wanted to do, it was worse than we could have imagined.

It is tragic that OSHA and this administration have all but disregarded the protections for the rulemaking process that are needed for sound regulations. They moved at an unprecedented pace, and it looked as if they were trying to get this regulation finalized before they even left office.

This is a classic example of ready, fire, aim. OSHA needs to be told they have gone too far and they must suspend the regulation so that it can be redrafted and put into some reasonable, workable approach.

The Enzi-Bond amendment to the Labor-HHS appropriations bill must be adopted, and I urge my colleagues to strongly support it.

I have the honor of serving as chairman of the Small Business Committee, and I have heard from literally thousands of small businesses and their representatives about the utter terror they face of having to comply with an impossible regulation that they cannot figure out and they cannot implement.

Let me be clear, their fear is not that they will have to protect their employees or even that they will have to spend some money to achieve that goal—they are doing that already because they do not want to see their employees have repetitive motion injuries or ergonomic injuries. They want to do what is right for their employees. In many cases, these employees in the smallest businesses are like family. They treat them like family members because they work closely with them.

Instead, this fear, this terror is that they will be forced to figure out what this regulation means, what is expected of them, whether they can satisfy the requirements, whether they will get any results from the huge costs of this regulation, and whether they can convince an OSHA inspector they have satisfied a regulation which gives no clear guidelines.

In some cases, the alternative to complying with the regulation may be to close the company or to move it to another country where they do not have such regulations, or, which is also extremely sad, they may be required to get rid of employees and buy equipment and replace their employees with equipment.

None of these regulatory efforts has to do with assuring protection for employees from repetitive motion injuries. The simple truth is, there is nothing the regulation says that will protect employees. It does not do what OSHA would have us believe it does. It does not tell employers how they can help their employees. On this basis alone, the proposed regulation fails and must be withdrawn.

OSHA likes to say this regulation is flexible. So is a bullwhip. What OSHA calls flexible is really a level of vagueness such that no employer, no matter how well intentioned, would be able to tell what is required of them or if they have done enough. Let me give a couple examples to help illustrate the degree of vagueness that permeates this proposal. These terms come directly from the language of the proposed rule:

Throughout the standard, employers are directed to implement provisions and establish program elements ''promptly.''

In analyzing a ''problem job,'' employers are instructed to look for employees ''exerting considerable physical effort to complete a motion,'' or employees ''doing the same motion over and over again.''

Engineering controls are to be used ''where feasible.'' When implementing the ''incremental abatement'' provisions, employers are to ''implement controls that reduce MSD hazards to the extent feasible.''

For an employer to evaluate its ergonomics program, it is to ''evaluate the elements of [its] program to ensure they are functioning properly; and evaluate the program to ensure it is eliminating or materially reducing MSD hazards.''

Ergonomics risk factors are defined as: ''(i) force (i.e., forceful exertions, including dynamic motions); (ii) repetition; (iii) awkward postures; (iv) static postures; (v) contact stress; (vi) vibration; and (vii) cold temperatures.''

Anytime one lifts a garbage can outside in the winter, one probably goes through all those.

To be effective, however, this regulation must tell employers when their employees will be injured, when an employee will have lifted too much, when the employee will have done too many repetitions, what an employer can do to prevent injuries or to help an employee recover from an injury.

OSHA loves to say this proposal is supported by adequate science and many studies. Unfortunately, none of these studies have answered these critical questions, or at least OSHA has not bothered to include any of that information in this proposed rule.

All other OSHA regulations provide a threshold of exposure to a risk beyond which the employer must not let the employee be exposed without protection or taking a corrective measure.

This proposal is unique in its complete absence of any thresholds. I guess that is what they mean by ''flexible.'' That bullwhip they use can come down at any time and give them the full benefits of flexibility. There is not a single threshold.

OSHA is telling employers: We think you have a problem. We cannot define it. We cannot tell you how to fix it. But you have to go fix it. We will hold you accountable for how well you fix it, even though we cannot tell you how to fix it.

This is absurd. It would be like driving down a highway where the sign said, ''Don't drive too fast,'' but not specifying what the speed limit is. You would never know if you had gone too fast until the highway patrolman pulled you over and told you whether you had gone too fast, according to that patrol person's view of what was ''too fast.''

This is no way to create an enforceable, workable, worker safety regulation in a country that prides itself on being a country governed by laws, not people.

This proposal is simply unenforceable as it is written. It amounts to nothing more than a regulatory trap which will result in more citations, more fines, more litigation, more legal fees, more confusion, and more problems without protecting a single worker or making a single workplace safer. It is a big bullwhip to threaten employers without telling them how to avoid that which they seek to prevent.

Whatever other problems this regulation may cause for large employers, the problems will be catastrophic for many small businesses. It is impossible to overstate the complications and the burden this regulation could impose on small businesses. Small business owners simply do not have the time, expertise, resources, staff, or understanding of the issue to deal with this regulation while still performing all the other roles that are demanded of them as businesspeople as well as family members.

The same person who may handle sales, accounting, inventory, customer relations, and environmental compliance may also be responsible for safety compliance. With the vagueness of this proposal, the lack of a scientific consensus on what causes these injuries, the lack of a medical consensus on what is an effective remedy, and the naturally complicated nature of this issue, the typical small business owners will be so overwhelmed with this regulation, it will be a wonder if they decide they can both comply with the regulation and stay in business. Every hour they spend on this regulation—and despite OSHA's claims, there will be many—is an hour they will not use to do something that will further increase their business or create more jobs. For small business owners, time really is money. And if they are not dealing with all these roles in their business, they are probably trying to set aside a few hours a day to spend with their children and families.

The Small Business Administration did an analysis of this proposed rule. One of the points they made is that small businesses are not just large businesses with fewer employees, they function in an entirely different way. In addition to their lack of resources and staff, they may also have a different cash-flow structure, which means that the financial burden of this regulation cannot be absorbed as easily.

In many small businesses, they are more dependent on financing for their operating capital, so the cost of implementing this regulation will require the company to take on more debt, thus eroding further its opportunity to make a profit and grow and hire more employees.

Also, small businesses often exist as niche businesses to serve very special needs. They may not be able to pass costs along to their customer easily because the customer may be able to do without the niche product or be able to find it cheaper or more easily from a larger source.

Small businesses are the engine of this great economic expansion we have been enjoying recently. They are the ones that are creating the jobs. They are the ones that are creating the opportunity and creating the wealth for many families around this country. This rule will be sand that can cause this engine to seize up and stop dead in its tracks.

The Small Business Administration's study on this proposal found that OSHA underestimated the cost of this regulation by a factor of anywhere between 2 and 15 times. OSHA simply has no idea how much this regulation will cost businesses, and particularly small businesses. And businesses have no idea what they will get for the money they will be forced to spend.

Employers have no problem investing in safety to protect their employees, but when you ask them to spend excessive amounts, with no guarantee of what they will get in return, they are going to object, and object strenuously.

This weekend, when I was in Missouri, I talked to small businesses, small businesses that are very much concerned about this. Do you know what they said to me? They said to me: Look, we don't want to see repetitive motion injuries. We are very much concerned if one of our employees comes up with carpal tunnel syndrome.

One small business owner said: I have hired two different safety engineers to come in and work with the employees and me to find out where there might be an injury, to help us develop ways of preventing those injuries. We talk with and listen to our workers and say: What are we doing? What can we do differently?

He also said: I have paid a lot of money trying to find an answer. Wherever we can find an answer, we implement it, because it doesn't make any sense for me to lose good workers or to have them suffer the physical pain, which is great, or to have the loss of income which can come from one of

these on-the-job injuries. And it certainly does my business no good to be without a valued employee.

And he said: When we look at what OSHA is telling us, how come, if they are so smart, they can't tell me what specific things I can do? What are the standards? I paid these safety engineers to come in and help me, and they have done everything they can. And OSHA doesn't even come close. They are not even trying. They are just going to pull out that big bullwhip and whack me across the back if there is something I missed and something nobody understands can be done to prevent it.

Small businesses are such a vital part of the economy that, 5 years ago this month, I introduced what we call the Red Tape Reduction Act, but it is technically known as the Small Business Regulatory Enforcement Fairness Act, or SBREFA. This act was passed by the Senate without a dissenting vote and signed by the President in March of 1996.

Among other provisions, the Red Tape Reduction Act requires OSHA to convene panels of small businesses to review regulations before they are proposed, at the time when their input can have the most impact.

OSHA convened their SBREFA panel for the ergonomics regulation in March 1999. It should be no surprise that the small businesses that reviewed this regulation thought it would be a nightmare to comply with. Even those businesses that were generally in favor of doing something about an ergonomics regulation, because of the possible ergonomics injuries and the pain they cause, believed that this proposal was seriously flawed and totally inadequate. In every category of question, the small businesses that reviewed this regulation found serious problems. The report was issued, and it contained many criticisms and complaints about the proposal. I will mention a few of them:

Many [small businesses] felt that OSHA's preliminary cost estimates had underestimated costs.

Some [small businesses] felt that there may be substantial costs for firms to understand the rule and to determine whether they are covered by the rule, even for firms not required to have a basic program and who have not had an MSD.

Many [small businesses] expressed doubt over their capability to make either the initial determination about whether they need an ergonomics program or to implement an ergonomics program itself. Many [small businesses] felt that they would need the assistance of consultants to set up an ergonomics program and to assist them in their hazard identification and control activities.

Almost all of the [small businesses] stated that they would not be able to pass on the costs of an ergonomics program to their customers. The ability to pass through costs may be dependent on the level of domestic and foreign competition.

Many [small businesses] questioned OSHA's estimate that consultants would not be necessary for any element of the program except in 10% of those cases involving job fixes.

Many [small businesses] had difficulty understanding OSHA's criteria for determining the work-relatedness of MSDs. Many [small businesses] interpreted OSHA's criteria for determining the work-relatedness of MSDs in such a way that, in practice, the two criteria in addition to a recordable MSD would be unworkable or ignored.

Some [small businesses] expressed concerns about how certain terms and provisions of the draft rule would be interpreted and enforced by OSHA compliance personnel. Many [small businesses] found it difficult to apply the concepts of feasibility, similar jobs and manual handling, as these are defined in the draft rule.

Many [small businesses] . . . were concerned about perceived overlaps between State workers' compensation laws and the draft standards' medical removal protection requirements.

Some [small businesses] suggested that employers' increased concern about MSDs could create additional incentives for employers to discriminate against individuals who may be members of protected classes of employees based on the perceived likelihood that such workers would have more MSDs than other workers.

Many [small businesses] suggested that non-regulatory guidance would be preferable to a rule.

Some [small businesses] recommended that OSHA delay the ergonomics rule until the completion of the National Academy of Sciences study that is now underway.

Mr. President, those are some of the comments the small business panels offered when they looked at this atrocity. You would think with all these concerns and recommendations, OSHA would have made major changes to the proposed rule to take into account, as they were supposed to, the legitimate concerns of small business. Unfortunately, that was not the case. The changes that were made were merely cosmetic, not substantive, and did not address any of these issues raised by the small businesses. In fact, OSHA made so few changes to the draft that when thousands complained about the short comment period after it was published in November, OSHA claimed the fact that it had been released to the panel qualified as giving interested parties sufficient time to help them develop their comments. OSHA ignored the concerns raised by small businesses that gave up their time to participate in this process in the hopes of helping OSHA fashion a reasonable and responsible, better regulation.

They didn't want to know. They didn't pay attention. This is precisely what the Red Tape Reduction Act was meant to stop, when a Federal agency says: Ready, fire; we will worry about the aim later, and they didn't care about what aim they took. They didn't care about listening to the small businesses. This is a clear-cut example of abuse of the law that is designed to protect small businesses from excessive overreaching and inappropriate Federal regulation.

Unfortunately, this has been a consistent pattern of OSHA during the development of this regulation. There have been numerous stakeholder meetings and meetings with concerned businesses where OSHA received valuable guidance and suggestions that would have led to a better regulation. OSHA has not been willing to work with anyone from the employer community who would have to deal with this regulatory monstrosity. They have pursued their vision of this rule with a myopic tunnel vision that has shut out any and all recommendations that could make this regulation palatable and workable. The intransigence of OSHA in this rulemaking has been positively staggering. Unfortunately, this regulation threatens not only to stagger but to take the breath out of small businesses in the United States.

OSHA would have us believe that they must move forward because of the levels of musculoskeletal disorders occurring among employees. In fact, as employers have focused on MSDs, the numbers have been steadily declining, since 1994, by a total of 24 percent. These injuries now make up only 4 percent of all workplace injuries and illnesses. This progress has come about without an ergonomics regulation.

There is more that needs to be done, yes. We need to continue to work to find ways to reduce these painful and harmful injuries that cost time and pain to employees and deprive employers and small businesses of their ability to turn out product or a service and make a profit. Businesses are willing to consider what makes sense for their employees when there is a solution available.

I told you the story of one small business owner with whom I talked this week in Missouri. I have held conferences. At the National Women's Small Business Conference I held in Kansas City, they talked about problems facing women small business owners. They have problems with procurement. They have problems with access to capital. They are scared to death of what can happen to their businesses because they don't want to see their employees have MSDs or musculoskeletal disorders, injuries from repetitive motions.

They told me they are working on ways to minimize them and eliminate them, but this regulation gives them no help in moving forward in their efforts, which they intend to continue, which are voluntary, which are effective, unlike this rule. There is no help for them in this regulation, just a bull whip, if something goes wrong.

This regulation does not provide a solution or any guidance that would be helpful to employers. If OSHA were smart, they would take a look at what is happening and get out of the way, or offer constructive assistance, help figure out ways to prevent these injuries. OSHA is trying not to reinvent the wheel but telling the wheel which way to go without giving it any guidance.

OSHA will claim they have made changes in response to the concerns of the businesses. They will point to the grandfather clause they included. That is truly a laugh. The only problem is the grandfather clause is worthless.

Not a single company in the country which currently has an ergonomics program could qualify for it. OSHA's grandfather clause requires a company to put OSHA's program in place so they can be relieved of having to comply with the OSHA program. That sounds absurd. It doesn't make any sense, but that is what they require. They said: If you will put into place this OSHA program, whatever it is—and nobody knows what it is—then you will have complied with the grandfather clause. But to our knowledge—and OSHA hasn't told us of any—nobody has one in place that meets the impossible and unworkable and unknowable standards of this rule and regulation. Grandfather? That looks like some other kind of relative, not often seen at a family picnic when you apply it to this clause.

OSHA's pursuit of this regulation has been so single minded, they have cut corners with the rulemaking process. Under the proposed regulation, an employer's obligation to implement the full ergonomics program is triggered when an employee has an OSHA-recordable MSD injury. OSHA's definition of a recordable MSD injury is one where ''exposure to work caused, contributed to the MSD, or aggravated a pre-existing MSD.'' An employee could actually have an injury caused entirely by nonwork-related factors. This regulation would require the employer to implement a full-blown ergonomics program if the employee's job requires them to do something as simple as standing, which aggravates the injury.

I have had an ergonomic injury trying to pull up carpet tacks in a new house. I spent a weekend pulling up carpet tacks. I could not move my arm the next day. I went into work. I couldn't use the typewriter, even a pen, but I knew what caused that: pulling up the carpet tacks and ripping up the rug.

Under this rule, if I had gone in and told the employer, darn, I can't use the typewriter, I can't pick up a pencil today, I can't lift the law books, under this definition, that would have been a recordable MSD injury for my employer.

That would not have made him happy. What is even more remarkable about this regulation is that the language comes directly from OSHA's 1996 proposal to revise the recordkeeping standard which has not yet been finalized. OSHA is actually trying to finalize their proposed recordkeeping standard by inserting that language in the ergonomics proposal. That is an outrage and a clear violation of the principles of fairness and disclosure that underlie the rulemaking process that must be and should be subject to challenge under SBREFA and the appropriate procedures and actions.

The fact that OSHA has taken liberties with the rulemaking process is hardly new. Most of us remember in January when OSHA tried to impose on employers the obligation to check the homes of employees who telecommute for safety hazards. OSHA was attempting to do this through a letter of interpretation in response to a legitimate inquiry from an employer. The outcry over this move was so loud and so bipartisan that the Secretary of Labor herself had to withdraw that crazy idea the next day.

One of the reasons OSHA's attempts blew up in their face so badly was because of this ergonomics regulation. Employers immediately realized that if they were responsible for safety hazards in an employee's home, the ergonomics regulation would require them to intrude into their employees' private lives far too deeply. The regulation already expects employers to be responsible for injuries that are not caused by workplace exposures. If employers were to be responsible for safety issues at home, there would be no limit to what they would have to cover. Employers would never be able to control the exposure to ergonomic risk factors in the home, or distinguish which risks were part of work activities and which risks were part of everyday life like picking up their children.

This is the most expensive, complicated, expansive, burdensome, and destructive regulation that OSHA has ever proposed. That is no small title to achieve. When you are dealing with OSHA, that is a high stump to jump. But they have done it on this one. Indeed, it could be one of the most burdensome regulations ever proposed by the Federal Government. OSHA is pursuing this regulation with no concern for the impact it would have on employers, or the fact that employees will lose their jobs because of this regulation.

I call on my colleagues to pass the Enzi-Bond amendment to the Labor-HHS appropriations bill to stop OSHA from finalizing this horribly flawed regulation and force them to reconsider their approach and listen to the scientific evidence and to the people who are making their best efforts, successful in part already today, to reduce ergonomics injuries. To vote against this amendment is to say that an agency can promulgate a regulation without providing an adequate scientific foundation, and they can impose a crushing burden that would drive small businesses out of business and deprive employees of their jobs without considering the impact. That must not be the case.

I strongly urge and beseech my colleagues to support this amendment and put a stop to a terribly bad idea before OSHA takes the bull whip to small businesses throughout this country.

CLOTURE MOTION

Mr. REID. Mr. President, I send a motion to the desk.

Mr. BOND. Mr. President, I believe I have the floor.

Mr. REID. It is a cloture motion.

The PRESIDING OFFICER. The Chair will examine the motion.

The Senator has a right to send a cloture motion to the desk without having the floor.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to commit H.R. 4577 to the Appropriations Committee with instructions to report back forthwith with the amendment No. 3598:

Jeff Bingaman, Richard Bryan, Daniel Akaka, Joe Biden, Richard Durbin, Bob Graham, Barbara Boxer, Byron Dorgan, Max Cleland, Thomas Daschle, Daniel Inouye, Harry Reid, Paul Wellstone, Joseph Lieberman, Charles Robb, John Rockefeller.

Mr. REID. I express my appreciation to the Senator.

The PRESIDING OFFICER. The Senator from Missouri still has the floor.

Mr. BOND. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to share some thoughts on the OSHA regulations, these ergonomic regulations.

First, I want to say that it is a worthy goal to improve safety and health in the workplace, but we ought to look at it carefully and we ought to, as a representative body of the people, look at the democratic aspect of this process and be prepared to examine these regulations before we authorize them to go forward and make sure they meet a scientific standard, and in addition to the extraordinary costs we know they will cause, we need to know that they will actually improve safety and health in the workplace.

Last year, before OSHA published its proposed ergonomic rules, Senator BOND introduced a bill, which I supported, prohibiting OSHA from publishing its final ergonomics standard until the National Academy of Sciences completes a congressionally mandated peer-review of all the scientific literature concerning ergonomics.

Unfortunately, a minority number of Senators in this body were able to block its consideration. This year, I am pleased to join with Senator ENZI, who has tenaciously and effectively pointed out the problems with this rule and why it ought to be delayed.

I just believe that we have to remember that experts have characterized this legislation as ''the costliest government job mandate since the founding of the United States.'' That is a matter that should give us all pause.

I believe it is important to base whatever regulations we have on sound science, and I don't believe that OSHA has done so. This is an important issue. I am going to talk about three cases in recent years in which OSHA has been found not to have based its regulations

on sound science or justifiable procedures. I do that because a lot of people think, well, if OSHA says it, it must be good. Somehow they are blessed with ''all-knowing wisdom.'' But you have already heard from Senators who pointed out a number of things that OSHA has done that are certainly not justifiable. It is not what I say to you today, but what the courts have said about this that is important.

Certainly, it is important to provide a safe environment. Ergonomics, though, are based upon decisions and recommendations made by ergonomists and/or engineers, and not physicians, and their medical theories have proven to be controversial.

OSHA has attempted to apply ergonomics in three legal cases that they litigated to judgment. In each instance, OSHA suffered major losses. These cases demonstrate the vast uncertainty surrounding these regulations and the science OSHA claims supports their implementation. Even the ''experts'' on ergonomics at OSHA admit there is a great deal of uncertainty in these regulations.

OSHA has litigated these claims under the ''general duty'' clause of the Occupational Safety and Health Act of 1970. This clause provides a general obligation on every business in America, all employers, to protect workers from ''recognized hazards'' of ''death or serious physical harm'' and functions as a catchall under which OSHA frequently attempts to expand its regulatory power.

One important aspect in the cases I will discuss is that OSHA had the burden of identifying hazardous job conditions. In the cases I am talking about, OSHA had to prove these were hazardous job conditions, and they have to show how they would be corrected. In the rule we are debating, the burden will be put on the employers to make these decisions. We are going to find out that OSHA could not do it. Yet they are going to demand that every employer in America—many of them small businesses—are to meet these kinds of standards.

No. 1, in the 1995 case, Secretary of Labor v. Beverly Enterprises, OSHA sought to prevent nursing home employees from lifting up residents in order to care for them and move them about the room. OSHA would have preferred carting the elderly residents about with mechanical hoists.

In a 31-day trial before a Federal administrative law judge, OSHA presented four expert witnesses, each with a Ph.D. in this field. These were some of the leading ergonomics theorists in the Nation, some of which had done extensive research on the practice of lifting in nursing homes.

The federal administrative law judge concluded ''There is no reliable epidemiological evidence establishing lifting as a cause of low back pain. Science has not been successful in showing when and under what circumstances lifting presents a significant risk of harm, none of the experts could say with reasonable medical certainty that any injury claimed by Beverly employees was caused by their job tasks.''

With all of the resources of the federal government, including numerous experts, the Department of Labor and OSHA were not able to fulfill their obligation to ''define the hazard in such a way as to advise Beverly of its obligations and identify the conditions and practices over which Beverly may exercise control so as to reduce or eliminate the hazard.'' That is a direct quote from the judge. If a federal agency is unsuccessful, how are employers expected to meet this burden under the ergonomics rule.

The courts have also spoken in regards to the ''flawed'' science that is the basis for this proposed ergonomics rule. In the 1998 case Secretary of Labor v. Dayton Tire, OSHA launched an attack on 22 different manufacturing jobs in a single tire-manufacturing plant.

This is yet another case of the federal agency utilizing their large financial and personnel resources to prove their case. OSHA assigned three compliance personnel to a six-month inspection and investigation of the facility. At trial before the administrative law judge it called more than three dozen witnesses, including 31 employees, 4 doctors from the facility, 3 OSHA investigators, and 2 experts.

Thousands of man hours were spent in preparation for the trial, studying the jobs they claimed caused the injuries. The trial lasted 6 months, even though the company only called one witness.

The OSHA witnesses had extensive experience with ergonomics, with one having spent the last six years as an analyst for OSHA whose ''primary job'' was conducting ergonomic analysis.

OSHA's medical expert in the case was a university professor who was certified as an expert in ergonomics, who with the assistance of three other faculty members and six residents, had conducted extensive analysis of the medical records of the Dayton Tire employees who allegedly suffered from musculosketetal disorders. The Professor confessed during the trial that ''if he had been the treating physician, he would not have felt comfortable making a diagnosis of the conditions, nature and cause'' of those injuries.

This uncertainty is quite alarming coming from a man with expertise in the area. The fact that he conceded that his study did no more than ''present a red flag that something may be wrong'' at the plant concerned the judge.

The judge ruled and held that this method was ''not trustworthy'', ''scientifically valid'', or ''scientifically reliable'', stating that ''Conjectures that are probably wrong are of little use''.

Ultimately, the judge concluded that the expert's analysis ''failed to meet the minimal requirements for evidentiary reliability established in Daubert v. Merrel Dow Pharmaceuticals, Inc., the 1993 Supreme Court decision that requires judges to exclude ''expert'' testimony that uses scientifically invalid methodology or reasoning. This standard is generally referred to as the ''junk science'' standard.''

This testimony was rejected as not even valid testimony under the ''junk science'' doctrine. That is what OSHA was relying on in that case.

The fact that OSHA characterized the methods of their experts in the Dayton Tire as ''widely used and generally accepted'' among ergonomics experts, clearly shows that when scrutinized the science that is the basis of this ergonomics standard is fundamentally flawed.

In the 1997, Pepperidge Farm case, OSHA had its only opportunity to have an ergonomics case decided by the full Occupational Safety and Health Review Commission.

The risks that OSHA identified in the case were ''capping'' cookies—employees lifted the top of a sandwich cookie from one assembly line and placed it on top of the bottom of the cookie on another assembly line in a repetitious fashion.

To abate these conditions, OSHA ordered the company to increase its staff, slow assembly line speeds, increase rest periods, or simply automate the entire operation.

Automation means job loss. People complain that when we automate we are losing jobs. One reason that is happening is these kinds of regulations that drive up the costs; and to make it more economic for a company to avoid these kinds of lawsuits and Federal complaints, they could just go on and create some new form of a machine that could do the work without people.

While the commission did accept some of the major premises of ergonomics, such as repetitive workplace motions causing worker injuries—I am sure under the circumstances that can happen; I would not dispute that—the commission ruled that OSHA failed to show that its proposed ergonomics measures were appropriate means of reducing musculoskeletal disorders purportedly caused by the worksites.

The Commission found that some ergonomic measures had been implemented by the company and that the additional measures proposed by the agency's expert ergonomists were not shown to be feasible and effective.

The decision is particularly damaging because OSHA had enlisted enormous resources and leading experts to show what the company should have done to avoid worker injury. Yet OSHA and its experts could not prove in open court what works, again raising the question of how businesses can make such determinations when OSHA can't.

In these three cases OSHA deployed hundreds of experts and millions of dollars to target what they considered to be particularly hazardous worksites.

But because of the flawed science the agency could not determine what if anything was wrong, or how to correct it. And the courts rejected their view. This is why business is concerned.

Some think just because they have the name OSHA, that they do everything right. They have been knocked down time and again by the courts. Businesses do not understand and do not have confidence that the 300 pages of these proposed regulations are going to apply fairly, and they do not believe it is scientifically based. I can understand their concerns. Employers should not be held to a standard that has consistently alluded the agency that seeks to regulate them.

I believe we should pass Senator ENZI's amendment and delay the ergonomics standards until the uncertainties regarding the science and implementation of this can be further explored. I don't know the answer. OSHA has, through these three cases, established that they don't have the answers either. Why don't we allow the National Academy of Sciences' study to be completed? Why don't we get opinions of the physicians and medical experts who can understand these issues before we rush to force these regulations into play?

That is what we should do. That is why I believe the amendment by Senator ENZI is the proper amendment.

Let's get the scientific basis before we act.

I thank the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senators on my side of the aisle who have spoken on the ergonomics amendment and the detrimental method by which OSHA is trying to force the standard through.

I ask unanimous consent Senator DOMENICI be added as a cosponsor.

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

Mr. ENZI. I thank Senator HUTCHINSON for his great delivery on the way the rulemaking process works and the way it has been forced in this instance. I thank Senator BOND not only for the speech he gave on the floor a while ago but for his continued interest and knowledge on the issue of ergonomics and his particular concern for the small businessman and how this rule and former ''rumored'' rules would affect them.

This is the furthest a standard has ever gotten on ergonomics. It has now been published. It is the first one to be published. Now people have an opportunity to see how harmful or damaging it can be.

I am the chairman of the subcommittee on workplace safety and training. I have worked a number of OSHA issues since I have been here. I have always tried to be reasonable on the issues on which I have worked. I appreciate comments from the other side of the aisle about the way I have worked with the other people.

I need to let everybody know what is happening. There are the votes to pass my amendment, so there is a filibuster to keep it from ever coming to a vote. There are people who would prefer not to vote on this measure at all. If they are listening to the debate, they should be interested in making sure that the rules get the full amount of time needed to decide properly whether that will provide the workplace safety about which we have been talking.

I offered an amendment, and there was a motion to commit. Some may not know what a motion to commit is, using another bill. It sends it back to committee to put in a completely different provision from ergonomics. There was an insistence it be read in full. It took only an hour and a half out of our day. That is Senate procedure.

Now we have an amendment on the bill again that brings us back to the ergonomics amendment. It is essential we get a vote on this ergonomics amendment. It is essential the Senators get an opportunity to say whether they think OSHA has been rushing a bad product. You will see a very conclusive vote on that when it comes to a vote.

This is a vote about how your Government, more specifically your bureaucracy, operates. This is not about safety necessarily, because if it was about safety, there are some other approaches OSHA would take. OSHA is not necessarily a safety organization. It is about fines, not necessarily prevention.

One of the things that has come up since I have been working on the OSHA issues is an explanation of how much injuries have increased since we passed the OSHA Act. I decided I would go back another 30 years before the OSHA Act and see what has been happening with injuries in this country. Do my colleagues know what I discovered? Injuries were decreasing at the same rate since 30 years before we thought of OSHA.

Do my colleagues know why that is? It is because businesses are concerned about their people. They are concerned about them. If they do not have a worker there, they are not getting the work done that they expect that person to do. Injuries cost money. Injuries are difficult to work with.

When we were doing the hearing on the work restriction protection—that is the part where workers comp will supersede State workers comp on the Federal level, which is poorly designed, very inadequate, and there is no money to do it—during that hearing, we received testimony from Under Secretary Jeffress. I was pleased to read his testimony. Witnesses get a short time before the committee to present testimony. During the course of that, I will read the rest of the testimony so I know what they intended to say if they could have said everything they wanted to say.

I ran into a paragraph about New Balance shoe manufacturing facilities. That caught my eye because for years my wife and I ran a shoe store in Gillette and in a couple of other places. New Balance was one of the shoes we sold. I was very pleased they make narrow shoes. It is a very good tennis manufacturing company.

In the statement, it said this New Balance shoe manufacturing company cut their workers compensation costs from $1.2 million to $89,000 a year and reduced their lost and restricted days from 11,000 to 549 during a 3-year period.

I asked Secretary Jeffress how much they had to fine this company to get them to do that fantastic work. They did not have to fine them. Of course not. Can you imagine the economics of reducing your cost from $1.2 million to $89,000 a year? That is good business. It also saves employees.

There are other examples of companies that have reduced their injuries dramatically. I said if OSHA was not there to fine them, how would that possibly have happened? Again, companies, for the most part, are extremely concerned about their employees. In fact, when the ranking member of our subcommittee spoke earlier, he mentioned that in his State of Minnesota, GM and 3M, and some other companies I did not get written down, are reducing their injuries dramatically. What I would like for him to do is to call those companies and see if they think this standard is essential to continue to do that.

The answer will be a resounding no, this will cost them a lot of money which will be diverted from the things they are already doing.

I wonder how many people know that ergonomic injuries, according to Department of Labor statistics, have gone down 24 percent since 1994. Imagine that. This rule was not in place. This rule is just proposed. Yet American business reduced ergonomic injuries 24 percent. There were no fines, no penalties, no standard, no rule, just concern for their employees. It is pretty amazing.

Can you imagine what those businesses would be able to do if OSHA saw as their mission preventing injuries—not fining, I did not say fining—preventing injuries and focused their efforts on helping businesses, particularly the small businesses for which Senator BOND expressed deep concern, the people who do not have all of the experts on board to make the best care possible? If the focus of OSHA helped those small businesses figure out what they could do differently, I bet we could get that decline rate up to about 50 percent, but it takes some experts helping out, not total concentration on a phony rulemaking procedure.

Oh, did I say ''phony''? I am sorry, but not very sorry because when I explain how this rulemaking procedure is working this year, everybody in this Chamber might agree that it is a phony process.

OSHA is paying witnesses to testify. They are not paying expenses, they are

paying them to testify. They are not just paying them to testify, they are even telling them other things they ought to say, ways they can beef up their testimony. If it is a $10,000 expert, don't you think he could write his own testimony? I do.

OK, a $10,000 expert, and then they have them come and do a mock hearing. An expert needs a mock hearing? I do not think the whole $10,000 goes to the testimony, because from some documents I have been able to look at, it appears to me $2,000 of that is really supposed to be to tear apart any testimony in opposition OSHA gets. They are paying people to tear other public testimony apart. Does that sound like something your Government ought to be doing? That is how badly OSHA wants this rule.

It was mentioned this morning that this is a proposed rule. Of course, it is a proposed rule. There is a process that it is supposed to go through, and it is not supposed to just take a year. That would be a record for OSHA even when they are doing much simpler rules. This is a very complicated one, a very expensive one, time consuming, and a damaging one. They are going to force it in a year. Every indication I find says they can do it unless we adopt this amendment. Is that why we are getting so much opposition through a filibuster to adopting this amendment?

Yes, this is about your Government, specifically your bureaucracy. This is about how your Government can control the business you work for without getting anything for the employee in return.

We heard some stories this morning about working people's lives, and we are concerned about those working people's lives. I was in small business, and when you work with people in small business, it is not a boss-employee relationship. If you cannot get along better than that, you probably will not have them as employees.

We had some examples of a few people, and there are many throughout the United States, who are being injured through repetitive motion. I am asking all of the businesses that deal with that to concentrate on eliminating the repetitive motion. I am asking OSHA to work with those businesses in finding ways to eliminate the repetitive motion.

Earlier we mentioned home office inspections, and everybody got up in an uproar saying that was already taken care of. Yes, this same department that we are talking about as proposing this rule—the same one—said that they had the right to go into homes and inspect. That raised a lot of interest, a lot of concern, and in about 48 hours—48 hours after we discovered it, not 48 hours after it was done—they discovered how terrible that was and they reversed it.

I really think if they think about the process that we are going through here, they would give some very serious consideration to reversing what is going on right now: Forcing a rule through, not giving any indication that any changes would be made, and part of that comes from this paying of witnesses.

Another issue we are dealing with around here is one about China, PNTR. I am getting a lot of letters on it. I am sure everybody here is. Half of those letters are talking about the way jobs are going to go overseas.

I am part of the NATO Parliament. I went to the last session of that. We talked about the way the Parliament changes. I was on the economic development committee for that. We talked about the ways that some of these other countries are having economic development. I saw some examples of how they were having economic development.

I saw a factory where people work for extremely long hours, every day, in complete body outfits, where only their eyes are visible. Their eyes are visible because they look into microscopes all day and weld on hard disc drives. It is an extremely tedious, repetitive motion. Those people get $350 a month. It should not happen.

But when we pass rules, by forcing rules through that greatly increases business costs, without protecting the worker at all, we are exporting jobs. The unions ought to be up in arms about this rule and what it will do in exporting American jobs. It concerns me. I hope it concerns everyone.

A lot of these things are interconnected. But the issue we are talking about here isn't as much what the rule is as it is the way it has been pursued.

I have asked questions to get information about how the process is working. I did not get the information. I found out the House had the information. I requested the ability to see it. I was told it could not be brought to my office. The House had fortunately made an arrangement by which I could look at it. But the arrangement did not say, ''in my office,'' so I had to go over there. But I was willing to do that. I was astounded at what I found when I got over there and figured out why it was they wanted me to go to every last bit of effort to look at it that I possibly could.

I have shared some of that with you. I would have liked to have shared it with you in more detail, but the agreement they had for me to even look at it said there was privilege in this that keeps a Senator, in an appropriations process, from being able to see the documents he needs to be able to see to know how the money is being spent so he can make decisions about how it will be spent in the future. I think that is unbelievable and it is just not right.

We have had some testimony in committee. We found out how OSHA gathers its testimony. We have found out how the whole process works. That is why I have asked everybody to vote against this.

QUORUM CALL

Mr. ENZI. Mr. President, I could go into more examples of what has been happening. I could counter some of the things that have been said, but at this point I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Smith of Oregon). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. ENZI. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 6]

Durbin	Harkin	Reid
Enzi	Kennedy	Smith (OR)
Feingold	Kerry	
Gorton	Lott	

The PRESIDING OFFICER. A quorum is not present.

Mr. LOTT. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Majority Leader.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.—

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—94

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

NAYS—3

Breaux	Conrad	Murkowski

NOT VOTING—3

Boxer Inouye Johnson

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. LOTT. 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.

Mr. LOTT. Mr. President, in a moment I will put in another quorum call. I thought we should go ahead and conclude that vote. We have come up with a procedure that I think is fair which will allow the Senate to go forward on the two issues that are now pending before the Senate. We are working on both sides of the aisle to make sure Senators are aware of what we are proposing. If we are able to get that agreement, there would be a couple of votes stacked in an hour or so. If we cannot get it agreed to, then there will be a vote here in the next 15 minutes.

I am sorry I cannot give a more certain answer right now. We hope to have some agreement in the next few minutes. We will then put in that unanimous consent request and proceed to have some debate agreed to and the two votes, or go straight to the point of order on the pending motion.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I ask unanimous consent that the pending motion to commit be withdrawn and amendment No. 3594 be withdrawn and the Enzi amendment No. 3593 be laid aside. I further ask consent that the Robb amendment to the instructions be drafted and offered as a first-degree amendment to the bill.

I further ask consent that there be 1 hour for debate equally divided on both issues to run concurrently, and that at the conclusion of the time, the Senate proceed to vote on the Enzi amendment No. 3593, to be followed by a vote on the prescription drug amendment, without any intervening action or debate.

Mr. DASCHLE. Mr. President, reserving the right to object, I assume that the majority leader is referring here to an up-or-down vote in both cases.

Mr. LOTT. Absolutely. That was the understanding that was reached.

Mr. DASCHLE. Right.

Mr. LOTT. Some on both sides had reservations about that, but that was the only way we could bring it to a conclusion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The motion to commit and the amendment (No. 3594) were withdrawn.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, just so we can have an understanding of this, on our side the time with regard to the Enzi amendment on ergonomics would be controlled by the Senator from Wyoming, and the time on our side against the Robb amendment would be controlled by Senator Roth.

I presume Senator ROBB would have the time on your side, I say to Senator DASCHLE. Who do you wish to control the time on the other issue?

Mr. DASCHLE. Mr. President, I designate Senator ROBB as our manager on the Robb amendment and in control of the time. The manager in opposition to the Enzi amendment will be the senior Senator from Massachusetts, Mr. KENNEDY.

Mr. LOTT. I believe we are ready to proceed with the debate. I yield the floor.

MODIFICATION TO AMENDMENT NO. 3598

The PRESIDING OFFICER. The clerk will report the Robb amendment.

The legislative clerk read as follows:

Amendment No. 3598 previously proposed by the Senator from Virginia [Mr. ROBB], as modified.

Mr. REID. I ask unanimous consent that further reading of the amendment be dispensed with.

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

Pursuant to the previous order, the modification to the amendment is as follows:

At the end of the bill add the following:

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I yield myself 2 minutes of the 15 minutes that are allocated to the affirmative position on this amendment.

Mr. President, for the benefit of our colleagues, I would like to summarize this amendment as succinctly as I can. It is a bipartisan bill that would guarantee access to a comprehensive, meaningful prescription drug benefit for all Medicare beneficiaries. Unlike other drug proposals, our bill would guarantee total coverage for seniors, without any limits or gaps.

Let me say, however, to my colleagues on the other side of the aisle, that this benefit is not some ''big government'' solution to the Medicare prescription drug problem. In putting this proposal together, our bipartisan group opted to rely on private sector, market-based mechanisms to deliver medications to seniors. Competition and choice are at the very essence of our bill. For those who suggest that we need to take a centrist approach, I say that this bill is that logical bipartisan compromise. And we need to act on it now.

Mr. President, today is June 22. With the Senate deep into the appropriations process, we have very few legislative days left in this session. If we are going to get a prescription drug bill to the President's desk, we need to consider one now.

Mr. President, I've spoken previously today about the stories I heard in a series of health care fora held in my state over the past month. In one of them, I spoke to a physician who was prescribing the drug Tamoxofin for women who had been diagnosed with breast cancer and who were Medicare eligible. One woman was sharing her prescription with two other women who simply could not afford it—a travesty by any health care standards. I've heard many other stories of similar magnitude.

Prescription drugs are clearly a part of modern medicine today. They are a necessity, not a luxury. I ask that our colleagues respond affirmatively to this chance to provide modern medicine to those who are eligible for Medicare.

I reserve any time not used.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I yield myself 3 minutes.

Mr. President, I rise in opposition to the so-called Robb amendment, not because I necessarily oppose its terms but because it affects, in an adverse manner, the possibility of getting legislation on prescription drugs enacted this year.

Prescription drugs is a matter before the Finance Committee. It is undoubtedly the most important domestic legislation that will be considered this year. Nothing will happen if we permit this legislation to become partisan. We do not need a Democratic bill. We do not need a Republican bill. We need legislation that represents a bipartisan consensus on both sides of the aisle.

We have worked very hard in the committee to develop the kind of information that is essential to design a bill that will meet the needs of the American people. We have spent something like 15 days on hearings, bringing before us experts as to what we should do to, frankly, modernize our Medicare legislation.

The last 2 weeks have been spent in meeting with Republicans and Democrats alike on the various proposals that have been made both by Republicans and Democrats in the House and the Senate.

We just completed that process this afternoon. I am very happy to say that I think the end results of these meetings give us a good chance to develop a bill that can be supported by both Republicans and Democrats.

I know there are people who want to make this a partisan issue. I know there are people who want to have a Republican issue on this matter, and the same is true on the Democratic side. But I say that this matter is too important—too important to our senior citizens—to try to rush it through in a political way rather than working together.

During our hearings, we had representatives of the AARP and other advocate groups. The one message they gave that came through loud and clear was: Do not rush something through.

Make sure that whatever you do will meet the needs of the American people. They urged, time and again, that it is essential that we act with care.

Let me point out, to those who want to have a vote all of a sudden on a piece of legislation that has not been studied, that in 1987, the Congress voted for—and it was signed into law—catastrophic legislation. That was passed in 1987. In 1988, it was revoked because the legislation did not do what the people thought it would do. We must not make that mistake again.

It is critically important that as we move ahead, we move ahead with care and understanding. Let me say, I understand full well the importance of this legislation and want to get it done. But it does not help the process or the development of a good piece of legislation if it is handled in a partisan way.

This bill was only introduced 2 days ago on June 20. The text of the bill has not even been printed in the CONGRESSIONAL RECORD. Are we going to act on that today without an understanding of what it includes and what it means?

It is estimated this legislation would cost, over 10 years, something like $200 to $300 billion.

The PRESIDING OFFICER (Mr. SESSIONS). The time of the Senator has expired.

Mr. ROTH. I yield myself 1 more minute.

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

Mr. ROTH. In 5 years, it is estimated it would cost something like $75 billion. Under the budget resolution, we are allowed to spend $20 billion in 5 years, if we have no reform. If we have reform, our program can consume up to $40 billion. This piece of legislation would cost something like $75 billion. The last thing we need to do is move ahead on legislation that would put our Medicare program at greater risk. Its solvency is already estimated to last only until 2025. In adopting what will be admittedly an expensive new program, we want to make sure that it is fiscally sound.

I urge and hope my friends on both sides of the aisle will reject this legislation and give the Finance Committee, which has jurisdiction, the opportunity to develop a bill that will serve the needs of our senior generation.

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

The Senator from Virginia.

Mr. ROBB. Mr. President, I yield 5 minutes to the Senator from Nevada, Mr. BRYAN.

Mr. BRYAN. I thank the Senator from Virginia.

Mr. President, I am pleased to join with my colleague from Virginia in offering a Medicare drug program.

For the 223,000 Nevadans who are Medicare recipients, no legislation we will debate in this Congress is more important for them. Two-thirds of them have either no prescription drug coverage at all or inadequate coverage—this at a time when prescription drug prices are increasing at a rate of nearly 20 percent a year.

I will talk about what this measure will do. First, it provides guaranteed and universal access to prescription drugs. Unlike some of the other proposals being debated, this benefit will actually be available because it is offered as an integral part of the Medicare program. Second—and this is important—the benefit is comprehensive and defined, simple. It is understandable. Beneficiaries understand what the coverage is, and it will not change from year to year or month to month. Moreover, this is the only proposal to offer complete coverage after the deductible. There are no gaps or limits. The bottom line: All seniors will be guaranteed access to affordable drugs and will have the peace of mind knowing that full coverage is provided for any and all expenses above $4,000. Any expenses for prescription medication above $4,000 are completely handled under this program. Third, this benefit is affordable for all beneficiaries. Those with the lowest incomes are provided the most assistance.

Finally, and critically, this proposal maximizes competition and provides choices. All of us who have been privileged to serve on the Finance Committee and to study this issue recognize the element of competition and choice as being an essential reform. This is not a one-size-fits-all program. Multiple private businesses are used to administer and deliver the benefit so there is competition at two levels: first, in terms of who are being chosen to provide the benefit and, second, those who are chosen compete and try to sign up beneficiaries for that program. So there is both competition and choice.

In sum, this amendment gives beneficiaries what they need most—long overdue coverage of prescription drugs—and it also injects competition into the program and provides choices for beneficiaries. It is the first proposal to offer universal, guaranteed, affordable, fully-defined comprehensive coverage, no limits, no gaps, no gimmicks. This proposal is for real. Beneficiaries will know what they are getting, and they will know without a doubt that the benefit will actually be provided.

I urge my colleagues to join me in supporting the proposal of the distinguished Senator from Virginia. The time to act is now.

I yield the remainder of my unused time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, does the Senator from Delaware or anyone opposing this particular bill wish to speak at this time?

Mr. ROTH. The Senator from Virginia may proceed.

Mr. ROBB. Mr. President, I yield 3 minutes to the Senator from Florida, Mr. GRAHAM.

Mr. GRAHAM. Mr. President, I commend our colleague, Senator ROBB, for the outstanding leadership he is providing on this critical issue. On Monday, Senator ROBB and I visited the Archbishop McCarthy Residences in Opa-Locka, FL. There I met an elderly lady who had this story to tell. She had purposefully joined an HMO in order to be able to get access to pharmaceutical coverage.

Two months ago, the HMO announced it was dropping all pharmaceutical coverage. This was the first month in which the impact of that was felt by this elderly American. What did it do to her? She has five medically necessary prescriptions. She had to decide to forgo three of those five because she could not afford them. The two she thought she could not omit cost her $168 a month out of her very limited income.

This is not a theoretical or conceptual issue. This is a real life-and-blood issue for millions of Americans.

It has become an issue, in part, because of our successes. When Social Security was established in the mid-1930s, the average American had a life expectancy after 65 of 7 years. Today, the average American has a life expectancy after 65 of 17 years. According to the Census Bureau, 100 years from today, the average American will have a life expectancy of 27 years after they reach 65.

Those numbers have fundamentally changed what constitutes effective, humane health care. It has meant that we need to be making an investment in prevention. If a person is only going to live a few years after retirement, one could argue, why spend the money on prevention. But if a person is going to live 17 or 27 years, that is a big share of their life.

In addition, because of that extended life, there is more emphasis on care for people who have chronic conditions that have to be managed for many years. Both of those, prevention and chronic care, necessitate access to prescription drugs. That is what this plan will do.

The year 2000, the beginning of the 21st century, will mark the year in which older Americans will no longer have to make the choice that the woman in Opa-Locka did, to drop three of her medically necessary prescriptions and then end up paying a very high part of her meager income to buy the two drugs she could not avoid.

I congratulate our colleague for bringing this amendment forth. I urge all of our colleagues to see this as a kind of opportunity and pass the Robb amendment.

Mr. MCCAIN. Mr. President, it is simply wrong that many of our nation's seniors who live on fixed incomes must choose between medicine and food. Our seniors should not be forced to drive over the border to Canada to purchase affordable prescription drugs.

As I have said many times over, we must work together to develop an initiative for helping America's seniors

obtain the prescription medication they so desperately need without forcing them to chose between groceries and vital medicines. Each of us must put aside partisan politics and work together to help our nation's seniors—many of whom are skipping or ignoring their medical needs because of the exorbitant prices they must pay for medication.

But I can not support the proposal before the Senate this evening. I can not support using parliamentary procedures and political posturing to force a vote on a proposal that has not been available for extensive review, analysis and input—particularly from our constituents and the very seniors we are trying to help. That is simply wrong.

Congress must take great pains to ensure that a Medicare prescription drug plan does not repeat the mistakes of Medicare Catastrophic legislation in the late 1980's. Medicare Catastrophic made broad, expensive reforms in the Medicare system which seniors saw as excessive, unnecessary and unviable. To truly help seniors obtain prescription drugs we need to take the time to engage in a thorough debate carefully scrutinizing and vetting the proposal. We must be conscious of what America's seniors want and need, and balance that with fiscal restraint and responsibility. We must find a method for helping our nation's seniors have access to prescription drugs that does not place an unfair and unexpected burden upon them or the taxpayers.

Mr. President, I respectfully request that my remarks be included in the RECORD with the debate regarding this amendment.

Mr. JEFFORDS. Mr. President, let me take just a brief moment to explain to my colleagues why they should join me in opposing the Robb amendment.

I am going to vote against this amendment because this amendment would stall a very important bill, the Labor, Health and Human Services Appropriations bill, and send it back to go through the process again. I have been meeting on a bipartisan basis in the Finance Committee, working in good faith, to come to an agreement to provide prescription drugs through Medicare. I am disappointed that my colleagues have decided to throw bipartisanship aside and offer this politically motivated amendment. The fact is, Mr. President, I got this amendment only a few minutes ago, and it has not even been printed in the CONGRESSIONAL RECORD.

I have always been very clear that I support a prescription drug benefit for Medicare beneficiaries, and I have several well drafted bills that would help seniors with their drug costs now. I have been working on a bipartisan basis to address the issue of coverage for seniors as well as the issue of the inequity of international pricing disparities for prescription drugs.

It is very difficult to understand this amendment because it is actually missing several pages, but from what I can tell, this bill has serious problems that need to be addressed. First, this amendment is drafted in such a way that would threaten the solvency of a Medicare program that is already in financial trouble. This proposal contains no reforms that would make the program more efficient, and in fact could cost as much as $300 billion over 10 years—far more than has been set aside in the Budget. The fact is, this amendment has not been considered by any Committee, and has only been considered for 30 minutes on this floor. In short, Mr. President, this is no way to pass landmark legislation that will affect all of our senior citizens.

For these and other reasons that I do not have time to list, I will join a bipartisan group of Senators in voting against this ill-advised procedure and against a politically motivated amendment that will keep us from accomplishing a real, bipartisan prescription drug benefit that will help our seniors right now. It is my intent to vote on a real prescription drug benefit that will benefit all seniors, and to complete legislation this year that will address the inequity of international pricing disparities.

Mr. ROBB. Mr. President, how much time remains on the side of the proponents?

The PRESIDING OFFICER. The Senator from Virginia has 6 minutes. The Senator from Massachusetts has 15 minutes. The Senator from Delaware has 11 minutes.

Mr. ROTH. Mr. President, I yield 3 minutes to the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am concerned about the need for prescription drug assistance to needy seniors. I have traveled all across my State and, frankly, I think there are many seniors in need of some stop-loss protection. Those without coverage want to be able to buy drugs at discounted prices like those with coverage can because they are part of a group. This measure brought before us today literally takes longer to read than we have allowed for debate in the Senate on it. My staff hasn't been able to get a copy of it, which doesn't provide us with an intelligent and responsible way of making decisions here.

I think there are some good concepts here. I like the concept of stop-loss protection. In talking to people in my State, they want that. They want some sort of copay for people, but they want this to be available for people at all income levels. We spend a lot of time here in the Senate trying to make it possible for people to make good decisions by mandating that there be plain language, or that there be time for people to read things, or time for people to consider things in making contracts or otherwise entering into agreements. Yet we are being asked today, without any strong, valid, and reliable estimation as to cost, without an opportunity to actually see what is being proposed, to make a commitment, or instruct the Congress to commit to the expenditure of funds that might invade the Social Security surplus, which might well impair the capacity of this Government to meet its other obligations. It is not responsible. It is not the way we ought to do business.

So while I very much appreciate the effort, and I believe that we ought to find ways to help needy seniors to get access to prescription drugs, which can frequently keep them out of the hospital and help them remain independent and can save what would be hospital costs under Medicare, I think it is reasonable that we would have an opportunity to read the legislation, an opportunity to know something about an accurate estimate of its cost.

So I have to say that I don't think we should pass that which we haven't read, or that which is not available for our inspection. For that reason, regrettably, I announce that I will have to vote against this legislation. I think its intention is good, and I think many of its proposals appear to be in line with what the people would want and expect but without having an opportunity to read it and inspect it, to understand it and understand its cost, I think it is unwise for us to vote in its favor.

The PRESIDING OFFICER. Who yields time?

Mr. ROBB. Mr. President, I yield 2 minutes to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I, too, commend my colleague from Virginia, Senator ROBB, for his wonderful leadership on this issue. My colleagues have already spoken eloquently about the need for prescription drug coverage among seniors and, certainly, the basic components of this amendment. I won't reiterate what they have said. We, as a body, must make this a priority, and we have not. I think this amendment is timely because the House is scheduled to act on it today. It is quickly becoming a crisis issue for many seniors in the country today, and that is why I am here as a supporter of a bipartisan plan in the Senate.

As a Senator who represents the State with the highest poverty rate among seniors, I am committed to seeing that the Senate act this year to implement a prescription drug plan. With all due respect to the chairman's comments in terms of timeliness and what must go through committee, the bottom line is that we are running out of time to do something on this issue.

This plan will provide immediate, affordable, and comprehensive drug coverage to seniors who often have to make the choice between buying food to eat or buying the prescription drugs they need. I want to emphasize the importance of the Medicare outpatient drug plan to rural seniors. In particular, this plan helps all seniors, particularly those who are low-income and living in rural areas. This is important because low-income and rural seniors

are less likely to have adequate prescription drug coverage. Nationally, rural seniors are 60 percent more likely not to be able to buy needed prescription drugs due to their high cost. A greater proportion of rural elderly spend a large percentage of their income on prescription drugs. Rural beneficiaries need adequate coverage because they are more likely to have poor health and lower income than seniors living in urban areas. In Arkansas, 60 percent of the State's seniors live in rural areas.

This is a good prescription drug proposal. It is a fiscally sound proposal that offers free coverage to our Nation's poorest seniors and reasonable benefits to those who can better afford to pay for some of their benefits. Our seniors deserve to enjoy healthier, longer lives without having to worry about affording the medicine they need. The Senate must act this year and this is an excellent time to do it.

I thank the Chair.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, in a short time, we are going to have two votes that will define the difference in values between the two political parties in this Chamber. For 2 or 3 years now, President Clinton has been calling for a prescription drug benefit under Medicare. During that period of time, the Republicans were in control of the House of Representatives and the Senate, and a bill never came to the floor to deal with this issue, which is paramount in the minds of families across America. On the Democratic side, we have asked, from day 1, for a chance to bring the President's proposal or our own proposal to the floor. The only way this vote came about this evening on a prescription drug benefit under Medicare is because we had to tie this Chamber into procedural knots to achieve this vote.

Well, I commend the Republicans who are supporting this bipartisan measure, and I hope many of them will cross the aisle and join us in a bipartisan show of support for a prescription drug benefit. For those who think they can vote against this prescription drug benefit and go home and explain that it was such a new idea and they didn't have a chance to read it, I can tell them the President has had a proposal here for years. This idea has been out here for years. You have been in control of the committees and in control of the Senate. We have waited for your prescription drug benefit, but there is nothing for us to consider from the Republican side. The vote that we will cast in a few minutes will give Republicans and Democrats alike a chance to go on the record for a good prescription drug benefit bill under Medicare.

The second vote we will cast also defines the values of the parties. To think that each year over 600,000 workers in America get up and go to work and do their very best in the workplace and get injured because of these so-called musculoskeletal disorders, and they don't have the kind of protection they deserve from their Government. This is a call to action in this Chamber—a call to action that was heard by Elizabeth Dole when she was Secretary of Labor. She said we needed a standard, a call to action, which has been heard over and over again from working families across America.

The Republican position is to turn a deaf ear to these workers, ignore the fact that they are facing debilitating injuries and disorders in the workplace, which haunt them for the rest of their natural lives. It is the position of the Republican Party to stop this effort to bring safety to the workplace. This is nothing new. There has not been a single time in America's history when we have come forward with protection for workers that business interests didn't stand up and try to block it. Whether we are talking about child labor laws, safety in the workplace, time and time again, they have said it is too much Government, too much meddling, it will cost too much.

Well, I think the value on human life and the value on safety in the workplace is not too high a price to pay. We have an opportunity today to pass a prescription drug benefit that will truly help the seniors and the disabled, an opportunity to stand up for millions of workers across America who expect us to be sensitive to their needs. In my experience in life, years ago, I had one of those assembly line jobs. I saw injuries in the workplace. I saw people taken out of the workplace, down to the doctors office, and off the job for weeks at a time for injuries.

Perhaps there are some in the Chamber who have never seen that. But it is a memory that will be with you for a lifetime. Those workers—men and women—and their families expect us to stand up for safety in the workplace. That is our obligation. The response from the Republican side is, let's postpone this at least another year, and in another year there will be another 600,000 injured American workers. That is unacceptable.

The vote we will cast on these two issues really defines the values of our parties.

Mr. ROTH. Mr. President, I yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Thank you, Mr. President. I thank the chairman of Finance Committee for yielding me time to make a couple of brief comments on the issue that is before the Senate.

Let me suggest, first of all, that the issue in the Congress is not whether or not this Congress should be for providing prescription drugs under the Medicare program to seniors. There is no difference in that. I don't know of any Member of Congress to whom I have talked—either in the House or in the Senate—who is opposed to saying to the Nation's 39 million Medicare beneficiaries that they should be covered for prescription drugs. That is a given. The question is not whether they should be covered; the question is, How are we going to do it?

I suggest that this is a baby who is not ready yet to be born. What do I mean by that? What I mean is that we are taking 30 minutes to debate an attempt to pass a prescription drug proposal on which a national Medicare bipartisan commission spent a year and a half working. We are, in 30 minutes, trying to pass a bill which has never come through the appropriate committee of jurisdiction—the Finance Committee.

We have had 14 days of bipartisan hearings on this issue. This afternoon, in a bipartisan fashion in the Senate Finance Committee meeting room, we sat and discussed this same issue—this identical issue—on how to construct a Medicare prescription drug plan that can work. We met additionally another time this week on the same subject.

It is not the proper process to yank that work product out of the responsible committee and say we are going to have 15 minutes on this side to debate a new entitlement program being added to a Medicare program which is in danger of default. It is in danger of going bankrupt. And yet we are going to add a new entitlement program with 15 minutes of debate on this side, and 15 minutes of debate on that side, and say we have done what is right and proper for the Medicare beneficiaries of this country? I suggest that is not the right way to do it.

I commend Senator CHUCK ROBB, who is a member of our Finance Committee, and Senator BOB GRAHAM, who has spent a great deal of time crafting this amendment. This may be the right way to go, but it is not yet ready to get there. We need more analysis. We need to consider if you can do it through an insurance program.

Finally, I think it is incredibly important that, whatever we do, we do not just add an entitlement program without doing some real basic reform to the Medicare program.

We have a Medicare+Choice Program under Medicare right now. Does anyone in this body think it is working correctly? It is being micromanaged by HCFA with 4,000 employees, and it is a disaster. We should not be looking backward and doing things the old way. We are moving into the 21st century. We should not be acting as if it is the 19th century. We should be crafting new ways of solving these problems, and not going back to policies that have failed.

Medicare was a wonderful program in 1965. But it is frozen in the 1990s. The challenge we have is not to debate a political issue, but to come together to find a way to solve the problem.

There are interesting ideas that are being discussed by the Senator from Florida, by the Senator from Virginia,

by myself, and others on the Democratic side, working with Members on the Republican side to come up with something that is creative. Are we not capable of thinking outside of the old style box of just adding another entitlement program to the Medicare program without reforming anything? I suggest we should not make that mistake.

If we want to put ourselves on the Record on prescription drugs, why not pass a Senate concurrent resolution that says, yes, we all think it is important that prescription drugs today are as important as a hospital bed was in the 1960s, and have a resolution that says that and says we are going to work in a bipartisan fashion to work out an agreement instead of debating an issue. I suggest that what we have is a very narrow opportunity to do that.

We are not going to be able to reform the whole program in the 30 days left in this session in a Presidential election year. That is not going to happen. But if we do prescription drugs, should we not do some reform attached to it? I think the suggestion and the answer is absolutely yes. Let the Finance Committee do our work, and bring something to the floor that is doable and passable. I suggest it is the right way to proceed.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I will be very brief. I just want to make a couple of points.

No. 1, prescription drugs, I believe—I say this not only as a Senator but also as a physician who has personally taken care of thousands and thousands of Medicare patients—that prescription drugs absolutely must be a part of our Medicare program and system if we are going to really provide health care security for our seniors.

The challenge we have is that, indeed, prescription drugs replace the surgeon's knife—which I have used my entire adult life—and replace the hospital bed, which are important dynamics of health care.

But the real challenge we have is including that new additional benefit—which, traditionally, over the last several years has been 17 to 18 percent a year—into a rigid, inflexible, outdated Medicare program that we have not been able to reform.

The challenge before this Congress is to very thoughtfully incorporate prescription drugs coupled with true Medicare reform, to bring it up to date, to modernize it in a way that we can truly guarantee health care security to our seniors.

This particular amendment has not gone through the committee process. I can tell you that I for one, having spent the last 7 hours working on health care in an adjacent room off this Chamber, have never seen this particular amendment nor had the opportunity to read this particular amendment. So I absolutely am going to oppose this particular amendment, which is brought to the floor outside of the committee process and outside of my having had the opportunity even to read the amendment.

I have been working on prescription drugs with my colleagues in a bipartisan fashion for the last 2 years. I was on the national bipartisan Medicare commission, where we talked about prescription drugs. There are other proposals being debated in the House.

We have not had the opportunity to see this particular amendment. It has not gone through committee. It should not be introduced tonight, I believe, and hopefully it will be defeated tonight.

Mr. ROBB. Mr. President, I yield myself 30 seconds, and then I will yield to the Senator from West Virginia.

I remind my good friends on the other side of the aisle that this bill was read in its entirety earlier today, and it has been available for several days. But it has been debated for a very long period of time, and the concept has been debated at length and discussed at length.

There was an attempt to put together a prescription drug bill in the House. The Health Insurance Association of America has stated many times that the particular proposal from the House simply will not work.

At this time, I yield 2 minutes to the distinguished Senator from West Virginia, Mr. ROCKEFELLER.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer and the Senator from Virginia.

This is really a moral issue, and the question is, Are we going to do it? We keep putting it off. We keep talking about it. We keep saying, let's have a commission, let's do a resolution, let's study it some more, let's make the process work perfectly.

I spent most of the afternoon in the Finance Committee trying to work out a resolution on this. Frankly, at the end, there was some hope. But there was also some discussion about what happens if we don't get to vote on prescription drugs. There was a discussion of that.

I don't want to see that happen. This will probably be our only vote on prescription drugs in this entire session. It is a bipartisan bill. I have made some compromises. Others have made compromises. It is a solid bill. It is probably the only vote we will have on it.

It is a moral issue, not a political issue, a moral issue that seniors don't have prescription drugs under Medicare. They ought to. JOHN BREAUX is right: Prescription drugs are like a bed in a hospital in 1965; now we are going to modernize it, it is available for all.

It is an amendment we should pass. It is a moral, not a political, issue. This will probably be the only vote on prescription drugs we will have in this session of the Senate.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise to support the Enzi amendment and to oppose the ergonomics rule that has been proposed by the Department of Labor. This is the rule: hundreds of pages long.

Senator DURBIN said a few minutes ago this vote will be about values. I will accept that challenge. It is demagoguery to say because we oppose this rule we are not for safety in the workplace. I don't think anybody sincerely believes that on the other side. I am for a safe and healthy workplace. If we want to talk about values, I hope Members will read this and realize what we are imposing on the businesses on this country. There are going to be workers who lose their jobs because of this rule. There will be small businesses that are going to go bankrupt because of this rule, if it is not stopped.

My colleagues, I am opposed to the ergonomics rules for three reasons: It is based upon uncertain science, at best. This body funded almost a $1 million study by the National Academy of Sciences, which is not yet complete. Why do we fund a study by the NAS and then allow OSHA to move forward with the rule before we have the scientific basis for the rule? The Enzi amendment simply says let's hold off and wait until the science is in.

CRS says there is great uncertainty about what OSHA has proposed. Not only is there uncertain science, there is uncertain cost. While OSHA says it is a $4 billion cost, the Small Business Administration says the cost will be 15 times what OSHA says it will be. I am inclined to believe the estimates of the Small Business Administration. Private groups believe the cost will be many times beyond that. But we know that it will be very expensive. There is uncertain cost involved.

Third, I oppose this rule because of its uncertain impact. It is 600 pages with many unintended consequences. Many times we allow things to go on in these agencies in which there are unintended consequences, but we know that the OSH Act says that OSHA is not to impact workers compensation laws in the States. This will most assuredly do that.

As Senator ENZI has rightly pointed out, it is going to negatively impact Medicare, health care dependent upon capped Federal reimbursement. They will have to absorb the costs of the ergonomics with no way to recapture those costs.

We also know that OSHA has proudly said they have already used their general duty clause with over 500 citations on ergonomics. They are not helpless to protect workers in the workplace now. We should not allow them to move forward with an ill-advised rule.

The issue is not safety. The issue is not OSHA doing their job. The issue is

whether we will do our job and whether we will stop an agency that is unresponsive, arrogant, and out of control. I urge my colleagues to support the Enzi amendment.

I retain the remainder of the 5 minutes.

Mr. ROBB. Mr. President, I yield 1 minute to the distinguished Senator from Iowa, Mr. HARKIN.

Mr. HARKIN. Mr. President, in my State of Iowa, Sioux City, seniors regularly take bus trips to Mexico to get their drugs. Drugs that cost $68 in Sioux City are $7 in Mexico. Seniors in Waterloo, IA, are being bussed to Canada to buy their drugs. Seniors in Cedar Rapids, IA, are being forced to declare bankruptcy because they have run up their credit care debt so high just to pay for the drugs they need. Mr. President, $5,000 to $6,000 a year is being paid out of pocket by seniors who cannot afford it and are being forced into bankruptcy.

We are told this is not the time to do this, that we have to wait longer, that this baby is not ready to be born. The elderly have waited long enough, and they have been gouged deep enough, too deep, to pay for their prescription drugs. Now is the time to stand up for the seniors in our country and to vote aye on the Robb motion.

Mr. KENNEDY. I yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to have documents printed in the RECORD to respond to some of the accusations regarding the Labor Department.

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

OSHA'S USE OF CONTRACTORS DURING THE RULEMAKING PROCESS: EXPERT WITNESSES AND CONSULTANT SERVICES

OSHA's use of expert witnesses and consultants is authorized by Congress, approved by the Courts, affirmed by the General Accounting Office, and consistent with OSHA's past practice for over two decades, as well as that of other agencies.

1. OSHA's Use of Expert Witnesses and Consultants is Expressly Authorized by Congress.

In 1970, Congress passed, and President Nixon signed into law, the Occupational Safety and Health Act (''OSH Act'' or ''The Act'') which expressly authorized OSHA to hire experts and consultants and to compensate them for their service. *See* 29 U.S.C. sec. 651 *et seq*. Specifically, Section 7(c)(2) of the Act, 29 U.S.C. sec. 656(c)(2) states:

''In carrying out his responsibilities under this Act, the Secretary is authorized to—(2) employ experts and consultants or organizations thereof as authorized by Section 3109 of Title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS–18 under section 5332 of Title 5, United States Code including travel time . . .'' (emphasis added).

In addition to the Secretary's specific statutory authorization to hire experts for purposes of administering the OSH Act, Congress authorized the Department of Labor to employ consultants through procurement contracts in the Labor/HHS Appropriations bill (Pub. L. 102–394; 106 Stat. 1792, 1825).

2. OSHA's Use of Expert Witnesses and Consultants Has Been Affirmed by the Courts.

In 1980, the Lead industry made virtually the same challenge to OSHA's use of expert witnesses and consultants in a rulemaking that the opponents of the ergonomics rule are making now. See *United Steelworkers of America et al.* v. *Marshall,* 647 F.2d 1189 (D.C. Cir. 1980). In reviewing this challenge, the U.S. Circuit Court of Appeals for the District of Columbia recognized that OSHA is empowered to employ experts as part of the rulemaking process. The Court concluded that OSHA properly used its contracted experts and consultants for the following tasks: writing the preamble, on-the-record reports, testimony and posthearing reports. The Court stated that ''The OSHA Act empowers the agency to employ expert consultants . . . and OSHA might have possessed that power even without express statutory authority . . .'' *Id*. at 1217.

The Court found no problems with OSHA's contracting for the services of experts and consultants in the rulemaking process. *Id*. In fact, the Court stated that ''we generally see no reason to force agencies to hire enormous regular staffs versed in all conceivable technological issues, rather than use their appropriations to hire specific consultants for specific problems.'' *Id*.

In fact, the Court praised agencies' use of experts and consultants as proof that the agencies have taken their statutory missions seriously. *Id*.

3. OSHA's Use of Expert Witnesses and Consultants is Authorized by the Federal Acquisition Regulations.

The Federal Acquisition Regulation (''FAR''), Office of Management and Budget Circular No. A–76 and the Federal Activities Inventory Reform Act also authorize agencies to contract for certain functions, including:

''Services that involve or relate to analysis, feasibility studies, and strategy options to be used by agency personnel in developing policy;

''Services which involve or relate to development of regulations; and

''Contractors providing legal advice and interpretation of regulations and statutes to federal officials.''

OFFP Policy Letter 92–1, Appendix B numbers 3, 4, and 18; *see* FAR sec. 7.503(d)(4).

4. Experts on OSHA's Rulemaking Processes Recognize OSHA's Use of Expert Witnesses and Consultants in Rulemakings.

It is traditional practice for OSHA to hire expert witnesses to testify at its rulemaking hearings. Both of the principal treatises on OSHA law, OSHA, History, Law and Policy, by Benjamin W. Mintz, and Occupational Safety and Health Law, edited by Stephen A. Bokat and Horace A. Thompson III for the American Bar Association, refer to this practice, which goes back at least to 1980, when OSHA arranged for 46 well-known experts to testify on behalf of OSHA's Carcinogens Policy.

ABA's ''Guide to Federal Agency Rulemaking'' addresses the use of expert witnesses in OSHA rulemakings, and describes the use of consultants as ''summarizing and evaluating data in the record, and helping draft portions of the final rule and its rationale.'' (Page 243)

5. The General Accounting Office Reviewed OSHA's Use of Expert Witnesses and Contractors in an Earlier Rulemaking.

In 1989, at the request of a House Subcommittee, GAO examined OSHA's use of contractors and expert witnesses and found that OSHA had used ''over 35 expert witnesses'' in the years 1986–1988, paying them generally ''$10,000 or less,'' and using them to testify during OSHA public hearings on proposed standards and rules. The report said OSHA used its contractors to assist in developing final rules and that they contributed to 36 different rules over three years.

6. OSHA has Historically Used Experts to Testify at Public Hearings About Parts of Proposed Rules Which Fall Within Their Areas of Expertise.

Among the other OSHA hearings at which experts have been used by are: Lead (1980); Hazard Communications (1983); Ethylene Oxide (1984); a revised asbestos standard (1986); Benzene (1987); and Methylene Chloride (1977).

The number of OSHA experts has varied from as few as one in the Excavation in Construction standard to 46 experts in the Carcinogens Policy hearing. Twenty-eight experts will have testified on OSHA's behalf at the conclusion of the ergonomics hearings.

7. Other Federal Agencies Use Expert Witnesses and Consultants in Ways Similar to OSHA.

EPA, FDA, and DOT make extensive use of consultants in their rulemaking activities, though they do not have hybrid hearings like OSHA's, in which OSHA permits the public to cross-examine their witnesses. EPA's use of consultants has been challenged and upheld by the courts, BASF Wyandotte v. Costle, 598 F2d 637 (1st Cir 1979); Weyerhauser v. Costle, 590 F3d 1011 (DC Cir 1978). In the BASF Wyndotte case, the Court found no fault in EPA's use of a private contractor which ''invested 16,500 man hours'' in a rule making process.

OSHA's rulemaking process is more open than other agencies because the public can cross examine OSHA's expert witnesses in public hearings. Most other agencies engage experts to submit written testimony on a rule, but these experts do not participate in public hearings and are not available for cross examination as OSHA's expert witnesses are.

8. OSHA's Use of Expert Witnesses and Consultants Was Disclosed to the Public and Was Clearly Known to Parties Who Cross-Examined OSHA's Experts at Public Hearings.

All of OSHA's expert witnesses appeared on a witness list provided by OSHA under the heading ''OSHA Witnesses.''

It is clear that the parties who cross-examined OSHA's experts in the ergonomics hearings were aware that OSHA's experts were paid consultants.

When Mr. Sparlin questioned OSHA expert Mr. Oxenburgh, he referenced the ''Expert Witness Contract for Dr. Maurice Oxenburgh.'' (pp. 2637–39).

When Ms. Holmes of Jones, Day, Reavis and Pogue made a statement regarding her ability to cross-examine OSHA's panel of experts, she referred to OSHA's ''obviously having commissioned written testimony from all these individuals.'' (p. 1440).

In questioning Dr. Beale, one of OSHA's attorneys, Ann Rosenthal, clarified for the public record that Dr. Beale was hired as an economist, not as an enforcement expert. (p. 2524). Dr. Beale's own written testimony stated that his ''clients in this regulatory work have included OSHA, MSHA, EPA, SBA, the FAA, the Department of Energy, and the IRS.'' (Ex. 37–22).

All of this material is part of the public docket and is available on OSHA's webpage.

9. OSHA's Expert Witnesses Have No Financial Conflict of Interest in the Outcome of the Ergonomics Rulemaking.

Conflict of interest laws and regulations apply only to employees of the federal government. In some instances, agencies hire

consultants as ''Special Government Employees'' who are subject to certain provisions of the conflict of interest laws. However, the consultants hired by OSHA for the ergonomics standard were contractors and did not have federal employee status while providing their services. As such, they do not come within the coverage of the conflict of interest laws or regulations.

ACCESS TO DOCUMENT

1. OSHA recognizes the importance of Members of Congress understanding the rulemaking process. That is why we work so hard to provide information to Members of Congress as expeditiously as possible. For example, in response to a request from the House Government Reform Committee dated May 10, 2000, OSHA promptly provided a list of contractors who worked on the current ergonomics rulemaking.

2. Once the House Committee expressed an interest in reviewing other documents, OSHA worked with the House to provide them with full and complete access to the documents on a timely basis. The House Committee agreed to treat these documents the same way OSHA does, and in a manner that protects the integrity of an ongoing rulemaking.

3. Senator Enzi made his first request for information only nine days ago (June 13, 2000). Immediaately following his request, OSHA Assistant Secretary Jeffress talked with Senator Enzi twice about his request for documents. Department of Labor staff and Senator Enzi's staff also talked to figure out how to most expeditiously respond to his request and at the same time protect the integrity of an open and ongoing rulemaking by treating the documents exactly the same way that the House had already agreed to treat them.

4. Senator Enzi claimed that OSHA failed to provide him with any information, but just three days after his original request, on June 16, 2000, OSHA responded to Senator Enzi's request and produced two boxes full of documents.

5. OSHA offered to meet with Senator Enzi and offered repeatedly to brief Senator Enzi about OSHA's use of expert witnesses in rulemakings.

6. On Tuesday, June 20, 2000, Senator Enzi's staff requested, for the first time, access to the materials provided to the House Committee. Under the terms of OSHA's agreement with the House Committee, Senator Enzi always had access to the documents he requested to see.

7. In order to accommodate the Senator's desire to review the documents in his office, OSHA offered to photocopy a complete set of the same documents provided to the House Committee immediately. Senator Enzi's staff refused this request because they were unwilling to agree to treat the materials they had requested in the exact same way that the House Committee had already agreed to treat the documents—in a way that protects an open, public rulemaking process as authorized by Congress.

Mr. WELLSTONE. Mr. President, one problem with this debate is some of my colleagues come to the floor and make these points. Frankly, there does need to be a response.

My good friend from Arkansas says that what will happen with this OSHA rule, dealing with repetitive stress injury, is it will do severe damage to workers comp laws in our States.

There are some 12 attorneys general who have said in no way—including one who testified in our subcommittee—will that happen, including the attorney general from Arkansas who has said this will not impact workers compensation laws.

Then my colleagues say, this is a rush, they are rushing to promulgate a rule. It was Elizabeth Dole who, as Secretary of Labor, first pointed out that we needed to have an ergonomics rule because of the injuries taking place. My colleagues believe that this is a rush, though we have 600,000 workers every year who are severely injured.

I say to Senators, it is surprising to me when there is so much pain, when so many workers are injured, when they can no longer work, when they cannot sleep at night, when it has damaged families, when so many of the workers are women, that my colleagues don't want OSHA to do its job. The mission of OSHA is to protect workers. I am proud of the fact that OSHA is trying to promulgate this rule. I view this amendment as being nothing but blatant, political interference against this agency doing exactly the job it ought to do.

The same Senators who say OSHA is rushing after 10 years to promulgate a rule to protect workers, to have a safer workplace, they also believe we are rushing tonight to provide prescription drug benefits for senior citizens. Where have Senators been? On another planet? In Minnesota, 65 percent of senior citizens have no prescription drug coverage. It is an important issue to their lives, their children, and their grandchildren.

Do I need to come to the floor and tell Members about people who are paying 50 or 60 percent of their monthly budget because of prescription drug costs? And then Members come on the floor and say: It is not time; we are rushing; we better not support this legislation.

I don't know when Members think the time will come. I think the time has come. I think Democrats think the time has come. I agree with my colleague, Senator DURBIN, this is a values debate. This is about where we stand. As a Senator from Minnesota, I stand with working people. I stand for a safer workplace. And I certainly stand for trying to help senior citizens meet prescription drug costs so they are able to get the prescription drugs that are so essential for their health. I need not say anything else.

I yield the floor.

Mr. ENZI. Mr. President, I yield 1 minute to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire, Mr. SMITH.

Mr. SMITH of New Hampshire. I rise in support of the Enzi amendment.

Senator ENZI's amendment would delay the costliest mandate ever imposed on small businesses.

The Occupational Safety and Health Administration, OSHA, has published a rule that is the broadest and most expensive rule ever, let me say that again, ever proposed by OSHA. There needs to be more study of this rule before it is implemented.

Ergonomics is the science of fitting the job to the worker.

The OSHA proposed ergonomics rule would require employers to eliminate or materially reduce hazards in the workplace that lead to injuries such as carpal tunnel, tendinitis, and back injuries.

OSHA's cost estimate is $4.2 billion a year. Clinton administration's own Small Business Administration reports that the true cost would be $40–$60 billion a year—at least 10 times OSHA's estimate.

The Heritage Foundation estimates that the cost would be $5.7 billion to $10.8 billion per year without adding in the cost to state and local governments, and $6.6 billion to $12.5 billion per year if public-sector workers are included. Private industry estimates the bill's cost would be even higher.

OSHA expects that the proposed rule will significantly increase the number of requests for state compliance assistance and consultation services. That means this regulation will cost even more money.

The ergonomics rule probably would expand state workers' compensation systems, increasing claims and fraud.

This is yet again, an unfunded mandate on the states. Yet the OSHA has a limited public comment period that does not take into consideration the huge cost to business and the probable stress to the unprecedented economic growth that the U.S. is currently experiencing.

I urge your support for Senator ENZI's amendment, so that OSHA can reassess their proposed regulation that would burden the business community with a costly regulation.

On the prescription drug plan, I oppose the Robb plan. In my hand is a report, the actuarial report from Norman and Robinson, which says it will cost seniors $40 per month, up to almost $500 a year, and cost hundreds of billions of dollars to the taxpayers. That is the Robb plan.

Senator ALLARD and I have a plan and we want to try to get the attention of the Finance Committee. This plan has no premium increases on seniors. It saves seniors $550 a year. It is budget neutral. It covers 50 percent of the cost of drugs, up to $5,000.

Those are the two alternatives. This was done by King Associates. Guy King was a former actuary at HCFA.

I think the distinction is clear. How did we help seniors by raising premiums, when we don't have to raise premiums with this plan?

I hope my colleagues pay close attention to what Mr. King has said. This plan is sound.

I yield the floor.

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes, the Senator from Delaware 3 minutes, and the Senator from Wyoming has 8 minutes.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will sum up where we are on these two extremely important issues, one involving safety in the workplace.

The whole issue of ergonomics addresses the most important worker safety issue in the workplace. Now we have an amendment of the Senator from Wyoming, my dear friend, who wants to undermine what has been a 10-year review and a study about how we can provide protection for workers in the workplace who are affected by ergonomics.

As has been pointed out, this whole issue was raised by Secretary Dole in the Bush administration who called ergonomic injuries one of the Nation's most debilitating across-the-board worker safety and health issues. Since that time, there have been over 2,000 studies on ergonomics carried out.

In 1997, NIOSH, the principal agency of Government that studies these issues, reviewed 600 of the most important of these studies. They made recommendations. In 1998, the National Academy of Sciences reviewed the studies again and again, and they came to the same conclusion. The fact is, the science is clear. The question is whether we will have the will and the determination to take steps to protect our workers. We know what needs to be done. The subject has been studied. Now we have the chance to take a step to protect American workers.

These are the facts: 35 percent of the most harmful injuries in the workplace are ergonomic injuries. That is what is happening today. More than 600,000 workers are affected. When you look at who are disproportionately harmed by ergonomic hazards, in lost time, 67 percent who lost working time from repetitive motion injuries were women, and those who lost work time for carpal tunnel injuries were women again, 77 percent. This is a woman's issue; this is a worker's issue.

The science is overwhelming. The fact is, historically we have been prepared to take actions to make the workplace safe. We had the great development of our mining systems, and we passed mine safety legislation. Now we need to pass legislation to protect American workers in this area.

It has been studied, restudied, and studied again. Once again, we are being asked to discard the various studies and reviews and put the profits of the private sector ahead of the interests of the workers. That is wrong. That is the issue: Are we going to stand for workers or are we going to stand for the profits of the industries in this country?

On the second issue, Medicare, I was there, like most of the Members of the Senate, when the President of the United States, in his State of the Union Address, asked the Congress of the United States to pass a prescription drug program based upon Medicare that would deal with the incredible hardship of so many of our seniors.

I was also here in 1964 and 1965 when the Senate eventually passed the Medicare program. This issue was discussed during that period of time: Were we going to pass a prescription drug program. The judgment at that time was: Let's pass in Medicare what they are doing in the private sector. A great majority of the private sector, over 90 percent, did not include a prescription drug program, so we did not pass one in the Medicare program. At that time, less than 3 percent of every dollar expended was used for prescription drugs.

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

Mr. KENNEDY. I yield myself 2 more minutes.

Now it is 20 to 30 percent, as the Senator from Florida has pointed out. We now know this is absolutely an essential need for our seniors. How much more does it have to be studied?

With all due respect to the Finance Committee, they had a whole set of hearings last year. We did not have any legislation reported out from the Finance Committee. We have not had any legislation reported in the final weeks of this Congress. We have no commitment that the chairman of the Finance Committee or the Finance Committee members will say: We will have a prescription drug bill on the floor of the Senate for you in July—absolutely not.

We have a well-thought-out program that can make the difference for our senior citizens. When Medicare was passed, it was a fundamental commitment by the Federal Government to senior citizens: Work hard, play by the rules, and your health care needs will be attended to. That was the commitment in 1964 and 1965.

Every day we fail to pass a prescription drug benefit, we are violating that commitment. Every single day, we find our seniors are in pain and agony and suffering irreparable damage, in many cases because they cannot afford a prescription drug program. That is a fact. That promise is being broken every day because Medicare does not cover prescription drugs. This is wrong. This is fundamentally wrong. Every Member of the Senate knows it in their hearts. Every family in America knows it is wrong. Certainly, every senior citizen knows it is wrong.

We have a chance to do something right. We have a chance to put the health care of our senior citizens ahead of the profits of the private special interests.

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

Mr. KENNEDY. I yield myself 1 more minute.

That is what this vote is all about. For whom are we going to stand? This is the vote on prescription drugs. This is a program that is tied to the Medicare system. Our elderly people understand Medicare. They believe in Medicare. They know the need for prescription drugs. It is as simple and fundamental as that. It is comprehensive, it is all inclusive, it is affordable, and it will meet the needs of our senior citizens.

That is the vote we are going to have in the Senate, and we should meet our commitments to our senior citizens. We know what their needs are. We should meet them. We have that opportunity tonight. Let us not fail them.

I withhold the remainder of my time.

Mr. ENZI. Mr. President, I yield 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I congratulate and compliment my friend and colleague from Wyoming, as well as the Senator from Arkansas, Mr. HUTCHINSON, because they have offered an amendment that is one of the most important amendments we are going to vote on this year. The Clinton administration is trying to push forward an ergonomics rule that will have a draconian, negative impact on every single business in America.

I want all my colleagues to know if this amendment is not adopted, if this ergonomics rule goes forward, there will be significant costs. Employers will be coming up to you asking: Why did you do this to me? I have some bureaucrat coming in and telling me how to run my business.

I have a quote given by the individual who wrote these regs. She said:

> I love it; I absolutely love it. I was born to regulate. I don't know why, but that's very true. So as long as I am regulating, I'm happy.

And she came up with the largest regulation in OSHA's history on business. The Small Business Administration estimated it will cost $60 billion a year, 15 times the cost that OSHA said. People in the private sector said it will cost over $100 billion a year. And the administration wants this to go forward right after the election, right before we have a change of administration.

Senator KENNEDY said this has been studied. Congress passed, in 1998, $890,000 for a study by the National Academy of Sciences. They are going to complete that study in January. We should let them do it. We should base this regulation on science, real science, not on a political agenda. They want to cram through an extensive regulation where bureaucrats are telling employees how to run their business, and to do that right before the election, before the next administration, will be a serious mistake.

We need to stop it, and the way to stop it is to adopt the Enzi amendment. I say to my colleagues, this is probably the most important free-enterprise, private-sector initiative you'll vote on this year: If this year you believe business should be making decisions, support the amendment.

I urge my colleagues to vote in favor of the Enzi amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I yield myself 3 minutes.

The other side today has spent most of the day avoiding the ergonomics debate. Part of the debate was on the floods in North Dakota. That is because they do not have an answer to what we have been saying all day. We, too, are concerned about worker safety. We have been doing things for worker safety. Companies in this country have been doing things for worker safety. In fact, I appreciate the ranking member of my subcommittee mentioning today a couple of companies in his State that have made tremendous strides in worker safety, including ergonomics.

I am so pleased to report that according to the Bureau of Labor Statistics, last year there was a 24-percent decrease in ergonomics accidents. Companies are doing something. They are doing what they can think of.

If the same $1.8 million that has been spent on getting testimony for this rule had been used and focused particularly on small business to make sure they had the information to make the ergonomics changes in their work site, we would have even more workplace safety.

But, no, we have been paying contractors to testify. Has the Department disclosed that? No. They think these people have been volunteering their time, just like everybody else. Not only that, they edited their text for them. They had mock sessions so these experts could do it correctly. Then they paid them to rip the opposition. That is not testimony. That is the expertise that we ought to have in the workers comp department.

This will have a drastic effect on Medicare and Medicaid. We place limits on what we pay on Medicare. We are not raising those caps through the rule. So we will force people to violate some of the Medicare and some of the nursing statutes that we already have.

Then the work restriction protection—my goodness, we want the United States to get into a workers comp program? Ask your States how much of a problem they are having administering workers comp, and see if you think that OSHA can do the job. See if you think they can.

Incidentally, it was mentioned that there was testimony in our committee in that there was no opposition from the States. I presented a letter. I ask unanimous consent the letter be printed in the RECORD. It is from the State of New York Department of Labor, saying they were opposed to it.

I also ask permission that a similar letter from the State of Pennsylvania, be placed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
DEPARTMENT OF LABOR,
Albany, NY, March 1, 2000.

OSHA Docket Office,

Docket No. S–777, Department of Labor, Washington, DC.

To whom it may concern:

Enclosed please find comments from the New York State Department of Labor concerning the proposed Ergonomics Standard, 29 CFR Part 1910, published Tuesday, November 23, 1999, in Federal Register, Volume 64, Number 225, at page 65768.

Sincerely,

CONNIE J. VARCASIA.

Enclosure.

This constitutes comments by the New York State Department of Labor (NYSDOL) regarding the proposed Ergonomics Standard 29 CFR Part 1910.

1. We note for the record that OSHA, in the Federal Register notice dated November 23, 1999, (hereinafter referred to as notice), at page 66,054, IX, states, ''In addition, the agency has preliminarily concluded, based on a review of the rulemaking record to date, that few, if any, of the affected employers are state, local and tribal governments.'' Aside from the issue of how OSHA arrived at this conclusion, we agree with the statement. Therefore, we do not expect that the public sector programs of State Plan states' will be required to adopt the proposed standard.

2. If, however, OSHA intends to require adoption of this standard by State Plan public sector programs, we object. We object to the standard because OSHA excluded small public sector jurisdictions (small entities under the Small Business Regulatory Enforcement Fairness Act, hereinafter ''SBREFA'') from the SBREFA process and panel during the course of preparing this rulemaking.

3. OSHA's proposal may not be a ''standard'' as defined by the statute. It does not describe means, methods or practices reasonably necessary or appropriate to control occupational safety and health hazards. It is not a ''standard'' about workplace hazards; rather, it proposes to impose a particular management approach on employers.

4. OSHA has estimated the cost of initial compliance with this standard at $4.2 billion (OSHA's original estimate was $3.5 billion). Private sector businesses and trade associations have estimated this cost as high as $26 billion and the United States Small Business Administration (SBA) has estimated the same cost at more than $18 billion. A copy of the SBA report is annexed hereto and made a part hereof.

Given these disparity of costs, there is not consensus as to the costs of compliance with this proposed standard. It appears that a proper and accurate cost-benefit analysis has not been done, and that OSHA should, at a minimum, address the conclusion of the SBA regarding the cost of this proposal.

5. This rulemaking is completely devoid of any mention of the amount of funding that could be appropriated to State Plans for its enforcement. OSHA has not discussed the issue of funding this standard with State Plans in any other forum. Of particular concern are the following:

(a) Depending on which ergonomist one believes, ergonomics affects 30%, 40% or 50% of the jobs in America. As a regulatory agency, the NYSDOL can expect at least a 30% increase in the number of legitimate complaints (as well as countless unsubstantiated complaints) because of the new standard. Based on sheer numbers, caseload and volume, our public sector State Plan will require an increase in the amount of funding to respond to complaints.

(b) Ergonomics is a precise science where incorrect advice can do more damage than no advice at all. New York State does not currently have staff with ergonomics expertise, and we have serious concerns with its lack of availability. No mention is made in this rulemaking of how much money OSHA will provide for staff training in this field. Note that a two-week training session on ergonomics is not sufficient to provide the professional level of service which the regulated community will demand. The number of professionally accredited ergonomists in the United States is wholly inadequate to meet the demand that will be engendered by adoption of this standard throughout the United States (see attached article).

(c) The proposed standard is unfair to public sector employers because some of the more frequently utilized abatement measures are not available to them. The public sector workplace is nearly 100% unionized in New York State. It is governed by civil service rules and collective bargaining agreements that describe in detail job tasks to be performed. Accordingly, redesigning a job for one person to include varied tasks not contained within the general job description for that position is not permitted. A public employer cannot change a job unilaterally; it must return to the collective bargaining table for job redesign. Many states have statutes such as our own Taylor Law, which expose an employer to improper practice (unfair labor practice) liability if it were to obey an order based upon the OSHA proposed standard. The employer would also be subject to grievance proceedings under the collective bargaining agreement with the union involved, as changing individual job requirements would constitute a breach of the contract.

(d) Another often recommended abatement measure is more frequent rest breaks. Rest breaks, and the timing and duration thereof, are also provided for in collective bargaining agreements and civil service rules. Any public employer altering such breaks unilaterally, without a return to the bargaining table, would again be subject to the sanctions of improper practice charges under the Taylor Law and union grievance for breach of the collective bargaining agreement. As such, these abatement measures are unavailable to public sector employers. The proposed OSHA standard is an infringement of rights granted under collective bargaining agreements and laws to public sector employers and employees.

(e) Should a public sector employer attempt to implement altered rest breaks or altered job tasks unilaterally in order to comply a violation of the OSHA standard, the state regulatory agency would be in the position of aiding and abetting the infringement of workers' rights guaranteed under the collective bargaining agreement and state statutes.

(f) Regarding the costs of implementing the standard for small public sector entities, the proposed standard would place a tremendous burden on the public sector employer. If one assumes that this will increase costs to public employers, the only way to pay for this will be to increase the taxes of the citizens in its jurisdiction. Public sector small entities include town, village and small city governments, as well as fire districts, volunteer fire departments, school districts, water districts, and many others that would not be able to sustain the cost of this proposed standard without increased taxation.

6. The proposed standard does not provide adequate notice to the affected employers or employees. A by-product of this uncertainty is likely to be increased litigation. Many terms are undefined or vague: ''management leadership,'' ''employee participation,'' ''relevant,'' ''become involved,'' ''effective means,'' ''reasonably likely,'' ''promptly,'' ''likely to cause,'' ''likely to contribute,'' ''similar jobs,'' ''minimize,'' ''try,'' ''feasible,'' ''medical management,'' ''periodically as needed,'' ''recovery period,'' ''closely associated,'' ''adequate,'' ''excessive vibration,'' ''recently,'' and ''prolonged'' are either poorly defined or not defined at all. While OSHA offers definitions of some of

these terms, many are vague and will need to be defined—a task most likely to be accomplished by courts of competent jurisdiction over the next quarter century.

7. We agree with former Acting Assistant Secretary and OSHA Head, Greg Watchman, who said on November 30, 1999, that the proposed ergonomic standard is too broad, triggered too easily, and includes comprehensive requirements that may not be necessary to address one or two signs or symptoms of musculoskeletal disorders. We also agree with his statement that thousands or perhaps millions of employers would be required to implement programs regardless of whether workers are at risk.

8. We agree with the Small Business Administration that OSHA failed to fully examine other regulatory approaches, such as using the On Site Consultation Program to educate employers and the public as to precisely what ergonomics is and how studying ergonomics can help individual employers and their workforces.

9. We agree with the Women Constructors Forum's statement, ''Women-owned companies are the fastest growing sector of our economy. What we need is information, not regulation. . . . The nature of this standard could force businesses to completely overhaul their safety and health practices and devote more resources to paperwork and compliance.''

10. Attached and made a part of these comments are a number of articles and studies marked exhibits 1 through 7. The New York State Department of Labor requests that these be made a part of our comments and asks that OSHA respond to the concerns and questions addressed in them.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF LABOR AND INDUSTRY,
Harrisburg, PA, February 29, 2000.

Re Comments to the Proposed Ergonomic Standard.

OSHA Docket Office,
Docket No. S–777, Department of Labor, Washington, DC.

DEAR SIR/MADAM: Pursuant to the proposed rulemaking published in the Federal Register on November 23, 1999, Vol. 64, No. 225, the Commonwealth of Pennsylvania submits the attached comments in response to OSHA's ''Proposed Ergonomics Standard.''

The proposed standard conflicts with section 4(b)(4) of the OSHA Act, 29 U.S.C. §653(b)(4), in that it attempts to supersede and preempt state workers' compensation laws where the OSHA Act specifically prohibits such preemption. Specifically, the proposed standard intrudes upon the states' abilities to respond appropriately to issues of work-related illness and injury, including those relating to musculoskeletal disorders, heretofore addressed by each state's workers' compensation laws. OSHA proposes to replace these systems, which were custom tailored to the needs of the individual states, with a broad, uniform system which at best confuses and at worst conflicts with the various states' workers' compensation programs. Despite OSHA's recognition of its inability to regulate in areas of state workers' compensation law, it has, in the proposed rulemaking, failed to recognize that many issues addressed therein are, in fact, within the province of the states' workers' compensation systems, and are beyond the scope of OSHA's regulatory authority.

We believe that Pennsylvania, as well as the other states, will be negatively impacted by the standard which OSHA has proposed. The attached comments articulate in further detail the manner by which the proposed standard confuses issues regarding the provision of health care to injured workers, employers' abilities to adequately respond to workers' compensation claims, the provision of workers' compensation wage loss-benefits, the time for filing of workers' compensation claims, and issues of causation and preexisting conditions.

In light of the foregoing, we ask that you reconsider the proposed rulemaking, as it poses substantial difficulties for the citizens of the Commonwealth of Pennsylvania. Thank you for your consideration of this matter.

Sincerely,

JOHNNY J. BUTLER.

Mr. ENZI. I have lots of letters from different groups that have said: Don't do work restriction protection. That's workers comp, and you're violating our right to do that.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. ENZI. I yield myself 1 additional minute.

Work restriction protection is prohibited by the OSHA Act. Very clear wording in the OSHA Act says you cannot get into workers comp, but they are going to with this rule they are trying to push through by December. I do not know why December is so critical to them. Maybe I do. They are trying to get this thing pushed through at all costs, and without paying attention to what people are saying to them about things that are wrong about the rule that they are doing.

We need a little time to take a look at the rule, particularly in light of how well businesses are doing at fixing ergonomics.

Again, I encourage the Department to help people figure out ways they can improve the safety. All we would be doing if we passed this rule is we would be giving OSHA a bigger club to beat people up with, not an answer to the ergonomics problem.

I reserve the remainder of my time.

The PRESIDING OFFICER. Under the previous agreement, the only time left is controlled by the Senator from Delaware, who has 3 minutes, and the Senator from Wyoming, who has 1 minute.

Mr. ROTH. I yield 3 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I say to Senator BREAUX, while I was not physically present on the floor when you made your speech, I was listening. I am very privileged and pleased to join you tonight in suggesting that this is not a real vote on Medicare.

Most of the time—in the past—Senator ROBB is a very realistic and forthright Senator. But somehow or other we are getting close to an election, and somebody has suggested to him that this is a way to get a real Medicare vote. The truth of the matter is, everybody listening should know this is not a real Medicare vote.

If anything, if we adopt this on an appropriations bill—that funds all of the priorities of the other side of the aisle—if they want to fund education, it is funded in this bill. If they want to fund community centers to treat the people that are poor, they are funded in this bill more than last year. But now they come along and ask us to attach an amendment, a huge bill that we have never had a hearing on, and we call it prescription drugs for America. We put it on with education, community centers, all the health programs for our seniors, and we say, just put it on there and tell the committee, that knows nothing about Medicare because they are not expected to, to bring back a comprehensive Medicare program on an appropriations bill. Then the suggestion to the American senior citizens is, we are doing something for you.

What we are doing is trying to force a vote before we have a bill. This is not a bill that has been considered. It is not going to be voted out by our bipartisan effort. A great bipartisan effort is taking place.

If I were a member of the Finance Committee—be it Dr. BILL FRIST or the Senator from Texas or the distinguished Senators on that side working on it—I would be ashamed today to say: I am going to vote to usurp and take away all your power and vote in a so-called prescription drug bill that a few of us have written up. And we are going to pass it on an appropriations bill where that committee does not know anything about prescription drugs.

They are sort of expected to robot out of here and robot back in with a great prescription drug bill.

I submit that we should not vote for it. We should not use our procedures and our processes in this perverted way.

I am going to ask five or six questions. They are not answered by this legislation, and they are not answered here.

Let me first ask: How does this amendment affect the solvency of Medicare? Nobody knows. What are the premiums for drug coverage? Nobody knows. I don't know that anybody knows the official cost estimate of this bill. But I know it is expensive. Don't you think we ought to know those answers before we try to convince Americans that we are passing a prescription drug bill which could not become law?

There are two more questions: Are there taxes in this proposal? If there are, the bill goes nowhere.

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

Mr. DOMENICI. I think we are going to do the right thing and deny this effort to make an issue out of something that is not ready to have an issue.

The PRESIDING OFFICER. The Senator from Wyoming has 1 minute.

Mr. ENZI. I yield the final minute to the Senator from Texas.

Mr. REID. How much time do you yield?

Mr. ENZI. One minute.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. GRAHAM. Point of personal privilege.

Mr. GRAMM. I do not want my 1 minute to start until I start talking. If the Senator wants to talk, let him do it.

Mr. GRAHAM. I do not want to talk; I want to answer.

The Senator asked a series of questions, and I am prepared to answer them.

The PRESIDING OFFICER. The Senator from Texas has the floor. The Senator from Florida is not in order. The Senator from Texas has the floor.

Mr. GRAMM. Mr. President, we have been meeting on a bipartisan basis to try to put together a bill in the waning hours of this Congress that will provide for prescription drug insurance for senior Americans. We have been working in good faith.

This is a bad faith amendment. This is a politics-first amendment. Nobody knows what it costs. Nobody knows how it will work. Nobody knows what it does to the solvency of Medicare. This is politics at its worst.

I think this body ought to be offended by it. I am offended by it. I do not believe that voters are going to be impressed by circumventing the process. This does not speed it up. This makes it harder for people such as Senator ROTH and Senator BREAUX to bring us together to pass a bill. This needs to be rejected by an overwhelming vote.

I urge those who really want a prescription drug benefit—label this for what it is by voting no, and let's get on with trying to do this on a bipartisan basis.

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

Mr. ENZI. Mr. President, I ask unanimous consent to add Senators THURMOND and HELMS as cosponsors of my amendment.

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

VOTE ON AMENDMENT NO. 3593

Mr. ENZI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 3593. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

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

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—57

Abraham	Bennett	Brownback
Allard	Bond	Bunning
Ashcroft	Breaux	Burns
Campbell	Gregg	Murkowski
Chafee, L.	Hagel	Nickles
Cochran	Hatch	Roberts
Collins	Helms	Roth
Coverdell	Hollings	Santorum
Craig	Hutchinson	Sessions
Crapo	Hutchison	Shelby
DeWine	Inhofe	Smith (NH)
Domenici	Jeffords	Smith (OR)
Enzi	Kyl	Snowe
Fitzgerald	Lincoln	Stevens
Frist	Lott	Thomas
Gorton	Lugar	Thompson
Gramm	Mack	Thurmond
Grams	McCain	Voinovich
Grassley	McConnell	Warner

NAYS—41

Akaka	Feingold	Mikulski
Baucus	Feinstein	Moynihan
Bayh	Graham	Murray
Biden	Harkin	Reed
Bingaman	Johnson	Reid
Bryan	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Specter
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Edwards	Lieberman	

NOT VOTING—2

Boxer	Inouye

The amendment (No. 3593) was agreed to.

Mr. BOND. 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.

Mr. GRAHAM. Mr. President, I ask unanimous consent to have printed in the RECORD answers to the questions that were asked during the debate by the Senator from New Mexico.

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

SENATOR BOB GRAHAM'S ANSWERS TO SENATOR DOMENICI'S QUESTIONS CONCERNING THE ROBB AMENDMENT, JUNE 22, 2000

1. What is the score of this proposal?

Over 10 years the cost of this comprehensive package is approximately $242 billion.

2. What impact will this benefit have on the solvency of the Medicare program?

This program will not have a direct impact on the solvency of the Medicare program. In fact, the inclusion of a prescription drug benefit may lead to a decrease in hospital stays and other costly outpatient care, which may result in savings to the trust fund.

3. What will beneficiary premiums be?

In 2003, when the benefit begins, the beneficiary premiums will be approximately $38.50 per month.

4. How will this program impact the taxpayer?

This program will have no direct implications on the American taxpayer.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to file for the RECORD CBO estimates as promptly as I can get them.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, in a moment I believe we will be prepared to begin the vote on the second amendment in this series. I have discussed the schedule with Senator DASCHLE and the manager of the legislation. This will be the last vote of the night. We will be in session tomorrow.

We urge Senators who have amendments to offer them tonight—I understand one is already prepared for tonight—and to be prepared to be here and have amendments in the morning so that we can make progress. We will plan on stacking those votes next week at a time to be determined, and we will let the Members know sometime tomorrow when that will be. But this will be the last vote for tonight and for the week.

I yield the floor.

AMENDMENT NO. 3598, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to amendment No. 3598, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—44

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Fitzgerald	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Bryan	Hollings	Reed
Byrd	Johnson	Reid
Chafee, L.	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

NAYS—53

Abraham	Gorton	Murkowski
Allard	Gramm	Nickles
Ashcroft	Grams	Roberts
Bennett	Grassley	Roth
Bond	Gregg	Santorum
Breaux	Hagel	Sessions
Brownback	Hatch	Shelby
Bunning	Helms	Smith (NH)
Burns	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Coverdell	Jeffords	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	Mack	Voinovich
Enzi	McCain	Warner
Frist	McConnell	

NOT VOTING—3

Boxer	Campbell	Inouye

The amendment (No. 3598), as modified, was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Arizona.

AMENDMENT NO. 3610

(Purpose: To enhance the protection of children using the Internet)

Mr. MCCAIN. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 3610.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the purpose of this amendment is to protect America's children from exposure to obscene material, child pornography, or other material deemed inappropriate for minors while accessing Internet from a school or library receiving Federal universal service assistance by requiring such schools and libraries to deploy blocking or filtering technology on computers used by minors and to block general access to obscene material and child pornography on all computers. The amendment further requires that schools and libraries block child pornography on all computers.

The last few years have seen a dramatic expansion in Internet connection. The Internet connects more than 29 million host computers in more than 250 countries. Currently, the Internet is growing at a rate of approximately 40 percent to 50 percent annually. Some estimates have the number of U.S. Internet users as high as 62 million.

There are approximately 86,000 public schools in the United States. The first program year of the e-rate, 68,220 public schools participated in the program. That is approximately 68 percent of all public schools. Participation increased by 15 percent in the second year, from July 1, 1999, to June 30, 2000, with 78,722 public schools listed on funded applications. Statistics on libraries participating in the program mirror these dramatic numbers.

I lay out these statistics because they represent both the tremendous promise and the exponential danger that wiring America's children to the Internet poses. Certainly the Internet represents previously unimaginable education and information opportunities for our Nation's schoolchildren. However, there are also some very real risks. Pornography, including obscene material, child pornography, and indecent material is widely available on the Internet. This material may be accessed directly or may turn up as the product of a general Internet search.

Seemingly innocuous key word searches such as Barbie doll, playground, boy, and girl can turn up some of the most offensive and shocking pornography imaginable.

According to the National Journal, there are at least 30,000 pornographic web sites. This number does not include Usenet news groups and pornographic spam.

As we have seen through an increasing flurry of shocking media reports, the Internet has become the tool of choice for pedophiles who utilize the Internet to lure and seduce children into illegal and abusive sexual activity. Pedophiles are using this technology to trade in child pornography and to lure and seduce our children. In many cases, such activity is the product of individuals taking advantage of the anonymity provided by the Internet to stalk children through chatrooms and by e-mail. However, an increasingly disturbing trend is that of highly organized and technologically sophisticated groups of pedophiles who utilize advanced technology to trade in child pornography and to sexually exploit and abuse children.

As we wire America's children to the Internet, we are inviting these lowlifes to prey upon our children in every classroom and library in America. If this isn't enough, the Internet has now become a tool of choice for disseminating information and propaganda promoting racism, anti-Semitism, extremism, and how-to manuals on everything from drugs to bombs.

Rapid Internet growth has provided an opportunity for those promoting hate to reach a much wider and broader audience. Children are uniquely susceptible to these messages of hate, and make no mistake about it, they are the targets of these messages. According to the New York Times: ''They, hate groups, peddle hatred to children, with brightly colored Web pages featuring a coloring book of white supremacist symbols and a crossword puzzle full of racist clues.''

Media propaganda has always been used as a means for spreading the toxic message of hate. Magazines, pamphlets, movies, music and other media have been their traditional tools for those seeking to feed the darker side of our human nature. The Seattle Post-Intelligencer reported in an article entitled ''Nazism on the Internet'': ''Many sites operated by neo-nazis, skinheads, Ku Klux Klan members and followers of radical religious sects are growing more sophisticated, offering inviting Web environments that are designed to be attractive to children and young adults.''

The software filtering industry estimates that about 180 new hate or discrimination pages, 2,500 to 7,500 adult sites, 400 sites dedicated to violence, 1,250 dedicated to weapons, and 50 are murder-suicide sites are added to the Web every week.

Manuals on bomb-making, weapons purchases, drug making and purchasing, are widespread on the Internet. Simple word searches using ''marijuana,'' enables kids to access Web sites instructing them on how to cultivate, buy, and consume drugs. Literature such as the ''Terrorist's Handbook'' is easily available on-line, and provides readers with instruction on everything from how to build guns and bombs, to lists of suppliers for the chemicals, and other ingredients necessary to construct such devices.

When a school or library accepts Federal dollars through the Universal Service fund, they become a partner with the federal government in pursuing the compelling interest of protecting children.

Mr. President, Dr. Carl Jung, in 1913, spoke of the importance of childhood in shaping values, and the implications for future generations. Jung said: ''The little world of childhood with its familiar surroundings is a model of the greater world. The more intensively the family has stamped its character upon the child, the more it will tend to feel and see its earlier miniature world again in the bigger world of adulthood.''

As I look upon the landscape of America today, of our children, growing up in a culture of violence, of a mass media that floods their innocent minds with images of gratuitous sex and senseless violence, as I contemplate the likes of predators who stalk our children through this new technology, of pornographers and hate mongers who seek to invade the sanctity of the innocence of childhood to stamp their dark values on our children, I wonder what the future world of adulthood will look like if we do not act swiftly and decisively to build an inviolable wall around our precious children.

Mr. President, I ask unanimous consent to print in the RECORD a letter from a group of people, including the American Family Association, Family Research Council, Republican Jewish Coalition, Traditional Values Coalition, many others in support of this legislation.

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

WASHINGTON, DC, *June 22, 2000*.

Hon. JOHN MCCAIN,

Russell Senate Office Bldg., Washington, DC.

DEAR SEN. MCCAIN: We are writing to indicate our very strong support for the Children's Internet Protection Act, S. 97, which we believe offers a very effective solution to the growing problem of pornography accessible on the Internet by computers in schools and public libraries. Caring parents who wish to shield their children from sexually exploitive material should be able to trust that schools and public libraries are on their side in this battle. Yet, because of the influence of the American Library Association and their allies, which oppose filtering of any material, even illegal pornography, to children, such parents find they are fighting a losing battle. The Children's Internet Protection Act will go a long way in that battle by requiring that obscenity (hard-core pornography), child pornography, and other material inappropriate for minors be blocked when children access the Internet on school and library computers.

The Children's Internet Protection Act would help solve an additional problem occurring primarily in public libraries, the use

of computers by pedophiles who access child pornography, and then seek to molest children. We are pleased that your bill, unlike some other Internet filtering bills introduced in Congress, requires that child pornography be blocked for all users, adults and children.

American needs the Children's Internet Protection Act. Thank you for your leadership on this important matter.

American Family Association, Family Research Council, Republican Jewish Coalition, Traditional Values Coalition, Morality in Media, National Law Cntr. for Children & Families, Family Friendly Libraries, Family Association of Minnesota, Family Policy Network, VA, Christian Action League, NC, Citizens for Community Values, OH, American Family Assoc., IN, American Family Assoc., MS, American Family Assoc., NY, American Family Assoc., PA, American Family Assoc., TX, American Family Assoc., AR, American Family Assoc., AL, American Family Assoc., KY, American Family Assoc., GA, American Family Assoc., MO, American Family Assoc., CO, American Family Assoc., OR, American Family Assoc., IA, American Family Assoc., MI, American Family Assoc., OH, American Family Assoc., NJ.

Mr. MCCAIN. Mr. President, this is from Houston Reuters, Thursday, June 15:

A Georgia man has been arrested in Texas and charged with trying to buy two elementary school boys for sex after FBI agents monitoring the Internet identified him as a pedophile, the agency said on Thursday.

Jonathan Christopher Wood was arrested on June 3 after traveling to Houston from Perry, Georgia, with the intention of buying the boys and taking them back to Georgia for illegal sex, the FBI said in a statement.

Wood, 53, was arrested after arriving in an agreed-upon meeting place with $12,000 in cash for the purchase, the FBI said.

Brian Loader, assistant special agent in charge of the FBI's Houston field office, told Reuters the arrest came as a result of FBI monitoring of Internet chatrooms.

''He was identified by our Crimes against Children task force as a person who was actively seeking to purchase children for sexual exploitation. He was using the Internet,'' Loader said.

Loader declined to say whether an FBI agent had posed as a seller but he said that no other arrests had been made.

A Federal criminal complaint filed against Wood alleges that he traveled across States lines with intent to engage in prohibited sexual relations with a minor. Woods had recently moved to Georgia from Alabama, where he had owned a company that provided Internet access.

Also on Thursday, Texas Attorney General John Cornyn announced the arrest of five men charged with aggravated sexual assault for allegedly having sex with a 12-year-old girl they contacted through an Internet chatroom.

Mr. President, I will have a longer statement when we pursue this amendment later on. I hope we can have an up-or-down vote. Anyone who uses the Internet knows of this problem.

I am not advocating censorship. The fact is that when Federal dollars are used to wire schools and libraries in America, then it seems to me the schools and libraries have an obligation to provide Internet filters and use them according to community standards—only according to community standards, in the same fashion that a school or library filters printed material that comes into a school or library. Occasionally, a wrong book may be taken off the shelf in a library. But I know of no school board or library board that does not filter printed material.

How in the world can we sit still and have all of this stuff coming into our schools and libraries without the kind of filtering that is done with printed materials? A few years ago, a 13-year-old boy in the Phoenix library was viewing pornography on the Internet, and he walked out and sexually molested another young boy. This is rampant throughout this country.

Some argue that I can't stop everything over the Internet, nor do I wish to try that or to enter anybody's home; that is their private business. But schools and libraries in this country should exercise their responsibilities to screen this kind of material according to community standards.

Why in the world the American Library Association opposes this legislation is one of the great curiosities of my political career. I hope we can overcome that opposition. The overwhelming number of parents in America want their children protected in schools and libraries as they view the Internet.

Mr. President, I look forward to an overwhelming vote in favor of this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 15 minutes each.

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

PROTECTING CHILDREN ON THE INTERNET

Mr. SESSIONS. Mr. President, I appreciate Senator MCCAIN for raising this important issue. I agree with him that is difficult to conceive that anyone would think that material that comes through the Internet which would not be allowed in the library in a book should be allowed to be in there electronically. It is frustrating to see the National Library Association, who I have observed over the years have a very radical view of absolutely no one telling a librarian what can be brought into a library. I don't think that is legitimate. Their salaries are paid by the taxpayers, and they receive money from the Federal Government. They don't have an absolute, unprotected right to select whatever they want in the library. It is not a healthy matter.

ELLSWORTH WOULD BE THE BEST HOME FOR THE NEW GLOBAL HAWK AIRCRAFT

Mr. DASCHLE. Mr. President, the Air Force is currently evaluating five military bases to see which would be the best home for its new unmanned surveillance craft, known as Global Hawk. Accordingly, the Air Force is using the final 2 weeks of June to send a team out to each of the five candidates to solicit public opinion on potential environmental impacts. The next such meeting occurs Friday in Rapid City, SD and focuses on Ellsworth Air Force Base.

For the past year or so, I have been making the case for Ellsworth to senior officials in the Department of Defense and the Air Force. Perhaps not surprisingly, I firmly believe Ellsworth represents the best choice for the Air Force to host this important new mission. As we approach the date of the Air Force's meeting in South Dakota, I thought I would say a few words here in the Senate about why I feel as strongly as I do. Although I am confident none of my colleagues will be surprised by this position, they may find some of what I have to say about Ellsworth surprising.

Friday's meeting moves the Air Force one step closer to a deployment decision on the Global Hawk system. I and the scores of other supporters of Ellsworth welcome a careful, objective review. We are confident that at the end of such a process the Air Force will conclude that Ellsworth is the most appropriate home for the Air Force's next generation of surveillance aircraft.

We hold this view for three very important reasons. First, geography. Ellsworth offers uncrowded airspace and largely open spaces. Such a setting is ideal for conducting the kinds of training missions necessary to ensure the Air Force maximizes the technological possibilities offered by Global Hawk.

The second reason Ellsworth has an edge over its competitors is base infrastructure. Many people who have never visited Ellsworth or who have not visited recently will be surprised to see the modern facilities at this base. Many people perceive Ellsworth as a sleepy, rundown former Strategic Air Command Base. Nothing could be further from the truth. As a result of years of effort, it now has the facilities to match the fine personnel it has always had.

The final advantage Ellsworth enjoys is community support that is as deep as it is widespread. From elected officials, to business owners, to hard-working South Dakotan families living in the surrounding area, all stand completely behind what Ellsworth does for South Dakota and our national security. The Air Force will be hard pressed to find a community more supportive of its mission.

For all of these reasons, I stand behind Ellsworth and welcome the Air Force to my state so they can see first hand what I have been talking about in meetings with defense officials and here today on the Senate floor.

HATE CRIMES

Mr. DASCHLE. Mr. President, I rise to commend the passage of the bipartisan Kennedy-Smith Amendment—the Local Law Enforcement Act of 2000. The Senate's consideration of this important measure was long overdue and its passage is one of the major civil rights victories of this century.

We are all aware of the tragic deaths of James Byrd in Texas and Matthew Shepard in Wyoming. James Byrd was murdered because of the color of his skin. Matthew Shepard was murdered because of his sexual orientation.

In the Byrd killing, the federal government could help.

In the Shepard killing, the federal government could not help local law enforcement. Why? Because our current hate crimes statute is full of holes and desperately needs to be updated.

Right now the federal hate crimes law does not cover disability, gender or sexual orientation. In addition, the federal government can prosecute only those crimes where the victim was chosen because he or she was engaged in a ''federally protected activity,'' such as attending public school or serving as a juror. That is a very narrow basis on which to bring a lawsuit.

Because Matthew Shepard was killed because he was gay, the federal government could not provide the resources Laramie, Wyoming's law enforcement so desperately needed. This is why our federal hate crimes law ought to apply whenever a hate crime occurs.

Last year Dennis and Judy Shepard, Matthew's parents, came to Capitol Hill to plead with us to broaden the hate crimes law. I suspect that no Senator who met them will ever forget their words or the anguish in their eyes. It was an anguish that probably only a parent who has lost a child can possibly understand.

During their visit to Capitol Hill, and all across America, the Shepards have found the strength to talk about their own tragic experience to help prevent other parents from experiencing their nightmare. Had we not passed the Kennedy-Smith Amendment we would have been ignoring their pleas, and the pleas of so many others.

The Kennedy-Smith Amendment will end, once and for all, the contortions that federal prosecutors must undertake to exercise jurisdiction over hate crimes. The Hatch Amendment will not.

The Kennedy-Smith Amendment will allow federal authorities to assist in state and local prosecutions of hate crimes on the basis of disability, gender and sexual orientation. The Hatch Amendment will not.

We don't need to collect more data on hate crimes. We don't need to analyze the problem. We need to solve it.

We already collect information on hate crimes and the statistics are grim. In the last year for which we have statistics, 1998, almost 8,000 hate crime incidents were reported.

And we already know that state and local law enforcement needs our help because they have told us so. The National Sheriff's Association has told us so. The International Association of Police Chiefs has told us so. Both the Sheriff and Police Commander of Laramie, Wyoming have urged us to pass the Kennedy-Smith Amendment. The Laramie Sheriff and Police Commander came with Dennis and Judy Shepard to Capitol Hill. They told us what it meant for their departments to be without the assistance of the federal government in investigating and prosecuting Matthew Shepard's murder. It meant that they had to lay off 5 law enforcement officials as a result of the financial strain of the prosecution of Matthew Shepard's killers.

If the Kennedy-Smith Amendment had been law, those officers would not have been laid off.

We all know that only the Kennedy-Smith Amendment will bring about substantial change. We all know that only the Kennedy-Smith Amendment will provide law enforcement, in places like Laramie, Wyoming, the tools they need to investigate and prosecute hate crimes wherever they occur. We all know that only the Kennedy-Smith Amendment will send a strong message that the federal government will prosecute every hate crime with vigor.

I am proud that this Senate has now stood with Dennis and Judy Shepard. I am proud this Senate did not let the politics of misunderstanding keep us from enacting a bill that would enable prosecutions of crimes motivated by hatred of gays and lesbians—the motivation for some of the most vicious hate crimes.

There are those who argued that this amendment was not needed because it only affects a small percentage of Americans. I am troubled by this suggestion. Hate crimes diminish us all. Did this Congress say, in 1965, that we didn't need a Civil Rights Act because racial discrimination ''only'' affected a small percentage of Americans? No. We are talking about basic protections that all Americans should be afforded. If they are denied to any of us, we are all affected.

We must make sure that the federal government leaves no American unprotected. The Kennedy-Smith Amendment is a bipartisan, reasonable, measured response to a serious problem. Now we must ensure that it becomes law.

FLOOD DISASTER

Mr. CONRAD. Mr. President, I rise today to alert my colleagues that another series of national disasters have hit my home State of North Dakota. This newspaper headline from the largest paper in our State says it best with the headline on the front page, ''Swamped.'' The newspaper goes on to say NDSU, the State university, suffered millions in damage. In fact, I talked to the president of the university hours ago. He believes the damage is in excess of $20 million just at North Dakota State University. This newspaper indicated that the flood filled the Fargo dome where NDSU plays the football games. The dome was filled with over 8 feet of water.

This monsoon that hit Fargo, ND, on the night of June 19, absolutely flooded the entire town. It was an incredible series of circumstances. This is a picture that shows cars under water. We saw this all over the city of Fargo. Basements are flooded. Every kind of structure is flooded with 2 to 3 feet of water in the streets of the city of Fargo, the biggest city in my State.

We also saw massive flooding on the outskirts of town. This is the interstate. This is I–94 that connects Fargo to the rest of North Dakota. It is a major east-west highway in North Dakota. It was under water. Every part of town saw massive flooding. Homes and trailers are under water all across the city of Fargo.

North Dakota State University is one of the two major universities in our State. They suffered millions in damage, with very little flood insurance. The president of the university told me their insurance carrier tells them for this kind of event they only had $10,000 of insurance coverage—with losses of over $20 million. Even the president's house was wet. The newspaper says the president of the university was among many people dealing with the soggy conditions after fighting battles throughout the night, with 2 inches of sewage that entered the basement of the president's house through the failure of the sewer system.

This disaster was not confined to the city of Fargo, unfortunately. It spread throughout the area. Probably one of the great ironies is that until June 11 we were in a drought in much of eastern North Dakota. On June 12, 13, and 14, we had heavy rains in the northeastern part of the State.

I was there last week with FEMA officials assessing the damage. In that part of the State, they received 20 inches of rain in 2 days—absolutely Biblical. I have never seen anything like it—20 inches of rain in 2 days. The entire annual precipitation we receive in the State of North Dakota came in 2 days.

Over 150,000 acres of prime farmland flooded in that series of incidents. Of course, that was followed a week later, last Monday night, by this devastation hitting Fargo, ND, the largest city in the State. The mayor of Fargo said it perhaps best: ''It's the worst rain flood we've ever had.''

This is an event unparalleled in North Dakota history. There is something very odd going on with the weather pattern. I can only say in my State we have had eight Presidential disaster declarations in the last 7 years. We fully anticipate we will have number nine as a result of this series of incidents in northeastern North Dakota and then in southeastern North Dakota. Hundreds of thousands of acres of farmland were flooded. The major

city of my State was very badly hurt by this massive flooding.

I have come before with requests for disaster assistance. I was very hopeful we weren't going to have a disaster this year. Until these devastating events, the worst thing happening was that we appeared to have a drought in part of the State. It is truly stunning to get 20 inches of rain in 2 days.

The damage is incalculable. In North Dakota State University, there wasn't a building on the campus that was not flooded. The president informed me today that the basement of the library was badly flooded where some of the archives were kept. They were in the basement because that is the safest place in a tornado. Fargo is a town that has previously been hit by tornadoes—not frequently, but on occasion. So the most valuable materials were stored in the basement. Then we get hit by these massive monsoon rains that flooded every building on that campus, including devastating and destroying some of the archives of the State.

This is, again, a disaster of stunning proportion. Tomorrow, top officials of FEMA and I will be going to North Dakota, accompanied by top officials of the USDA, to further assess the damage. I talked to the Governor today. He tells me he is readying a request for disaster assistance. Without question, we will be coming to this body once again to ask for assistance for a remarkable set of what can only be described as almost unimaginable occurrences. It does make me wonder if there is something going on with global climate change that we don't fully understand, to have these extraordinary sets of circumstances 8 years in a row. That is the fact. That is the circumstance that we face.

I wanted to draw my colleagues' attention to it. We in North Dakota have expressed our thanks to our colleagues on repeated occasions for the assistance provided North Dakota in the face of these remarkable natural disasters. I regret very much standing here today again drawing my colleagues' attention to what has occurred in my home State. I think it is important for colleagues to know this has occurred, and that, once again, we will be asking for assistance.

I yield the floor.

HEADSTONES AND GRAVE MARKERS AMENDMENT TO DEFENSE BILL

Mr. DODD. Mr. President, I rise today to express my appreciation to the bill managers, Chairman WARNER and Senator LEVIN, for accepting my amendment (No. 3549) regarding headstones and grave markers for veterans.

This amendment entitles each deceased veteran to an official headstone or grave marker in recognition of that veteran's contribution to this nation.

This amendment is identical to a bill I introduced last year, S. 1215, which has the support of veterans groups such as The American Legion, The Retired Enlisted Association and the Veterans of Foreign Wars. It is cosponsored by Senators BYRD, KENNEDY, SANTORUM, CONRAD, LEAHY, KOHL, FEINGOLD and LIEBERMAN.

There is no more appropriate time for this amendment. Last month, we commemorated Memorial Day. In just a few days our nation will observe Independence Day. Each of these holidays reminds us of the sacrifices made by our veterans. Today our nation is losing one thousand World War II veterans each day. And although they do not boast or brag much, we are all well aware of their monumental contribution to America's remarkable history of freedom, prosperity and political stability.

This amendment would enable their country and their families to recognize that contribution.

As anyone who has made burial arrangements for a deceased veteran knows, the Department of Veterans Affairs must provide a headstone or grave market in recognition of that veteran's service.

What some may not know, and what this amendment would change, is that once a family places a private headstone on their veteran's grave, they forfeit their veteran's entitlement to the official VA headstone or marker.

This law has its origins in the period following the Civil War when our nation wanted to ensure that no veteran's grave went unmarked. Today, however, when virtually no one is buried in an unmarked grave, the VA headstone or grave marker serves to officially recognize a person's service in the U.S. armed forces.

The present policy generates more complaints to the VA than any other burial-related issue. About twenty thousand veterans' families contact the VA each year to register their belief that their family member is due some official recognition for his or her military service regardless of whether a private headstone has been placed on the grave.

A constituent of mine, Mr. Thomas Guzzo, first brought this matter to my attention. His father, Agostino, a U.S. army veteran, passed away in 1998.

Agostino Guzzo is interred in a mausoleum at Cedar Hill Cemetery in Hartford, but his final resting place does not bear any official military reference to his service in the U.S. Army. Agostino Guzzo's family wants an official VA marker, but, because of the policy I have described, they cannot receive one.

Faced with this predicament, Thomas Guzzo contacted me, and I attempted to straighten out what I thought to be a bureaucratic mix-up. I was surprised to realize that Thomas Guzzo's difficulties resulted not from some glitch in the system, but rather from the law itself.

I wrote to the Secretary of Veterans Affairs regarding Thomas Guzzo's very reasonable request. The Secretary responded that his hands were tied as a result of the obscure law to which I have just referred.

This amendment is a modest means of solving an ongoing problem that continues to be a source of irritation to the families of our veterans. The Congressional Budget Office has estimated that it would cost three million dollars during the first year it is in effect, and about two million dollars per year thereafter. That is a small price to pay to recognize our deceased veterans and put their families at ease.

Prior to November 1, 1990, when a veteran passed away, the VA was required to provide a headstone or grave marker unless a family bought a private headstone. For those families, the VA provided a check for the amount, about $77, it would have spent on a headstone. This amendment will not reenact that policy, which was discontinued due to cost considerations. It simply says that an official VA marker or headstone will be provided for those families that ask for one, and may be placed at a site that they deem to be appropriate. In most cases, families that have placed a private headstone will request a marker—a $20 brass plate—that would be mounted to the headstone. Surely we can do that much for our veterans in this time of budget surpluses.

This amendment allows the Department of Veterans Affairs to better serve veterans and their families, and I encourage my colleagues to listen to the thousands of veterans' families who simply hope to recognize a family member's military service.

The Greatest Generation gave so much to this country in life, this is the least we can do for them when that life comes to an end.

They did their duty and answered the call to serve. It is up to us to give them the modest recognition that they deserve.

Again, I want to thank the managers for their support and the Senate for adopting the amendment. I am hopeful that this provision will be maintained in the conference report.

COPING WITH A CHANGING KOREAN PENINSULA: AVOIDING RIGIDITY AND IRRATIONAL EXUBERANCE

Mr. BIDEN. Mr. President, I rise to begin a discussion of the tremendous strategic consequences which may flow from events now underway on the Korean Peninsula.

As we debate spending on non-proliferation programs—including support for the Korean Energy Development Organization created by the 1994 Agreed Framework, which was significantly reduced in the Foreign Operations Appropriations Bill just passed by the Senate—it is important to keep the big picture in mind. We need to remain flexible in the face of a changing world, avoiding the twin pitfalls of rigidity and what Fed Chairman Alan

Greenspan refers to as ''irrational exuberance.''

Our decisions today will help shape the strategic environment that our children and grandchildren will live with tomorrow.

I don't pretend to have all the answers, but I think I have a good handle on some of the key questions, and I hope my colleagues will bear them in mind as we move forward.

A decade after the end of the cold war, the American people are entitled to feel puzzled and dismayed by the continued hostile division of the Korean peninsula along the 38th Parallel. More than a million soldiers, including 37,000 Americans, thousands of artillery tubes, and hundreds of tanks, are clustered along a heavily-fortified border 155 miles long. If ever a place were ill-named, it would be the so-called ''Demilitarized Zone'' on the Korean Peninsula.

Today, the two Koreas could not be more different.

North of the DMZ, people live in unimaginable poverty and hardship. As many as 2 million North Korean have perished as a result of famine and disease over the past 4 years.

The 22 million who have survived live under one of the most repressive and brutal regimes on the planet.

Their leader, Kim Jong-il, was, until recently, a recluse. We didn't know much about him, although there were plenty of rumors. He was said to be mad, irrational, a playboy obsessed by Hollywood movies. He was the ''perfect rogue'' in charge of the world's most dangerous ''rougue'' nation.

South of the DMZ, 47 million Koreans live in a flourishing democracy, one of the most productive societies on the planet. They enjoy one of the highest living standards in Asia, or indeed, in the world. Their country is completing a remarkable transformation from authoritarian rule to full-throated democracy.

They are a steadfast U.S. ally, and have shed blood and put their lives on the line alongside U.S. forces from Vietnam to the Middle East.

South Korea's leader, President Kim Dae-jung, is a visionary and a man of peace. Long imprisoned for his support for democracy and rapprochement with North Korea, Kim had the courage to extend a hand of peace and friendship across that DMZ, and the peninsula may never be the same.

Mr. President, the Korean Peninsula is hallowed ground.

This is where Americans of the 2nd Infantry division struggled their way up Heartbreak Ridge in order to help secure a defensive line which has remained static for the past 50 yrs. It is a battlefield on which 900,000 Chinese, 520,000 North Korean, 250,000 south Korean, and more than 33,000 American combatants lost their lives. It is ground on which as many as 3 million civilians—ten percent of the total population—perished during three years of desperate fighting.

The Korean Peninsula is also perilous ground.

The North has not withdrawn any of its heavy artillery poised along the Demilitarized Zone. It has not yet ended all of its support for terrorist organizations. And, perhaps of greatest concern to the U.S., North Korea has not stopped its development or export of long-range ballistic missile technology. The North's missile development poses a threat not only to our allies South Korea and Japan, but to others in regions destabilized by North Korean arms merchants.

In short, the North Korean threat remains today the most obvious strategic rationale for America's forward-deployed military forces in the Pacific Theater. Roughly 100,000 men and women of the armed forces safeguard U.S. interests in East Asia.

The North Korean threat is also the most obvious strategic rationale for those who advocate the development and deployment of a limited National Missile Defense. As the expression went back in the early 1980's, ''One A-bomb can ruin your whole day.''

Mr. President, it is too soon to pop the champagne corks. Euphoria is not an emotion that lends itself to sound foreign policy-making. As President Kim Dae-jung himself has said, we must approach North Korea with a ''warm heart and a cool head.''

Having said all of that, it would be the greatest folly for us not to consider the potential significance of what is happening on the Korean peninsula, not just for Northeast Asia, but for the future of United States strategic doctrine and our role in the Pacific.

Mr. President, the world does not stand still. The ''plate-tectonics'' of Northeast Asia are fluid. The realignments underway could have a profound impact on our force posture and role we will play, with out friends and allies, in helping to secure a peaceful and stable East Asian environment for our children and grandchildren.

With the emergency of Kim Jong-il from what he jokingly admitted was a ''hermit's'' existence in North Korea, we are beginning to see the rewards of patient diplomacy backed by strong deterrence. If implemented, the agreement reached in Pyongyang—especially provisions for family reunion visits, economic cooperation and eventual peaceful unification—promises to reduce tensions in this former war zone and enhance economic, cultural, environmental, and humanitarian cooperation on the peninsula.

In five year's time, we might be evaluating a new North Korean missile threat. Alternatively, we might be marveling at the creation of a genuine demilitarized zone linking, rather than separating, North and South.

North Korea appears to have made a strategic decision that reforming its moribund economy and normalizing relations with its neighbors are the keys to the survival of the regime.

This decision was not made at the summit. It has its origins in the collapse of the Soviet Union, the fall of the Berlin Wall, and the success of China's economic reforms. Absent Soviet subsidies and military, North Korea has become a desperately poor country, unable even to feed itself. It has begun to seek accommodation, even on tough issues involving national security.

Just yesterday, in response to President Clinton's decision to lift some economic sanctions on the North, the North Koreans agreed to extend the missile launch moratorium it has observed over the past year.

The North also agreed to engage in a new round of talks next week with the Administration. These talks will take time, but they could ultimately lead to a decision by North Korea to forego future missile exports and curtail its development of long range missiles.

What would be the consequences of a world in which North Korea no longer posed a significant threat to its neighbors? Where would our interests lie?

It's hard to answer the first question without first engaging in thorough deliberations not only with our allies South Korea and Japan, but also with others with a stake in preserving peace and stability in northeast Asia, most notably China and Russia. I believe those deliberations should begin now. We should not wait for events to dictate an answer to us, as occurred in the Philippines when we suddenly found ourselves without bases on which we had staked much of our future in Southeast Asia.

It's a little bit easier to answer the second question. I believe our enduring interests are clear.

First and foremost, will be our desire to preserve peace and stability. There are regional tensions beyond the division of the peninsula.

Japan and South Korea have unresolved territorial disputes and a historical legacy of war and mistrust. The Perry Initiative has helped forge a remarkable trilateral spirit of cooperation, and we should seek to ensure that spirit lives on even after the threat of a second Korean War is laid to rest.

Japan and Russia have much the same difficulties as do Japan and South Korea, and we should do our part to help them to resolve their differences peacefully.

Second, we must pursue non-proliferation. The danger of nuclear proliferation will not evaporate just because North and South Korea are reconciled. U.S. strategic doctrine—especially our decision on whether to proceed with the development and deployment of a National Missile Defense—will have a huge impact on whether Japan goes nuclear, which would immediately trigger a Korean response, and whether China builds more ICBMs or decides to MIRV a future generation of missiles.

The North Korean threat is literally and figuratively a ''moving target.'' We should make sure that our aim is true, and that we do not inadvertently cause more problems than we solve in our haste to address it.

Third, we will want to foster respect for international norms in the areas of human rights and the environment. This will be particularly important in our relationship with China.

Fourth, we will continue to seek economic openness, including securing sea lanes of communication. A decision looms before the Senate on whether to extend permanent normal Trade Relations to China.

I support PNTR for China, in part because I believe it is an essential ingredient of an overall strategy which secures a place for us in more prosperous and economically integrated East Asia.

For all of these objectives, maintenance of robust U.S. military capabilities, forward deployed in the region, will be essential, although the composition of those forces is likely to change as their roles and missions evolve. Our forward-deployed forces and the maintenance of strong strategic airlift capabilities at home enable us to respond swiftly and effectively to regional contingencies, humanitarian disasters, and political instability which might impact our vital interests.

Mr. President, as I said at the outset, I think we may be witnessing something extraordinary underway in Northeast Asia. We don't know exactly how it is all going to play out. But we had best begin now to discuss the potential implications. The decisions we make today will shape the strategic environment and the tools we have to advance our interests in East Asia tomorrow.

Mr. President, I yield the floor.

GUN VIOLENCE

Mr. WYDEN. Mr President, I rise today to speak about the tragedy that is gun violence.

On May 21, 1998, 15 year-old Kip Kinkel walked into Thurston High School in Springfield, OR and opened fire with a semiautomatic rifle in a crowded cafeteria, killing two classmates and wounding two others. Kinkel had been arrested the day before the shooting for bringing a gun to school. However, police decided that he was not a threat and released him to his parents. The next morning, Kip Kinkel shot his parents to death at home before he went to school and opened fire on his classmates.

The entire state of Oregon went into shock. The Mayor of Springfield called upon lawmakers to institute a mandatory detention period for students caught bringing guns to school. In response, Senator GORDON SMITH and I introduced S. 2169, a bill that would provide a 25 percent increase in juvenile justice prevention funds to those states that implemented a 72-hour detention period for any student who brought a gun to school.

The idea behind the bill is straightforward. If a student brings a gun to school, he or she must be removed from the school and moved to a secure place where the student can be evaluated and the community protected.

A month later, on July 23, 1999 Senator SMITH and I offered a modified version of S. 2169 as an amendment to the Senate Commerce-Justice-State Appropriations bill. The ''24 Hour Rapid Response for Kids who Bring a Gun to School,'' amendment passed unanimously. Unfortunately, conservative House members, with close ties to the National Rifle Association, objected to any so called ''gun measures'' on the bill, and the amendment was removed.

On May 19, 1999, Senators SMITH, HATCH, and I teamed up to offer a revised version of the 24-hour Rapid Response amendment to S. 254, the Juvenile Justice bill. The amendment was accepted by the bill managers. Sadly, the bill has languished in the Conference Committee since that time.

Consequently, I have offered the 24-hour Rapid Response amendment on S. 1134, the Education Savings Act and S. 2, the Educational Opportunities Act, and will continue to offer it until such time that schools are safe for all our children. This is not about guns. It's about safety.

Since this amendment has not been enacted and because the legislation that would give law enforcement the tools to stop gun violence have been stalled, I come to the floor today to continue reading the names of those who fallen to gun violence.

Following are the names of some of the people who were killed by gunfire one year ago today, June 22, 1999:

Sean Atkins, 33, Baltimore, MD; Cedric Biglow, 22, Oklahoma City, OK; Michael A. Clifton, 35, Chicago, IL; Dredunn Cooper, 20, Houston, TX; Max Johnson, 28, Dallas, TX; Willie Ray Lewis, 23, New Orleans, LA; Rico Mosley, 19, Atlanta, GA; Richard Neely, 75, Chicago, IL; James Edward Shea, 75, Cape Coral, FL; Steve Taylor, 25, Philadelphia, PA; Joel A. Thompson, 20, Chicago, IL; Michael Williams, Atlanta, GA; Marduke Jones, Detroit, MI

NATIONAL EARLY LITERACY SCREENING INITIATIVE

Mr. COCHRAN. Mr. President, recently, the National Reading Panel submitted its report to Congress. That report shows the best current research on how children learn to read. One of the significant studies included in the research is the product of the National Institute for Child Health and Human Development. The research actually began as a result of the 1985 Health Research Extension Act which charged NICHD with the research task of finding out why children have trouble learning to read.

The U.S. Department of Education reports a 42% increase in the number of students with specific learning disabilities receiving special education services over the past decade, with 2.7 million students ages 6–21 currently being served under the Individuals with Disabilities Education Act. As many as 90 percent of these students have significant, if not primary, special education needs in the area of reading.

In the NICHD study, one of the most important discoveries was that 90–95% of those children with reading difficulties could be on track with their peers by third grade if they are identified at an early age and given the appropriate training. And that, Mr. President, is the greatest step we can make toward successful learning for these children.

Currently, there is no readily available, scientifically based, easy-to-use screening tool to test children for reading readiness skills. And, there is no coordinated effort for parents and other early care providers to identify children who show signs of early literacy difficulties and to provide them research-based information and support.

The National Center for Learning Disabilities has recently completed a plan to provide parents, early childhood professionals, and other care providers with an easy to use early literacy screening tool, access to information about the critical importance of early oral language and literacy experiences, and resources that will inform and enhance early instruction and learning. The Report to the House-passed version of the Labor, Health and Human Services, Education and Related Agencies Appropriations bill includes a recommendation that NICHD fund this initiative.

I hope that as we work through the differences in this bill, adequate funds will be provided to NICHD to fund the National Early Literacy Screening Initiative.

NOMINATION OF EDWARD GNEHM, JR. FOR AMBASSADOR OF AUSTRALIA

Mr. ENZI. Mr. President, this is truly one of the highlights of my Senate career, an instant replay memory I will recall and cherish for a long time to come. For today I was able to read and have approved the nomination of my college roommate to serve as Ambassador. It's something we would have never dreamed we would be a part of back in the days when we were rooming together just down the street from the United States Capitol at George Washington University.

I first met Edward Gnehm, Jr., or ''Skip'' as everyone has come to know him, years ago and we quickly became friends. In fact, Skip was my fraternity brother and he is the only brother that I have ever had—of any kind—in my life. He was my roommate for three years and he's been my friend ever since. As I hit the books and studied about accounting and business, he was working on learning the nuances of International Relations in the hope that it would help him become a career Ambassador for the United States of America. I watched him work and dedicate his every waking moment to his dream. You can't help but be inspired by someone who has that kind of dedication. He was a brilliant guy, but he

was also modest about it. He had high expectations for his college years—his teachers did, too. Skip's hard work and determination allowed him to exceed and surpass them all. None of us who knew him were surprised by his success.

We graduated from college and then, as the years passed, we took on the challenges of our lives. For me, a career as a small businessman gave way to a second career in politics. For Skip it was one post, one assignment after another, as his work took him literally all over the world.

So much of what I know about the world and the people of different countries comes from having seen so much of it through my friend Skip's eyes. He first served in Katmandu, the capital of Nepal. He also worked in many parts of the Middle East. As Ambassador, he faced danger and showed a unique kind of bravery in Kuwait when Saddam Hussein's Army took up residence across the street. Through it all, Skip never wavered, and he never lost sight of what he most wanted to do—and that was to serve his country to the best of his ability.

That may sound a bit corny to some, but that's all right. In this day and age we need more like him who are dedicated to God, country and family and who live that philosophy from the heart every day. It's called walking your talk and Skip knows all about that. I know that about him because I know him so well. I canoed with him in the swamps of Georgia. You get to know a lot about someone when it's the two of you sharing the experience of being lost in the midst of some mysterious aspect of God's creation. Those are quiet times that lead to thoughtful reflection and a shared focus on the things that are important in life.

Another of the things we have in common was our incredible good fortune in picking a spouse. Skip and his wife Peggy and I and my wife Diana have built a relationship based on trust, cooperation, communication and understanding. That kind of bond has helped Skip and Peggy to serve their country as Ambassadors overseas and it has helped Diana and me to serve the people of Wyoming here in the Senate.

He and I have sons and daughters who are the same age. His son, Ed, is married to the daughter of the couple who introduced me to my wife, Diana. They met at my swearing-in ceremony. The two dads were part of my wedding. And I was there to see their children's marriage in Wyoming.

He recently had a break in his assignments which brought him back to Washington where he served at the State Department. It was always good to see him and to watch him continue to serve in so many different capacities with the same strength, courage and professionalism he brought to any task. On other assignments here, he worked with the Defense Department as State Department Liaison, with Senator KENNEDY on foreign relations issues and he has also held several other posts. He has served in the United Nations.

Although he was doing well ''back home'' Skip wanted to get back on the road and head out for another adventure, another challenge in his life. Now, with the action taken by the Senate today, he has received his next call.

I want to thank all of those who made Skip's placement possible. First, let me acknowledge the efforts of CRAIG THOMAS, my friend and colleague from Wyoming, who held hearings on Skip's nomination. He went beyond the call of duty to get his part of the job done in a timely fashion.

Senator HELMS, too, deserves our appreciation for his expeditious work with the full Committee to get the nomination brought before the full Senate for our consideration.

Now, all those years of planning, preparing, and public service have paid off. For Skip, it means another post in an already distinguished career. For us, it means we have a truly dedicated career officer who will be serving us in Australia. I can't think of a better Ambassador and representative of the people of the United States than Skip Gnehm. He will love being there and Australia will love coming to know Skip. It's another perfect match!

TRIBUTE TO SERGEANT MAJOR OF THE ARMY ROBERT E. HALL

Mr. THURMOND. Mr. President. I would like to take this opportunity to pay tribute to Sergeant Major of the Army (SMA) Robert E. Hall, who will retire today, June 22, 2000. SMA Hall's service to our nation spanned more than 32 years, during which he distinguished himself as a soldier, leader, mentor, and advisor to the Chief of Staff of the Army.

A native of Gaffney, South Carolina, SMA Hall enlisted in the U.S. Army in February 1968. During his more than three decades of loyal service to the nation, he has held and served in every enlisted leadership position from squad leader to command sergeant major. He is a combat tested leader, serving in Desert Shield/Desert Storm with the 24th Infantry Division Artillery as its command sergeant major. Before becoming the 11th Sergeant Major of the United States Army, he was command sergeant major of U.S. Central Command, MacDill Air Force Base, Tampa, Florida. He also served as command sergeant major, 1st Battalion, 5th Air Defense Artillery, Fort Steward, Georgia; Commandant, 24th Infantry Division Noncommissioned Officer Academy, Fort Steward, Georgia; the 24th Division Artillery, Saudi Arabia and Iraq; the 2nd Infantry Division, Korea; and First U.S. Army, Fort Meade, Maryland.

During SMA Hall's tenure as advisor to the Chief of Staff of the Army, he made individual soldiers' issues a priority, focusing on improving the quality of life for them and their families. He concentrated on providing servicemen and their loved ones with accurate and timely information so that they could make educated and informed decisions about their future in a transforming Army. His personal efforts provided significant assistance and helped to ensure the successful repeal of the REDUX retirement system. In addition, he helped lay the foundation for pay table reform. This was achieved through regular interviews with both internal and external media sources. He also testified and visited with congressmen more than 19 times during his tenure as Sergeant Major of the Army. In doing so, he established a reputation, trust, and rapport with Congress as a caring leader who conveyed the needs of enlisted soldiers.

SMA Hall's distinguished 32-year career epitomizes the consummate professional soldier. But above all, he is a loving and caring husband and father whose service was enhanced by his wife, Carole, and their three children, Apra, Rea, and Jason.

I am certain that my colleagues in the Senate join me in commending SMA Hall on his dedicated service to the nation and the United States Army, and wish him well in his future endeavors.

GUN SAFETY CAMPAIGN

Mr. LEVIN. Mr. President, when six-year old Kayla Rolland, from Mt. Morris Township, Michigan, was shot by a fellow classmate, it moved most Americans to tears. Months later, the tears dried and the images faded from view for some, while others turned those tears into action. Of course, the most active group has been the Million Moms, who marched in my home state of Michigan and around the country to demonstrate for safer, more sensible gun laws.

The mothers and others marched on Mothers' Day, 2000 because they are fed up with Congress and our continual failure to pass responsible gun measures that will help protect America's children. Since the school shooting in Colorado, and the more recent one in Michigan, Congress has failed to act, so Americans have started to take gun safety into their own hands. One of those Americans is Joe Yax of Midland, Michigan.

Mr. Yax was driven to action by the school shooting of Kayla Rolland. Yax said he felt nauseated when he first heard news of the shooting, and immediately thought of his own young children, and the unlocked guns he kept at home. Yax told the press that he had always planned to purchase locking devices for his guns, but he never found the time. When young Kayla was shot, not only did Mr. Yax find the time to purchase trigger locks to make his own children safer, Mr. Yax, who is a store employee of the Midwest superstore, Meijer, e-mailed the company's president to see how he could make his community safer.

As a result of that e-mail, Meijer, which does not sell guns, but does sell ammunition, hunting licenses and other supplies, implemented a gun safety campaign at all of their stores. Sporting-good employees now wear buttons reading, ''Is your home gun safe? Trigger lock 'em'' and trigger locks are displayed prominently at the sporting-goods counter. In addition, Meijer reduced the price of trigger locking devices to encourage more purchases.

I am pleased that Joe Yax took this initiative, and I think he and Meijer should be commended for their efforts. Corporate responsibility is a necessity if we are going to reduce gun violence. Nevertheless, while Mr. Yax did what he could to improve gun safety, it is not enough. It's time for Congress to follow the lead of Mr. Yax and act to make sure our own children—America's children—are safer.

MEDICARE LOCKBOX

Mr. ASHCROFT. Mr. President, I am pleased to speak for a few moments to call attention and applaud the actions of the House of Representatives this week in taking a fundamentally important step toward protecting both the Medicare and Social Security programs.

I want all Americans to know that the full House passed Medicare Lockbox legislation—H.R. 3859, sponsored by Representative WALLY HERGER—by an overwhelming 420–2 margin. What months ago some inside the Beltway said was impossible has happened—one chamber of Congress has spoken in an almost unanimous voice to protect the Medicare and Social Security surpluses.

For decades, Congress and the President have used Social Security and Medicare surpluses to finance additional government deficits. Last year, for the first time since 1957, Congress balanced the budget without spending a penny of the Social Security surplus.

When Congress accomplished this important goal, I immediately set my sights on a higher goal—that is, to protect the Medicare Part A surplus in the same manner. So on November 18, 1999, I introduced S. 1962, the Social Security and Medicare Safe Deposit Box Act. The bill the House passed yesterday is very similar to my legislation, and I am encouraged about the prospects of passing the Medicare Lockbox in the Senate and seeing it signed into law.

We need to ensure that the payroll taxes Americans contribute to pay for Social Security and Medicare are used solely to pay Social Security and Medicare benefits. Any surpluses in these accounts should be used to reduce publicly-held debt. It is wrong for Washington to spend this money on additional government programs or to finance additional government deficits.

The Medicare lockbox will wall off the surpluses in the Social Security and Medicare Part A Trust Funds, barring Congress from even considering a budget that used Social Security or Medicare surpluses to finance deficits in the rest of the government; only a three-fifth vote in the Senate and a majority in the House could override the new rule.

It will impose discipline and clarity on the spending practices in Washington. If Congress or the President wants to spend Medicare Part A or Social Security surpluses, Congress will need to have a separate vote to suspend the Lockbox protections in order to do so.

Not only have nearly all Republicans and Democrats in the House endorsed the Lockbox concept; Vice President AL GORE announced several weeks ago that he, too, supports erecting a wall of protection around the Medicare surplus. His support is welcome, and his assistance in helping to pass this measure is eagerly anticipated.

I urge the leadership on both sides of the aisle to agree to call up and pass the Medicare Lockbox. By doing this, we will send the powerful message that protecting both Medicare and Social Security is our highest priority.

It is essential that we make this change. Social Security is scheduled to go bankrupt by 2037. Medicare is projected to become insolvent even sooner, in 2023. It is vitally important that we ensure that the government not spend monies dedicated for the trust funds that sustain these essential programs.

While protecting the Medicare surplus seemed to be an unattainable goal just a few short years ago, this goal is now within our reach. In addition to funding the government for fiscal year 2000 without spending a penny out of the Social Security trust fund, CBO's new projections will demonstrate that we will have enough revenue available to protect the $22 billion Part A Medicare surplus as well.

It is imperative that we limit spending this year so that we do not dip into the Medicare surplus in FY 2001 and in years to come.

Both Medicare and Social Security are funded out of payroll taxes specifically delineated for their respective purposes, and are supposed to be reserved for those purposes. If there are surpluses in these accounts, if these accounts take in more money than is necessary for their stated purposes in a specific year, then that money should not suddenly be available for general government spending.

Any and all surpluses in those two accounts should be reserved for their stated purpose, or be used to help shore up those accounts. The Medicare Lockbox promotes honest accounting, and requires the government to use funds for their advertised purposes.

Lockboxing Social Security and Medicare surpluses is an essential first step in securing the long term financial solvency of Medicare and Social Security.

The Medicare Lockbox will change the way business is done in Washington. I commend the House and Congressman HERGER for taking the first step in protecting the Medicare Part A trust fund.

The House bill is not perfect, but it will protect all of the Medicare Part A and Social Security trust funds. It also has the support of 420 members of the House of Representatives. The overwhelming support for the Medicare lockbox in the House should send a powerful signal to the Senate to take up and pass this bill.

Passing this law will be the next step on our journey to secure the long term solvency of Social Security and Medicare.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 21, 2000, the Federal debt stood at $5,653,964,505,301.84 (Five trillion, six hundred fifty-three billion, nine hundred sixty-four million, five hundred five thousand, three hundred one dollars and eighty-four cents).

One year ago, June 21, 1999, the Federal debt stood at $5,589,358,000,000 (Five trillion, five hundred eighty-nine billion, three hundred fifty-eight million).

Five years ago, June 21, 1995, the Federal debt stood at $4,898,069,000,000 (Four trillion, eight hundred ninety-eight billion, sixty-nine million).

Ten years ago, June 21, 1990, the Federal debt stood at $3,177,422,000,000 (Three trillion, one hundred seventy-seven billion, four hundred twenty-two million).

Fifteen years ago, June 21, 1985, the Federal debt stood at $1,761,470,000,000 (One trillion, seven hundred sixty-one billion, four hundred seventy million) which reflects a debt increase of almost $4 trillion—$3,892,494,505,301.84 (Three trillion, eight hundred ninety-two billion, four hundred ninety-four million, five hundred five thousand, three hundred one dollars and eighty-four cents) during the past 15 years.

CAMPAIGN FINANCE TASK FORCE CHIEF PROSECUTOR INVESTIGATES VICE PRESIDENT GORE REGARDING CAMPAIGN CONTRIBUTIONS

Mr. SESSIONS. Mr. President, I want to share some thoughts tonight about a major development concerning the investigation involving the financing of the Vice President's 1996 reelection campaign. First, however, I would like to say that this matter should have been over some time ago, but the Attorney General declined to appoint an Independent Counsel. The Justice Department attorneys who were involved in the investigation of the campaign financing matter have recently testified before the Subcommittee of the Judiciary Committee, which is chaired by Senator SPECTER and of which I am a

member. In my opinion, these attorneys have not produced credible and justifiable reasons for the lack of an appointment of an Indpendent Counsel or for the extraordinary delays that have incurred in the campaign finance investigation.

My 15 years of experience as a prosecutor in the Department of Justice convince me that if the Department of Justice was not going to call for an outside prosecutor—an Independent Counsel—to investigate Vice President GORE, it had an imperative obligation to investigate the matter thoroughly, promptly, and fairly and to bring it to a conclusion. But the attorneys for the Department of Justice who have been involved in this matter for years did not do that.

Late this afternoon, the Associated Press and the New York Times reported that Robert Conrad, the new head of the Justice Department's Campaign Finance Task Force, has requested that Attorney General Reno appoint a ''special counsel.'' After the expiration of the Independent Counsel Statute, Attorney General Reno has the authority to appoint a special counsel to investigate Vice President GORE's involvement in the 1996 campaign fundraising matters.

This is the most recent in a long line of highly respected officials within and without the Department of Justice who have asked for a complete and independent investigation of various aspects of the Vice President's fundraising activities. Unfortunately, each and every previous request for an independent investigation has been denied.

FBI Director Louis Freeh, himself a former Federal judge and a former experienced and skilled Federal prosecutor who personally prosecuted some of this country's most complex cases, recommended the appointment of an Independent Counsel in the fall of 1996.

FBI General Counsel Larry Parkinson also recommended an Independent Counsel.

The former head of the Justice Department's Campaign Finance Task Force, Mr. Charles La Bella, also recommended that an Independent Counsel be appointed. He actually did so several times after he took over as head of the task force in the fall of 1997. He eventually resigned from that position.

Chief FBI Investigator DeSarno joined in La Bella's recommendations.

Ms. Judy Feigin, Mr. La Bella's chief prosecutor in 1998, also recommended that an Independent Counsel be appointed in the campaign finance matter.

Finally, Principal Associate Deputy Attorney General Bob Litt—the associate Attorney General third in line to Janet Reno at the Department of Justice, an individual she picked and was approved by the President—recommended the appointment of an Independent Counsel. He switched his position after opposing such an appointment for some time. Even Mr. Litt recommended an Independent Counsel in 1998. But no independent investigation has been approved to date.

Mr. Conrad testified before our subcommittee a few days ago. He impressed me as a solid prosecutor with over 10 years experience, with a substantial record of trying courtroom cases. He understood his duty. He was soft spoken. He was solid. He would never be led into saying things he did not think were proper. We were very impressed with him. Since his involvement with the case began approximately six months ago, some five people have pleaded guilty or been convicted of criminal offenses arising from the financing of the 1996 Clinton-Gore campaign. So his recommendation for an independent investigation is entitled to substantial weight and is very, very important for America.

I sincerely and earnestly request that the Attorney General not deny this most recent request to investigate the Vice President regarding the receipt of illegal campaign contributions.

Yesterday, at our hearing, chaired by Senator SPECTER, Mr. Conrad testified that he had personally interviewed Vice President GORE in April. Mr. Radek, a top Department of Justice official, has recently confirmed, in an NBC Meet the Press interview, that Vice President GORE's Buddhist temple fundraiser is ''still under investigation by the task force. And if any evidence shows up that Vice President GORE knew about the crimes that were involved there, of course, that would, again, cause a triggering of the now independent counsel regulations in the department.'' I believe Mr. Radek was referring to the new special counsel provisions.

News accounts in the New York Post recently reported that at the interview, the Vice President ''blew his top . . . because they asked about his illegal Buddhist temple fundraiser for the first time.'' Further, the Vice President ''seemed stunned'' and ''fumed'' when confronted with these allegations, and the interview ''ended in a yelling match between GORE and federal investigators.''

These are the investigations of Mr. Conrad. After four years, finally Vice President was asked about this. That is the description of that interview. I would think the Vice President would want to clear up the matter and be candid and forthcoming with the investigator. It would certainly be better for the country. It would certainly allow the matter to have been concluded sooner.

What is this campaign financing matter about? Why is it that this Buddhist temple matter simply will not go away?

On April 29, 1996, in Hacienda Heights, California, Vice President GORE held a fundraiser at a Buddhist temple—a tax-exempt institution where you shouldn't be able to hold a fundraiser. Several questions arose from this fundraiser.

Who were the people surrounding Vice President GORE at this event? Were the people involved in this event involved in illegal foreign-source contributions?

What was the role of the Vice President's staff and DNC staff regarding this event? What was the Vice President's role regarding this fund-raising event?

The poster shows a picture of Vice President GORE at the Buddhist temple fund raiser. To his far right is Maria Hsia, his long-time friend and fundraiser of more than 10 years, who was recently convicted on 5 felony counts. Her convictions stem directly from the Buddhist temple fund-raiser. It is important to note that the investigation by the Senate Governmental Affairs Committee concluded that Maria Hsia is an ''agent of the Chinese government, that she acted knowingly in support of it, and that she has attempted to conceal her relationship with the Chinese government.''

To Vice President GORE's immediate left is Ted Sieong, who fled the country as soon as he was implicated in the fund-raising scandals and who we believe remains under criminal investigation. Ted Sioeng is an overseas businessman who has been tied to hundreds of thousands of dollars in illegal contributions during the 1996 campaign, and the Senate Governmental Affairs Committee concluded that he ''worked, and perhaps still works, on behalf of the Chinese government.'' Behind and to Vice President GORE's right is John Huang, a Vice Chairman of the DNC staff who helped the Vice President plan the Buddhist temple event. Mr. Huang also subsequently pleaded guilty to a felony count. He raised over a million in illegal foreign-source contributions.

Finally, behind the Vice President and to his far right is Man Ho Shih a Buddhist Nun who admitted to another Committee of the Senate that she and others set about destroying documents relating to the temple fund raiser. According to one of her fellow monastics, those documents were destroyed because they ''did not want to embarrass the Vice President.'' She also fled the country before she was scheduled to testify in a court of law, and is now under indictment, but evading custody.

Moreover, another key piece of evidence which could shed some light on this issue, the videotape of the event, has never been found. This is a serious matter. The rule of law is a serious matter. A legitimate investigation is required.

I make no suggestion that the Vice President is guilty of any crime related to this event and I sincerely hope that he is not.

I am deeply troubled that senior officials in the Justice Department have refused for four years to allow investigators the opportunity to ask the necessary questions of the Vice President and other senior administration officials so that this matter can be resolved one way or the other.

Indeed, we had testimony in our subcommittee, and we went over it two days ago with Mr. Mansfield the former Assistant United States Attorney in Los Angeles who started the initial investigation of the Buddhist temple fundraiser.

When this news broke late in the 1996 Presidential campaign, Mr. Mansfield, who had previously and successfully prosecuted a Republican Congressman for campaign fraud, was preparing his investigative plan for this event. He testified that in these kind of cases you need to move quickly to get records and documents and interview witnesses. But he was stopped by a political appointee, the chief of the Public Integrity Section in the Department of Justice, by written direction. And he was not allowed to proceed to interview witnesses, or to issue subpoenas for documents. And, indeed, the Department of Justice subsequently declared that no Independent Counsel was required, rejecting the suggestion of Senator MCCAIN, who previously talked on this floor and who wrote at that time calling for an Independent Counsel to be appointed. And five other Members joined in that letter.

But the Department of Justice attorneys who stopped Mr. Mansfield's investigation did not interview any witnesses or do any significant investigation.

That is why I believe it is important that Mr. CONRAD's request for the appointment of a special counsel should be granted. The Attorney General has one more chance to do what I believe is her duty.

Mr. Conrad has a reputation as a man of integrity and a solid prosecutor who gets results. As the current chief prosecutor who has been in place for only a few months, has done a fine job in securing 5 convictions and guilty plea agreements in several key cases. One of these involved Pauline Kanchanalak, who was responsible for funneling approximately $690,000 of illegal foreign money to the Democratic National Committee and 5 state Democratic parties. More than $457,000 of this amount was related to one White House coffee on June 18, 1996, organized by John Huang and attended by President Clinton. Another case involved the conviction of Maria Hsia on March 2, 2000, which resulted, in part, from her involvement in the California Buddhist Temple fundraiser to funnel more than $100,000 of illegal foreign money into the Clinton-Gore 1996 reelection campaign. Even after her conviction on five felony counts, Maria Hsia is still not in jail. In fact, Judge Friedman granted her request to have her passport returned so she can travel freely between China and the United States.

At any rate, some progress apparently is being made. And I commend the efforts of Mr. Conrad. I believe that his work has the potential to restore the integrity of the Department of Justice, and I believe Attorney General Reno should follow his advice and appoint a special counsel to conclude this matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

THE EXECUTION OF GARY GRAHAM

Mr. FEINGOLD. Mr. President, the Nation has been engaged in a raging debate in recent days on whether Gary Graham should be executed in Texas.

Supporters of the death penalty, including Governor Bush, have said there is no conclusive proof that Texas or any State has killed an innocent person. But apparently Gary Graham, who had the courthouse doors slammed shut on his claim of innocence, won't have a chance to prove that he is innocent.

I understand, at this moment, that all appeals have now been denied. Mr. Graham is scheduled to be executed before midnight tonight.

Mr. President, Mr. Graham's plight symbolizes some of the most serious concerns with the fairness and accuracy in the administration of the death penalty. Don't get me wrong, Mr. Graham is not a good guy. He is a criminal, and, in fact, a very serious offender who deserves very serious punishment.

But we need to realize what is about to happen. He is still a human being who is about to be executed at the hands of the State of Texas. This is a capital matter.

Mr. Graham may not have committed a murder for which he is about to be executed. This case raised very serious issues of woefully incompetent trial counsel, eyewitness testimony that has never been heard by a jury, a conviction based on the sole testimony of just one eyewitness, and exculpatory ballistic testing data that was not shown to the jury.

Despite the claims of those who would support the death penalty, Gary Graham is not alone. There are other examples of people—in places like Virginia, Florida and even Texas—who have been put to death in the face of grave doubt about their guilt. We don't have absolute proof of their innocence. But some day soon, if we continue to let this system run amok, there will be a case where an irrefutably innocent person is executed.

One Governor got it right. Governor Ryan of Illinois called a halt to executions in his State and appointed a blue ribbon commission to study whether the system could be fixed. Some say, I think essentially with no basis, that, yes, that was the right thing to do in Illinois but that Illinois is an aberration. Mr. President, I don't believe for a minute that Illinois is an aberration when it comes to the problems with the administration of the death penalty in this country. Governor Ryan was right when he said that he wanted absolute certainty that the person scheduled to die is guilty. The same certainty should apply to the State of Texas this very evening.

A recent study by Columbia University documented that 52 percent of death penalty cases in Texas were overturned on appeal during the time period for which the study was done. Nationwide, the Columbia study found an average reversal rate of nearly 7 out of 10 capital cases.

What does the Governor of Texas say? He says he is certain that every single one of the over 100 people executed under his watch as Governor was guilty. I have heard him say this many times. He only considers two factors: Whether the person is guilty, and whether he or she had full access to the courts.

This is a matter of life and death. They found out in Illinois that it is not that simple. It is not just whether the person is guilty and whether they had full access to the courts. I have no doubt that the intense media and public scrutiny of Texas and Governor Bush's leadership is warranted in this case. The same kind of problems are arising in Texas that were discovered in Illinois and that forced Governor Ryan to take the action he did. In Illinois, it was not the criminal justice system that discovered its defects, it was undergraduate journalism students at Northwestern University who uncovered some of the cases of actual innocence. One person was on death row 2 days from his execution and ultimately the students were able to prove he was actually innocent.

The Chicago Tribune, a newspaper in Illinois, was responsible for some of the other proof of innocent individuals on death row, some 13 in Illinois. It was college students. It was the press. They were parties outside the criminal justice system who had to point out the defects in the system.

Now the same thing is happening in Texas tonight. The discussion should not end with media attention to this case. In fact, I was appalled this morning. I watch the Today Show every morning as I am getting up and reading the Washington Post. I felt I was watching the trial of a human being, a person who was about to be put to death, on a national television show in a brief segment between advertisements. This cannot be the way we administer justice in this country. In fact, I am very concerned about the way in which this is becoming almost a sideshow, somehow connected with the Presidential election.

In fairness to the Governor of Texas and in fairness to Vice President AL GORE, this should not be on their head as the Presidential election goes forward. They should not be put in the position of having to make these decisions as this country comes to the conclusion as to who will be the next President. It is a very unseemly environment in which to decide whether people should live or die. We have a special problem, and it happens that the State with the most executions occurring, the State with many of the

executions coming up, happens to be the State of the presumptive Republican nominee for President.

It is a very uncomfortable situation when at the same time all of these questions about the death penalty are being raised. No one can say that this was somehow a partisan attempt to raise the issue because the person who really got this issue going, who really raised the question, is the Governor of Illinois, the chairman of Governor George Bush's campaign in Illinois.

I plead that we get this issue away from the Presidential election. The only way we can do that is to have a credible and honest review of the fairness and justice in the system by which our Nation imposes the sentence of death. We should do exactly what Governor Ryan did in Illinois throughout this country: have a moratorium, a pause, during which a blue ribbon panel of pro and anti-death penalty people and other experts examine the issue.

We need a temporary halt to executions throughout America. Support for this is growing. California, more than any other State, including Texas, has the most inmates sitting on death row awaiting execution. In a poll of California residents released just today, almost two-thirds of Californians continue to support the use of capital punishment. But by a margin of nearly 4–1, the poll found that Californians favor a halt to executions while the death penalty is studied. I think that is very interesting. The vast majority still support the death penalty, but they do know that something is wrong and we need a pause.

I urge my colleagues to lead the American people and join me as cosponsors of legislation that would put a temporary halt to executions and establish the National Commission on the Death Penalty, the National Death Penalty Moratorium Act.

This rush to judgment concerning Gary Graham is not in keeping with American traditions and values of fairness and justice. I ask my colleagues to join in urging a pause before an innocent person is executed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I appreciate the comments of my colleague from Wisconsin. I agree, innocent lives should not be killed. We should be looking at every possible degree of evidence we possibly can.

I wonder if we could also consider all the young, innocent lives that are killed at the same time, and somehow put together a blue ribbon commission to determine when life begins, and say we are not going to allow that to take place anymore, either.

I was just calculating. Across the country, we have every year about 1.2 million abortions that take place. So today there have been over 3,000 abortions. I agree that innocent life should not be killed and we should do everything we possibly can to review that evidence, look at DNA evidence, anything we can. We should remove any sort of barriers to time limits on tests for DNA evidence. That is an important and good thing we should do.

But can't we also consider at the same time, when does that innocent life begin? I think those are valid points that we should both pause and consider at this time.

NCAA GAMBLING AMENDMENT

Mr. BROWNBACK. Mr. President, the reason for me to speak this evening is to comment about an amendment that Senator MCCAIN and myself, along with two other Members have as well, that is pending on the DOD authorization bill. I am not raising the amendment tonight, but I want to talk about it because it has been one of some controversy. I want to put forward the issues of why I am so concerned about this issue. It is an amendment that Senator MCCAIN, myself, and two other Members sponsored, Senator EDWARDS and Senator VOINOVICH. It is about college gambling—specifically, legalized gambling in America on college athletics, college sports.

We have currently in the country, banned everywhere in America betting on college sports, except one State—in Nevada it is allowed.

There is legalized betting on college sports. If someone wants to bet on a University of Missouri football game, if they want to bet on a University of Kansas basketball game, there is a legal scoreboard, there is a game spread on it, and there is money laid on the table. It is all legal.

The handle is about $1 billion in Nevada each year betting on schools such as the University of Kansas, Kansas State University football, the Final Four. It takes place every year. That has been growing substantially at the level of the handle, and it is going to keep on growing.

The problem is it is tarnishing our amateur athletics. It is giving a black eye to college sports. We are getting more and more young people hooked into gambling because one of the key gateways to starting gambling is sports betting. A high number of young people start betting on college sports. Our athletes are being sucked into it, and we have seen more cases of point shaving in the decade of the nineties by college athletes than the entire record of the NCAA before that.

The famous case about Northwestern University that broke during the Final Four 2 years ago was a point shaving case. We had at a press conference Kevin Pendergast, a former Notre Dame placekicker, the mastermind who orchestrated the shaving case. He stated he would never have been able to pull off this scheme without the ability to legally lay a large amount of money on the Las Vegas sports books.

He said: If I do not have that, I have to pull off two shams. I have to get the athletes to shave the case, and I have to sham some bookie as well. This way, if I can get the athletes to line up and not lose the game—the point is not to lose the game, just do not make the spread. If it is a 10-point spread, just do not make it. It is easy to do. A player does not have to miss a shot. Unfortunately, we have been learning a lot about it. Where they usually do it is on defense. Let your man beat you: He got by me, coach; I didn't mean to.

You do not stand at the foul line and look at the shot and say: I am throwing a brick up there, when you do not normally. This is getting pretty sophisticated now. The player lets his opponent slip by, he jukes you one way, off you go: He scored on me, coach; I didn't mean for it to happen.

The points were not made, the money is shaved, and away we go.

Not only is it our athletes, but it is also our referees. This really should upset some people. Listen to this. I watch games and a lot of times I do not think the refs get it right. I would not want to have their job, but I get pretty irritated, particularly when it is my team and the call goes against it.

A study conducted by the University of Michigan found that 84 percent of college referees said they had participated in some form of gambling since beginning their careers as referees. Nearly 40 percent also admitted placing bets on sporting events and 20 percent said they gambled on the NCAA basketball tournament.

It gets worse. Two referees said they were aware of the spread on a game, and it affected the way they officiated the contest. Some were asked to fix games they were officiating, and others were aware of referees who ''did not call the game fairly because of gambling reasons.''

Several weeks ago, newspaper articles from Las Vegas and Chicago detailed how illegal and legal gambling are sometimes connected. Even our referees are being pulled into this gambling situation.

This legislation by the four sponsors was a recommendation of the National Gambling Impact Study Commission that met for 2 years on the impact of gambling. They said this seedy influence should not be allowed to persist in college sports and on our athletes.

The Commerce Committee held hearings on this. I said at least provide a State opt-out; allow a way for the University of Kansas, Kansas State University, Wichita State University to get off the board so they can petition you so you do not bet on them.

Currently, no one can bet on the University of Nevada, Las Vegas. It is illegal in Nevada to bet on a Nevada college team. They said it might be unseemly or it might appear to be too much influence, to which I thought: All right. That sounds like a legitimate reason to me. Allow me to get the University of Kansas and Kansas State University off.

They said: No, we are not going to do that. We will not allow your legislatures to petition; we will not allow your Governors to petition or your

presidents to petition; we are going to leave them on the book because if you want out, there will probably be others who will want out as well. We do not want to let you out of this. This is a $1 billion handle for us, and we get a lot of business.

The problem is, it has given a black eye to college sports. Listen to what some of the coaches are saying about this.

I ask unanimous consent that a letter Senator MCCAIN and I received and a list of organizations supporting this legislation be printed in the RECORD. They include, among others, the National Collegiate Athletic Association and the National Council on Education.

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

APRIL 24, 2000.

Hon. JOHN MCCAIN,
Hon. SAM BROWNBACK,
U.S. Senate, Washington, DC.

DEAR SENATORS MCCAIN AND BROWNBACK: The undersigned wish to express their full endorsement for the legislation you have introduced to eliminate all exceptions for legalized betting on high-school, college and Olympic sports. We are grateful for your enthusiastic support for the legislation and are hopeful that the United States Senate will follow the lead of the Commerce Committee by overwhelmingly adopting S. 2340 when it is considered on the Senate floor. We believe this legislation will send a clear, no-nonsense message that it is wrong to gamble on college students.

The proposed legislation is especially important to our community because it will:

Eliminate the use of Nevada sports books for gain in point shaving scandals.

Eliminate the legitimacy of publishing point spreads and advertising for sports tout services.

Re-sensitize young people and the general public to the illegal nature of gambling on collegiate sports.

Reduce the numbers of people who are introduced to sports gambling.

Eliminate conflicting messages as we combat illegal sports wagering that say it is okay to wager on college some places but not in others.

You have permission to use our association's name publicly in support of S. 2340. We stand ready to assist in any way we can to insure this important legislation's passage.

The National Collegiate Athletic Association; The American Council on Education; National Association of Independent Colleges and Universities; American Association of State Colleges and Universities; Conference Commissioners Association; National Association of Collegiate Directors of Athletics; National Association of Collegiate Women Athletics Administrators; National Association of Jesuit Colleges and Universities; American Football Coaches Association; National Association of Basketball Coaches.

American Federation of Teachers; U.S. Olympic Committee; National Federation of State High School Associations; American Association of Universities; Divisions I, II and III Student Athlete Advisory Councils; The National Football Foundation and College Hall of Fame; The Atlanta Tipoff Club Naismith Awards; The American Association of Collegiate Registrars and Admissions Officers; College Golf Foundation; College Gymnastics Association.

USA Volleyball; National Field Hockey Coaches Association; USA Track and Field; Team Handball; National Soccer Coaches Association of America; American Volleyball Coaches Association; American Association of Community Colleges; Golf Coaches Association of America; National Association of Collegiate Marketing Administrators; Intercollegiate Tennis Association.

College Athletic Business Management Association; U.S. Track Coaches Association; American Hockey Coaches Association; National Fastpitch Coaches Association; National Association of Gymnastics Coaches/Women; International Association of Approved Basketball Coaches; American Baseball Association; Women's Basketball Coaches Association.

Mr. BROWNBACK. Mr. President, one of the key coaches was Coach Calhoun from the University of Connecticut, U. Conn. He stated, while this legislation does not solve the problem, ''it is a good starting point.'' That is exactly what the legislation is, a beginning that will send a clear message to our communities and, more importantly, to our kids that gambling on student athletics is wrong and threatens the integrity of college sports.

We are asking for a simple amendment on this authorization bill. We would agree to an hour of debate equally divided between both sides. I am willing to start tonight. I am willing to go through the night. I am willing to go tomorrow, Saturday to bring this issue before this body. It is an important matter, and it needs to come before this body. We seek an up-or-down vote on it.

Some people have raised questions about it. This is the time and place to do it. We are ready. It is time to do it. It was voted through the Commerce Committee with only two dissenting votes. Let's bring it up. That is why Senator MCCAIN and I are pressing so aggressively to get this amendment considered on the DOD authorization. We will do it in a limited amount of time, whenever, an up-or-down vote. Let's just press this issue through and see what the will of the body is.

ADDITIONAL STATEMENTS

IN HONOR OF THE HONORABLE NEIL L. LYNCH

• Mr. KERRY. Mr. President, I am honored to rise today and pay tribute to a public servant who has selflessly contributed his legal knowledge and experience to the Commonwealth of Massachusetts and its residents for almost 50 years. Today, the Honorable Neil L. Lynch, Associate Justice of the Massachusetts Supreme Judicial Court, gathers with this friends and family to celebrate a career marked by military service, a devotion to family, and a true love of the law.

Beginning in 1952 with his service as a First Lieutenant Adjutant in the 42nd Air Rescue Squadron of the United States Air Force, Justice Lynch set a standard of achievement and professionalism that would carry him to the pinnacle of the legal profession. After working at Hale, Sanderson, Byrne & Morton, he began teaching at the new England School of Law. He served as Chief Legal Counsel and Secretary-Treasurer at the Massachusetts Port Authority, worked again in the private sector with Herlihy & O'Brian, then return to New England School of law as a Professor of Law.

Judge Lynch's skills and understanding of the law were well known in Massachusetts by the 1970's, and few were surprised when Governor Ed King appointed him to be his Chief Legal Counsel from 1979 to 1981. This ascension was completed by the Governor's nomination of Justice Lynch for a seat on the Massachusetts Supreme Judicial Court, a position he has held with unquestioned professionalism and integrity since 1981.

While a member of the Court, Justice Lynch has reached out to all levels of law enforcement in an effort to pool and maximize the considerable knowledge and resources amongst his peers. As Dean and President of the Flaschner Judicial Institute, Justice Lynch oversaw a professional enhancement program that shares information on new initiatives and changes in the field with his colleagues, he returned to academia to teach at the Massachusetts School of Law, and issued the landmark study, ''Commission to Study Racial and Ethnic Bias in the Courts,'' in 1994.

Now, instead of navigating through complex legal issues, Justice Lynch will be navigating his beloved ''Sui Generis'' through the waterways of the East Coast. He leaves the court to spend more time with Kathleen and his family and their growing number of grandchildren. Mr. President, I join all of justice Lynch's colleagues, past and present, and all of the people he has touched in the course of his professional life, in thanking him for his dedication to justice and equality under the law.•

TRIBUTE TO JIM COLLINS—50 YEARS IN JOURNALISM

• Mr. VOINOVICH. Mr. President, I rise today to pay tribute to Mr. Jim Collins, editor of the Willoughby, Ohio, News-Herald newspaper on the occasion of his 50 years in journalism.

From an early age, Jim had newspaper ink flowing through his veins. By the time he was 12, he was working as a paper boy for the News-Herald, delivering the twice-weekly paper to homes all over town. It's hard to imagine today, but subscribers paid just six cents a week for the News-Herald back in 1941.

After graduating from Kent State University in 1950, Jim was hired as a full-time reporter for the News-Herald. He served in this capacity until 1952, when Jim answered the call of his government and served a two-year tour of duty in the Army.

When Jim returned to Willoughby, he resumed his duty as a reporter for the News-Herald until 1959. That year, the News-Herald's owners asked Jim to manage two other papers that they owned, the Parma News and the Brooklyn News. Jim became the one-person operation for both papers for 15 months whereupon he returned to the News-Herald.

By 1967, Jim had worked his way up to become editor of the newspaper. In fact, throughout his tenure with the News-Herald, Jim has held a variety of editorial positions including assistant editor, city editor, managing editor and executive editor.

All throughout his career, Jim has accumulated a number of well-deserved awards, including the Associated Press of Ohio's first place award for commentary in 1982, the first place award for column writing in 1991, and the first place award for editorial commentary just two years ago. Jim has also been named the 1987 Willoughby Chamber of Commerce's Distinguished Citizen of the Year and received the Lake Parks Foundation award in 1994.

I have always said that the measure of a person can be determined by the work he or she does individually, or through the organizations to which he or she belongs, that benefit others. Jim has given of himself to numerous organizations having served as the chairman of the West End-YMCA board of managers and president of the Lake County YMCA. He is also a member of the Willoughby Rotary Club, Willoughby School of Fine Arts, the Lake County Blue Coats, the Willoughby Jaycees and several area chambers of commerce. Jim is also the first person to become an honorary lifetime member of the Lake County Police Chiefs Association and is a member of the Cleveland Foundation Lake-Geauga Fund Committee.

Jim is a true man of integrity, and it is his integrity that has earned him the respect of journalists and politicians across the state. He can be brutally honest, but he is always fair and he is never afraid to tell the truth. It is his character that has allowed him to remain in journalism for five decades.

Throughout his years with the News-Herald, he has worked to put together one of the most competitive papers in northeastern Ohio. Jim provides his readers a broader level of reporting than most regional papers, paying attention not only to local news, but to state and national news as well. Because of his leadership, circulation has grown. In addition, Jim's initiative has allowed for the creation of a forum for candidates—in conjunction with Lakeland Community College—that makes available to the public where candidates stand on particular issues.

While some may think that 50 years in the newspaper business is enough for any person, Jim is not slowing down and is by no means even close to retiring. That's good news, because I would have a very hard time imagining the News-Herald without Jim. I have enjoyed working with Jim and I look forward to working with him for many more years to come.

Mr. President, Jim Collins has been a real friend to me in all the years that I have known him. He has been an inspiration to me and so many others throughout his life and his career. I congratulate him for his dedication to the citizens of Ohio and for his 50 years of accomplishments in journalism. He has much to be proud of, and I consider myself very lucky to know him. I wish him many more years of success.

Thank you, Mr. President.●

TRIBUTE TO ROBERT J. LURTSEMA

● Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to a lover of music and an institution on Boston radio who recently passed away at age 68. In his long and brilliant career, Robert J. Lurtsema touched vast numbers of people in the Boston area with his ''deep organ voice'' and his love of classical music. For twenty-nine years, he was host and producer of ''Morning Pro Musica'' for radio station WGBH in our city, and he was widely loved and admired.

A native of Cambridge, Massachusetts, Robert J., as he was known to many, graduated from Boston University School of Journalism. He joined WGBH in 1971 as a weekend host, and after four months became the host and producer of ''Morning Pro Musica.'' In addition to the renown he won through his dedicated listeners, he has composed chamber music, the music for an award-winning documentary film, and the music used in Julia Child's cooking program on PBS.

Robert J.'s passion and devotion to classical music extended well beyond his broadcast responsibilities. He served with distinction as a board member for many New England musical organizations. He will be deeply missed for his dedication to the arts, and long remembered for his extraordinary service to the people of New England.●

DEDICATION OF KOREAN WAR MEMORIAL IN TRAVERSE CITY, MICHIGAN

● Mr. ABRAHAM. Mr. President, on June 25, 1950, Communist North Korea invaded South Korea with approximately 135,000 troops, and in doing so initiated the Korean War. On June 25, 2000, the citizens of Traverse City, Michigan, will commemorate the 50th Anniversary of this unfortunate event, and will recognize the efforts of the many men and women who served the United States Armed Forces during the Korean War, with the dedication of a Korean War Memorial.

The Korean War is often referred to as our ''forgotten war.'' Fought between World War II and the Vietnam War, I believe it safely can be said that it never found its proper place among our Nation's history textbooks. This weekend, the 50th Anniversary of the North Korean invasion, provides all of us with an opportunity to take a moment to recognize the men and women who served in the Korean War—nearly six million individuals. Their sacrifices and contributions for the sake of our Nation must never be overlooked or forgotten.

Earlier this year, I was very pleased to co-sponsor Senate Joint Resolution 39, a bicameral resolution that recognizes the 50th Anniversary of the Korean War, and the service by the members of our Armed Forces during that conflict. Today, I am pleased to do my part to ensure that the Korean War ceases to be thought of as our ''forgotten war.'' There is no doubt in my mind—and there should be no doubt in anyone else's—that the men and women who served in Korea, and particularly the 54,260 soldiers who gave their lives in Korea, deserve much better than that.

Local communities can do much to remedy the situation as well. I commend Traverse City, Michigan, for constructing this Korean War memorial, and for taking the opportunity on Sunday, June 25, 2000, to pay tribute to the men and women who served during the Korean War. We must show these men and women that we appreciate their efforts and sacrifices on behalf on our great Nation, and that we thank them for their extraordinary efforts. In doing this, we will illustrate to them that they have not been forgotten; rather, the case is far from this.

Mr. President, the men and women who served our Nation in Korea did so at a time when its very foundation—democracy—was being threatened by the terrible force of communism. On behalf of the entire United States Senate, I congratulate the citizens of Traverse City, Michigan, for recognizing and honoring this service.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE 1979 IRANIAN EMERGENCY AND ASSETS BLOCKING—MESSAGE FROM THE PRESIDENT—PM 116

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:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(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 12170 of November 14, 1979.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 21, 2000.*

REPORT OF THE EXECUTIVE ORDER BLOCKING PROPERTY OF THE GOVERNMENT OF THE RUSSIAN FEDERATION RELATING TO THE DISPOSITION OF HIGHLY ENRICHED URANIUM EXTRACTED FROM NUCLEAR WEAPONS—MESSAGE FROM THE PRESIDENT—PM 117

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:

Pursuant to section 204(b) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(b) and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my authority to declare a national emergency to deal with the threat posed to the United States by the risk of nuclear proliferation created by the accumulation in the Russian Federation of a large volume of weapons-usable fissile material. The United States and the Russian Federation have entered into a series of agreements that provide for the conversion of highly enriched uranium (HEU) extracted from Russian nuclear weapons into low enriched uranium (LEU) for use in commercial nuclear reactors. The Russian Federation recently suspended its performance under these agreements because of concerns that payments due to it under these agreements may be subject to attachment, garnishment, or other judicial process, in the United States. Accordingly, I have issued an Executive Order to address the unusual and extraordinary risk of nuclear proliferation created by this situation.

A major national security goal of the United States is to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The United States and the Russian Federation entered into an international agreement in February 1993 to deal with these issues as they relate to the disposition of HEU extracted from Russian nuclear weapons (the ''HEU Agreement''). Under the HEU Agreement, 500 metric tons of HEU will be converted to LEU over a 20-year period. This is the equivalent of 20,000 nuclear warheads.

Additional agreements were put in place to effectuate the HEU Agreement, including agreements and contracts on transparency, on the appointment of executive agents to assist in implementing the agreements, and on the disposition of LEU delivered to the United States (collectively, the ''HEU Agreements''). Under the HEU Agreements, the Russian Federation extracts HEU metal from nuclear weapons. That HEU is oxidized and blended down to LEU in the Russian Federation. The resulting LEU is shipped to the United States for fabrication into fuel for commercial reactors. The United States monitors this conversion process through the Department of Energy's Warhead and Fissile Material Transparency Program.

The HEU Agreements provide for the Russian Federation to receive money and uranium hexafluoride in payment for each shipment of LEU converted from the Russian nuclear weapons. The money and uranium hexafluoride are transferred to the Russian Federation executive agent in the United States.

The Russian Federation recently suspended its performance under the HEU Agreements because of concerns over possible attachment, garnishment, or other judicial process with respect to the payments due to it as a result of litigation currently pending against the Russian Federation. In response to this concern, the Minister of Atomic Energy of the Russian Federation, Minister Adamov, notified Secretary Richardson on May 5, 2000, of the decision of the Russian Federation to halt shipment of LEU pending resolution of this problem. This suspension presents an unusual and extraordinary threat to U.S. national security goals due to the risk of nuclear proliferation caused by the accumulation of weapons-usable fissile material in the Russian Federation.

The executive branch and the Congress have previously recognized and continue to recognize the threat posed to the United States national security from the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the Russian Federation. This threat is the basis for significant programs aimed at Cooperative Threat Reduction and at controlling excess fissile material. The HEU Agreements are essential tools to accomplish these overall national security goals. Congress demonstrated support for these agreements when it authorized the purchase of Russian uranium in 1998, Public Law 105–277, and also enacted legislation to enable Russian uranium to be sold in this country pursuant to the USEC Privatization Act, 42 U.S.C. 2297h–10.

Payments made to the Russian Federation pursuant to the HEU Agreements are integral to the operation of this key national security program. Uncertainty surrounding litigation involving these payments could lead to a long-term suspension of the HEU Agreements, which creates the risk of nuclear proliferation. This is an unacceptable threat to the national security and foreign policy of the United States.

Accordingly, I have concluded that all property and interests in property of the government of the Russian Federation directly related to the implementation of the HEU Agreements should be protected from the threat of attachment, garnishment, or other judicial process. I have, therefore, exercised my authority and issued an Executive Order that provides:

—except to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to the order, all property and interests in property of the Government of the Russian Federation directly related to the implementation of the HEU Agreements that are in the United States, that hereafter come within the United States, or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in;

—unless licensed or authorized pursuant to the order, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property or interest in property blocked pursuant to the order; and

—that all heads of departments and agencies of the United States Government shall continue to take all appropriate measures within their authority to further the full implementation of the HEU Agreements.

The effect of this Executive Order is limited to property that is directly related to the implementation of the HEU Agreements. Such property will be clearly defined by the regulations, orders, directives, or licenses that will be issued pursuant to this Executive Order.

I am enclosing a copy of the Executive Order I have issued. The order is effective at 12:01 a.m. eastern daylight time on June 22, 2000.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 21, 2000.*

MESSAGES FROM THE HOUSE

At 12:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4635. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the

fiscal year ending September 30, 2001, and for other purposes.

At 3:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4516. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 4635. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent and placed on the calendar:

H.R. 4516. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9330. A communication from the Social Security Administration Regulations Officer, transmitting, pursuant to law, the report of a rule entitled ''Federal Old-Age, Survivors Disability Insurance and Supplemental Security Income For the Aged, Blind, and Disabled; Medical and Other Evidence of Your Impairment(s) and Definition of Medical Consultant'' (RIN0960–AD91) received on May 25, 2000; to the Committee on Finance.

EC–9331. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''SRLY Credits'' (RIN1545–AV88(TD8884)) received on May 24, 2000; to the Committee on Finance.

EC–9332. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 2000–26 Interest Netting for Interest Accruing On Or After October 1, 1998'' (RIN:Rev. Proc. 2000–26) received on May 24, 2000; to the Committee on Finance.

EC–9333. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 2000–29 BLS–LIFO Department Stores Indexes-April 2000'' (RIN:Rev. Rul. 2000–29) received on May 24, 2000; to the Committee on Finance.

EC–9334. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 2000–30 Quarterly Interest Rates-Third Quarter 2000'' (RIN:Rev. Rul. 2000–30) received on June 5, 2000; to the Committee on Finance.

EC–9335. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Additional Guidance On Cash Or Deferred Arrangements'' (RIN:Notice 2000–30) received on June 5, 2000; to the Committee on Finance.

EC–9336. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 2000–28 Coal Exports'' (RIN:OGI–103631–99) received on June 6, 2000; to the Committee on Finance.

EC–9337. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''The Soley For Voting Stock Requirement In Certain Corporate Reorganizations'' (RIN1545–AW55(TD8885)) received on June 6, 2000; to the Committee on Finance.

EC–9338. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Additional Guidance On Cash Or Deferred Arrangements'' (RIN:Notice 2000–32) received on June 7, 2000; to the Committee on Finance.

EC–9339. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''TD8887:Deposits Of Excise Tax'' (RIN1545–AV02) received on June 7, 2000; to the Committee on Finance.

EC–9340. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Use Of Actuarial Tables In Valuing Annuities, Interests For Life Or Terms Of Years, and Remainder Or Reversionary Interests'' (RIN1545–AX07(TD8886)) received on June 9, 2000; to the Committee on Finance.

EC–9341. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Remedial Amendment Period'' (RIN:Rev. Proc. 2000–27) received on June 9, 2000; to the Committee on Finance.

EC–9342. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Real Estate Mortgage Investment Conduits; Reporting Requirements and Other Administrative Matters'' (RIN1545–AU96(TD8888)) received on June 14, 2000; to the Committee on Finance.

EC–9343. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''July 2000 Applicable Federal Rates'' (RIN:Revenue Ruling 2000–32) received on June 19, 2000; to the Committee on Finance.

EC–9344. A communication from the Social Security Regulations Officer, transmitting, pursuant to law, the report of a rule entitled ''Reduction of Title II Benefits Under the Family Maximum Provisions in Cases of Dual Entitlement'' (RIN0960–AE85) received on June 16, 2000; to the Committee on Finance.

EC–9345. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the transmittal of a notice of the proposed issuance of an export license relative to Canada; to the Committee on Foreign Relations.

EC–9346. A communication from the General Counsel of the Department of Treasury, transmitting, a report entitled ''General Counterdrug Intelligence Plan''; to the Select Committee on Intelligence.

EC–9347. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on June 15, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–9348. A communication from the Director of the Office of Personnel Management, transmitting, a draft of proposed legislation entitled ''The Federal Employees Student Loan Repayment Benefit Amendments Act of 2000''; to the Committee on Governmental Affairs.

EC–9349. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–9350. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Taiwan; to the Committee on Banking, Housing, and Urban Affairs.

EC–9351. A communication from the Acting Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Foreign Assets Control Regulations (amendments)'' (31 CFR Part 500) received on June 15, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9352. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled, ''Expansion of License Exception CIV Eligibility for ''Microprocessors'' Controlled by ECCN3A001 and Graphics Accelerators Controlled by ECCN 4A003'' (RIN0694–AB90) received on June 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9353. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled, ''Easing of Export Restrictions on North Korea'' (RIN0694–ACI0) received on June 12, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9354. A communication from the Assistant Secretary of Policy, Management and Budget, Department of Interior, transmitting, pursuant to law, the report of a rule entitled ''Administrative and Audit Requirements and Cost Principles for Assistance Programs'' (RIN1090–AA67) received on June 12, 2000; to the Committee on Energy and Natural Resources.

EC–9355. A communication from the Management Analyst, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, C, and D, Redefinition To Include Waters Subject to Subsistence Priority'' (RIN1018–AD68) received on May 31, 2000; to the Committee on Energy and Natural Resources.

EC–9356. A communication from the Assistant Secretary of the Interior for Land and

Minerals Management, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Production Measurement Document Incorporated by Reference'' (RIN1010–AC–73) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC–9357. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''National Park System Units in Alaska; Denali National Park and Preserve'' (RIN1024–AC58) received on June 8, 2000; to the Committee on Energy and Natural Resources.

EC–9358. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indiana Regulatory Program'' (RIN:IN–149–FOR) received on May 31, 2000; to the Committee on Energy and Natural Resources.

EC–9359. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Alabama Regulatory Program'' (RIN:SPATS No. AL–070–FOR) received on June 2, 2000; to the Committee on Energy and Natural Resources.

EC–9360. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Alabama Regulatory Program'' (RIN:SPATS No. AL–069–FOR) received on June 19, 2000; to the Committee on Energy and Natural Resources.

EC–9361. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Authorized Subcontract for Use by DOE Management and Operating (M&O) Contractors with New Independent States' Scientific Institutes through the Science and Technology Center in Ukraine'' (RIN:AL–2000–05); to the Committee on Energy and Natural Resources.

EC–9362. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Greening the Government Requirements in Contracting'' (RIN:AL–2000–03) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC–9363. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Administrative Class Deviation, 952.247–70, Foreign Travel, and 970.5204–52, Foreign Travel'' (RIN:AL–2000–04) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC–9364. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Chapter 9, Public Key Cryptography and Key Management'' (RIN:DOE M 200.1–1) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC–9365. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Standardization of Firearms'' (RIN:DOE N 473.2) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC–9366. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Security and Emergency Management Independent Oversight and Performance Assurance Program'' (RIN:DOE O 470.2A) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC–9367. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Standard; Stabilization, Packaging, and Storage of Plutonium-bearing Materials'' (RIN:DOE–STD–3013–99) received on June 14, 2000; to the Committee on Energy and Natural Resources.

EC–9368. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Standard; Content of System Design Descriptions'' (RIN:DOE–STD–3024–98) received on June 14, 2000; to the Committee on Energy and Natural Resources.

EC–9369. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Electric and Hybrid Vehicle Research, Development, and Demonstration Program; Petroleum-Equivalent Fuel Economy Calculation'' (RIN:1904–AA40) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC–9370. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Standard; Guide to Good Practices for Shift Routines and Operating Practices'' (RIN:DOE–STD–1041–93) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC–9371. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Standard; Guide to Good Practices for Communications'' (RIN:DOE–STD–1031–92) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC–9372. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Standard; Guide to Good Practices for Control of On-shift Training'' (RIN:DOE–STD–1040–93) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC–9373. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Specifications; Uninterruptible Power Supply (UPS) Systems'' (RIN:DOE–SPEC–3021–97) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC–9374. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Forms Management Guide'' (RIN:DOE G 242.1–1) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC–9375. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Department of Energy Badges'' (RIN:DOE N 473.4) received on June 16, 2000; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GORTON, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 4578: A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–312).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

H.R. 3051: A bill to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001'' (Report No. 106–311).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself and Ms. COLLINS):

S. 2766. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the medicare program; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. LEVIN, and Mr. ABRAHAM):

S. 2767. A bill to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS:

S. 2768. A bill to amend title XVIII of the Social Security Act to improve the medicare-dependent, small rural hospital program; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. ROBB, Mr. DURBIN, Mr. KOHL, Mr. SCHUMER, and Mr. CLELAND):

S. 2769. A bill to authorize funding for National Instant Criminal Background Check System improvements; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2770. A bill to suspend temporarily the duty on certain machines designed for children's education; to the Committee on Finance.

By Mr. CLELAND:

S. 2771. A bill to provide for Federal recognition of the Lower Muscogee-Creek Indian Tribe of Georgia, and for other purposes; to the Committee on Indian Affairs.

By Mr. SCHUMER:

S. 2772. A bill to amend the securities laws to provide for regulatory parity for single stock futures, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself, Mr. CRAIG, and Mr. KOHL):

S. 2773. A bill to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GREGG (for himself, Mr. KERREY, Mr. BREAUX, Mr. GRASSLEY, Mr. THOMPSON, Mr. ROBB, and Mr. THOMAS):

S. 2774. A bill to amend title II of the Social Security Act to provide for individual savings accounts funded by employee and employer social security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. ENZI, Mr. VOINOVICH, Mr. BREAUX, Mr. GRAHAM, Mr. HUTCHINSON, Mrs. LINCOLN, Mr. BENNETT, Mr. BRYAN, Mr. CLELAND, and Mr. THOMAS):

S. 2775. To foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Finance.

By Mr. COVERDELL (for himself and Mr. TORRICELLI):

S. 2776. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ROBB, and Ms. MIKULSKI):

S. 2777. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to revise and enhance authorities, and to authorize appropriations, for the Chesapeake Bay Office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Mr. DEWINE, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, and Mr. FEINGOLD):

S. 2778. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. ABRAHAM, Mr. KOHL, Mr. HUTCHINSON, Mr. TORRICELLI, and Mr. KERRY):

S. 2779. A bill to provide for the designation of renewal communities and to provide tax incentives relating to such communities, to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities, and to provide for the establishment of Individual Development Accounts (IDAs), and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BRYAN:

S. Res. 326. A resolution designating the Cowboy Poetry Gathering in Elko, Nevada, as the ''National Cowboy Poetry Gathering''; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. Res. 327. A resolution expressing the sense of the Senate on United States efforts to encourage the governments of foreign countries to investigate and prosecute crimes committed in those countries in the name of family honor and to provide relief for victims of those crimes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Ms. COLLINS):

S. 2766. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the Medicare program; to the Committee on Finance.

THE EQUAL ACCESS TO HOME HEALTH CARE ACT OF 2000

● Mr. KERRY. Mr. President, I am pleased to join my colleague Senator COLLINS in introducing the Equal Access to Medicare Home Health Care Act. This legislation will protect patient access to home health care under Medicare, and ensure that providers are able to continue serving seniors who reside in medically underserved areas.

Medicare was enacted in 1965, under the leadership of President Lyndon Johnson, as a promise to the American people that, in exchange for their years of hard work and service to our country, their health care would be protected in their golden years. Today, over 30 million seniors rely on the Medicare home health benefit to receive the care they need to maintain their independence and remain in their own homes, and to avoid the need for more costly hospital or nursing home care.

Home health care is critical. It is a benefit to which all eligible Medicare beneficiaries, regardless of where they live, should be entitled. But, this benefit is being seriously undermined. Since enactment of the Balanced Budget Act, BBA, of 1997, federal funding for home health care has plummeted. According to the Congressional Budget Office, CBO, Medicare spending on home health care dropped 45 percent in the last two fiscal years—from $17.5 billion in 1998 to $9.7 billion in 1999—far beyond the original amount of savings sought by the BBA. Across the country, these cuts have forced over 2,500 home health agencies to close and over 500,000 patients to lose their services.

In my own State of Massachusetts—a state that, because of economic efficiency, sustained a disproportionate share of the BBA cuts in Medicare home health funding—28 home health agencies have closed, 6 more have turned in their Medicare provider numbers and chosen to opt out of the Medicare program, and 12 more have been forced to merge in order to consolidate their limited resources. The home health agencies that have continued to serve patients despite the deep cuts in Medicare funding reported net operating losses of $164 million in 1998. The loss of home health care providers in Massachusetts has cost 10,000 patients access to home health services. Consequently, many of the most vulnerable residents in my state are being forced to enter hospitals and nursing homes, or going without any help at all.

To compound the problem, without Congressional action, Medicare payments for home health care will be automatically cut by an additional 15 percent next year. It is critical that we defend America's seniors against future cuts in home health services, and this bill will eliminate the additional 15 percent cut in Medicare home health payments mandated by the BBA. However, we must do more than attempt to stop future cuts. Indeed, it is equally as important that we begin to provide relief to home health providers who are already struggling to care for patients.

During the first year of implementation of the Interim Payment System, IPS, thousands of home health care agencies incurred overpayments because they were not notified of their per beneficiary limits until long after the limits were imposed. The provisions of this bill would extend the repayment period for IPS overpayments without interest for three years, and thereafter at an interest rate lower than currently mandated.

Under IPS, even agencies which did not incur overpayments were placed on precarious financial footing because of insufficient payments, particularly for high-cost and long-term patients. Accordingly, it is critical that we bolster the efforts of all home health care providers to transcend their current operating deficits, especially as they transition from the Interim Payment System to the Prospective Payment System, PPS.

The BBA specified that, in aggregate, PPS payments to home health providers must equal IPS payments. This adjustment—the budget neutrality factor—is expected to reduce PPS payments for home health services by 22 percent below the average Medicare costs prior to enactment of the BBA. In order to provide relief to home health providers in this budget neutral context, the Equal Access to Medicare Home Health Care Act would establish a 10 percent add-on to the episodic base payment for patients in rural areas, to reflect the increasing costs of travel, and a ''reasonable cost'' add-on for security services utilized by providers in our urban areas. These add-ons ensure that patients in our medically underserved communities continue to receive the home care they need and deserve.

Finally, this legislation would encourage the incorporation of telehealth technology in home care plans by allowing cost reporting of the telemedicine services utilized by agencies. Telemedicine has demonstrated tremendous potential in bringing modern health care services to patients who reside in areas where providers and technology are scarce. Cost reporting will provide the data necessary to develop a fair and reasonable Medicare reimbursement policy for telehomecare and

bring the benefits of modern science and technology to our nation's underserved.

Unless we increase the federal commitment to the Medicare home health care benefit, we can only expect to continue to imperil the health of an entire generation. We must act to deliver on that promise that President Johnson made 25 years ago—our nation's seniors deserve no less.●

By Mr. FEINGOLD (for himself, Mr. LEVIN, and Mr. ABRAHAM):

S. 2767. A bill to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment; to the Committee on Commerce, Science, and Transportation.

CB RADIO INTERFERENCE LEGISLATION

● Mr. FEINGOLD. Mr. President, I am pleased to once again introduce a bill to deal with the all too common problem of interference with residential home electronic equipment caused by unlawful use of citizens band, or CB, radios. This is the third Congress in which I have offered this legislation. In 1998, it was nearly enacted as part of an anti-slamming bill. I hope that this year, we can finally put this common sense bill into law.

The problem of CB radio interference can be extremely distressing for residents who cannot have a telephone conversation, watch television, or listen to the radio without being interrupted by a neighbor's illegal use of a CB radio. Unfortunately, under the current law, those residents have little recourse. The bill I am introducing today will provide those residents with a practical solution to this problem.

Until recently, the FCC enforced its rules outlining what equipment may or may not be used for CB radio transmissions, how long transmissions may be broadcast, what channels may be used, as well as many other technical requirements. The FCC also used to investigate neighbor's complaints that a CB radio enthusiast's transmissions interfered with their use of home electronic and telephone equipment. The FCC receives thousands of such complaints annually.

For the past five years, I have worked on behalf of constituents bothered by persistent interference of nearby CB radio transmissions, in some cases caused by unlawful use of radio equipment. In each case, the constituents have sought my help in securing an FCC investigation of the complaint. And in each case, the FCC indicated that due to a lack of resources, they no longer investigate radio frequency interference complaints. Instead of investigation and enforcement, the FCC only provides self-help information which the consumer may use to limit the interference on their own.

This situation is understandable given the rising number of complaints for things like slamming. The resources of the FCC are limited, and there is only so much they can do to address complaints of radio interference.

Nonetheless, this problem is extremely annoying and frustrating to those who experience radio interference. Many residents implement the self-help measures recommended by FCC such as installing filtering devices to prevent the unwanted interference, working with their telephone company, or attempting to work with the neighbor they believe is causing the interference. In many cases these self-help measures are effective.

However, in some cases filters and other technical solutions fail to solve the problem because the interference is caused by the unlawful use of CB radio equipment such as unauthorized linear amplifiers.

Municipal residents, after being denied an investigation or enforcement from the FCC, frequently contact their city or town government and ask them to police the interference. However, the Communications Act of 1934 provides exclusive authority to the Federal Government for the regulation of radio. This preempts municipal ordinances or State laws that regulate radio frequency interference caused by unlawful use of CB radio equipment. This situation creates an interesting dilemma for municipal governments. They can neither pass their own ordinances to control CB radio interference, nor can they rely on the agency with exclusive jurisdiction over interference to enforce the very Federal law which preempts them.

Let me give an example of the kind of frustrations people have experienced in attempting to deal with these problems. Shannon Ladwig, a resident of Beloit, WI is fighting to end CB interference with her home electronic equipment that has plagued her family for many years. Shannon worked within the existing system by asking for an FCC investigation, installing filtering equipment on her telephone, attempting to work with the neighbor causing the interference, and so on. Nothing has been effective.

Here are some of the annoyances Shannon has experienced. Her answering machine picks up calls for which there is no audible ring, and at times records ghost messages. Often, she cannot get a dial tone when she or her family members wish to place an outgoing call. During telephone conversations, the content of the nearby CB transmission can frequently be heard and on occasion, her phone conversations are inexplicably cut off. Ms. Ladwig's TV transmits audio from the CB transmission rather than the television program her family is watching. Shannon never knows if the TV program she taped with her VCR will actually record the intended program or whether it will contain profanity from nearby CB radio conversation.

Shannon did everything she could to solve the problem and years later she still feels like a prisoner in her home, unable to escape the broadcasting whims of a CB operator using illegal equipment with impunity. Shannon even went to her city council to demand action. The Beloit City Council responded by passing an ordinance allowing local law enforcement to enforce FCC regulations—an ordinance the council knows is preempted by Federal law. The bill I am introducing today would allow Beloit's ordinance to stand.

The problems experienced by Beloit residents are by no means isolated incidents. I have received very similar complaints from at least 10 other Wisconsin communities in the last several years in which whole neighborhoods are experiencing persistent radio frequency interference. Since I have begun working on this issue, my staff has also been contacted by a number of other congressional offices who are also looking for a solution to the problem of radio frequency interference in their States or districts caused by unlawful CB use. The city of Grand Rapids, Michigan, in particular, has contacted me about this legislation because they face a persistent interference problem very similar to that in Beloit. I am pleased that Senators LEVIN and ABRAHAM join me today in cosponsoring this legislation.

In all, the FCC receives more than 30,000 radio frequency interference complaints annually—most of which are caused by CB radios. Unfortunately, the FCC no longer has the staff, resources, or the field capability to investigate these complaints and localities are blocked from exercising any jurisdiction to provide relief to their residents.

My bill resolves this Catch-22, by allowing states and localities to enforce statutes or ordinances prohibiting selected violations of the FCC regulations. This gives local law enforcement the ability to enforce existing FCC regulations regarding unauthorized CB equipment and frequencies while maintaining exclusive Federal jurisdiction over the regulation of radio services. It is a commonsense solution to a very frustrating and real problem which cannot be addressed under existing law. Residents should not be held hostage to a Federal law which purports to protect them but cannot be enforced.

Now this amendment is by no means a panacea for the problem of radio frequency interference. It is intended only to help localities solve the most egregious and persistent problems of interference—those caused by unauthorized use of CB radio equipment and frequencies. In cases where interference is caused by the legal and licensed operation of any radio service, residents will need to resolve the interference using the FCC self-help measures that I mentioned earlier.

In many cases, interference can result from inadequate home electronic equipment immunity from radio frequency interference. Those problems can only be resolved by installing filtering equipment and by improving the

manufacturing standards of home telecommunications equipment.

The electronic equipment manufacturing industry, represented by the Telecommunications Industry Association and the Electronics Industry Association, working with the Federal Communications Commission, has adopted voluntary standards to improve the immunity of telephones from interference. Those standards were adopted by the American National Standards Institute last year. Manufacturers of electronic equipment should be encouraged to adopt these new ANSI standards. Consumers have a right to expect that the telephones they purchase will operate as expected without excessive levels of interference from legal radio transmissions. Of course, Mr. President, these standards assume legal operation of radio equipment and cannot protect residents from interference from illegal operation of CB equipment.

This bill also does not address interference caused by other radio services, such as commercial stations or amateur stations. I have worked with the American Radio Relay League (ARRL), an organization representing amateur radio operators, frequently referred to as ''ham'' operators, to address a number of concerns that they raised about the original versions of my bill. ARRL was concerned that while the bill was intended to cover only illegal use of CB equipment, FCC-licensed amateur radio operators might inadvertently be targeted and prosecuted by local government and law enforcement. ARRL also expressed concern that local law enforcement might not have the technical abilities to distinguish between ham stations and CB stations and might not be able to determine what CB equipment was FCC-authorized and what equipment is illegal.

I have worked with the ARRL and amateur operators from Wisconsin to address these concerns. As a result of those discussions, this amendment incorporates a number of provisions suggested by the league. First, the amendment makes clear that the limited authority provided to localities in no way diminishes or affects the FCC's exclusive jurisdiction over the regulation of radio.

Second, the amendment clarifies that possession of a FCC license to operate a radio service for the operation at issue, such as an amateur station, is a complete protection against any local government action authorized by this amendment. Unlike CB operators, amateur radio enthusiasts are not only individually licensed by the FCC but they also self-regulate. The ARRL is very involved in resolving interference concerns both among their own members and between ham operators and residents experiencing problems.

Third, the bill also provides for a FCC appeal process by any radio operator who is adversely affected by a local government action under this amendment. The FCC will make determinations as to whether the locality acted properly within the limited jursidiction this legislation provides and the FCC will have the power to reverse the action if they acted improperly. And fourth, my legislation requires the FCC to provide States and localities with technical guidance on how to determine whether a CB operator is acting within the law.

In addition, the bill has been modified to address concerns raised by truckers, who feared that local law enforcement would use reports of CB interference to indiscriminately stop and search trucks in the area. The bill now provides specifically that local governments may not seek to enforce the FCC regulations with respect to a CB radio on board a commercial motor vehicle unless there is probable cause to believe that someone in the vehicle is operating a CB radio in violation of the regulations. This provision should ensure that this new authority is not used as a pretext to harass truckers.

Again, Mr. President, my bill is narrowly targeted to resolve persistent interference with home electronic equipment caused by illegal CB operation. Under my bill, localities cannot establish their own regulations on CB use outside of the already existing FCC regulations. This bill will not resolve all interference problems and it is not intended to do so. Some interference problems require continued attentions from the FCC, the telecommunications manufacturing industry, and radio service operators. This bill merely provides localities with the tools they need to protect their residents while preserving the FCC's exclusive regulatory jurisdiction over the regulation of radio services.

I ask that the full 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. 2767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENFORCEMENT OF REGULATIONS REGARDING CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

''(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

''(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

''(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

''(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

''(3) The Commission shall provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

''(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

''(B) A person shall submit an appeal on a decision of a State or local government to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government becomes final, but prior to seeking judicial review of such decision.

''(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

''(D) If the Commission determines under subparagraph (C) that a State or local government has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

''(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

''(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

''(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a 'commercial motor vehicle,' as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1). Probable cause shall be defined in accordance with the technical guidance provided by the Commission under paragraph (3).''.●

● Mr. LEVIN. Mr. President, I am pleased to cosponsor legislation being introduced today by my friend from Wisconsin to address a problem that is unique to certain areas of Wisconsin and Michigan.

In the Cities of Grand Rapids and Battle Creek, Michigan and in several Wisconsin communities, certain individual Citizens Band (CB) radio operators are using illegal equipment of a capacity which interferes with the home electronic equipment and telephone service of their neighbors.

As a result, these neighbors are forced to buy filters in order to screen out the interference, and in some cases the interference is so extreme that the filters don't even work. There have also been complaints that some of these ''illegal'' CB broadcasters are using profanity which is disturbing to the neighbors and interfering with legitimate use of CB radios by truckers and others.

The problem is exacerbated by a lack of Federal resources to stop the problem. In recent years, due to budget and staffing cuts, the FCC has decreased its enforcement efforts. The legislation being introduced today would authorize local jurisdictions to enforce the

FCC regulations regarding use of citizens band radio equipment, while maintaining the FCC jurisdiction over the regulation of radio services.

The bill provides for an FCC appeal process available to any person who believes they are adversely affected by local enforcement action. FCC does not object to this approach or to this legislation.

Mr. President, this legislation offers a simple solution to the inability of the FCC, due to insufficient resources, to put a stop to illegal CB equipment use in parts of Michigan and Wisconsin. The legislation would allow local officials, who are more familiar with the specific problems and complaints in their areas of jurisdiction, to be authorized to enforce FCC regulations regarding the use of CB radio equipment. The legislation has the strong support of local government officials in the Michigan communities where CB interference occurs.

An identical bill has been introduced in the House of Representatives. I hope this legislation will be enacted in an expedited manner so that local officials will have the ability to stop the use of illegal CB equipment that is interfering with legitimate CB use and disturbing citizens of the impacted communities.●

By Ms. COLLINS:

S. 2768. A bill to amend title XVIII of the Social Security Act to improve the Medicare-dependent, small rural hospital program; to the Committee on Finance.

SMALL RURAL HOSPITAL PROGRAM IMPROVEMENT ACT

Ms. COLLINS. Mr. President, I rise today to introduce the Small Rural Hospital Program Improvement Act, which is intended to make critically important changes to Medicare payment policies for rural hospitals.

Mr. President, most hospitals in rural America serve a large number of Medicare patients. Medicare payments to these hospitals, however, are not always adequate to cover the cost of the services they provide. The legislation I am introducing today will increase Medicare payments to small, rural hospitals in Maine and elsewhere by enabling more of them to qualify for enhanced reimbursements under the Medicare Dependent, Small Rural Hospital Program.

Rural hospitals are the anchors of small towns and communities across America. Not only are they the mainstay of the local health care delivery system, but they are also often the major employers in their communities. Rural communities have unique characteristics and special needs, and their hospitals face tremendous challenges every day as they work to provide the highest quality health care to their patients in the face of sometimes discouraging odds.

Rural communities tend to have higher concentrations of elderly persons and higher levels of poverty. Rural residents also tend to have higher rates of certain health problems than people living in urban areas. For example, deaths and disabilities resulting from injury are more common, and rural residents also tend to experience higher rates of chronic disease and disability. Rural providers also face unique challenges in the delivery of health care services, given the great distances and extreme weather conditions that often prevail, particularly in states like Maine. Shortages of physicians, nurses and other health professionals make it difficult to ensure that rural residents have access to all of the care that they need. And finally, Medicare reimbursement policies tend to favor urban areas and fail to take the special needs of rural providers into account.

The Balanced Budget Act of 1997 has posed additional challenges for rural areas. Deep Medicare payment reductions and mounting regulatory requirements have damaged our fragile rural health care delivery system, and, in particular, our rural hospitals and home health agencies. While the Balanced Budget Refinement Act of 1999 did provide some much-needed relief, we should take further steps to ensure that these rural providers receive more equitable Medicare payments.

One relatively simple, but nevertheless important step we can take is to update the antiquated and arbitrary classification requirements that prevent otherwise-qualified hospitals from receiving assistance under the Medicare Dependent, Small Rural Hospital program. Under this program, small rural hospitals that treat relatively high proportions of Medicare patients qualify for enhanced Medicare reimbursements. To qualify as a Medicare Dependent Hospital, a hospital must be located in a rural area, not be a sole community hospital, have 100 or fewer beds, and have been dependent on Medicare for at least 60 percent of its inpatient days or discharges in 1987.

The requirement that the hospital must have had at least 60 percent of its hospital discharges or patient days attributable to Medicare beneficiaries in 1987 is what creates the problem. Using 1987 as a base year erects an arbitrary barrier that prevents many small rural hospitals that otherwise meet the criteria from participating in this program. As an example, despite the fact that most of the small rural hospitals in Maine treat a disproportionate share of Medicare beneficiaries, none of them currently qualifies for this program. Not a single one.

The legislation I am introducing today modifies and updates the 60 percent requirement and bases eligibility for the Medicare Dependent, Small Rural Hospital program on Medicare discharges or patient days during any of the three most recently audited cost report periods rather than fiscal year 1987. In addition, the bill would make the program, which currently is only authorized through FY 2006, permanent. According to the Maine Hospital Association, if updated in this way, nine Maine hospitals will be eligible for the program, which would make them eligible for over $9 million additional Medicare dollars.

Increasing Medicare payment rates is critically important to the hospitals in Maine. For the past several years, Maine has ranked 49th or 50th in the nation in terms of Medicare reimbursement-to-cost ratios. For example, while hospitals in some states received more from Medicare in 1996 than it cost them to provide care to older and disabled Medicare patients, Maine's hospitals were only reimbursed 80 cents for every $1.00 they actually spent caring for Medicare beneficiaries.

As a consequence, Maine's hospitals have experienced a serious Medicare shortfall in recent years. The Maine Hospital Association anticipates a $174 million Medicare shortfall in 2002, which will force Maine's hospitals to shift costs on to other payers in the form of higher hospital charges. This Medicare shortfall is one of the reasons that Maine has among the highest insurance premiums in the nation.

Maine's poor Medicare margin is not due to high hospital costs. In fact, the current system tends to penalize Maine hospitals for their efficiency. For example, at $5,232, Maine's cost per discharge is slightly under the national average of $5,241, and is well below the Northeast average of $5,517.

The legislation I am introducing today will not solve Maine's Medicare shortfall problem, but it will help to close the gap. It will also enable many more small rural hospitals across the country to benefit from this program, which will help to ensure continued access to high quality hospital care for all rural Americans.

By LEAHY (for himself, Mr. HATCH, Mr. ROBB, Mr. DURBIN, Mr. KOHL, Mr. SCHUMER, and Mr. CLELAND):

S. 2769. A bill to authorize funding for National Instant Criminal Background Check System improvement; to the Committee on the Judiciary.

NICS PARTNERSHIP ACT

Mr. LEAHY. Mr. President, I am pleased to introduce the legislation to improve the National Instant Criminal Background Check System, NICS. The NICS Partnership Act authorizes the Department of Justice to reimburse states for serving as points of contact under the NICS. Our legislation also requires the Attorney General to issue a report to Congress on the appropriate formula to reimburse states for their reasonable costs to serve as points of contact for access to the NICS. I am pleased that Senators HATCH, ROBB, DURBIN, KOHL, SCHUMER, and CLELAND are original cosponsors of this bipartisan bill.

The Brady Handgun Violence Prevention Act of 1994 established the NICS and required federal firearm licensees to conduct a background check on the

purchaser of any firearm sale after November 30, 1998. In its first 18 months of operation, the NICS has been a highly effective system for keeping guns out of the hands of criminals and children. Having processed 10 million inquires during this time, the NICS has ensured the timely transfer of firearms to law-abiding citizens, while denying transfers to more than 179,000 felons, fugitives and other prohibited persons. That is a remarkable record in preventing crime and protecting public safety.

This success, however, has come at an unfair cost to many states. The NICS is mandated by Federal law, the Brady Act, but many states are picking up the tab for conducting effective Brady background checks. Congress should remedy this inequity. Effective Brady background checks are the responsibility of the Federal government under Federal law. As a result, it is only fair for Congress to reimburse states for their reasonable costs needed to conduct effective Brady background checks.

Because more comprehensive criminal history records are currently available at the state and local level in many states, instead of the Federal level, these states have elected to serve as points of contact (POCs) to access the NICS. A state POC is a state agency that agrees to conduct Brady background checks, including NICS checks, on prospective gun buyers. In states that have agreed to serve as POCs, federal firearm licensees contact the state POC for a Brady background check rather than contacting the Federal Bureau of Investigation (FBI). These POC background checks review more records of people in prohibited categories, such as people who have been involuntarily committed to a mental institution or are under a domestic violence restraining order.

Indeed, in my home state of Vermont, for example, which serves as a POC, approximately 28 percent of all denials of prohibited persons seeking firearm purchases are based on state charges which would not have been available for review at the FBI's criminal record repository. These purchasers were denied because a relief from abuse order had been issued against them, they had been convicted of a misdemeanor crime of family violence, they were wanted in the State of Vermont, or they had been convicted of a felony in Vermont and not fingerprinted. These results demonstrate the value of having the states act as POCs for NICS.

Currently, the following 15 states serve as a full POC for NICS: Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Nevada, New Jersey, Pennsylvania, Tennessee, Utah, Vermont and Virginia. Another 11 states serve as partial POCs for NICS by performing checks for handgun purchases while the FBI processes checks for long gun purchases: Iowa, Michigan, Nebraska, New York, North Carolina, Indiana, Maryland, New Hampshire, Oregon, Washington, and Wisconsin. Thus, more than half the states serve as full or partial POCs under the NICS.

In fact, of the 8,621,000 background checks conducted last year, 4,538,000 were handled by the FBI and 4,083,000—almost half—were handled by state POCs. So while some states relied on the FBI to conduct Brady background checks and paid nothing, the states that elected to conduct more effective background checks paid the full cost of them. That is unfair to states that are doing the right thing.

The State of Vermont, for instance, pays about $110,000 a year for its POC system to run effective Brady background checks on all firearms purchased through federal firearms licensees. In other POC states, the burden is higher on state legislatures to come up with funding sources to pay for effective Brady background checks.

Indeed, the Governor of Florida, Jeb Bush, wrote to me last year in strong support of Federal funding to pay for the costs of Brady background checks performed by POC states. Governor Bush empathized that Florida's POC background checks were more efficient and effective than background checks performed at the Federal level. Governor Bush concluded in his letter that: ''Without this funding, it is unlikely that state legislatures will continue the state programs—the inequities of charging for the service in some states but getting free service in others are too obvious.'' I agree. I ask unanimous consent that Governor Bush's letter be printed in the RECORD at the conclusion of my remarks.

The FBI, in its first operations report on the NICS, recommend that states should be compensated for their costs necessary to serve as POCs. Specifically, the FBI's report found: ''Based on its first year of operation, it is clear that the ability of the NICS to stop prohibited persons from acquiring firearms would be improved by . . . a means to help states with the cost of performing as a POC state. . . .''

A recent General Accounting Office report on the implementation of the NICS also praised the POC state background check system. The GAO report found: ''According to the FBI, the functioning of the NICS would be more effective and efficient if more states were full participants. For instance, FBI officials noted that state law enforcement agencies have access to more current criminal history records and more data sources, particularly regarding noncriminal disqualifiers, such as mental hospital commitments, from their own states than does the FBI, and have a better understanding of their own state laws and disqualifying factors.''

Similar legislation to reimburse POC states under the NICS was part of the Senate-passed Juvenile Justice bill, which has been languishing in conference for many months. I prefer that we address this issue as part of the juvenile justice legislation by convening the juvenile justice conference and finishing the work we started last May when the Senate passed the Hatch-Leahy juvenile justice bill by a strong bipartisan vote. But since the congressional leadership appears unlikely to reconvene the juvenile justice conference, then we should consider these improvements to the NICS now to protect public safety.

Indeed, the Department of Justice, in comments on the Senate-passed juvenile justice bill, stated: ''Reimbursing the point-of-contact states for doing NICS checks could be critical to retaining their participation, because they have a strong disincentive to preform checks that the FBI is providing to gun dealers and buyers free of charge. We believe it is very important to retain point-of-contact states and increase their number, because states have access to state records that are not available to the FBI and states have the expertise to interpret their own records and local laws.''

Mr. President, states are doing the right thing by serving as points of contact under the NICS for more effective background checks, which are mandated by Federal law. These background checks prevent crime and promote the public safety. Congress should do the right thing by reimbursing these states for their reasonable costs for conducting these point of conduct background checks.

I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

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

S. 2769

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 ''NICS Partnership Act of 2000''.

SEC. 2. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IMPROVEMENTS.

(a) AUTHORIZATION FOR REIMBURSEMENT TO STATES SERVING AS POINTS OF CONTACT.—There are authorized to be appropriated $40,000,000 for fiscal year 2001, $50,000,000 for fiscal year 2002, and $60,000,000 for fiscal year 2003, to the Department of Justice to directly reimburse States for the reasonable costs necessary to serve as points of contact for access to the National Instant Criminal Background Check System established under Public Law 103–159.

(b) REPORT ON REIMBURSEMENT FORMULA FOR STATES SERVING AS POINTS OF CONTACT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the appropriate formula for the direct reimbursement to States of the reasonable costs necessary to serve as points of contact for access to the National Instant Criminal Background Check System established under Public Law 103–159.

By Mr. CLELAND:

S. 2771. A bill to provide for Federal recognition of the Lower Muscogee-Creek Indian Tribe of Georgia, and for other purposes; to the Committee on Indian Affairs.

THE LOWER MUSCOGEE-CREEK INDIAN TRIBE OF GEORGIA RECOGNITION ACT

• Mr. CLELAND. Mr President, today I am introducing legislation which will provide for the Federal recognition of the Lower Muskogee-Creek Indian Tribe of Georgia.

I realize that Congress has traditionally deferred to the Secretary of the Interior on matters relating to tribal recognition. Further, while it is within our jurisdiction, I understand that there is a reluctance in Congress to federally recognize Indian tribes through legislation. I would certainly prefer to settle this particular recognition issue in accordance with the practices and procedures established by the Bureau of Indian Affairs. However, I am compelled to introduce this legislation because I believe there has been a fundamental flaw which, in this case, has prevented the Lower Muskogee tribe from obtaining a fair and equitable review of its recognition request. Mr. President, please allow me to elaborate on this statement.

It is my understanding that once a petition has been denied, the rules prohibit a tribe from petitioning the Secretary of the Interior a second time. While the intent of the rule may be to eliminate redundant and frivolous petitions, I believe there are times when we must make an exception. Further, Mr. President, I would contend that this rule is especially unfair to those tribes who petitioned the Agency prior to the finalization of the rules in 1978. This is the case with respect to the Lower Muskogee tribe in my home State of Georgia.

The Lower Muskogee tribe has tried for over two decades to obtain a favorable review of their status as a tribe. In 1977, members of the tribe petitioned the Secretary of the Interior for recognition. Without the assistance of legal counsel or technical support, the tribe submitted their petition. While the petition was pending, the Department of Interior (DOI) proposed and finalized rules relating to the procedures by which tribes may petition for federal recognition. In December 1981, the tribe's petition was denied due to technical omissions.

I understand that there are serious concerns associated with the federal recognition of tribes by an Act of Congress—the most obvious being the perception that establishment of a gaming facility may soon follow. However, members of the Lower Muskogee tribe are not seeking to open casinos in Georgia. In fact, at the request of the tribe's Principal Chief, I have included language in the bill to prohibit such action. Under my bill, federal recognition of the Lower Muskogee tribe will not permit casinos or any other games of chance. It will simply recognize these well-deserving people as an Indian tribe, and allow their participation in programs which should be available to them as legitimate Native Americans.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD, and urge my colleagues to join me in enacting this legislation.

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

S. 2771

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 ''Lower Muscogee-Creek Indian Tribe of Georgia Recognition Act''.

SEC. 2. FINDINGS.

The Congress declares and finds the following:

(1) The Lower Muscogee-Creek Indian Tribe of Georgia are descendants of and political successors to those Indians known as the original Creek Indian Nation at the time of initial European contact with America.

(2) The Lower Muscogee-Creek Indian Tribe of Georgia are descendants and political successors to the signatories of the 1832 Treaty of Washington which was a treaty made while the Creeks were one nation, before removal. The Treaty involved all Creeks, including the Upper, Middle, and Lower Creeks, when the Creek Nation was whole and intact.

(3) The Lower Muscogee-Creek Indian Tribe of Georgia consists of over 2,500 eligible members, most of whom continue to reside close to their ancestral homeland within the State of Georgia. Pursuant to Article XII of the 1832 Treaty of Washington, the Lower Muscogee-Creek Indian Tribe of Georgia declined to be removed and continued to operate as a sovereign Indian tribe comprising those Lower Creeks declining removal under the Treaty of 1832.

(4) The Lower Muscogee-Creek Indian Tribe of Georgia continues its political and social existence with a viable tribal government carrying out many of its governmental functions through its traditional form of collective decisionmaking and social interaction.

(5) In 1972, when the Lower Muscogee-Creek Indian Tribe of Georgia (also known as the Muscogee-Creek Indian Tribe East of the Mississippi River) petitioned the Bureau of Indian Affairs for Federal recognition, the tribal leaders were not well educated and the Tribe could not afford competent counsel adequately versed in Federal Indian law. The Tribe was unable to obtain technical assistance in its petition which consequently lacked critical and pertinent historical information necessary for recognition. Thus, due to technical omissions, the petition was denied on December 21, 1981.

(6) Despite the denial of the petition, the United States Government, the government of the State of Georgia, and local governments, have recognized the political leaders of the Lower Muscogee-Creek Indian Tribe of Georgia as leaders of a distinct political governmental entity.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMBER.—The term ''member'' means an enrolled member of the Tribe, as of the date of enactment of this Act, or an individual who has been placed on the membership rolls of the Tribe in accordance with this Act.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) TRIBE.—The term ''Tribe'' means the Lower Muscogee-Creek Indian Tribe of Georgia.

SEC. 4. FEDERAL RECOGNITION.

(a) IN GENERAL.—Federal recognition is hereby extended to the Tribe. All laws and regulations of general application to Indians or nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this Act shall be applicable to the Tribe and its members.

(b) FEDERAL BENEFITS AND SERVICES.—The Tribe and its members shall be eligible, on or after the date of enactment of this Act, for all Federal benefits and services furnished to federally recognized Indian tribes and their members because of their status as Indians without regard to the existence of a reservation for the Tribe or the residence of any member on or near an Indian reservation.

(c) INDIAN REORGANIZATION ACT APPLICABILITY.—The Act of June 18, 1934 (25 U.S.C. 461 et seq.) shall be applicable to the Tribe and its members.

SEC. 5. RESERVATION.

(a) LANDS TAKEN INTO TRUST.—Notwithstanding any other provision of law, if, not later than 2 years after the date of enactment of this Act, the Tribe transfers interest in land within the boundaries of Grady County, Carroll County, and such other counties in the State of Georgia to the Secretary, the Secretary shall take such interests in land into trust for the benefit of the Tribe.

(b) RESERVATION ESTABLISHED.—Land taken into trust pursuant to subsection (a) shall be the initial reservation land of the Tribe.

(c) LIMITATION ON GAMING.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) is prohibited on the land taken into trust under subsection (a).

SEC. 6. BASE MEMBERSHIP ROLL.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Tribe shall submit to the Secretary a membership roll consisting of all individuals who are members of the Tribe. The qualifications for inclusion in the membership roll of the Tribe shall be developed and based upon the membership provisions as contained in the Tribe's Constitution and Bill of Rights. Upon completion of the membership roll, the Secretary shall publish notice of such in the Federal Register. The Tribe shall ensure that such roll is maintained and kept current.

(b) FUTURE MEMBERSHIP.—The Tribe shall have the right to determine future membership in the Tribe, however, in no event may an individual be enrolled as a member of the Tribe unless the individual is a lineal descendant of a person on the base membership roll, and has continued to maintain political relations with the Tribe.

SEC. 7. JURISDICTION.

The reservation established pursuant to this Act shall be Indian country under Federal and tribal jurisdiction.•

By Mr. GREGG (for himself, Mr. KERREY, Mr. BREAUX, Mr. GRASSLEY, Mr. THOMPSON, Mr. ROBB, and Mr. THOMAS):

S. 2774. A bill to amend title II of the Social Security Act to provide for individual savings accounts funded by employee and employer Social Security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Finance.

THE BIPARTISAN SOCIAL SECURITY REFORM ACT OF 2000

Mr. GRASSLEY. Mr. President, I rise today in support of legislation to make

technical corrections to the Bipartisan Social Security Reform bill my colleagues and I introduced last summer. The purpose of this legislation is simple: to conform our previous legislative language to changes that have been made in the Social Security program—such as eliminating the earnings limit—since last July; to correct some inadvertent errors we discovered; and to update our assumptions to reflect the new reality of the Trust Funds as reported in the 2000 Social Security and Medicare Trustees Report which came out earlier this year.

Since July 16, 1999 when Senators GREGG, KERREY, BREAUX, THOMPSON, THOMAS, and ROBB and I introduced our legislation to save Social Security, the issue has taken on new life, due to Governor Bush's willingness to make Social Security reform a primary issue in his presidential campaign. He should be commended for his leadership and for grabbing the third rail of American politics fearlessly in order to create a truly secure Social Security system so that future generations will be able to rely on Social Security like their parents and grandparents.

I want to urge my colleagues to take a serious look at our proposal to save Social Security. It was designed in a bipartisan, bicameral manner: four Republicans and three Democrats cosponsored the Bipartisan Social Security Reform Bill, and Congressmen KOLBE and STENHOLM sponsored similar legislation in the House of Representatives.

The bipartisan plan would maintain a basic floor of protection through a traditional Social Security benefit, but two percentage points of the 12.4 percent payroll tax would be redirected to individual accounts. Individuals could invest their personal accounts in any combination of the funds offered through the Social Security system. An individual who invested his or her personal account in a bond fund would receive a guaranteed interest rate. However, individuals who wish to pursue a higher rate of return through investment in a fund including equities could do so.

Our proposal would eliminate the need for future payroll tax increases by advance funding a portion of future benefits through personal accounts. With individual accounts, we provide Americans with the tools necessary to build financial independence in retirement—especially to those who previously had limited opportunities to create wealth. The legislation provides incentives for low and middle income working Americans to save additional funds for retirement by matching their voluntary contributions to their individual accounts. Under our plan, they will be able to save for retirement and benefit from economic growth.

As all the cosponsors have said a hundred times, our proposal offers no ''free lunch''. In order to save Social Security for future generations it must be modernized. We have crafted a responsible plan to save Social Security for generations to come. By making incremental, steady changes to the Social Security system, we will be able to ensure the long-term solvency of the program.

With this technical corrections bill we have improved upon our original legislation and I urge my colleagues to support the bipartisan proposal to save Social Security.

Mr. President, I ask 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. 2774

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 ''Bipartisan Social Security Reform Act of 2000.''

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—INDIVIDUAL SAVINGS ACCOUNTS

SEC. 101. INDIVIDUAL SAVINGS ACCOUNTS.

(a) ESTABLISHMENT AND MAINTENANCE OF INDIVIDUAL SAVINGS ACCOUNTS.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) by inserting before section 201 the following:

''PART A—INSURANCE BENEFITS'';

and

(2) by adding at the end the following:

''PART B—INDIVIDUAL SAVINGS ACCOUNTS

''INDIVIDUAL SAVINGS ACCOUNTS

''SEC. 251. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT IN ABSENCE OF KIDSAVE ACCOUNT.—Except as provided in subparagraph (B), the Commissioner of Social Security, within 30 days of the receipt of the first contribution received pursuant to subsection (b) with respect to an eligible individual, shall establish in the name of such individual an individual savings account. The individual savings account shall be identified to the account holder by means of the account holder's Social Security account number.

''(B) USE OF KIDSAVE ACCOUNT.—If a KidSave Account has been established in the name of an eligible individual under section 262(a) before the date of the first contribution received by the Commissioner pursuant to subsection (b) with respect to such individual, the Commissioner shall redesignate the KidSave Account as an individual savings account for such individual.

''(2) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this part, the term 'eligible individual' means any individual born after December 31, 1937.

''(b) CONTRIBUTIONS.—

''(1) AMOUNTS TRANSFERRED FROM THE TRUST FUND.—The Secretary of the Treasury shall transfer from the Federal Old-Age and Survivors Insurance Trust Fund, for crediting by the Commissioner of Social Security to an individual savings account of an eligible individual, an amount equal to the sum of any amount received by such Secretary on behalf of such individual under section 3101(a)(2) or 1401(a)(2) of the Internal Revenue Code of 1986.

''(2) OTHER CONTRIBUTIONS.—For provisions relating to additional contributions credited to individual savings accounts, see sections 531(c)(2) and 6402(l) of the Internal Revenue Code of 1986.

''(c) DESIGNATION OF INVESTMENT TYPE OF INDIVIDUAL SAVINGS ACCOUNT.—

''(1) DESIGNATION.—Each eligible individual who is employed or self-employed shall designate the investment type of individual savings account to which the contributions described in subsection (b) on behalf of such individual are to be credited.

''(2) FORM OF DESIGNATION.—The designation described in paragraph (1) shall be made in such manner and at such intervals as the Commissioner of Social Security may prescribe in order to ensure ease of administration and reductions in burdens on employers.

''(3) SPECIAL RULE FOR 2001.—Not later than January 1, 2001, any eligible individual that is employed or self-employed as of such date shall execute the designation required under paragraph (1).

''(4) DESIGNATION IN ABSENCE OF DESIGNATION BY ELIGIBLE INDIVIDUAL.—In any case in which no designation of the individual savings account is made, the Commissioner of Social Security shall make the designation of the individual savings account in accordance with regulations that take into account the competing objectives of maximizing returns on investments and minimizing the risk involved with such investments.

''(d) TREATMENT OF INCOMPETENT INDIVIDUALS.—Any designation under subsection (c)(1) to be made by an individual mentally incompetent or under other legal disability may be made by the person who is constituted guardian or other fiduciary by the law of the State of residence of the individual or is otherwise legally vested with the care of the individual or his estate. Payment under this part due an individual mentally incompetent or under other legal disability may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the claimant or is otherwise legally vested with the care of the claimant or his estate. In any case in which a guardian or other fiduciary of the individual under legal disability has not been appointed under the law of the State of residence of the individual, if any other person, in the judgment of the Commissioner, is responsible for the care of such individual, any designation under subsection (c)(1)

which may otherwise be made by such individual may be made by such person, any payment under this part which is otherwise payable to such individual may be made to such person, and the payment of an annuity payment under this part to such person bars recovery by any other person.

''DEFINITION OF INDIVIDUAL SAVINGS ACCOUNT; TREATMENT OF ACCOUNTS

''SEC. 252. (a) INDIVIDUAL SAVINGS ACCOUNT.—In this part, the term 'individual savings account' means any individual savings account in the Individual Savings Fund (established under section 254) which is administered by the Individual Savings Fund Board.

''(b) TREATMENT OF ACCOUNT.—Except as otherwise provided in this part and in section 531 of the Internal Revenue Code of 1986, any individual savings account described in subsection (a) shall be treated in the same manner as an individual account in the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code.

''INDIVIDUAL SAVINGS ACCOUNT DISTRIBUTIONS

''SEC. 253. (a) DATE OF INITIAL DISTRIBUTION.—Except as provided in subsection (c), distributions may only be made from an individual savings account of an eligible individual on and after the earliest of—

''(1) the date the eligible individual attains normal retirement age, as determined under section 216 (or early retirement age (as so determined) if elected by such individual), or

''(2) the date on which funds in the eligible individual's individual savings account are sufficient to provide a monthly payment over the life expectancy of the eligible individual (determined under reasonable actuarial assumptions) which, when added to the eligible individual's monthly benefit under part A (if any), is at least equal to an amount equal to ½ of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2) and determined on such date for an individual) and adjusted annually thereafter by the adjustment determined under section 215(i).

''(b) FORMS OF DISTRIBUTION.—

''(1) REQUIRED MONTHLY PAYMENTS.—Except as provided in paragraph (2), beginning with the date determined under subsection (a), the balance in an individual savings account available to provide monthly payments not in excess of the amount described in subsection (a)(2) shall be paid, as elected by the account holder (in such form and manner as shall be prescribed in regulations of the Individual Savings Fund Board), by means of the purchase of annuities or equal monthly payments over the life expectancy of the eligible individual (determined under reasonable actuarial assumptions) in accordance with requirements (which shall be provided in regulations of the Board) similar to the requirements applicable to payments of benefits under subchapter III of chapter 84 of title 5, United States Code, and providing for indexing for inflation.

''(2) PAYMENT OF EXCESS FUNDS.—To the extent funds remain in an eligible individual's individual savings account after the application of paragraph (1), such funds shall be payable to the eligible individual in such manner and in such amounts as determined by the eligible individual, subject to the provisions of subchapter III of chapter 84 of title 5, United States Code.

''(c) DISTRIBUTION IN THE EVENT OF DEATH BEFORE THE DATE OF INITIAL DISTRIBUTION.—If the eligible individual dies before the date determined under subsection (a), the balance in such individual's individual savings account shall be distributed in a lump sum, under rules established by the Individual Savings Fund Board, to the individual's heirs.

''INDIVIDUAL SAVINGS FUND

''SEC. 254. (a) ESTABLISHMENT.—There is established and maintained in the Treasury of the United States an Individual Savings Fund in the same manner as the Thrift Savings Fund under sections 8437, 8438, and 8439 (but not section 8440) of title 5, United States Code.

''(b) INDIVIDUAL SAVINGS FUND BOARD.—

''(1) IN GENERAL.—There is established and operated in the Social Security Administration an Individual Savings Fund Board in the same manner as the Federal Retirement Thrift Investment Board under subchapter VII of chapter 84 of title 5, United States Code.

''(2) SPECIFIC INVESTMENT AND REPORTING DUTIES.—

''(A) IN GENERAL.—The Individual Savings Fund Board shall manage and report on the activities of the Individual Savings Fund and the individual savings accounts of such Fund in the same manner as the Federal Retirement Thrift Investment Board manages and reports on the Thrift Savings Fund and the individual accounts of such Fund under subchapter VII of chapter 84 of title 5, United States Code.

''(B) STUDY AND REPORT ON INCREASED INVESTMENT OPTIONS.—

''(i) STUDY.—The Individual Savings Fund Board shall conduct a study regarding ways to increase an eligible individual's investment options with respect to such individual's individual savings account and with respect to rollovers or distributions from such account.

''(ii) REPORT.—Not later than 2 years after the date of enactment of the Bipartisan Social Security Reform Act of 2000, the Individual Savings Fund Board shall submit a report to the President and Congress that contains a detailed statement of the results of the study conducted pursuant to clause (i), together with the Board's recommendations for such legislative actions as the Board considers appropriate.

''BUDGETARY TREATMENT OF INDIVIDUAL SAVINGS FUND AND ACCOUNTS

''SEC. 255. The receipts and disbursements of the Individual Savings Fund and any accounts within such fund shall not be included in the totals of the budget of the United States Government as submitted by the President or of the congressional budget and shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.''.

(b) MODIFICATION OF FICA RATES.—

(1) EMPLOYEES.—Section 3101(a) of the Internal Revenue Code of 1986 (relating to tax on employees) is amended to read as follows:

''(a) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—

''(1) IN GENERAL.—

''(A) INDIVIDUALS COVERED UNDER PART A OF TITLE II OF THE SOCIAL SECURITY ACT.—In addition to other taxes, there is hereby imposed on the income of every individual who is not a part B eligible individual a tax equal to 6.2 percent of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b)).

''(B) INDIVIDUALS COVERED UNDER PART B OF TITLE II OF THE SOCIAL SECURITY ACT.—In addition to other taxes, there is hereby imposed on the income of every part B eligible individual a tax equal to 4.2 percent of the wages (as defined in section 3121(a)) received by such individual with respect to employment (as defined in section 3121(b)).

''(2) CONTRIBUTION OF OASDI TAX REDUCTION TO INDIVIDUAL SAVINGS ACCOUNTS.—

''(A) IN GENERAL.—In addition to other taxes, there is hereby imposed on the income of every part B eligible individual an individual savings account contribution equal to the sum of—

''(i) 2 percent of the wages (as so defined) received by such individual with respect to employment (as so defined), plus

''(ii) so much of such wages (not to exceed $2,000) as designated by the individual in the same manner as described in section 251(c) of the Social Security Act.

''(B) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—In the case of any calendar year beginning after 2001, the dollar amount in subparagraph (A)(ii) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any dollar amount after being increased under clause (i) is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10.''.

(2) SELF-EMPLOYED.—Section 1401(a) of the Internal Revenue Code of 1986 (relating to tax on self-employment income) is amended to read as follows:

''(a) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—

''(1) IN GENERAL.—

''(A) INDIVIDUALS COVERED UNDER PART A OF THE SOCIAL SECURITY ACT.—In addition to other taxes, there shall be imposed for each taxable year, on the self-employment income of every individual who is not a part B eligible individual for the calendar year ending with or during such taxable year, a tax equal to 12.40 percent of the amount of the self-employment income for such taxable year.

''(B) INDIVIDUALS COVERED UNDER PART B OF TITLE II OF THE SOCIAL SECURITY ACT.—In addition to other taxes, there is hereby imposed for each taxable year, on the self-employment income of every part B eligible individual, a tax equal to 10.4 percent of the amount of the self-employment income for such taxable year.

''(2) CONTRIBUTION OF OASDI TAX REDUCTION TO INDIVIDUAL SAVINGS ACCOUNTS.—

''(A) IN GENERAL.—In addition to other taxes, there is hereby imposed for each taxable year, on the self-employment income of every individual, an individual savings account contribution equal to the sum of—

''(i) 2 percent of the amount of the self-employment income for each individual for such taxable year, and

''(ii) so much of such self-employment income (not to exceed $2,000) as designated by the individual in the same manner as described in section 251(c) of the Social Security Act.

''(B) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—In the case of any taxable year beginning after 2001, the dollar amount in subparagraph (A)(ii) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any dollar amount after being increased under clause (i) is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10.''.

(3) PART B ELIGIBLE INDIVIDUAL.—

(A) TAXES ON EMPLOYEES.—Section 3121 of such Code (relating to definitions) is amended by inserting after subsection (s) the following:

''(t) PART B ELIGIBLE INDIVIDUAL.—For purposes of this chapter, the term 'part B eligible individual' means, for any calendar year, an individual who is an eligible individual

(as defined in section 251(a)(2) of the Social Security Act) for such calendar year.''.

(B) SELF-EMPLOYMENT TAX.—Section 1402 of such Code (relating to definitions) is amended by adding at the end the following:

''(k) PART B ELIGIBLE INDIVIDUAL.—The term 'part B eligible individual' means, for any calendar year, an individual who is an eligible individual (as defined in section 251(a)(2) of the Social Security Act) for such calendar year.''.

(4) EFFECTIVE DATES.—

(A) EMPLOYEES.—The amendments made by paragraphs (1) and (3)(A) apply to remuneration paid after December 31, 2000.

(B) SELF-EMPLOYED INDIVIDUALS.—The amendments made by paragraphs (2) and (3)(B) apply to taxable years beginning after December 31, 2000.

(c) MATCHING CONTRIBUTIONS.—

(1) IN GENERAL.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following:

''Subpart H—Individual Savings Account Credits

''Sec. 54. Individual savings account credit.''.

''SEC. 54. INDIVIDUAL SAVINGS ACCOUNT CREDIT.

''(a) ALLOWANCE OF CREDIT.—Each part B eligible individual is entitled to a credit for the taxable year in an amount equal to the sum of—

''(1) $100, plus

''(2) 100 percent of the designated wages of such individual for the taxable year, plus

''(3) 100 percent of the designated self-employment income of such individual for the taxable year.

''(b) LIMITATIONS.—

''(1) AMOUNT.—The amount determined under subsection (a) with respect to such individual for any taxable year may not exceed the excess (if any) of—

''(A) an amount equal to 1 percent of the contribution and benefit base for such taxable year (as determined under section 230 of the Social Security Act), over

''(B) the sum of the amounts received by the Secretary on behalf of such individual under sections 3101(a)(2)(A)(i) and 1401(a)(2)(A)(i) for such taxable year.

''(2) FAILURE TO MAKE VOLUNTARY CONTRIBUTIONS.—In the case of a part B eligible individual with respect to whom the amount of wages designated under section 3101(a)(2)(A)(ii) plus the amount self-employment income designated under section 1401(a)(2)(A)(ii) for the taxable year is less that $1, the credit to which such individual is entitled under this section shall be equal to zero.

''(c) DEFINITIONS.—For purposes of this section—

''(1) PART B ELIGIBLE INDIVIDUAL.—The term 'part B eligible individual' means, for any calendar year, an individual who—

''(A) is an eligible individual (as defined in section 251(a)(2) of the Social Security Act) for such calendar year, and

''(B) is not an individual with respect to whom another taxpayer is entitled to a deduction under section 151(c).

''(2) DESIGNATED WAGES.—The term 'designated wages' means with respect to any taxable year the amount designated under section 3101(a)(2)(A)(ii).

''(3) DESIGNATED SELF-EMPLOYMENT INCOME.—The term 'designated self-employment income' means with respect to any taxable year the amount designated under section 1401(a)(2)(A)(ii) for such taxable year.

''(d) CREDIT USED ONLY FOR INDIVIDUAL SAVINGS ACCOUNT.—For purposes of this title, the credit allowed under this section with respect to any part B eligible individual—

''(1) shall not be treated as a credit allowed under this part, but

''(2) shall be treated as an overpayment of tax under section 6401(b)(3) which may, in accordance with section 6402(l), only be transferred to an individual savings account established under part B of title II of the Social Security Act with respect to such individual.''.

(2) CONTRIBUTION OF CREDITED AMOUNTS TO INDIVIDUAL SAVINGS ACCOUNT.—

(A) CREDITED AMOUNTS TREATED AS OVERPAYMENT OF TAX.—Subsection (b) of section 6401 of such Code (relating to excessive credits) is amended by adding at the end the following:

''(3) SPECIAL RULE FOR CREDIT UNDER SECTION 54.—Subject to the provisions of section 6402(l), the amount of any credit allowed under section 54 for any taxable year shall be considered an overpayment.''.

(B) TRANSFER OF CREDIT AMOUNT TO INDIVIDUAL SAVINGS ACCOUNT.—Section 6402 of such Code (relating to authority to make credits or refunds) is amended by adding at the end the following:

''(l) OVERPAYMENTS ATTRIBUTABLE TO INDIVIDUAL SAVINGS ACCOUNT CREDIT.—In the case of any overpayment described in section 6401(b)(3) with respect to any individual, the Secretary shall transfer for crediting by the Commissioner of Social Security to the individual savings account of such individual, an amount equal to the amount of such overpayment.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period at the end '', or enacted by the Bipartisan Social Security Reform Act of 2000''.

(B) The table of subparts for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Subpart H. Individual Savings Account Credits.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to refunds payable after December 31, 2000.

(d) TAX TREATMENT OF INDIVIDUAL SAVINGS ACCOUNTS.—

(1) IN GENERAL.—Subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end the following:

''PART IX—INDIVIDUAL SAVINGS FUND AND ACCOUNTS

''Sec. 531. Individual Savings Fund and Accounts.

''SEC. 531. INDIVIDUAL SAVINGS FUND AND ACCOUNTS.

''(a) GENERAL RULE.—The Individual Savings Fund and individual savings accounts shall be exempt from taxation under this subtitle.

''(b) INDIVIDUAL SAVINGS FUND AND ACCOUNTS DEFINED.—For purposes of this section, the terms 'Individual Savings Fund' and 'individual savings account' means the fund and account established under sections 254 and 251, respectively, of part B of title II of the Social Security Act.

''(c) CONTRIBUTIONS.—

''(1) IN GENERAL.—No deduction shall be allowed for contributions credited to an individual savings account under section 251 of the Social Security Act or section 6402(l).

''(2) ROLLOVER OF INHERITANCE.—Any portion of a distribution to an heir from an individual savings account made by reason of the death of the beneficiary of such account may be rolled over to the individual savings account of the heir after such death.

''(d) DISTRIBUTIONS.—

''(1) IN GENERAL.—Any distribution from an individual savings account under section 253 of the Social Security Act shall be included in gross income under section 72.

''(2) PERIOD IN WHICH DISTRIBUTIONS MUST BE MADE FROM ACCOUNT OF DECEDENT.—In the case of amounts remaining in an individual savings account from which distributions began before the death of the beneficiary, rules similar to the rules of section 401(a)(9)(B) shall apply to distributions of such remaining amounts.

''(3) ROLLOVERS.—Paragraph (1) shall not apply to amounts rolled over under subsection (c)(2) in a direct transfer by the Commissioner of Social Security, under regulations which the Commissioner shall prescribe.''.

(2) CLERICAL AMENDMENT.—The table of parts for subchapter F of chapter 1 of such Code is amended by adding after the item relating to part VIII the following:

''Part IX. Individual savings fund and accounts.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2000.

SEC. 102. SOCIAL SECURITY KIDSAVE ACCOUNTS.

Title II of the Social Security Act (42 U.S.C. 401 et seq.), as amended by section 101(a), is amended by adding at the end the following:

''PART C—KIDSAVE ACCOUNTS

''KIDSAVE ACCOUNTS

''SEC. 261. (a) ESTABLISHMENT.—The Commissioner of Social Security shall establish in the name of each individual born on or after January 1, 1995, a KidSave Account upon the later of—

''(1) the date of enactment of this part, or

''(2) the date of the issuance of a Social Security account number under section 205(c)(2) to such individual.

The KidSave Account shall be identified to the account holder by means of the account holder's Social Security account number.

''(b) CONTRIBUTIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated and are appropriated such sums as are necessary in order for the Secretary of the Treasury to transfer from the general fund of the Treasury for crediting by the Commissioner to each account holder's KidSave Account under subsection (a), an amount equal to the sum of—

''(A) in the case of any individual born on or after January 1, 2001, $1,000, on the date of the establishment of such individual's KidSave Account, and

''(B) in the case of any individual born on or after January 1, 1995, $500, on the 1st, 2nd, 3rd, 4th, and 5th birthdays of such individual occurring on or after January 1, 2001.

''(2) ADJUSTMENT FOR INFLATION.—For any calendar year after 2001, each of the dollar amounts under paragraph (1) shall be increased by the cost-of-living adjustment using the wage increase percentage determined under section 215(i) for the calendar year.

''(c) DESIGNATIONS REGARDING KIDSAVE ACCOUNTS.—

''(1) INITIAL DESIGNATIONS OF INVESTMENT VEHICLE.—A person described in subsection (d) shall, on behalf of the individual described in subsection (a), designate the investment vehicle for the KidSave Account to which contributions on behalf of such individual are to be deposited. Such designation shall be made on the application for such individual's Social Security account number.

''(2) CHANGES IN INVESTMENT VEHICLES.—The Commissioner shall by regulation provide the time and manner by which an individual or a person described in subsection (d) on behalf of such individual may change 1 or more investment vehicles for a KidSave Account.

''(d) TREATMENT OF MINORS AND INCOMPETENT INDIVIDUALS.—Any designation under subsection (c) to be made by a minor, or an individual mentally incompetent or under other legal disability, may be made by the person who is constituted guardian or other fiduciary by the law of the State of residence of the individual or is otherwise legally vested with the care of the individual or his estate. Payment under this part due a minor, or an individual mentally incompetent or under other legal disability, may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the claimant or is otherwise legally vested with the care of the claimant or his estate. In any case in which a guardian or other fiduciary of the individual under legal disability has not been appointed under the law of the State of residence of the individual, if any other person, in the judgment of the Commissioner, is responsible for the care of such individual, any designation under subsection (c) which may otherwise be made by such individual may be made by such person, any payment under this part which is otherwise payable to such individual may be made to such person, and the payment of an annuity payment under this part to such person bars recovery by any other person.

''DEFINITIONS AND SPECIAL RULES

''SEC. 262. (a) KIDSAVE ACCOUNTS.—In this part, the term 'KidSave Account' means any KidSave Account in the Individual Savings Fund (established under section 254) which is administered by the Individual Savings Fund Board.

''(b) TREATMENT OF ACCOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any KidSave Account described in subsection (a) shall be treated in the same manner as an individual savings account under part B.

''(2) DISTRIBUTIONS.—Notwithstanding any other provision of law, distributions may only be made from a KidSave Account of an individual on or after the earlier of—

''(A) the date on which the individual begins receiving benefits under this title, or

''(B) the date of the individual's death.''.

SEC. 103. ADJUSTMENTS TO PRIMARY INSURANCE AMOUNTS UNDER PART A OF TITLE II OF THE SOCIAL SECURITY ACT.

(a) IN GENERAL.—Section 215 of the Social Security Act (42 U.S.C. 415) is amended by adding at the end the following:

''Adjustment of Primary Insurance Amount in Relation to Deposits Made to Individual Savings Accounts and KidSave Accounts

''(j)(1) Except as provided in paragraph (2), an individual's primary insurance amount as determined in accordance with this section (before adjustments made under subsection (i)) shall be equal to—

''(A) the amount which would be so determined without the application of this subsection, multiplied by

''(B) 1 minus the ratio of—

''(i) the sum of—

''(I) the total of all amounts which have been credited pursuant to sections 3101(a)(2)(A)(i) and 1401(a)(2)(A)(i) of the Internal Revenue Code of 1986 to the individual savings account held by such individual, plus

''(II) 50 percent of the accumulated value of the KidSave Account (established on behalf of such individual under section 261(a)) determined on the date such KidSave Account is redesignated as an individual savings account held by such individual under section 251(a)(1)(B), plus

''(III) accrued interest on such amounts compounded annually up to the date of initial benefit entitlement based on the individual's earnings, assuming an interest rate equal to the projected interest rate of the Federal Old-Age and Survivors Trust Fund, to

''(ii) the expected present value of all future benefits paid based on the individual's earnings, as of the date of initial benefit entitlement based on such earnings, assuming future mortality and interest rates for the Federal Old-Age and Survivors Trust Fund used in the intermediate projections of the most recent Board of Trustees report under section 201.

''(2) In the case of an individual who becomes entitled to disability insurance benefits under section 223, such individual's primary insurance amount shall be determined without regard to paragraph (1).''.

(b) CONFORMING AMENDMENT TO RAILROAD RETIREMENT ACT OF 1974.—Section 1 of the Railroad Retirement Act of 1974 (45 U.S.C. 231) is amended by adding at the end the following:

''(s) In applying applicable provisions of the Social Security Act for purposes of determining the amount of the annuity to which an individual is entitled under this Act, section 215(j) of the Social Security Act and part B of title II of such Act shall be disregarded.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to computations and recomputations of primary insurance amounts occurring after December 31, 2000.

TITLE II—SOCIAL SECURITY SYSTEM ADJUSTMENTS

SEC. 201. ADJUSTMENTS TO BEND POINTS IN DETERMINING PRIMARY INSURANCE AMOUNTS.

(a) ADDITIONAL BEND POINT.—Section 215(a)(1)(A) of the Social Security Act (42 U.S.C. 415(a)(1)(A)) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii)—

(A) by striking ''15 percent'' and inserting ''32 percent'';

(B) by striking ''clause (ii),'' and inserting the following: ''clause (ii) but do not exceed the amount established for purposes of this clause by subparagraph (B), and''; and

(3) by inserting after clause (iii) the following:

''(iv) 15 percent of the individual's average indexed monthly earnings to the extent that such earnings exceed the amount established for purposes of clause (iii),''.

(b) INITIAL LEVEL OF ADDITIONAL BEND POINT.—Section 215(a)(1)(B)(i) of such Act (42 U.S.C. 415(a)(1)(B)(i)) is amended—

(1) by striking ''clause (i) and (ii)'' and inserting ''clauses (i) and (iii)''; and

(2) by adding at the end the following: ''For individuals who initially become eligible for old-age or disability insurance benefits, or who die (before becoming eligible for such benefit), in the calendar year 2001, the amount established for purposes of clause (ii) of subparagraph (A) shall be equal to 197.5 percent of the amount established for purposes of clause (i).''.

(c) ADJUSTMENTS TO PIA FORMULA FACTORS.—Section 215(a)(1)(B) of such Act (42 U.S.C. 415(a)(1)(B)) is amended further—

(1) by redesignating clause (iii) as clause (iv);

(2) by inserting after clause (ii) the following:

''(iii) For individuals who initially become eligible for old-age or disability insurance benefits, or who die (before becoming eligible for such benefits), in any calendar year after 2005, effective for such calendar year—

''(I) the percentage in effect under clause (ii) of subparagraph (A) shall be equal to the percentage in effect under such clause for calendar year 2005 increased the applicable number of times by 3.8 percentage points,

''(II) the percentage in effect under clause (iii) of subparagraph (A) shall be equal to the percentage in effect under such clause for calendar year 2005 decreased the applicable number of times by 1.2 percentage points, and

''(III) the percentage in effect under clause (iv) of subparagraph (A) shall be equal to the percentage in effect under such clause for calendar year 2005 decreased the applicable number of times by 0.5 percentage points.

For purposes of the preceding sentence, the term 'applicable number of times' means a number equal to the lesser of 10 or the number of years beginning with 2006 and ending with the year of initial eligibility or death.''; and

(3) in clause (iv) (as redesignated), by striking ''amount'' and inserting ''dollar amount''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to primary insurance amounts of individuals attaining early retirement age (as defined in section 216(l) of the Social Security Act), or dying, after December 31, 2000.

SEC. 202. ADJUSTMENT OF WIDOWS' AND WIDOWERS' INSURANCE BENEFITS.

(a) WIDOW'S BENEFIT.—Section 202(e)(2)(A) of the Social Security Act (42 U.S.C. 402(e)(2)(A)) is amended by striking ''equal to'' and all that follows and inserting ''equal to the greater of—

''(i) the primary insurance amount (as determined for purposes of this subsection after application of subparagraphs (B) and (C)) of such deceased individual, or

''(ii) the lesser of—

''(I) the applicable percentage of the joint benefit which would have been received by the widow or surviving divorced wife and the deceased individual for such month if such individual had not died, or

''(II) the benefit which would have been received by the widow or surviving divorced wife if such individual's contributions were based on the maximum contribution and benefit base amount (determined under section 230) for each contribution base year (as determined under section 215(b)(2)(B)(ii)) of such individual.

For purposes of clause (ii)(I), the applicable percentage is equal to 50 percent in 2001, increased (but not above 75 percent) by 1 percentage point in every second year thereafter.''.

(b) WIDOWER'S BENEFIT.—Section 202(f)(3)(A) of the Social Security Act (42 U.S.C. 402(b)(3)(A)) is amended by striking ''equal to'' and all that follows and inserting ''equal to the greater of—

''(i) the primary insurance amount (as determined for purposes of this subsection after application of subparagraphs (B) and (C)) of such deceased individual, or

''(ii) the lesser of—

''(I) the applicable percentage of the joint benefit which would have been received by the widow or surviving divorced wife and the deceased individual for such month if such individual had not died, or

''(II) the benefit which would have been received by the widower or surviving divorced husband if such individual's contributions were based on the maximum contribution and benefit base amount (determined under section 230) for each contribution base year (as determined under section 215(b)(2)(B)(ii)) of such individual.

For purposes of clause (ii)(II), the applicable percentage is equal to 50 percent in 2001, increased (but not above 75 percent) by 1 percentage point in every second year thereafter.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply individuals entitled to benefits after the date of enactment of this Act.

SEC. 203. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED EARLY RETIREMENT AGE.

(a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking ''retirement age'' and inserting ''early retirement age'';

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking ''retirement age'' each place it appears and inserting ''early retirement age'';

(3) in subsection (f)(1)(B), by striking ''retirement age'' and inserting ''early retirement age'';

(4) in subsection (f)(3)—

(A) by striking ''33⅓ 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),''; and

(B) by striking ''retirement age'' and inserting ''early retirement age'';

(5) in subsection (f)(5)(D)(i), by striking ''retirement age'' and inserting ''early retirement age'';

(6) in subsection (f)(9)—

(A) by striking '', (5)(D)(i), and (8)(D)'' and inserting ''and (5)(D)(i)''; and

(B) by striking ''retirement age'' both places it appears and inserting ''early retirement age'';

(7) in subsection (h)(1)(A), by striking ''retirement age (as defined in section 216(l))'' each place it appears and inserting ''early retirement age (as defined in section 216(l))''; and

(8) in subsection (j)—

(A) in the heading, by striking ''Retirement Age'' and inserting ''Early Retirement Age''; and

(B) by striking ''having attained retirement age (as defined in section 216(l))'' and inserting ''having attained early retirement age (as defined in section 216(l))''.

(b) CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED AGE 62.—

(1) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)) is amended by striking ''the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable'' and inserting ''a new exempt amount which shall be applicable''.

(2) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of the Social Security Act (42 U.S.C. 403(f)(8)(B)) is amended—

(A) in the matter preceding clause (i), by striking ''Except'' and all that follows through ''whichever'' and inserting ''The exempt amount which is applicable for each month of a particular taxable year shall be whichever'';

(B) 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.—Subparagraphs (D) and (E) of section 203(f)(8) of the Social Security Act (42 U.S.C. 403(f)(8)) are 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'' and all that follows and inserting ''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.''; and

(B) in subsection (f)(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) PROVISIONS RELATING TO EARNINGS TAKEN INTO ACCOUNT IN DETERMINING SUBSTANTIAL GAINFUL ACTIVITY OF BLIND INDIVIDUALS.—The second sentence of section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by striking ''if 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 Bipartisan Social Security Reform Act of 2000 had not been enacted''.

(d) STUDY OF THE EFFECT OF TAKING EARNINGS INTO ACCOUNT IN DETERMINING SUBSTANTIAL GAINFUL ACTIVITY OF DISABLED INDIVIDUALS.—

(1) IN GENERAL.—Not later than February 15, 2001, the Commissioner of Social Security shall conduct a study on the effect that taking earnings into account in determining substantial gainful activity of individuals receiving disability insurance benefits has on the incentive for such individuals to work and submit to Congress a report on the study.

(2) CONTENTS OF STUDY.—The study conducted under paragraph (1) shall include the evaluation of—

(A) the effect of the current limit on earnings on the incentive for individuals receiving disability insurance benefits to work;

(B) the effect of increasing the earnings limit or changing the manner in which disability insurance benefits are reduced or terminated as a result of substantial gainful activity (including reducing the benefits gradually when the earnings limit is exceeded) on—

(i) the incentive to work; and

(ii) the financial status of the Federal Disability Insurance Trust Fund;

(C) the effect of extending eligibility for the Medicare program to individuals during the period in which disability insurance benefits of the individual are gradually reduced as a result of substantial gainful activity and extending such eligibility for a fixed period of time after the benefits are terminated on—

(i) the incentive to work; and

(ii) the financial status of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund; and

(D) the relationship between the effect of substantial gainful activity limits on blind individuals receiving disability insurance benefits and other individuals receiving disability insurance benefits.

(3) CONSULTATION.—The analysis under paragraph (2)(C) shall be done in consultation with the Administrator of the Health Care Financing Administration.

(e) EFFECTIVE DATE.—The amendments and repeals made by subsections (a), (b), and (c) shall apply with respect to taxable years ending after December 31, 2002.

SEC. 204. GRADUAL INCREASE IN NUMBER OF BENEFIT COMPUTATION YEARS; USE OF ALL YEARS IN COMPUTATION.

(a) IN GENERAL.—Section 215(b)(2)(A) of the Social Security Act (42 U.S.C. 415(b)(2)(A)) is amended—

(1) in clause (i), by striking ''5 years'' and inserting ''the applicable number of years for purposes of this clause''; and

(2) by striking ''Clause (ii),'' in the matter following clause (ii) and inserting the following:

''For purposes of clause (i), the applicable number of years is the number of years specified in connection with the year in which such individual reaches early retirement age (as defined in section 216(l)(2)), or, if earlier, the calendar year in which such individual dies, as set forth in the following table:

''If such calendar year is:	The applicable number of years is:
2002	4.
2003	4.
2004	3.
2005	3.
2006	2.
2007	2.
2008	1.
2009	1.
After 2009	0.

Notwithstanding the preceding sentence, the applicable number of years is 5, in the case of any individual who is entitled to old-age insurance benefits, and has a spouse who is also so entitled (or who died without having become so entitled) who has greater total wages and self-employment income credited to benefit computation years than the individual. Clause (ii),''.

(b) USE OF ALL YEARS IN COMPUTATION.—

(1) IN GENERAL.—Section 215(b)(2)(B) of the Social Security Act (42 U.S.C. 415(b)(2)(B)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i)(I) for calendar years after 2001 and before 2010, the term 'benefit computation years' means those computation base years equal in number to the number determined under subparagraph (A) plus the applicable number of years determined under subclause (III), for which the total of such individual's wages and self-employment income, after adjustment under paragraph (3), is the largest;

''(II) for calendar years after 2009, the term 'benefit computation years' means all of the computation base years; and

''(III) for purposes of subclause (I), the applicable number of years is the number of years specified in connection with the year in which such individual reaches early retirement age (as defined in section 216(l)(2)), or, if earlier, the calendar year in which such individual dies, as set forth in the following table:

''If such calendar year is:	The applicable number of years is:
Before 2002	0.
2002	1.
2003	1.
2004	2.
2005	2.
2006	3.
2007	3.
2008	4.
2009	4;

''(ii) the term 'computation base years' means the calendar years after 1950, except that such term excludes any calendar year entirely included in a period of disability; and''.

(2) CONFORMING AMENDMENT.—Section 215(b)(1)(B) of the Social Security Act (42 U.S.C. 415(b)(1)(B)) is amended by striking ''in those years'' and inserting ''in an individual's computation base years determined under paragraph (2)(A)''.

(c) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply with respect to individuals attaining early retirement age (as defined in section 216(l)(2) of the Social Security Act) after December 31, 2001.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to benefit computation years beginning after December 31, 2000.

SEC. 205. MAINTENANCE OF BENEFIT AND CONTRIBUTION BASE.

(a) IN GENERAL.—Section 230 of the Social Security Act (42 U.S.C. 430) is amended to read as follows:

MAINTENANCE OF THE CONTRIBUTION AND BENEFIT BASE

''SEC. 230. (a) The Commissioner of Social Security shall determine and publish in the Federal Register on or before November 1 of each calendar year the contribution and benefit base determined under subsection (b) which shall be effective with respect to remuneration paid after such calendar year and taxable years beginning after such year.

''(b) For purposes of this section, for purposes of determining wages and self-employment income under sections 209, 211, 213, and 215 of this Act and sections 54, 1402, 3121, 3122, 3125, 6413, and 6654 of the Internal Revenue Code of 1986, and for purposes of section 4022(b)(3)(B) of Public Law 93–406, the contribution and benefit base with respect to remuneration paid in (and taxable years beginning in) any calendar year is an amount equal to 84.5 percent of the total wages and self-employment income for the preceding calendar year (within the meaning of section 209).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to remuneration paid in (and taxable years beginning in) any calendar year after 2000.

SEC. 206. REDUCTION IN THE AMOUNT OF CERTAIN TRANSFERS TO MEDICARE TRUST FUND.

Subparagraph (A) of section 121(e)(1) of the Social Security Amendments of 1983 (42 U.S.C. 401 note), as amended by section 13215(c)(1) of the Omnibus Budget Reconciliation Act of 1993, is amended—

(1) in clause (ii), by striking ''the amounts'' and inserting ''the applicable percentage of the amounts''; and

(2) by adding at the end the following: ''For purposes of clause (ii), the applicable percentage for a year is equal to 100 percent, reduced (but not below zero) by 10 percentage points for each year after 2004.''.

SEC. 207. ACTUARIAL ADJUSTMENT FOR RETIREMENT.

(a) EARLY RETIREMENT.—

(1) IN GENERAL.—Section 202(q) of the Social Security Act (42 U.S.C. 402(q)) is amended—

(A) in paragraph (1)(A), by striking ''5/9'' and inserting ''the applicable fraction (determined under paragraph (12))''; and

(B) by adding at the end the following:

''(12) For purposes of paragraph (1)(A), the 'applicable fraction' for an individual who attains the age of 62 in—

''(A) any year before 2001, is 5/9;

''(B) 2001, is 7/12;

''(C) 2002, is 11/18;

''(D) 2003, is 23/36;

''(E) 2004, is 2/3; and

''(F) 2005 or any succeeding year, is 25/36.''.

(2) MONTHS BEYOND FIRST 36 MONTHS.—Section 202(q) of such Act (42 U.S.C. 402(q)(9)) (as amended by paragraph (1)) is amended—

(A) in paragraph (9)(A), by striking ''five-twelfths'' and inserting ''the applicable fraction (determined under paragraph (13))''; and

(B) by adding at the end the following:

''(13) For purposes of paragraph (9)(A), the 'applicable fraction' for an individual who attains the age of 62 in—

''(A) any year before 2001, is 5/12;

''(B) 2001, is 16/36;

''(C) 2002, is 16/36;

''(D) 2003, is 17/36;

''(E) 2004, is 17/36; and

''(F) 2005 or any succeeding year, is 1/2.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to individuals who attain the age of 62 in years after 2000.

(b) DELAYED RETIREMENT.—Section 202(w)(6) of the Social Security Act (42 U.S.C. 402(w)(6)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking ''2004.'' and inserting ''2004 and before 2007;''; and

(3) by adding at the end the following:

''(E) 17/24 of 1 percent in the case of an individual who attains the age of 62 in a calendar year after 2006 and before 2009;

''(F) 3/4 of 1 percent in the case of an individual who attains the age of 62 in a calendar year after 2008 and before 2011;

''(G) 19/24 of 1 percent in the case of an individual who attains the age of 62 in a calendar year after 2010 and before 2013; and

''(H) 5/6 of 1 percent in the case of an individual who attains the age of 62 in a calendar year after 2012.''.

SEC. 208. IMPROVEMENTS IN PROCESS FOR COST-OF-LIVING ADJUSTMENTS.

(a) ANNUAL DECLARATIONS OF PERSISTING UPPER LEVEL SUBSTITUTION BIAS, QUALITY-CHANGE BIAS, AND NEW-PRODUCT BIAS.—Not later than December 1, 2000, and annually thereafter, the Commissioner of the Bureau of Labor Statistics shall publish in the Federal Register an estimate of the upper level substitution bias, quality-change bias, and new-product bias retained in the Consumer Price Index, expressed in terms of a percentage point effect on the annual rate of change in the Consumer Price Index determined through the use of a superlative index that accounts for changes that consumers make in the quantities of goods and services consumed.

(b) MODIFICATION OF COST-OF-LIVING ADJUSTMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for each calendar year after 2000 any cost-of-living adjustment described in subsection (f) shall be further adjusted by the greater of—

(A) the applicable percentage point, or

(B) the correction for the upper level substitution bias, quality-change bias, and new-product bias (as last published by the Commissioner of the Bureau of Labor Statistics pursuant to subsection (a)).

(2) APPLICABLE PERCENTAGE POINT.—For purposes of paragraph (1)(A), the applicable percentage point shall be determined in accordance with the following table:

Calendar year:	Applicable Percentage Point:
2001	0.1
2002	0.2
2003	0.3
2004 and thereafter	0.33.

(c) FUNDING FOR CPI IMPROVEMENTS.—

(1) IN GENERAL.—There is hereby appropriated to the Bureau of Labor Statistics in the Department of Labor, for each of fiscal years 2001, 2002, and 2003, $60,000,000 for use by the Bureau for the following purposes:

(A) Research, evaluation, and implementation of a superlative index to estimate upper level substitution bias, quality-change bias, and new-product bias in the Consumer Price Index.

(B) Expansion of the Consumer Expenditure Survey and the Point of Purchase Survey.

(2) REPORTS.—The Commissioner of the Bureau of Labor Statistics shall submit reports regarding the use of appropriations made under paragraph (1) to the Committee on Appropriations of the House of Representative and the Committee on Appropriations of the Senate upon the request of each Committee.

(d) INFORMATION SHARING.—The Commissioner of the Bureau of Labor Statistics may secure directly from the Secretary of Commerce information necessary for purposes of calculating the Consumer Price Index. Upon request of the Commissioner of the Bureau of Labor Statistics, the Secretary of Commerce shall furnish that information to the Commissioner.

(e) ADMINISTRATIVE ADVISORY COMMITTEE.—The Bureau of Labor Statistics shall, in consultation with the National Bureau of Economic Research, the American Economic Association, and the National Academy of Statisticians, establish an administrative advisory committee. The advisory committee shall periodically advise the Bureau of Labor Statistics regarding revisions of the Consumer Price Index and conduct research and experimentation with alternative data collection and estimating approaches.

(f) COST-OF-LIVING ADJUSTMENT DESCRIBED.—A cost-of-living adjustment described in this subsection is any cost-of-living adjustment for a calendar year after 2000 determined by reference to a percentage change in a consumer price index or any component thereof (as published by the Bureau of Labor Statistics of the Department of Labor and determined without regard to this section) and used in any of the following:

(1) The Internal Revenue Code of 1986.

(2) The provisions of this Act (other than programs under title XVI and any adjustment in the case of an individual who attains early retirement age before January 1, 2001).

(3) Any other Federal program.

(g) RECAPTURE OF CPI REFORM REVENUES DEPOSITED INTO THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following:

''(n) On July 1 of each calendar year specified in the following table, the Secretary of the Treasury shall transfer, from the general fund of the Treasury to the Federal Old-Age and Survivors Insurance Trust Fund, an amount equal to the applicable percentage for such year, specified in such table, of the total wages paid in and self-employment income credited to such year.

''For a calendar year—	The applicable percentage for the year is—
After 2001 and before 2020	0.4 percent.
After 2019 and before 2040	0.53 percent.
After 2039 and before 2060	0.67 percent.
After 2059	0.8 percent.''.

SEC. 209. MODIFICATION OF PIA FACTORS TO REFLECT CHANGES IN LIFE EXPECTANCY.

(a) MODIFICATION OF PIA FACTORS.—Section 215(a)(1) of the Social Security Act (42 U.S.C. 415(a)(1)(B)) is amended by redesignating subparagraph (D) as subparagraph (F) and by inserting after subparagraph (C) the following:

''(D)(i) For individuals who initially become eligible for old-age insurance benefits in any calendar year after 2005, each of the percentages under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be multiplied the applicable number of times by the applicable factor.

''(ii) For purposes of clause (i)—

''(I) the term 'applicable number of times' means a number equal to the sum of—

''(aa) the number of years beginning with 2006 and ending with the earlier of 2016 or the year of initial eligibility; plus

''(bb) if the year of initial eligibility has not occurred, the number of years beginning with 2023 and ending with the earlier of 2053 or the year of initial eligibility; and

''(II) the term 'applicable factor' means .988 with respect to the first 6 applicable number of times and .997 with respect to the applicable number of times in excess of 6.

''(E) For any individual who initially becomes eligible for disability insurance benefits in any calendar year after 2005, the primary insurance amount for such individual shall be equal to the greater of—

''(i) such amount as determined under this paragraph, or

''(ii) such amount as determined under this paragraph without regard to subparagraph (D) thereof.''.

(b) STUDY OF THE EFFECT OF INCREASES IN LIFE EXPECTANCY.—

(1) STUDY PLAN.—Not later than February 15, 2001, the Commissioner of Social Security shall submit to Congress a detailed study plan for evaluating the effects of increases in life expectancy on the expected level of retirement income from social security, pensions, and other sources. The study plan shall include a description of the methodology, data, and funding that will be required in order to provide to Congress not later than February 15, 2006—

(A) an evaluation of trends in mortality and their relationship to trends in health status, among individuals approaching eligibility for social security retirement benefits;

(B) an evaluation of trends in labor force participation among individuals approaching eligibility for social security retirement benefits and among individuals receiving retirement benefits, and of the factors that influence the choice between retirement and participation in the labor force;

(C) an evaluation of changes, if any, in the social security disability program that would reduce the impact of changes in the retirement income of workers in poor health or physically demanding occupations;

(D) an evaluation of the methodology used to develop projections for trends in mortality, health status, and labor force participation among individuals approaching eligibility for social security retirement benefits and among individuals receiving retirement benefits; and

(E) an evaluation of such other matters as the Commissioner deems appropriate for evaluating the effects of increases in life expectancy.

(2) REPORT ON RESULTS OF STUDY.—Not later than February 15, 2006, the Commissioner of Social Security shall provide to Congress an evaluation of the implications of the trends studied under paragraph (1), along with recommendations, if any, of the extent to which the conclusions of such evaluations indicate that projected increases in life expectancy require modification in the social security disability program and other income support programs.

SEC. 210. MECHANISM FOR REMEDYING UNFORESEEN DETERIORATION IN SOCIAL SECURITY SOLVENCY.

(a) IN GENERAL.—Section 709 of the Social Security Act (42 U.S.C. 910) is amended—

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

(2) by striking ''SEC. 709. (a) If the Board of Trustees'' and all that follows through ''any such Trust Fund'' and inserting the following:

''SEC. 709. (a)(1)(A) If the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund determines at any time, using intermediate actuarial assumptions, that the balance ratio of either such Trust Fund during any calendar year within the succeeding period of 75 calendar years will attain zero, the Board shall promptly submit to each House of the Congress and to the President a report setting forth its recommendations for statutory adjustments affecting the receipts and disbursements of such Trust Fund necessary to maintain the balance ratio of such Trust Fund at not less than 20 percent, with due regard to the economic conditions which created such inadequacy in the balance ratio and the amount of time necessary to alleviate such inadequacy in a prudent manner. The report shall set forth specifically the extent to which benefits would have to be reduced, taxes under section 1401, 3101, or 3111 of the Internal Revenue Code of 1986 would have to be increased, or a combination thereof, in order to obtain the objectives referred to in the preceding sentence.

''(B) In addition to any reports under subparagraph (A), the Board shall, not later than May 30, 2001, prepare and submit to Congress and the President recommendations for statutory adjustments to the disability insurance program under title II of this Act to modify the changes in disability benefits under the Bipartisan Social Security Reform Act of 2000 without reducing the balance ratio of the Federal Disability Insurance Trust Fund. The Board shall develop such recommendations in consultation with the National Council on Disability, taking into consideration the adequacy of benefits under the program, the relationship of such program with old age benefits under such title, and changes in the process for determining initial eligibility and reviewing continued eligibility for benefits under such program.

''(2)(A) The President shall, no later than 30 days after the submission of the report to the President, transmit to the Board and to the Congress a report containing the President's approval or disapproval of the Board's recommendations.

''(B) If the President approves all the recommendations of the Board, the President shall transmit a copy of such recommendations to the Congress as the President's recommendations, together with a certification of the President's adoption of such recommendations.

''(C) If the President disapproves the recommendations of the Board, in whole or in part, the President shall transmit to the Board and the Congress the reasons for that disapproval. The Board shall then transmit to the Congress and the President, no later than 60 days after the date of the submission of the original report to the President, a revised list of recommendations.

''(D) If the President approves all of the revised recommendations of the Board transmitted to the President under subparagraph (C), the President shall transmit a copy of such revised recommendations to the Congress as the President's recommendations, together with a certification of the President's adoption of such recommendations.

''(E) If the President disapproves the revised recommendations of the Board, in whole or in part, the President shall transmit to the Board and the Congress the reasons for that disapproval, together with such revisions to such recommendations as the President determines are necessary to bring such recommendations within the President's approval. The President shall transmit a copy of such recommendations, as so revised, to the Board and the Congress as the President's recommendations, together with a certification of the President's adoption of such recommendations.

''(3)(A) This paragraph is enacted by Congress—

''(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subparagraph (B), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''(B) For purposes of this paragraph, the term 'joint resolution' means only a joint resolution which is introduced within the 10-day period beginning on the date on which the President transmits the President's recommendations, together with the President's certification, to the Congress under subparagraph (B), (D), or (E) of paragraph (2), and—

''(i) which does not have a preamble;

''(ii) the matter after the resolving clause of which is as follows: 'That the Congress approves the recommendations of the President as transmitted on ____ pursuant to section 709(a) of the Social Security Act, as follows: _____', the first blank space being filled in with the appropriate date and the second blank space being filled in with the statutory adjustments contained in the recommendations; and

''(iii) the title of which is as follows: 'Joint resolution approving the recommendations of the President regarding social security.'.

''(C) A joint resolution described in subparagraph (B) that is introduced in the House of Representatives shall be referred to the Committee on Ways and Means of the House of Representatives. A joint resolution described in subparagraph (B) introduced in the Senate shall be referred to the Committee on Finance of the Senate.

''(D) If the committee to which a joint resolution described in subparagraph (B) is referred has not reported such joint resolution (or an identical joint resolution) by the end of the 20-day period beginning on the date on which the President transmits the recommendation to the Congress under paragraph (2), such committee shall be, at the end of such period, discharged from further consideration of such joint resolution, and such joint resolution shall be placed on the appropriate calendar of the House involved.

''(E)(i) On or after the third day after the date on which the committee to which such a joint resolution is referred has reported, or has been discharged (under subparagraph (D)) from further consideration of, such a joint resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the joint resolution was referred. All points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the joint resolution shall remain the unfinished business of the respective House until disposed of.

''(ii) Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. An amendment to the joint resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

''(iii) Immediately following the conclusion of the debate on a joint resolution described in subparagraph (B) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

''(iv) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution described in subparagraph (B) shall be decided without debate.

''(F)(i) If, before the passage by one House of a joint resolution of that House described in subparagraph (B), that House receives from the other House a joint resolution described in subparagraph (B), then the following procedures shall apply:

''(I) The joint resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subclause (II).

''(II) With respect to a joint resolution described in subparagraph (B) of the House receiving the joint resolution, the procedure in that House shall be the same as if no joint resolution had been received from the other House, but the vote on final passage shall be on the joint resolution of the other House.

''(ii) Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution that originated in the receiving House.

''(b) If the Board of Trustees of the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund determines as any time that the balance ratio of either such Trust Fund.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 709(b) of the Social Security Act (42 U.S.C. 910(b)) (as amended by subsection (a) of this section) is amended by striking ''any such'' and inserting ''either such''.

(2) Section 709(c) of such Act (42 U.S.C. 910(c)) (as redesignated by subsection (a) of this section) is amended by inserting ''or (b)'' after ''subsection (a)''.

By Mr. DORGAN (for himself, Mr. ENZI, MR. VOINOVICH, Mr. BREAUX, Mr. GRAHAM, Mr. HUTCHINSON, Mrs. LINCOLN, Mr. BENNETT, Mr. BRYAN, Mr. CLELAND, and Mr. THOMAS):

S. 2775. To foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Finance.

INTERNET TAX MORATORIUM AND EQUITY ACT

• Mr. DORGAN. Mr. President, if the Internet and E-commerce are to continue to grow and flourish then Congress must address the difficult tax issues that these have posed. To that end, Senator VOINOVICH and I, along with Senators GRAHAM, ENZI, BREAUX and six of our distinguished colleagues are introducing the Internet Tax Moratorium and Equity Act.

First and foremost, this legislation extends for four additional years the existing moratorium on punitive and discriminatory Internet taxes, and on access taxes. Internet technology is becoming a real growth engine for our economy. Governments should not be allowed to impose new taxes on access, or to enact discriminatory tax plans that would apply to the Internet and E-commerce but not to other kinds of transactions. I believe that such policies could foolishly hurt the future growth of the Internet industry, and this legislation prevents that from happening anytime soon.

At the same time, however, this legislation moves toward a solution to the growing web of tax compliance problems that faces virtually everyone who would do business across state lines—sellers and customers alike. Our approach also would help to create a climate in which Web-based firms and Main Street businesses can co-exist and compete on fair and even terms.

Any new form of commerce presents a challenge to the rules and structures that have grown up around the old. The Internet is no exception. The Internet has raised vexing questions regarding both privacy and the protection of property rights in writing and music. It has raised similar questions regarding the revenue systems of the states and localities of this nation. Not surprisingly, the Internet simply does not fit neatly into these systems as they have evolved over the last two hundred years.

This disconnect has created tensions on all sides. On one side are the vital new businesses—Internet service providers, Web-based businesses and the rest—worried that they will be singled out as cash cows and subjected to new and unfair taxes. On the other side are state and local governments worried about the erosion of their tax bases and their ability to pay for the schools, police, garbage collection and more that their taxpayers need and expect. In between are Main Street merchants who collect sales taxes from their customers and worry about unfair competition from Web-based business that avoid collecting these taxes. Let us not forget the citizens and taxpayers, who appreciate the convenience and opportunities of the Web but who also care about their Main Street merchants, and about their schools and other local services.

All of these concerns are valid. There are no bad guys in the drama. Rather, it is the kind of conflict that a new technology inevitably poses. The automobile required the reform of traffic-control rules designed for the horse-and-buggy era. So today the rise of E-commerce requires an update of tax compliance rules designed primarily for local commerce. Our job in Congress is not to point fingers but rather to try to address the problem in a fair and constructive way.

The solution must begin by putting the worries of Web-based entrepreneurs to rest. They should not be concerned about new and discriminatory tax burdens, and they should not be singled out as cash cows. Congress should make this clear. We have enacted a moratorium to prohibit state and local governments from enacting tax plans that discriminate against the E-commerce or impose a levy on Internet access. This existing moratorium is set to expire next year. We should extend that moratorium to December 2005. That will help clear the air and also make possible the development of a real solution for the sales and use tax compliance problems now facing many businesses and and their customers.

The solution begins with a recognition of the problem. Collecting a sales tax in a face-to-face transaction on Main Street or at the mall is a relatively simple process. The seller collects the tax and remits it to the state or local government. But with remote sales—such as catalog and Internet sales—it's more difficult. States can not require a seller to collect a sales tax unless the business has an actual location or sales people in the state. So most states, and many localities, have laws that require the local buyer to send an equivalent ''use tax'' to the state or local government when he or she did not pay taxes at the time of purchase.

The reality, of course, is that customers almost never do that. It would be a major inconvenience, and people are not accustomed to paying sales taxes in that way. So, despite the requirement in the law, most simply don't do it. This tax, which is already owed, is not paid. For years, state and local governments could accept this loss because catalog sales were a relatively minor portion of overall commerce. The Internet, however, will change that.

Internet and catalog sellers argue that collecting sales taxes would be a significant burden for them. They contend that they would have to comply with tax laws from thousands of different jurisdictions—46 states and thousands of local governments have sales taxes. They would have to deal with many different tax rates and all of the idiosyncracies regarding what is taxable and what is non-taxable. They have a point.

However, there are some remote sellers who know they enjoy an advantage over Main Street businesses and simply do not want to lose it. They can sell a product without collecting the tax, whereas Main Street businesses must collect the local sales tax. Main Street businesses claim that is unfair, and they have a point, too.

As I said, all sides in this debate have valid points, and that is the premise of the bill we introduce today. There are three basic principles underlying the Internet Tax Moratorium and Equity Act. First, we believe that this new Internet technology is becoming a real growth engine for our economy. Governments should not impose access or discriminatory taxes that might jeopardize its growth. That's why the legislation we are introducing extends the current moratorium on Internet access and multiple and discriminatory taxes on electronic commerce for over four additional years.

Second, state and local governments should be encouraged to simplify their sales tax systems as they apply to remote sellers. And third, once States have done this, then it is only fair that remote sellers do their part and collect any use tax that is owed, just as local merchants collect sales taxes. This simple step would free the consumer from the burden of having to report such taxes individually. It would level the playing field for local retailers and others that already collect and remit such taxes, and it would protect the ability of state and local governments to provide necessary services for their residents in the future.

Specifically, the Internet Tax Moratorium and Equity Act would do the following:

Extend the existing moratorium on Internet access, multiple and discriminatory taxes through December 31, 2005.

Put Congress on record as urging States and localities to develop a streamlined sales and use tax system with the advice of the National Conference of Commissioners on Uniform State Laws. Among other things, such a system would include a single, blended tax rate with which all remote sellers could comply. It should also include within each state a uniform tax base on which remote sellers apply the tax, as well as a uniform list of exempt items.

Authorize States to enter into an Interstate Sales and Use Tax Compact through which member States would adopt the streamlined sales and use tax system. Congressional authority and consent to enter into such a Compact would expire if it has not occurred by January 1, 2006.

Authorize adopting States to require remote sellers with more than $5 million in annual gross sales to collect and remit sales and use taxes on remote sales, once twenty States have adopted such Compact, unless Congress has acted to disapprove the Compact by law within a period of 120 days after the Congress receives it.

Prohibit states that have not adopted the simplified sales and use tax system from gaining benefit from the authority extended in the bill to require sellers to collect and remit sales and use taxes on remote sales.

In my view, it would be a mistake for Congress to adopt a lengthy extension of the current Internet tax moratorium without addressing the underlying problem. If we don't, then the growth of the Internet, which should be a benefit to Americans, will instead mean a major erosion of funds available to build and maintain schools and roads, finance police departments and garbage collection, and all the other services that citizens in this country want and need. One study suggests that states and local governments soon could be losing more than $20 billion annually if the Internet industry continues its rapid growth, and if sales and use tax collection rules are left unchanged.

The competitive crisis facing local retailers is also growing more urgent. Testimony at a recent congressional hearing makes that clear: A representative of Wal-Mart testified recently that that company is incorporating a separate business to put Wal-Mart on the Internet. It will do so in a manner that will enable them to avoid sales and use taxes. The reason? Even though Wal-Mart has locations in every state and therefore would be required to collect such taxes on Internet sales, it recognizes that other large competitors will be making those sales tax-free. The company regards such avoidance as a matter of necessity to remain competitive.

This scenario will play out over and over again. The large retailers like Wal-Mart will survive; the small Main Street businesses will struggle. And, there will be a massive loss of revenues to fund schools and other basic services.

Mr. President, this is an important issue that Congress must address now. We believe that this legislation strikes a balance between the interests of the Internet industry, state and local governments, local retailers and remote sellers. It is workable and fair.

I urge my colleagues to cosponsor this much-needed bipartisan legislation.●

Mr. ENZI. Mr. President, I rise in strong support of the Internet Tax Moratorium and Equity Act of 2000 introduced today by Senator DORGAN. I am an original cosponsor and I encourage each of my colleagues to join me as a cosponsor of this bill. We had to take a look at the Internet sales tax issue for people who might be using legislative vehicles to develop huge loopholes in our current system. We are federally mandating states into a sales tax exemption. We need to preserve the system for those cities, towns, counties, and states that rely on the ability to collect the sales tax they are currently getting.

There are some critical issues here that have to be solved to keep the stability of state and local government—just the stability of it—not to increase sales tax, just protect what is there right now. I believe the Internet Tax Moratorium and Equity Act of 2000 is a monumental step forward in protecting, yet enhancing, the current system.

Certainly, no Senator wants to take steps that will unreasonably burden the development and growth of the Internet. At the same time, we must also be sensitive to issues of basic competitive fairness and the negative effect our action or inaction can have on brick-and-mortar retailers, a critical economic sector and employment force in all American society, especially in rural states like Wyoming. In addition, we must consider the legitimate need of state and local governments to have the flexibility they need to generate resources to adequately fund their programs and operations.

If the loophole exists, I can share a method for local retailers to avoid sales tax collection too—but creating this loophole will lead to others—pay attention here. Sales tax collection and federal and state income tax could be in the same boat, if sole tax collection is no longer necessary on Internet sales purely by virtue of the sale over the Internet. Why shouldn't an employee whose check is written on the Internet and transmitted directly to his bank account not owe any income tax? Both would be Internet tax loopholes—tax collection exemptions forced by an all-knowing Federal Government.

As the only accountant in the Senate, I have a unique perspective on the dozens of tax proposals that are introduced in Congress each year. In addition, my service on the State and local level and my experiences as a small business owner enable me to consider these bills from more than one viewpoint.

I understand the importance of protecting and promoting the growth of Internet commerce because of its potential economic benefits. It is a valuable resource because it provides access on demand. In addition, it is estimated that the growth of online businesses will create millions of new jobs nationwide in the coming years. Therefore, I do not support a tax on the use of Internet itself.

I do, however, have concerns about using the Internet as a sales tax loophole. Sales taxes go directly to state and local governments and I am very leery of any federal legislation that bypasses their traditional ability to raise revenue to perform needed services such as school funding, road repair and law enforcement. I will not force states into a huge new exemption. While those who advocate a permanent loophole on the collection of a sales tax over the Internet claim to represent the principles of tax reduction, they are actually advocating a tax increase. Simply put, if Congress continues to allow sales over the Internet to go untaxed and electronic commerce continues to grow as predicted, revenues to state and local governments will fall and property taxes will have to be increased to offset lost revenue or States who do not have or believe in State income taxes will be forced to start one.

After months of hard work, negotiations, and compromise, the Internet Tax Moratorium and Equity Act of 2000 has been introduced. I would like to commend Senator DORGAN on his commitment to finding a solution and working all parties to find that solution. The bill extends the existing moratorium on Internet access, multiple, and discriminatory taxes for an additional four years through December 31, 2005.

Throughout the past several years, we have heard that catalog and Internet companies say they are willing to allow and collect sales tax on interstate sales (regardless of traditional or Internet sales) if States will simplify

collections to one rate per State sent to one location in that State. I think that is a reasonable request. I have heard the argument that computers make it possible to handle several thousand tax entities, but from an auditing standpoint as well as simplicity for small business, I support one rate per State. I think the States should have some responsibility for redistribution not a business forced to do work for government. Therefore, the bill would put Congress on record as urging States and localities to develop a streamlined sales and use tax system, which would include a single, blended tax rate with which all remote sellers can comply. You need to be aware that States are prohibited from gaining benefit from the authority extended in the bill to require sellers to collect and remit sales and use taxes on remote sales if the States have not adopted the simplified sales and use tax system.

Further, the bill would authorize States to enter into an Interstate Sales and Use Tax Compact through which members would adopt the streamlined sales and use tax system. Congressional authority and consent to enter into such a compact would expire if it has not occurred by January 1, 2006. The bill also authorizes States to require all other sellers to collect and remit sales and use taxes on remote sales unless Congress has acted to disapprove the compact by law within a period of 120 days after the Congress receives it.

We introduce this bill because we do not think there is adequate protection now. It is very important we do not build electronic loopholes on the Internet, an ever-changing Internet, one that is growing by leaps and bounds, one that is finding new technology virtually every day. What we know as the Internet today is not what we will be using by the time the moratorium is finalized. More and more people are using the Internet everyday.

Mr. President, I recognize this body has a constitutional responsibility to regulate interstate commerce. Furthermore, I understand the desire of several Senators to protect and promote the growth of Internet commerce. Internet commerce is an exciting field. It has a lot of growth potential. The new business will continue to create millions of new jobs in the coming years.

The exciting thing about that for Wyomingites is that our merchants do not have to go where the people are. For people in my State, that means their products are no longer confined to a local market. They do not have to rely on expensive catalogs to sell merchandise to the big city folks. They do not have to travel all the way to Asia to display their goods. The customer can come to us on the Internet. It is a remarkable development, and it will push more growth for small manufacturers in rural America, especially in my State. We have seen some of the economic potential in the Internet and will continue this progress. It is a valuable resource because it provides access on demand. It brings information to your fingertips when you want it and how you want it.

I was the mayor of a small town, Gillette, WY, for 8 years. I later served in the State house for 5 years and the State senate for 5 years. Throughout my public life I have always worked to reduce taxes, to return more of people's hard-earned wages to them.

I am not here to argue in favor of taxes. There were times in Gillette when we had to make tough decisions. I was mayor during the boom time when the size of our town doubled in just a few years. We had to be very creative to be sure that our revenue sources would cover the necessary public services—important services like sewer, water, curb and gutter, filling in potholes, shoveling snow, collecting garbage, and mostly water. It is a tough job because the impact of your decision is felt by all of your neighbors. Hardly any of these problems is solved without money. When you are the mayor of a small town, you are on call 24 hours a day. You are in the phone book. People can call you at night and tell you that the city sewer is backing up into their house. I was fascinated how they were always sure that it was the city's sewer that was doing it. Therefore, it is important that we do not cut towns out of a historic source of revenue. They provides services you really depend on. Remember you cannot flush your toilet over the Internet.

The point is that the government that is closest to the people is also on the shortest time line to get results. I think it is the hardest work. I am very concerned with any piece of legislation that mandates or restricts local government's ability to meet the needs of its citizens. This has the potential to provide electronic loopholes that will take away all of their revenue. The Internet Tax Moratorium and Equity Act of 2000 would designate a level playing field for all involved—business, government, and the consumer.

If the loophole exists, I can share a method for local retailers to avoid sales tax collection too—but creating this loophole will lead to others—pay attention here. Sales tax collection and federal and state income tax could be in the same boat, if sole tax collection is no longer necessary on Internet sales purely by virtue of the sale over the Internet. Why shouldn't an employee whose check is written on the Internet and transmitted directly to his bank account not owe any income tax? Both would be Internet tax loopholes—tax collection exemptions forced by an all-knowingly federal government.

I do strongly support this bill. The current system of collecting revenues for those towns and states should be preserved—preserved on a level playing field for all involved. I do not think we have all the answers, or we would not be asking for this bill. So whatever we do, we have to have a bill that will preserve the way that small business and small towns function at the present at the present time. Our bill is critical for towns, small businesses, and you and me. I urge my colleagues to support it.

I yield the floor.

Mr. GRAHAM. Mr. President, earlier this year, the Senate began consideration of the Elementary and Secondary Education Act reauthorization. As its name suggests, that legislation governs how Federal dollars that go to the States for education will be spent. It is a very important bill, and I regret that the Senate was unable to complete consideration of it.

As important as the ESEA reauthorization bill is, however, it is not the most significant education bill that Congress will deal with in the next two years. In fact, the most important education bill Congress will consider won't mention schools or students. It won't reference classroom size or teacher salaries.

In 1998, Congress passed the Internet Tax Freedom Act. That bill imposed a three year moratorium on specific state taxes applicable to the Internet. The legislation didn't affect the states' ability to impose sales tax on Internet purchases, nor did it fix the unfair advantage ''e-tailers'' currently have over their main street competitors with respect to their responsibility to collect sales and use taxes.

As a result of two Supreme Court rulings, a state is prohibited from requiring out-of-state retailers from collecting sales tax on purchases made by its residents if the business has no presence in the state. The sales tax still applies, it just has to be collected directly from the purchaser. For a variety of reasons, very little of this tax is ever collected.

The Internet Tax Freedom Act created the Advisory Commission on Electronic Commerce which was supposed to come up with a solution to this problem. Instead the Commission was hijacked by a small group who opted to demagogue this issue to further their ''anti-tax'' agenda. The result was a year-long study of an issue with little in the form of useful recommendations.

The House has passed a five year extension of the moratorium put in place by the Internet Tax Freedom Act. The Senate also may soon consider a proposal to extend the temporary ban imposed in 1998. The game plan of the forces supporting this extended moratorium is clear: delay, delay, delay. Keep extending the moratorium until there is a sufficiently large political constituency to permanently block the collection of sales taxes on purchases made over the Internet.

This is not a hidden agenda. Governor Gilmore, Chairman of the Advisory Commission on Electronic Commerce stated it clearly when he said that ''I believe America should ban sales and use taxes on the Internet permanently, for all time. If we secure tax freedom on the Internet through 2006, tax freedom on the Internet will become an entitlement for the American

people and a political inevitability. No tax collector will be welcome on the Internet after 2006.''

Let me be clear: this is not about whether purchases made over the Internet are subject to sales tax. They already are. The question is whether Internet sellers should have the same responsibility to collect the sales tax as their Main Street competitors.

If we answer this question with a ''no,'' funding for education will suffer. Why? Because states have the fundamental responsibility for financing public education in our country For most states, sales tax revenue is the primary means by which states fulfill this responsibility. Because many states rely on sales taxes for their general revenue, the equation is simple—no collection of sales tax on the Internet means less money for new schools, teacher salaries, or textbooks. Six states—Florida, Nevada, South Dakota, Tennessee, Texas and Washington rely on sales taxes for more than half of their total tax revenue.

Over the next four years, Internet sales are expected to grow by nearly $500 billion. If state and local governments are prohibited from collecting sales taxes on those new sales, they stand to lose close to $17.5 billion in revenue. Florida's share of that lost revenue could be $1 billion. When asked why he robbed banks, Willie Sutton replied, ''that's where the money is.'' Today, the money is increasingly on the Internet.

There is another reason to fix this issue: fairness. No one would seriously consider a proposal that barred state and local governments from collecting sales and use taxes from retailers who operate from green buildings. That would be unfair to those businesses that aren't located in green buildings. Proposals to arbitrarily benefit the Internet, however, somehow receive a great deal of attention and support.

Our position should be clear: no more delays. No more moratoriums until Congress agrees to a process whereby states can simplify their sales tax systems and receive the authority they need to require remote sellers to collect their sales taxes.

The legislation we are introducing today takes the first positive step in this direction. The bill extends the current moratorium on Internet access taxes and multiple or discriminatory taxes on the Internet, a prohibition that virtually all agree should be imposed.

More importantly, however, it establishes a process whereby states can cooperatively create a model sales and use tax system. Sales tax laws must be made significantly more uniform across the states, and the administration of the tax must be substantially overhauled and simplified. The goal of this legislation is to develop a simple, uniform, and fair system of sales tax collection. It will reduce the burden on remote sellers and protect state and local sovereignty.

Once states have adopted this simplified system, they would then have the authority to require remote sellers to collect and remit sales and use taxes to the state.

Previous attempts to require remote sellers to collect sales and use taxes have been criticized on the grounds that it was unreasonable to require businesses to keep track of the nearly 7,500 state and local governments levying sales and use taxes. That is a suspect criticism, particularly for those. Nevertheless, this bill dramatically simplifies the system for businesses by establishing uniform definitions and fewer rates.

The streamlined sales and use tax system envisioned by this legislation follows the guidance offered by the Advisory Commission on Electronic Commerce. The attributes of this streamlined system include:

A centralized, one-stop, multi-state registration system for sellers;

Uniform definitions for goods or services that would be included in the tax base;

Uniform and simple rules for attributing transactions to particular taxing jurisdictions;

Uniform rules for the designation and identification of purchasers exempt from tax;

Uniform certification procedures for software that sellers may rely on to determine state and local taxes;

Uniform bad debt rules;

Uniform returns and remittance forms;

Consistent electronic filing and remittance methods;

State administration of State and local sales taxes;

Uniform audit procedures;

Reasonable compensation for tax collection by remote sellers;

Exemption for remote sellers with less than $5 million in annual sales for the previous year;

Appropriate protections for consumer privacy; and

Such other features that member states deem warranted to promote simplicity.

Critics of this legislation will argue that it is anti-technology, and that the Internet must be protected from this threat. That is not true. The sponsors of this bill yield to no one in their support and enthusiasm for a vibrant information technology era. But that support does not necessitate special breaks for companies doing business over the Internet.

A more appropriate characterization for this legislation is that it will both assure fairness to all sellers and protect states' abilities to collect the resources necessary to make the education investments that will pave the way for the next technological breakthrough—the next Internet. I hope my colleagues will join us and support this approach.

By Mr. COVERDELL (for himself and Mr. TORRICELLI):

S. 2776. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for the use in medical research; to the Committee on Finance.

THE MEDICAL RESEARCH INVESTMENT ACT OF 2000

Mr. COVERDELL. Mr. President, today I rise to introduce bipartisan legislation, the Medical Research Investment Act, or MRI Act, and privileged to be joined today by Senator TORRICELLI. The American people are unique in the world in their spirit of volunterism and charitable efforts. Unfortunately, the Federal Tax Code quite often gets in the way.

Congress has made impressive strides to increase resources for medical research. Last year we passed and enacted an increase of $2.7 billion in funding for the National Institutes of Health. This fourteen percent increase means this Congress is well on its way to doubling the Federal support for medical research, as we promised. At the same time, however, we should not diminish the critical role of private donations. This is why the MRI Act is so necessary.

While researchers have indeed made impressive breakthroughs in finding cures. The fight is far from over. For instance, 16 million Americans live with diabetes mellitus. In fact, I met today a courageous child, Caity Rigg, who suffers from Juvenile diabetes and requires four shots of insulin a day just to survive. Diabetes is the leading cause of kidney failure, blindness, and amputations, and is a major factor for heart disease, stroke, and birth defects. It shortens average life expectancy by 15 years and costs the nation in excess of $100 billion annually.

Cardiovascular diseases, heart attacks and strokes, claimed nearly 1 million lives in the United States in 1997. A third of these deaths were premature. In 1996, a third of all hospitalization expenditures were made to Medicare beneficiaries for hospital expenses due to cardiovascular problems.

This year approximately half a million Americans will die of cancer—more than 1,500 people per day. It is the second leading cause of death in the United States, and since 1990, approximately 13 million new cases have been diagnosed. In 2000, over 1 million new patients will be stricken.

The MRI Act makes very simple, but very significant changes. First, it encourages charitable gifts of cash or property for medical research by increasing the limitations on deductibility from the current 50 percent cap to 80 percent of adjusted gross income. Individuals could give 30 percent for medical research and 50 percent of income for other purposes. Or they could give as much as 80 percent of income for medical research alone. Not only would this benefit medical research, but it presents the opportunity for other charities to similarly receive greater support. Further, those who can give more than 80 percent in a year

may extent the carry-forward for excess charitable gifts for medical research from five years to ten years.

Second, the MRI Act allows medical research to benefit from incentive stock option, or ISO's, giving by ending disincentives for taxpayers who contribute stock from ISO's to medical research. Current law taxes such transactions at a rate of almost forty percent if stocks are not held for more than a year. Because of the tax on their gifts, many taxpayers find they must sell $140 in stock for every $100 they wish to donate because of the taxes on their gifts. In addition to this change, no ordinary income, capital gains or alternative minimum tax would be imposed on medical research gifts.

Accordingly to an estimate by Price Waterhouse Coopers, the MRI Act would release more than 1 billion in new donations to medical research over the next 5 years. For many research efforts, it could mean the difference between finding cures or not. Our proposal enjoys broad support from the medical research community.

Alliance for Aging Research, American Association for Cancer Research, ALS Association (Lou Gehrigs's Disease), American Society of Cell Biologists, Cancer Treatment Research Foundation, Coalition of National Cancer Cooperative Groups, Cure for Lymphoma, Friends of Cancer Research, International Foundation for Anticancer Drug Discovery, Juvenile Diabetes Foundation for Parkinson's Research, Oncology Nursing Society, Prevent Blindness America, Research to Prevent Blindness, and Society for Women's Health Research.

In closing, I encourage my colleagues to join us in supporting the MRI Act and look forward to its consideration. I ask unanimous consent that a copy of my proposed legislation appear in the RECORD.

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

S. 2776

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 ''Medical Research Investment Act of 2000''.

SEC. 2. INCREASE IN LIMITATION ON CHARITABLE DEDUCTION FOR CONTRIBUTIONS FOR MEDICAL RESEARCH.

(a) IN GENERAL.—Paragraph (1) of section 170(b) of the Internal Revenue Code of 1986 (relating to percentage limitations) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL LIMITATION WITH RESPECT TO CERTAIN CONTRIBUTIONS FOR MEDICAL RESEARCH.—

''(i) IN GENERAL.—Any medical research contribution shall be allowed to the extent that the aggregate of such contributions does not exceed the lesser of—

''(I) 80 percent of the taxpayer's contribution base for any taxable year, or

''(II) the excess of 80 percent of the taxpayer's contribution base for the taxable year over the amount of charitable contributions allowable under subparagraphs (A) and (B) (determined without regard to subparagraph (C)).

''(ii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the limitation of such clause, such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a medical research contribution in each of the 10 succeeding taxable years in order of time.

''(iii) TREATMENT OF CAPITAL GAIN PROPERTY.—In the case of any medical research contribution of capital gain property (as defined in subparagraph (C)(iv)), subsection (e)(1) shall apply to such contribution.

''(iv) MEDICAL RESEARCH CONTRIBUTION.—For purposes of this subparagraph, the term 'medical research contribution' means a charitable contribution—

''(I) to an organization described in clauses (ii), (iii), (v), or (vi) of subparagraph (A), and

''(II) which is designated for the use of conducting medical research.

''(v) MEDICAL RESEARCH.—For purposes of this subparagraph, the term 'medical research' has the meaning given such term under the regulations promulgated under subparagraph (A)(ii), as in effect on the date of the enactment of this subparagraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 170(b)(1)(A) of the Internal Revenue Code of 1986 is amended in the matter preceding clause (i) by inserting ''(other than a medical research contribution)'' after ''contribution''.

(2) Section 170(b)(1)(B) of such Code is amended by inserting ''or a medical research contribution'' after ''applies''.

(3) Section 170(b)(1)(C)(i) of such Code is amended by striking ''subparagraph (D)'' and inserting ''subparagraph (D) or (G)''.

(4) Section 170(b)(1)(D)(i) of such Code is amended—

(A) in the matter preceding subclause (I), by inserting ''or a medical research contribution'' after ''applies'', and

(B) in the second sentence, by inserting ''(other than medical research contributions)'' before the period.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply—

(1) to contributions made in taxable years beginning after December 31, 2000, and

(2) to contributions made on or before December 31, 2000, but only to the extent that a deduction would be allowed under section 170 of the Internal Revenue Code of 1986 for the taxable years beginning after December 31, 1999, had section 170(b)(1)(G) of such Code (as added by this section) applied to such contributions when made.

SEC. 3. TREATMENT OF CERTAIN INCENTIVE STOCK OPTIONS.

(a) AMT ADJUSTMENTS.—Section 56(b)(3) of the Internal Revenue Code of 1986 (relating to treatment of incentive stock options) is amended—

(1) by striking ''Section 421'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), section 421'', and

(2) by adding at the end the following new subparagraph:

''(B) EXCEPTION FOR CERTAIN MEDICAL RESEARCH STOCK.—

''(i) IN GENERAL.—This paragraph shall not apply in the case of a medical research stock transfer.

''(ii) MEDICAL RESEARCH STOCK TRANSFER.—For purposes of clause (i), the term 'medical research stock transfer' means a transfer—

''(I) of stock which is traded on an established securities market,

(II) of stock which is acquired pursuant to the exercise of an incentive stock option within the same taxable year as such transfer occurs, and

''(III) which is a medical research contribution (as defined in section 170(b)(1)(G)(iv)).''.

(b) NONRECOGNITION OF CERTAIN INCENTIVE STOCK OPTIONS.—Section 422(c) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new paragraph:

''(8) MEDICAL RESEARCH CONTRIBUTIONS.—For purposes of this section and section 421, the transfer of a share of stock which is a medical research stock transfer (as defined in section 56(b)(3)(B)) shall be treated as meeting the requirements of subsection (a)(1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of stock made after the date of the enactment of this Act.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ROBB, and Ms. MIKULSKI):

S. 2777. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to revise and enhance authorities, and to authorize appropriations, for the Chesapeake Bay Office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NOOA CHESAPEAKE BAY OFFICE REAUTHORIZATION ACT OF 2000

Mr. SARBANES. Mr. President, today I am introducing legislation, together with my colleagues, Senators WARNER, ROBB and MIKULSKI, to reauthorize and enhance the NOAA Chesapeake Bay Program office. This office, which was first established in 1992 pursuant to Public Law 102–567, serves as the focal point for all of NOAA's activities within the Chesapeake Bay watershed and is a vital part of the effort to achieve the long-term goal of the Bay Program—restoring the Bay's living resources to healthy and balanced levels.

As the lead Federal agency responsible for marine science, NOAA has played a critical role in the restoration of the Chesapeake Bay and its living marine resources. Since 1984, when the Agency first signed a Memorandum of Understanding with EPA to participate in the Chesapeake Bay Program as a full Federal partner, NOAA has supported scientific investigations and conducted other important activities ranging from fisheries stock assessments to monitoring of algal blooms and tracking changes in tidal wetlands. This research has been essential to improving our understanding of the impacts of climate, harvest and pollution on the decline of anadromous fish, oysters and other marines species in the Bay and helping to develop management strategies for restoring living resources.

In order to better integrate NOAA's diverse efforts in the Bay region and provide a clear focal point within NOAA for Chesapeake Bay initiatives, in 1991 I introduced legislation to create a NOAA Chesapeake Bay Office or NCBO. The legislation authorized $2.5 million a year for the program and prescribed the office's principal functions as coordination, strategy development, technical and financial assistance and research dissemination. That legislation was incorporated in an overall

NOAA authorization bill and became Public Law 102–567. To implement the initiative, NOAA established an office in Annapolis under the administration of the National Marine Fisheries Service and has been funding peer-reviewed research directed at the Bay's living resource problems, providing scientific expertise and technical assistance to Bay Program partners, working to involve other relevant NOAA elements in the Bay restoration and participating in a wide variety of Bay Program projects and activities. During the past eight years, the NCBO has made great strides in realizing the objectives of the NOAA Authorization Act of 1992 and the overall Bay Program living resource goals. Working with other Bay Program Partners, important progress has been made in surveying and assessing fishery resources in the Bay, developing fishery management plans for selected species, undertaking habitat restoration projects, removing barriers to fish passage, and undertaking important remote sensing and data analysis activities.

NOAA's responsibilities to the Bay restoration effort are far from complete, however. Some populations of major species of fish and shellfish in Chesapeake Bay such as shad and oysters, remain severely depressed, while others, such as blue crab are at risk. Bay-wide, some 16 of 25 ecologically important species are in decline or severe decline, due to disease, habitat loss, over-fishing and other factors. The underwater grasses that once sustained these fisheries are only at a fraction of their historic levels. Research and monitoring must be continued and enhanced to track living resource trends, evaluate the responses of the estuary's biota to changes in their environment and establish clear management goals and progress indicators for restoring the productivity, diversity and abundance of these species. Chesapeake 2000, the soon-to-be-signed new Bay Agreement, has identified several living resource goals which will require strong NOAA involvement to achieve.

The legislation which I am introducing would provide NOAA with additional resources and authority necessary to ensure its continued full participation in the Bay's restoration and in meeting with goals and objectives of Chesapeake 2000. First, this measure would move administration and oversight of the NOAA Bay Office from the National Marine Fisheries Service (NMFS) to the Office of the Undersecretary to help facilitate the pooling of all of NOAA's talents and take better advantage of NOAA's multiple capabilities. In addition to NMFS there are four other line offices within NOAA with programs and responsibilities critical to the Bay restoration effort—the Office of Oceanic and Atmospheric Research, National Ocean Service, National Weather Service, and National Environmental Satellite, Data and Information Service. Getting these different line offices to pool their resources and coordinate their activities is a serious challenge when they do not have a direct stake or clear line of responsibility to the Chesapeake Bay Program. Placing the NOAA Bay office within the Under Secretary's Office will help assure the coordination of activities across all line organizations of NOAA.

Second, the legislation authorizes and directs NOAA to undertake a special five-year study, in cooperation with the scientific community of the Chesapeake Bay and appropriate other federal agencies, to develop the knowledge base required for understanding multi-species interactions and developing multi-species management plans. To date, fisheries management in Chesapeake Bay and other waters, has been largely based upon single-species plans that often ignore the critical relationships between water and habitat quality, ecosystem health and the food webs that support the Bay's living resources. There is a growing consensus between scientific leaders and managers alike that we must move beyond the one-species-at-a-time approach toward a wider, multi-species and ecosystem perspective. Chesapeake 2000 calls for developing multi-species management plans for targeted species by the year 2005 and implementing the plans by 2007. In order to achieve these goals, NOAA must take a leadership role and support a sustained research and monitoring program.

Third, the legislation authorizes NOAA to carry out a small-scale fishery and habitat restoration grant and technical assistance program to help citizens organizations and local governments in the Chesapeake Bay watershed undertake habitat, fish and shellfish restoration projects. Experience has shown that, with the proper tools and training, citizens' groups and local communities can play a tremendous role in fisheries and habitat protection and restoration efforts. The Chesapeake Bay Foundation's oyster gardening program, for example, has proven to be highly successful in training citizens to grow oysters at their docks to help restore oysters' populations in the Bay. The new Bay Agreement has identified a critical need to not only to expand and promote community-based programs but to restore historic levels of oyster production, restore living resource habitat and submerged aquatic vegetation. The NOAA small-grants program, which this bill would authorize, would complement EPA's Chesapeake Bay small watershed program, and make ''seed'' grants available on a competitive, cost-sharing basis to local governments and nonprofit organizations to implement hands-on projects such as improvement of fish passageways, creating artificial or natural reefs, restoring wetlands and sea-grass beds, and producing oysters for restoration projects.

Fourth, the legislation would establish an internet-based Coastal Predictions Center for the Chesapeake Bay. Resource managers and scientists alike agree that we must make better use of the various modeling and monitoring systems and new technologies to improve prediction capabilities and response to physical and chemical events within the Bay and tributary rivers. There are substantial amounts of data collected and compiled by Federal, state and local government agencies and academic institutions including information on weather, tides, currents, circulation, climate, land use, coastal environmental quality, aquatic living resources and habitat conditions. Unfortunately, little of this data is coordinated and organized in a manner that is useful to the wide range of potential users. The Coastal Predictions Center would serve as a knowledge bank for assembling monitoring and modeling data from relevant government agencies and academic institutions, interpreting that data, and organizing it into products that are useful to resource managers, scientists and the public.

Finally, the legislation would increase the authorization for the NOAA Bay Program from the current level of $2.5 million to $6 million per year to enhance current activities and to carry out these new initiatives. For more than a decade, funding for NOAA's Bay Program has remained static at an annual average of $1.9 million. If we are to achieve the ultimate, long-term goal of the Bay Program—protecting, restoring and maintaining the health of the living resources of the Bay—additional financial resources must be provided.

Mr. President, this legislation will provide an important boost to our efforts to restore the Bay's living resources. It is strongly supported by the Chesapeake Bay Commission, the Chesapeake Bay Foundation and members of the scientific community. I ask unanimous consent that the full text of the measure and supporting letters be printed in the RECORD immediately following my statement.

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

S. 2777

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 ''NOAA Chesapeake Bay Office Reauthorization Act of 2000''.

SEC. 2. CHESAPEAKE BAY OFFICE.

(a) ESTABLISHMENT.—Section 307(a) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(a)) is amended—

(1) in paragraph (1), by striking ''Estuarine Resources''; and

(2) by striking paragraph (2) and inserting the following:

''(2) ADMINISTRATION.—

''(A) IN GENERAL.—Beginning not later than 60 days after the date of enactment of this subparagraph, the Office shall be administered by the Office of the Under Secretary of Commerce for Oceans and Atmosphere.

''(B) DIRECTOR.—The Secretary of Commerce shall appoint as Director of the Office an individual who has knowledge of and experience in research or resource management efforts in the Chesapeake Bay.''.

(b) FUNCTIONS.—Section 307(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(b)) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) coordinate the programs and activities of the various organizations within the National Oceanic and Atmospheric Administration and the Chesapeake Bay Regional Sea Grant Programs, including—

''(A) programs and activities in—

''(i) coastal and estuarine research, monitoring, and assessment;

''(ii) fisheries research and stock assessments;

''(iii) data management;

''(iv) remote sensing;

''(v) coastal management;

''(vi) habitat conservation and restoration; and

''(vii) atmospheric deposition; and

''(B) programs and activities of the Cooperative Oxford Laboratory of the National Ocean Service with respect to—

''(i) nonindigenous species;

''(ii) marine species pathology;

''(iii) human pathogens in marine environments; and

''(iv) ecosystems health;''; and

(2) in paragraph (7), by striking the period at the end and inserting the following: '', which report shall include an action plan consisting of—

''(A) a list of recommended research, monitoring, and data collection activities necessary to continue implementation of the strategy described in paragraph (2); and

''(B) proposals for—

''(i) continuing and new National Oceanic and Atmospheric Administration activities in the Chesapeake Bay; and

''(ii) the integration of those activities with the activities of the partners in the Chesapeake Bay Program to meet the commitments of the Chesapeake 2000 agreement and subsequent agreements.''.

(c) CONFORMING AMENDMENT.—Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended by striking the section heading and inserting the following:

''SEC. 307. CHESAPEAKE BAY OFFICE.''.

SEC. 3. MULTIPLE SPECIES MANAGEMENT STRATEGY; CHESAPEAKE BAY FISHERY AND HABITAT RESTORATION SMALL GRANTS PROGRAM; COASTAL PREDICTION CENTER.

The National Oceanic and Atmospheric Administration Authorization Act of 1992 is amended by inserting after section 307 (15 U.S.C. 1511d) the following:

''SEC. 307A. MULTIPLE SPECIES MANAGEMENT STRATEGY.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration shall commence a 5-year study, in cooperation with the scientific community of the Chesapeake Bay and appropriate Federal agencies—

''(1) to determine and expand the understanding of the role and response of living resources in the Chesapeake Bay ecosystem; and

''(2) to develop a multiple species management strategy for the Chesapeake Bay.

''(b) REQUIRED ELEMENTS OF STUDY.—In order to improve the understanding necessary for the development of the strategy under subsection (a), the study shall—

''(1) determine the current status and trends of fish and shellfish that live in the Chesapeake Bay estuaries and are selected for study;

''(2) evaluate and assess interactions among the fish and shellfish described in paragraph (1) and other living resources, with particular attention to the impact of changes within and among trophic levels; and

''(3) recommend management actions to optimize the return of a healthy and balanced ecosystem for the Chesapeake Bay.

''SEC. 307B. CHESAPEAKE BAY FISHERY AND HABITAT RESTORATION SMALL GRANTS PROGRAM.

''(a) IN GENERAL.—The Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration (referred to in this section as the 'Director'), in cooperation with the Chesapeake Executive Council (as defined in section 307(e)), shall carry out a community-based fishery and habitat restoration small grants and technical assistance program in the Chesapeake Bay watershed.

''(b) PROJECTS.—

''(1) SUPPORT.—The Director shall make grants under the program under subsection (a) to pay the Federal share of the cost of projects that are carried out by eligible entities described in subsection (c) for the restoration of fisheries and habitats in the Chesapeake Bay.

''(2) FEDERAL SHARE.—The Federal share under paragraph (1) shall not exceed 75 percent.

''(3) TYPES OF PROJECTS.—Projects for which grants may be made under the program include—

''(A) the improvement of fish passageways;

''(B) the creation of natural or artificial reefs or substrata for habitats;

''(C) the restoration of wetland or sea grass;

''(D) the production of oysters for restoration projects; and

''(E) the restoration of contaminated habitats in the Chesapeake Bay watershed.

''(c) ELIGIBLE ENTITIES.—The following entities are eligible to receive grants under the program under this section:

''(1) The government of a political subdivision of a State in the Chesapeake Bay watershed and the government of the District of Columbia.

''(2) An organization in the Chesapeake Bay watershed (such as an educational institution or a community organization) that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code.

''(d) ADDITIONAL REQUIREMENTS.—The Director may prescribe any additional requirements, including procedures, that the Director considers necessary to carry out the program under this section.

''SEC. 307C. COASTAL PREDICTION CENTER.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration (referred to in this section as the 'Director'), in collaboration with regional scientific institutions, shall establish a coastal prediction center for the Chesapeake Bay (referred to in this section as the 'center').

''(2) PURPOSE OF CENTER.—The center shall serve as a knowledge bank for—

''(A) assembling, integrating, and modeling coastal information and data from appropriate government agencies and scientific institutions;

''(B) interpreting the data; and

''(C) organizing the data into predictive products that are useful to policy makers, resource managers, scientists, and the public.

''(b) ACTIVITIES.—

''(1) INFORMATION AND PREDICTION SYSTEM.—The center shall develop an Internet-based information system for integrating, interpreting, and disseminating coastal information and predictions concerning—

''(A) climate;

''(B) land use;

''(C) coastal pollution;

''(D) coastal environmental quality;

''(E) ecosystem health and performance;

''(F) aquatic living resources and habitat conditions; and

''(G) weather, tides, currents, and circulation that affect the distribution of sediments, nutrients, and organisms, coastline erosion, and related physical and chemical events within the Chesapeake Bay and the tributaries of the Chesapeake Bay.

''(2) AGREEMENTS TO PROVIDE DATA, INFORMATION, AND SUPPORT.—The Director may enter into agreements with other entities of the National Oceanic and Atmospheric Administration, other appropriate Federal, State, and local government agencies, and academic institutions, to provide and interpret data and information, and provide appropriate support, relating to the activities of the center.

''(3) AGREEMENTS RELATING TO INFORMATION PRODUCTS.—The Director may enter into grants, contracts, and interagency agreements with eligible entities for the collection, processing, analysis, interpretation, and electronic publication of information products for the center.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended by striking subsection (d) and inserting the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Department of Commerce for the Chesapeake Bay Office $6,000,000 for each of fiscal years 2001 through 2004.

''(2) AMOUNTS FOR NEW PROGRAMS.—Of the amount authorized to be appropriated for each fiscal year under paragraph (1)—

''(A) not more than $2,500,000 shall be available to carry out section 307A;

''(B) not more than $1,000,000 shall be available to carry out section 307B; and

''(C) not more than $500,000 shall be available to carry out section 307C.''.

(b) CONFORMING AMENDMENT.—Section 2 of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210; 97 Stat. 1409) is amended by striking subsection (e) (106 Stat. 4285).

SEC. 5. TECHNICAL CORRECTION.

Section 307(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(b)) is amended by striking ''Chesapeake Bay Executive Council'' and inserting ''Chesapeake Executive Council''.

CHESAPEAKE BAY COMMISSION,
June 12, 2000.

Hon. PAUL S. SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC

DEAR SENATOR SARBANES: We understand that you will soon be introducing legislation to reauthorize NOAA's Chesapeake Bay Program. This broadened, $6 million reauthorization would allow NOAA to better address multi-species management issues, to establish a complementary grants program in support of local community projects throughtout the Bay, and to make additional contributions that enhance the restoration of oysters in the estuary.

This legislation provides another enhanced mechanism for meeting the ambitious restoration and protection goals contained in the Chesapeake 2000 agreement that we and our Bay partners are signing on June 28. The members of the Chesapeake Bay Commission look forward to the enactment on this NOAA reauthorization and offer our full support and assistance as it moves through the Congress.

Sincerely,

BILL BOLLING,
Chairman.
BRIAN E. FROSH,
Vice-Chairman.
ARTHUR D. HERSHEY,
Vice-Chairman.

CHESAPEKE BAY FOUNDATION,
June 20, 2000.

Hon. PAUL S. SARBANES,
Hart Building,
Washington, DC.

DEAR SENATOR SARBANES: The Chesapeake Bay Foundation fully supports your new bill that would reauthorize and enhance the NOAA Chesapeake Bay Program. We greatly appreciate your leadership on this legislation and your persistent pursuit of a restored Bay.

The NOAA Bay Program originally was authorized in 1992 and has been a major contributor in protecting and restoring the Bay. The NOAA Bay office has provided a clear focal point within NOAA for Chesapeake Bay initiatives, involving all relevant NOAA entities in Bay restoration efforts, managing peer-reviewed research, and strengthening NOAA's interactions with Chesapeake Bay partners.

One of the NOAA Bay Program's yearly achievements is its fishery stock assessment. This work is crucial to gauging and managing the health of the Bay's fisheries. In addition, the NOAA Bay Program contributes to ecosystem management, community-based restoration activities, data analysis, and information management. NOAA Bay Program employees participate on Chesapeake Bay Program committees and they chair the Chesapeake Bay Environmental Effects Committee and the Chesapeake Bay Stock Assessment Committee.

Recently, the NOAA Bay Program made a major commitment to restoring the Bay's oyster population, which provides vital filtering of polluted water and unique habitat for marine life. CBF views restoring the oyster population as one of the most important steps we can take to restore the health of the Bay.

This new bill would consolidate authority for the Program's base funding with other line item programs, such as oyster recovery and multi-species initiatives. Moreover, the bill requires the NOAA Bay Program to help the Bay states meet the goals of the Chesapeake 2000 Agreement. The small watershed grants section, which is a new initiative, would be used for projects like Susquehanna River fish passages, oyster reef reconstruction, and other citizen-led, hands-on projects.

Lastly, the bill increases authorization to $6 million each year to carry out these activities. The Chesapeake Bay is the most productive estuary in the world and its vast fisheries and marine resources deserve that level of commitment from the federal government.

This bill represents a tremendous boost for CBF's and NOAA's efforts to Save the Bay. We look forward to working with you to secure passage of this exciting new legislation.

Very Truly Yours,

MICHAEL F. HIRSHFIELD, PHD.,
Vice-President, Resource Protection.

By Mr. KOHL (for himself, Mr. DEWINE, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, and Mr. FEINGOLD):

S. 2778. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

THE NO OIL PRODUCING AND EXPORTING CARTELS (NOPEC) ACT OF 2000

Mr. KOHL. Mr. President, we have all watched in the last few weeks as gas prices have skyrocketed across the country, reaching an average price for regular gas of $ 1.68 per gallon. The situation is even worse in Wisconsin and other Midwestern states. The Milwaukee Journal Sentinel reported on June 21 that the average price in Milwaukee for regular gas has reached $2.05 per gallon, and reports of consumers paying as much as $2.30 or more are not uncommon. We need to take action, and take action now, to combat this unjustified rise in gas prices that takes hard-earned dollars away from average citizens every time they visit the gas pump. It is for this reason that I rise today, with my colleagues Senators DEWINE, SPECTER, LEAHY, and GRASSLEY, to introduce the ''No Oil Producing and Exporting Cartels Act of 2000'', ''NOPEC''.

We have all heard many explanations offered for this rise in gas prices. Some say that the oil companies are gouging consumers. Some blame disruptions in supply. Others point to the EPA requirement mandating use of a new and more expensive type of ''reformulated'' gas in the Midwest. Some even claim that refiners and distributors are illegally fixing prices, and I am glad to see that the Federal Trade Commission, at the request of the Wisconsin delegation and Senator DEWINE, has now launched an investigation to figure out if these allegations are true. And these are just a few of the reasons that have been offered.

But one cause of these escalating prices is indisputable. This is the price fixing conspiracy of the OPEC nations, a conspiracy that for years has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC but, sadly, until now no one has tried to take any action to put it out of business. NOPEC will, for the first time, establish, clearly and plainly, that when a group of competing oil producers like OPEC agrees to act together to restrict supply or set prices they are violating U.S. law, and it will authorize the Attorney General or FTC to file suit under the antitrust laws for redress. Our bill will also make plain that the nations of OPEC cannot hide behind the doctrines of ''Sovereign Immunity'' or ''Act of State'' to escape the reach of American justice.

Even under current law, there is no doubt that the actions of the international oil cartel would be in gross violation of our most basic principles of antitrust law as nothing more than an illegal price fixing scheme if this cartel was a group of international private companies rather than foreign governments. But OPEC members have used the shield of ''sovereign immunity'' to escape accountability for their price-fixing. The Federal Sovereign Immunities Act, though, already recognizes that the ''commercial'' activity of nations is not protected by sovereign immunity. And it is hard to imagine an activity that is more obviously commercial than selling oil for profit, as the OPEC nations do. Our legislation will correct one erroneous twenty-year-old lower federal court holding and establish that sovereign immunity doctrine will not divest a U.S. court from jurisdiction to hear a lawsuit alleging that members of the oil cartel are violating antitrust law.

Mr. President, in recent years a consensus has developed in international law that certain basic standards are universal, and that the international community can, and should, take action when a nation violates these fundamental standards. The response of the international community to ethnic cleansing in the former Yugoslavia and action by the courts of Britain to recognize that Mr. Pinochet could be held accountable in Britain for allegations of human rights abuses and torture that occurred when he was President of Chile are two prominent examples. The rogue actions of the international oil cartel should be treated no differently. The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. This principle is the foundation upon which the entire body of competition law rests. In this era of increasing globalization, when we truly need to open international markets to ensure the prosperity of all, we should not permit any nation to flout this fundamental principle.

Our NOPEC legislation will, for the first time, enable our authorities to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel and will, at a minimum, have a real deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. For these reasons, I urge that my colleagues support this bill so that our nation will finally have an effective means to combat this selfish conspiracy of oil-rich nations.

Mr. DEWINE. Mr. President, today Senators KOHL, SPECTER, LEAHY, GRASSLEY, FEINGOLD, and I have introduced the ''No Oil Producing and Exporting Cartels Act of 2000'', NOPEC. We do so to address the long-standing problem of foreign governments acting in the commercial arena to fix, allocate, and establish production and price levels of petroleum products.

More than two months ago, Senators SPECTER, KOHL, THURMOND, SCHUMER, Biden, and I sent a letter to the President asking him to seriously consider legal action to put an end to the cartel behavior of OPEC nations. The White House has failed to take any action,

and it appears that there are some within the Administration who believe there may be legal stumbling blocks to such a lawsuit. During the time in which the Administration has failed to take action, we have witnessed gas prices begin to rise again. Most notable are the unexplainable, sharp price increases in several Midwestern states. These price increases have harmed many in Ohio and across the Midwest. There is no relief in sight. Many are speculating about the cause of the price-spikes. One cause is indisputable—the unacceptably high price of imported crude oil set by the OPEC cartel.

Nation after nation has adopted antitrust enforcement principles that recognize the illegality of price fixing and other restraints of trade. Yet OPEC is undeterred, and continues to flout broadly accepted legal principles and artificially restrains the production of oil. It is time for internationally recognized principles of competition to operate in the oil and petroleum industry—just as they do in other markets.

The purpose of NOPEC is simple and straightforward. It makes clear that the U.S. enforcement agencies may bring antitrust enforcement actions against foreign states which violate antitrust laws in the production and sale of oil and other petroleum products, and it establishes that the district courts have jurisdiction and authority to consider such cases.

NOPEC does this by amending the Sherman Antitrust Act and the Foreign Sovereign Immunities Act, ''FSIA''. Under FSIA, the governmental activities of foreign governments are immune from the jurisdiction of the federal courts. A lower federal court has ruled—we believe erroneously—that the conduct of OPEC nations in relation to oil production and exportation are governmental, not commercial activities, and thus immune. NOPEC corrects this ruling, and clarifies the law, specifically removing immunity from foreign governments when they are engaged in the limitation of the production or distribution of oil and other petroleum products. NOPEC also makes clear that the federal courts should not decline to make a determination on the merits of an action brought under NOPEC based on the ''act of state'' doctrine.

This legislation will send a strong signal to OPEC nations that their agreements restrain trade and harm American consumers. This will no longer be accepted. Our legislation will allow the U.S. enforcement agencies to do their jobs and enforce the antitrust laws.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. ABRAHAM, Mr. KOHL, Mr. HUTCHINSON, Mr. TORRICELLI, and Mr. KERRY):

S. 2779. A bill to provide for the designation of renewal communities and to provide tax incentives relating to such communities, to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities, and to provide for the establishment of Individual Development Accounts (IDAs), and for other purposes; to the Committee on Finance.

THE AMERICAN COMMUNITY RENEWAL AND NEW MARKETS EMPOWERMENT ACT

Mr. KERRY. Mr. President, today I am joining colleagues on both sides of the aisle to introduce the American Community Renewal and New Markets Empowerment Act. Demonstrating that Congress can constructively work together and find common ground, we—Senators LIEBERMAN, TORRICELLI, KOHL, SANTORUM, ABRAHAM, and HUTCHINSON—unveiled a plan that creates economic incentives to help close America's wealth gap. Among many important initiatives, our plan includes my new markets legislation that I introduced last September, S. 1594, the Community Development and Venture Capital Act, and full funding for Round II of Empowerment Zones.

This plan builds on the President's and Speaker's agreement by securing full, mandatory funding for Massachusett's Empowerment Zone. So far, the money has dribbled in—only $6.6 million of the $100 million authorized over ten years—and made it impossible for the city to implement a plan for economic self-sufficiency. Some 80 public and private entities, from universities to technology companies to banks to local government, showed incredible community spirit and committed to matching the EZ money, eight to one. Let me say it another way—these groups agreed to match the $100 million in Federal Empowerment Zone money with $800 million. Yet, regrettably, in spite of this incredible alliance, the city of Boston has not been able to tap into that leveraged money and implement the strategic plan because Congress hasn't held its part of the bargain. I am extremely pleased that we were able to work together and find a way to provide full, steady funding to these zones. That money means education, daycare, transportation and basic health care in areas—in Massachusetts that includes 57,000 residents who live in Roxbury, Dorchester and Mattipan—where almost 50 percent of the children are living in poverty and nearly half the residents over 25 don't even have a high school diploma.

Mr. President, this bill also includes an initiative that I introduced last year called the Community Development and Venture Capital Act. Its purpose is to stimulate economic development through public-private partnerships that invest venture capital in smaller businesses that are located in impoverished rural and urban areas, known as new markets, or that employ low-income people. We call these areas new markets because of the overlooked business opportunities. According to Michael Porter, a respected professor at Harvard and business analyst who has written extensively on competitiveness, ''. . . inner cities are the largest underserved market in America, with many tens of billions of dollars of unmet consumer and business demand.''

Both innovative and fiscally sound, my new markets initiative is financially structured similar to Small Business Administration (SBA's), successful Small Business Investment Company (SBIC), program, and incorporates a technical assistance component similar to that successfully used in SBA's microloan program. However, unlike the SBIC program which focuses solely on small businesses with high-growth potential and claims successes such as Staples and Calaway Golf, the New Markets Venture Capital program will focus on smaller businesses that show promise of financial and social returns, such as jobs—what we call a ''double bottomline.''

To get at the complex and deep-rooted economic problems in new market areas, my initiative has three parts: a venture capital program to funnel investment money into our poorest communities, a program to expand the number of venture capital firms that are devoted to investing in such communities, and a mentoring program to link established, successful businesses with businesses and entrepreneurs in stagnant or deteriorating communities in order to facilitate the learning curve.

What I'm trying to do as Ranking Member of the Small Business Committee, and have been working with the SBA to achieve, is expand investment in our neediest communities by building on the economic activity created by loans. I think one of the most effective ways to do that is to spur venture capital investment in our neediest communities.

But, Mr. President, this bill even goes further than funding empowerment zones and establishing incentives to attract venture capital into distressed communities. It enhances education opportunities, creates individual development accounts to help low-income families save and invest in their future, increases affordable housing, improves access to technology in our classrooms and creates incentives to help communities remediate brownfields.

Before closing, I want to thank my colleauges for working so hard on this compromise and for their admirable willingness to put aside our differences for a larger purpose.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 577

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 656

At the request of Mr. REED, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 662

At the request of Mr. L. CHAFEE, the name of the Senator from Ohio (Mr. DEWINE) 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.

S. 682

At the request of Mr. HELMS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 682, a bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercounty Adoption, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1159

At the request of Mr. LEAHY, his name was added as a cosponsor of 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.

At the request of Mr. STEVENS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1159, supra.

S. 1941

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2307

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2307, a bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes.

S. 2327

At the request of Mr. HOLLINGS, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 2327, a bill to establish a Commission on Ocean Policy, and for other purposes.

S. 2341

At the request of Mr. ROBB, his name was added as a cosponsor of S . 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

At the request of Mr. GREGG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2341, supra.

S. 2344

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2358

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2358, a bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research.

S. 2504

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2504, a bill to amend title VI of the Clean Air Act with respect to the phaseout schedule for methyl bromide.

S. 2505

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2505, a bill to amend title XVIII of the Social Security Act to provide increased assess to health care for medical beneficiaries through telemedicine.

S. 2585

At the request of Mr. GRAHAM, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2639

At the request of Mr. KENNEDY, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S . 2639, a bill to amend the Public Health Service Act to provide programs for the treatment of mental illness.

S. 2641

At the request of Mr. CLELAND, the names of the Senator from Connecticut (Mr. DODD), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Indiana (Mr. LUGAR), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2641, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 2645

At the request of Mr. THOMPSON, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2645, a bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

S. 2675

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2675, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 2719

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2719, a bill to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 2731

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2731, a bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

S. CON. RES. 57

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Con. Res. 57, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

S. CON. RES. 122

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. Con. Res. 122, concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania, and calling for positive steps to promote a peaceful and democratic future for the Baltic region.

S. RES. 132

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado

(Mr. ALLARD) was added as a cosponsor of S. Res. 132, a resolution designating the week beginning January 21, 2001, as ''Zinfandel Grape Appreciation Week.''

S. RES. 254

At the request of Mr. CAMPBELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 254, a resolution supporting the goals and ideals of the Olympics.

S. RES. 268

At the request of Mr. EDWARDS, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Minnesota (Mr. GRAMS), the Senator from Texas (Mr. GRAMM), the Senator from Idaho (Mr. CRAIG), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Res. 268, a resolution designating July 17 through July 23 as ''National Fragile X Awareness Week.''

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

AMENDMENT NO. 3476

At the request of Mr. MCCONNELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3476 intended to be proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3519

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 3519 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3520

At the request of Mr. LEAHY, his name was added as a cosponsor of amendment No. 3520 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 3520 proposed to S. 2522, supra.

At the request of Mr. FRIST, his name was added as a cosponsor of amendment No. 3520 proposed to S. 2522, supra.

AMENDMENT NO. 3527

At the request of Mr. LEAHY, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 3527 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3536

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 3536 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3541

At the request of Mr. MOYNIHAN, his name was added as a cosponsor of amendment No. 3541 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 3541 proposed to S. 2522, supra.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 3541 proposed to S. 2522, supra.

At the request of Mrs. BOXER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Vermont (Mr. LEAHY), the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 3541 proposed to S. 2522, supra.

At the request of Mr. SMITH of Oregon, his name was added as a cosponsor of amendment No. 3541 proposed to S. 2522, supra.

AMENDMENT NO. 3542

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 3542 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3558

At the request of Mr. KYL, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of amendment No. 3558 intended to be proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3569

At the request of Mr. NICKLES, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of amendment No. 3569 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

SENATE RESOLUTION 326—DESIGNATING THE COWBOY POETRY GATHERING IN ELKO, NEVADA, AS THE ''NATIONAL COWBOY POETRY GATHERING''

Mr. BRYAN submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 326

Whereas working cowboys and the ranching community have contributed greatly to the establishment and perpetuation of western life in the United States;

Whereas the practice of composing verses about life and work on the range dates back to at least the trail drive era of the late 19th century;

Whereas the Cowboy Poetry Gathering has revived and continues to preserve the art of cowboy poetry by increasing awareness and appreciation of this tradition-based art form;

Whereas the reemergence of cowboy poetry both highlights recitation traditions that are a central form of artistry in communities throughout the West and promotes popular poetry and literature to the general public;

Whereas the Cowboy Poetry Gathering serves as a bridge between urban and rural people by creating a forum for the presentation of art and for the discussion of cultural issues in a humane and non-political manner;

Whereas the Western Folklife Center in Reno, Nevada, established and hosted the inaugural Cowboy Poetry Gathering in January of 1985;

Whereas since its inception 16 years ago, some 200 similar local spin-off events are now held in communities throughout the West; and

Whereas it is proper and desirable to recognize Elko, Nevada, as the original home of the Cowboy Poetry Gathering: Now, therefore, be it

Resolved, That the Senate designates the Cowboy Poetry Gathering in Elko, Nevada, as the ''National Cowboy Poetry Gathering''.

SENATE RESOLUTION 327—EXPRESSING THE SENSE OF THE SENATE ON UNITED STATES EFFORTS TO ENCOURAGE THE GOVERNMENTS OF FOREIGN COUNTRIES TO INVESTIGATE AND PROSECUTE CRIMES COMMITTED IN THOSE COUNTRIES IN THE NAME OF FAMILY HONOR AND TO PROVIDE RELIEF FOR VICTIMS OF THOSE CRIMES

Mr. REID submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 327

Whereas thousands of women around the world are killed and maimed each year in the name of family ''honor'';

Whereas the United Nations Commission on Human Rights, 56th Session, January 2000, working with the Special Rapporteurs on violence against women and extrajudicial,

summary or arbitrary executions, received reports of so-called ''honor killings'' from numerous countries, including Bangladesh, Jordan, India, Pakistan, Ecuador, Uganda, and Morocco, and noted that such killings take many forms, such as flogging, forced suicide, stoning, beheading, acid-throwing, and burning;

Whereas, according to the 1999 report of the Department of State on human rights, so-called ''crimes of honor'' in Bangladesh include acid-throwing and whipping of women accused of moral indiscretion;

Whereas authorities in Bangladesh expect as many as 200 honor killings in that country in 2000;

Whereas thousands of Pakistani women, including young girls, are stabbed, burned, or maimed every year by husbands, fathers, and brothers who accuse them of dishonoring their family by being unfaithful, seeking a divorce, or refusing an arranged marriage;

Whereas Jordan, which had 20 reported honor killings in 1998, still has laws reducing the penalty for or exempting perpetrators of honor crimes, and the Jordanian parliament has twice failed to repeal those laws;

Whereas the King of Jordan has taken the commendable action of establishing Jordan's Royal Commission on Human Rights, chaired by the Queen of Jordan, primarily to address obstacles, including the persistence of honor crimes, that prevent women and children from exercising their basic human rights;

Whereas more than 5,000 dowry deaths occur every year in India, according to the United Nations Children's Fund (UNICEF), which reported in 1997 that a dozen women die each day in kitchen fires, disguised as accidents, because their husbands' families are dissatisfied over the size of the women's dowries;

Whereas women accused of adultery in Afghanistan, the United Arab Emirates, Pakistan, and a host of other countries are subject to a maximum penalty of death by stoning;

Whereas, even though honor killings may be outlawed, law enforcement and judicial systems often fail properly to investigate, arrest, and prosecute offenders, and laws frequently permit such reductions in sentences or exemptions from prosecution to those who kill in the name of honor that the results are typically token punishments, impunity, and continued violence against women; and

Whereas the right to life is the most fundamental of all rights and must be guaranteed to every individual without discrimination, and the perpetuation of honor killings and dowry deaths is a deliberate violation of women's human rights that should be universally condemned: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President, through the United States Agency for International Development, should work with law enforcement and judicial agencies of foreign governments to encourage the adoption of legal system reforms that provide for the effective investigation and prosecution of crimes known as ''honor crimes'';

(2) the President, through the United States Agency for International Development, should make available to local organizations in foreign countries sufficient resources to provide refuge and rehabilitation for women who are victims of honor crimes and to sustain their children;

(3) the Secretary of State, when preparing annual country reports on human rights practices, should include information relating to the incidence of honor violence in foreign countries, the steps taken by foreign governments to address the problem of honor violence, and all relevant actions taken by the United States, whether through diplomacy or foreign assistance programs, to reduce the incidence of honor violence and increase investigations and prosecutions of such crimes;

(4) the President should—

(A) communicate to the United Nations the concern over the high rate of honor-related violence toward women in foreign countries worldwide; and

(B) request that the appropriate United Nations bodies, in consultation with relevant nongovernmental organizations, propose actions to be taken to encourage those countries to demonstrate strong efforts to end such violence; and

(5) the President and the Secretary of State should, through direct communication with leaders of countries where honor killings, dowry deaths, and related practices are endemic—

(A) convey the most serious concerns of the United States about these gross violations of human rights; and

(B) urge the leaders of those countries to investigate and prosecute as murders all such acts with a view to punishing the perpetrators of those acts to the maximum extent provided under law for other murders in those countries.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPECTER (AND HARKIN) AMENDMENT NO. 3590

Mr. SPECTER (for himself and Mr. HARKIN) proposed the following amendment to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act and the National Skill Standards Act of 1994; $2,990,141,000 plus reimbursements, of which $1,718,801,000 is available for obligation for the period July 1, 2001 through June 30, 2002, of which $1,250,965,000 is available for obligation for the period April 1, 2001 through June 30, 2002, including $1,000,965,000 to carry out chapter 4 of the Workforce Investment Act and $250,000,000 to carry out section 169 of such Act; and of which $20,375,000 is available for the period July 1, 2001 through June 30, 2004 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act, and $3,500,000 shall be for carrying out the National Skills Standards Act of 1994: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That funding provided to carry out projects under section 171 of the Workforce Investment Act of 1998 that are identified in the Conference Agreement, shall not be subject to the requirements of section 171(b)(2)(B) of such Act, the requirements of section 171(c)(4)(D) of such Act, or the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of such Act: *Provided further*, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2001 through June 30, 2002, and of which $100,000,000 is available for the period October 1, 2001 through June 30, 2004, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $343,356,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $96,844,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $406,550,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $153,452,000, together with not to exceed $3,095,978,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the

cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2001, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2003; and of which $153,452,000, together with not to exceed $763,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2001 through June 30, 2002, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2001 is projected by the Department of Labor to exceed 2,396,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2002, $435,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2001, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $107,651,000, including $6,431,000 to support up to 75 full-time equivalent staff, the majority of which will be term Federal appointments lasting no more than 1 year, to administer welfare-to-work grants, together with not to exceed $48,507,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $103,342,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2001, for such Corporation: *Provided*, That not to exceed $11,652,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $350,779,000, together with $1,985,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $56,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2000, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2001: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $30,510,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging, medical bill review, and periodic roll management, in support of Federal Employees' Compensation Act administration, $19,971,000; (2) for conversion to a paperless office, $7,005,000; (3) for communications redesign, $750,000; (4) for information technology maintenance and support, $2,784,000; and (5) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2001 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1) (2) (4) and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2001 for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: $30,393,000 for transfer to the Employment Standards Administration, ''Salaries and Expenses''; $21,590,000 for transfer to Departmental Management, ''Salaries and Expenses''; $318,000 for transfer to Departmental Management, ''Office of Inspector General''; and $356,000 for payments into Miscellaneous Receipts for the expenses of the Department of Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $425,983,000, including not to exceed $88,493,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and

Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2001, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $244,747,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2001 obligations for these activities exceed $1,000,000; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $369,327,000, together with not to exceed $67,257,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund; and $10,000,000 which shall be available for obligation for the period July 1, 2001 through June 30, 2002, for Occupational Employment Statistics.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements, of Departmental bilateral and multilateral foreign technical assistance, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2002, $30,000,000 for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $337,964,000: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.): *Provided further*, That beginning in fiscal year 2001, there is established in the Department of Labor an office of disability employment policy which shall, under the overall direction of the Secretary, provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities. Such office shall be headed by an assistant secretary: *Provided further*, That of amounts provided under this head, not more than $23,002,000 is for this purpose.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $186,913,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2001. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $19,800,000, of which $7,300,000 shall be available for obligation for the period July 1, 2001, through June 30, 2002.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $50,015,000, together with not to exceed $4,770,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. EXTENDED DEADLINE FOR EXPENDITURE. Section 403(a)(5)(C)(viii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(viii)) (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is amended by striking ''3 years'' and inserting ''5 years''.

SEC. 104. ELIMINATION OF SET-ASIDE OF PORTION OF WELFARE-TO-WORK FUNDS FOR PERFORMANCE BONUSES. (a) IN GENERAL.—Section 403(a)(5) of the Social Security Act (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is amended by striking subparagraph (E) and

redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(b) CONFORMING AMENDMENTS.—The Social Security Act (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is further amended as follows:

(1) Section 403(a)(5)(A)(i) (42 U.S.C. 603(a)(5)(A)(i)) is amended by striking ''subparagraph (I)'' and inserting ''subparagraph (H)''.

(2) Subclause (I) of each of subparagraphs (A)(iv) and (B)(v) of section 403(a)(5) (42 U.S.C. 603(a)(5)(A)(iv)(I) and (B)(v)(I)) is amended—

(A) in item (aa)—

(i) by striking ''(I)'' and inserting ''(H)''; and

(ii) by striking ''(G), and (H)'' and inserting ''and (G)''; and

(B) in item (bb), by striking ''(F)'' and inserting ''(E)''.

(3) Section 403(a)(5)(B)(v) (42 U.S.C. 603(a)(5)(B)(v)) is amended in the matter preceding subclause (I) by striking ''(I)'' and inserting ''(H)''.

(4) Subparagraphs (E), (F), and (G)(i) of section 403(a)(5) (42 U.S.C. 603(a)(5)), as so redesignated by subsection (a) of this section, are each amended by striking ''(I)'' and inserting ''(H)''.

(5) Section 412(a)(3)(A) (42 U.S.C. 612(a)(3)(A)) is amended by striking ''403(a)(5)(I)'' and inserting ''403(a)(5)(H)''.

(c) FUNDING AMENDMENT.—Section 403(a)(5)(H)(i)(II) of such Act (42 U.S.C. 603(a)(5)(H)(i))(II) (as redesignated by subsection (a) of this section and as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is further amended by striking ''$1,450,000,000'' and inserting ''$1,400,000,000''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) of this section shall take effect on October 1, 2000.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and section 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, and the Native Hawaiian Health Care Act of 1988, as amended, $4,522,424,000, of which $150,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act, and of which $10,000,000 shall be available for the construction and renovation of health care and other facilities, of which $25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 221 of the Health Insurance Portability and Accountability Act of 1996, shall be sufficient to recover the full costs of operating the Program, and shall remain available to carry out that Act until expended: *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $253,932,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $538,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act.

RICKY RAY HEMOPHILIA RELIEF FUND PROGRAM

For payment to the Ricky Ray Hemophilia Relief Fund, as provided by Public Law 105–369, $85,000,000, of which $10,000,000 shall be for program management.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,679,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $2,992,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $3,204,496,000, of which $175,000,000 shall remain available until expended for the facilities master plan for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, up to $91,129,000 shall be available from amounts available under section 241 of the Public Health Service Act: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48. CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $3,804,084,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,328,102,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $309,923,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,318,106,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,189,425,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $2,066,526,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,554,176,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $986,069,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $516,605,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $508,263,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $794,625,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $401,161,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $303,541,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $106,848,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $336,848,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $790,038,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,117,928,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $385,888,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $775,212,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $75,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $100,089,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $61,260,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $256,953,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2001, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $352,165,000, of which $48,271,000 shall be for the Office of AIDS Research: *Provided*, That funding shall be available for the purchase of not to exceed 20 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the National Institutes of Health may be transferred to the National Institutes of Health.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $148,900,000, to remain available until expended, of which $47,300,000 shall be for the neuroscience research center: *Provided*, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the first phase of the National Neuroscience Research Center may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $2,730,757,000: *Provided*, That in addition to amounts provided herein, $12,000,000 shall be available from amounts available under section 241 of the Public Health Services Act, to carry out the National Household Survey on Drug Abuse.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $269,943,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $93,586,251,000, to remain available until expended.

For making, after May 31, 2001, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2001 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2002, $36,207,551,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $70,381,600,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,018,500,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $18,000,000 appropriated under this heading for the managed care system redesign shall remain available until expended: *Provided further*, That $3,000,000 of the amount available for research, demonstration, and evaluation activities shall be available to continue carrying out demonstration projects on Medicaid coverage of community-based attendant care services for people with disabilities which ensures maximum control by the consumer to select and manage their attendant care services: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2001 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That administrative fees collected relative to Medicare overpayment recovery activities shall be transferred to the Health Care Fraud and Abuse Control (HCFAC) account, to be used for Medicare Integrity Program (MIP) activities in addition to the amounts already specified, and shall remain available until expended.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Reconciliation Act of 1981, $300,000,000: *Provided*, That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by

title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $418,321,000, to remain available through September 30, 2003.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $7,265,000.

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,473,880,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2002, $1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), in addition to amounts already appropriated for fiscal year 2001, $817,328,000: *Provided*, That of the funds appropriated for fiscal year 2001, $19,120,000 shall be available for child care resource and referral and school-aged child care activities: *Provided further*, That of the funds appropriated for fiscal year 2001, in addition to the amounts required to be reserved by the States under section 658G, $222,672,000 shall be reserved by the States for activities authorized under section 658G, of which $60,000,000 shall be for activities that improve the quality of infant and toddler child care.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $600,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 2001 shall be $600,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105–285; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322 and section 126 and titles IV and V of Public Law 100–485, $7,881,586,000, of which $41,791,000, to remain available until September 30, 2002, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679); of which $134,074,000, to remain available until expended, shall be for activities authorized by sections 40155, 40211, and 40241 of Public Law 103–322; of which $606,676,000 shall be for making payments under the Community Services Block Grant Act; and of which $6,267,000,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2001 and remain available through September 30, 2002: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant.

Funds appropriated for fiscal year 2000 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 2000 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, $305,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,868,100,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $954,619,000: *Provided*, That notwithstanding section 308(b)(1) of the Older Americans Act of 1965, as amended, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995: *Provided further*, That in considering grant applications for nutrition services for elder Indian recipients, the Assistant Secretary shall provide maximum flexibility to applicants who seek to take into account subsistence, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the American Indian, Alaska and Hawaiian Native communities to be served.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $206,766,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided further*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $10,569,000 shall be for activities specified under section 2003(b)(2), of which $9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,849,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $20,742,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $16,738,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For public health and social services, $264,600,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health

Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 205. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.6 percent, of any amounts appropriated for programs authorized under the PHS Act shall be made available for the evaluation (directly or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 211. (a) MENTAL HEALTH.—Section 1918(b) of the Public Health Service Act (42 U.S.C. 300x–7(b)) is amended to read as follows:

''(b) MINIMUM ALLOTMENTS FOR STATES.—Each State's allotment for fiscal year 2001 for programs under this subpart shall not be less than such State's allotment for such programs for fiscal year 2000.''.

(b) SUBSTANCE ABUSE.—Section 1933(b) of the Public Health Service Act (42 U.S.C. 300x–33(b)) is amended to read as follows:

''(b) MINIMUM ALLOTMENTS FOR STATES.—Each State's allotment for fiscal year 2001 for programs under this subpart shall not be less than such State's allotment for such programs for fiscal year 2000.''.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''1997, 1998, 1999, and 2000'' and inserting ''1997, 1998, 1999, 2000 and 2001''; and

(B) in subsection (e), by striking ''October 1, 2000'' each place it appears and inserting ''October 1, 2001''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''September 30, 2000'' and inserting ''September 30, 2001''.

SEC. 214. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 2001 may be used to administer or implement in Arizona or in the Kansas City, Missouri or in the Kansas City, Kansas area the Medicare Competitive Pricing Demonstration Project (operated by the Secretary of Health and Human Services).

SEC. 215. WITHHOLDING OF SUBSTANCE ABUSE FUNDS. (a) IN GENERAL.—None of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by December 15, 2000 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) AMOUNT OF STATE FUNDS.—The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) ADDITIONAL STATE FUNDS.—The State is to maintain State expenditures in fiscal year 2001 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2000, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2000 State expenditures and all fiscal year 2001 obligations for tobacco prevention and compliance activities by program activity by July 31, 2001.

(d) ENFORCEMENT OF STATE OBLIGATIONS.—The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2000.

SEC. 216. Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii)—

(i) by striking ''1999, 2000, and 2001'' and inserting ''1999 and 2000''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iii) for fiscal year 2001, a grant in an amount equal to the amount of the grant to the State under clause (i) for fiscal year 1998.'' and

(2) in subparagraph (G), by inserting at the end, ''Upon enactment, the provisions of this Act that would have been estimated by the Director of the Office of Management and Budget as changing direct spending and receipts for fiscal year 2001 under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), to the extent such changes would have been estimated to result in savings in fiscal year 2001 of $240,000,000 in budget authority and $122,000,000 in outlays, shall be treated as if enacted in an appropriations act pursuant to Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105–217, thereby changing discretionary spending under section 251 of that Act.''.

SEC. 217. (a) Notwithstanding Section 2104(f) of the Social Security Act (the Act), the Secretary of Health and Human Services shall reduce the amounts allotted to a State under subsection (b) of the Act for fiscal year 1998 by the applicable amount with respect to the State; and

(b) Notwithstanding Section 2104(a) of the Act, the Secretary shall increase the amount otherwise payable to each State under such subsection for fiscal year 2003 by the amount of the reduction made under paragraph (a) of this section. Funds made available under this subsection shall remain available through September 30, 2004.

(c) APPLICABLE AMOUNT DEFINED.—In subsection (a), with respect to a State, the term ''applicable amount'' means, with respect to a State, an amount bearing the same proportion to $1,900,000,000 as the unexpended balance of its fiscal year 1998 allotment as of September 30, 2000, which would otherwise be redistributed to States in fiscal year 2001 under Section 2104(f) of the Act, bears to the sum of the unexpended balances of fiscal year 1998 allotments for all States as of September 30, 2000: *Provided,* That, the applicable amount for a State shall not exceed the unexpended balance of its fiscal year 1998 allotment as of September 30, 2000.

TITLE III—DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

EDUCATION REFORM

For carrying out activities authorized by title IV of the Goals 2000: Educate America Act as in effect prior to September 30, 2000, and sections 3122, 3132, 3136, and 3141, parts B, C, and D of title III, and part I of title X of the Elementary and Secondary Education Act of 1965, $1,434,500,000, of which $40,000,000 shall be for the Goals 2000: Educate America Act, and of which $192,000,000 shall be for section 3122: *Provided*, That up to one-half of 1 percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: *Provided further*, That if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the

Federal Register: *Provided further,* That, notwithstanding part I of title X of the Elementary and Secondary Education Act of 1965 or any other provision of law, a community-based organization that has experience in providing before- and after-school services shall be eligible to receive a grant under that part, on the same basis as a school or consortium described in section 10904 of that Act, and the Secretary shall give priority to any application for such a grant that is submitted jointly by such a community-based organization and such a school or consortium.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act of 1965, $8,986,800,000, of which $2,729,958,000 shall become available on July 1, 2001, and shall remain available through September 30, 2002, and of which $6,223,342,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2000–2001: *Provided*, That $7,113,403,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 2000, to obtain updated local educational agency level census poverty data from the Bureau of the Census: *Provided further*, That $1,222,397,000 shall be available for concentration grants under section 1124A: *Provided further*, That grant awards under sections 1124 and 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be made to each State and local educational agency at no less than 100 percent of the amount such State or local educational agency received under this authority for fiscal year 2000: *Provided further*, That notwithstanding any other provision of law, grant awards under section 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be made to those local educational agencies that received a Concentration Grant under the Department of Education Appropriations Act, 2000, but are not eligible to receive such a grant for fiscal year 2001: *Provided further*, That each such local educational agency shall receive an amount equal to the Concentration Grant the agency received in fiscal year 2000, ratably reduced, if necessary, to ensure that these local educational agencies receive no greater share of their hold-harmless amounts than other local educational agencies: *Provided further,* That notwithstanding any other provision of law, in calculating the amount of Federal assistance awarded to a State or local educational agency under any program under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) on the basis of a formula described in section 1124 or 1124A of such Act (20 U.S.C. 6333, 6334), any funds appropriated for the program in excess of the amount appropriated for the program for fiscal year 2000 shall be awarded according to the formula, except that, for such purposes, the formula shall be applied only to States or local educational agencies that experience a reduction under the program for fiscal year 2001 as a result of the application of the 100 percent hold harmless provisions under the heading ''Education for the Disadvantaged'': *Provided further*, That the Secretary shall not take into account the hold harmless provisions in this section in determining State allocations under any other program administered by the Secretary in any fiscal year.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,030,000,000, of which $818,000,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $82,000,000, to remain available until expended, shall be for payments under section 8003(f), $25,000,000 shall be for construction under section 8007, $47,000,000 shall be for Federal property payments under section 8002 and $8,000,000 to remain available until expended shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V–A and B, VI, IX, X, and XIII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964 and part B of title VIII of the Higher Education Act of 1965; $4,672,534,000, of which $1,100,200,000 shall become available on July 1, 2001, and remain available through September 30, 2002, and of which $2,915,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002 for academic year 2001–2002: *Provided*, That of the amount appropriated, $435,000,000 shall be for Eisenhower professional development State grants under title II–B and $3,100,000,000 shall be for title VI and up to $750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of ESEA: *Provided further*, That of the amount made available for Title VI, $2,700,000,000 shall be available, notwithstanding any other provision of law, for purposes consistent with title VI to be determined by the local education agency as part of a local strategy for improving academic achievement: *Provided further,* That these funds may also be used to address the shortage of highly qualified teachers to reduce class size, particularly in early grades, using highly qualified teachers to improve educational achievement for regular and special needs children; to support efforts to recruit, train and retrain highly qualified teachers or for school construction and renovation of facilities, at the sole discretion of the local educational agency.

READING EXCELLENCE

For necessary expenses to carry out the Reading Excellence Act, $91,000,000, which shall become available on July 1, 2001 and shall remain available through September 30, 2002 and $195,000,000 which shall become available on October 1, 2001 and remain available through September 30, 2002.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, $115,500,000.

OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act of 1965, without regard to section 7103(b), $443,000,000: *Provided*, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies.

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $7,352,341,000, of which $2,464,452,000 shall become available for obligation on July 1, 2001, and shall remain available through September 30, 2002, and of which $4,624,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2001–2002: *Provided*, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(c) of the Act shall be equal to the amount available for that section under Public Law 106–113, increased by the rate of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,799,519,000: *Provided*, That notwithstanding section 105(b)(1) of the Assistive Technology Act of 1998 (''the AT Act''), each State shall be provided $50,000 for activities under section 102 of the AT Act: *Provided further,* That notwithstanding section 105(b)(1) and section 101(f)(2) and (3) of the Assistive Technology Act of 1998, each State shall be provided a minimum of $500,000 for activities under section 101: *Provided further,* That $7,000,000 shall be used to support grants for up to three years to states under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $12,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $54,366,000, of which $7,176,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $87,650,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

OFFICE OF VOCATIONAL AND ADULT EDUCATION

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,726,600,000, of which $1,000,000 shall remain available until expended, and of which $929,000,000 shall become available on July 1, 2001 and shall remain available through September 30, 2002 and of which $791,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002: *Provided*, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $5,600,000 shall be for tribally controlled postsecondary vocational and technical institutions under section 117: *Provided further,* That $9,000,000 shall

be for carrying out section 118 of such Act: *Provided further*, That up to 15 percent of the funds provided may be used by the national entity designated under section 118(a) to cover the cost of authorized activities and operations, including Federal salaries and expenses: *Provided further*, That the national entity is authorized, effective upon enactment, to charge fees for publications, training, and technical assistance developed by that national entity: *Provided further*, That revenues received from publications and delivery of technical assistance and training, notwithstanding 31 U.S.C. 3302, may be credited to the national entity's account and shall be available to the national entity, without fiscal year limitation, so long as such revenues are used for authorized activities and operations of the national entity: *Provided further*, That of the funds made available to carry out section 204 of the Perkins Act, all funds that a State receives in excess of its prior-year allocation shall be competitively awarded: *Provided further*, That in making these awards, each State shall give priority to consortia whose applications most effectively integrate all components under section 204(c): *Provided further*, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $5,000,000 shall be for demonstration activities authorized by section 207: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $14,000,000 shall be for national leadership activities under section 243 and $6,500,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $22,000,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220: *Provided further*, That of the amounts made available for title I of the Perkins Act, the Secretary may reserve up to 0.54 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 111(a)(1)(C) of the Perkins Act: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, the Secretary may reserve up to 0.54 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 211(a)(3) of the Adult Education and Family Literacy Act.

OFFICE OF STUDENT FINANCIAL ASSISTANCE

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $10,624,000,000, which shall remain available through September 30, 2002.

The maximum Pell Grant for which a student shall be eligible during award year 2001–2002 shall be $3,650: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 2000 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, $48,000,000.

OFFICE OF POSTSECONDARY EDUCATION

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961; $1,694,520,000, of which $10,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: *Provided*, That $11,000,000, to remain available through September 30, 2002, shall be available to fund fellowships under part A, subpart 1 of title VII of said Act, of which up to $1,000,000 shall be available to fund fellowships for academic year 2001–2002, and the remainder shall be available to fund fellowships for academic year 2002–2003: *Provided further*, That $3,000,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That section 404F(a) of the Higher Education Amendments of 1998 is amended by striking out ''using funds appropriated under section 404H that do not exceed $200,000'' and inserting in lieu thereof ''using not more than 0.2 percent of the funds appropriated under section 404H''.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $224,000,000, of which not less than $3,530,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $737,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; section 2102 of title II, and parts A, B, and K and section 10102, section 10105, and 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103–227, $496,519,000: *Provided*, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $1,500,000 shall be used to conduct a violence prevention demonstration program: *Provided further*, That $40,000,000 of the funds provided for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B–F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103–227: *Provided further*, That of the funds available for section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $150,000 shall be awarded to the Center for Educational Technologies to complete production and distribution of an effective CD–ROM product that would complement the ''We the People: The Citizen and the Constitution'' curriculum: *Provided further*, That, in addition to the funds for title VI of Public Law 103–227 and notwithstanding the provisions of section 601(c)(1)(C) of that Act, $1,000,000 shall be available to the Center for Civic Education to conduct a civic education program with Northern Ireland and the Republic of Ireland and, consistent with the civics and Government activities authorized in section 601(c)(3) of Public Law 103–227, to provide civic education assistance to democracies in developing countries. The term ''developing countries'' shall have the same meaning as the term ''developing country'' in the Education for the Deaf Act.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $396,672,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $73,224,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $35,456,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations,

but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $69,832,000, of which $9,832,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations. In addition, for completion of the long-term care facility at the United States Naval Home, $6,228,000 to become available on October 1, 2001, and remain available until expended.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $302,504,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2003, $365,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further,* That in addition to the amounts provided above, $20,000,000, to remain available until expended, shall be for digitalization, pending enactment of authorizing legislation.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $38,200,000, including $1,500,000, to remain available through September 30, 2002, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,320,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, $168,000,000, to remain available until expended.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,000,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,495,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,615,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,350,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $216,438,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $10,400,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,720,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $160,000,000, which shall include amounts becoming available in fiscal year 2001 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $160,000,000: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2002, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $92,500,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,700,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $365,748,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2002, $114,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $23,053,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

From funds provided under the previous paragraph, not less than $100,000,000 shall be available for payment to the Social Security trust funds for administrative expenses for conducting continuing disability reviews.

In addition, $210,000,000, to remain available until September 30, 2002, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2002, $10,470,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $6,469,800,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $1,800,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances at the end of fiscal year 2001 not needed for fiscal year 2001 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $450,000,000, to remain available until September 30, 2002, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, $91,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2001 exceed $91,000,000, the amounts shall be available in fiscal year 2002 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2000 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $16,944,000, together with not to exceed $52,500,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $12,951,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $20,000 and $15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of fiscal year 2000 from appropriations made available for salaries and expenses for fiscal year 2000 in this Act, shall remain available through December 31, 2001, for each such account for the purposes authorized: *Provided*, That the House and Senate Committees on Appropriations shall be notified at least 15 days prior to the obligation of such funds.

SEC. 514. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 515. RESTORING BENEFIT PAYMENTS TO APPROPRIATE YEAR. Section 5527 of Public Law 105–33 is repealed.

SEC. 516. Section 410(b) of The Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170) is amended by striking ''2009'' both places it appears and inserting ''2001''.

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001''.

DEWINE (AND OTHERS) AMENDMENT NO. 3591

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. GORTON, Mr. GRAHAM, and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, H.R. 4577 supra; as follows:

On page 70, line 7, insert before the period the following: '': *Provided*, That $10,000,000 shall be made available to the Secretary of Education for the Troops-to-Teachers Program for transfer to the Defense Activity for Non-Traditional Education Support of the Department of Defense, such funds to be used by the Secretary of Defense to perform the actual administration of the Troops-to-Teachers Program, including the selection of participants in the Program under section 594 of the Troops-to-Teachers Program Act of 1999: *Provided further*, That the Secretary of Education may retain a portion of such funds to identify local educational agencies with teacher shortages and States with alternative certification requirements, as required by section 592 of such Act''.

DEWINE (AND OTHERS) AMENDMENT NO. 3592

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mrs. MURRAY, Mr. GRASSLEY, Mr. DURBIN, Mrs. LINCOLN, Mr. HAGEL, and Mr. DODD) submitted an amendment intended to be proposed by them to the bill, H.R. 4577 supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. ___. (a) In addition to amounts made available under the heading ''Health Resources and Services Administration-Health Resources and Services'' for poison prevention and poison control center activities, there shall be available an additional $21,600,000 to provide assistance for such activities and to stabilize the funding of regional poison control centers as provided for pursuant to the Poison Control Center Enhancement and Awareness Act (Public Law 106-174).

(b) Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be reduced on a pro rata basis by $21,600,000.

ENZI (AND OTHERS) AMENDMENT NO. 3593

Mr. ENZI (for himself, Mr. LOTT, Mr. NICKLES, Mr. JEFFORDS, Mr. BOND, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. SESSIONS, Mr. HAGEL, Mr. DEWINE, Mr. CRAPO, Mr. BENNETT, Mr. THOMPSON, Mr. BURNS, Ms. COLLINS, Mr. FRIST, Mr. GREGG, Mr. COVERDELL, Mr. VOINOVICH, Mr. FITZGERALD, Mr. ABRAHAM, Ms. SNOWE, Mr. ASHCROFT, Mr. GRAMS, Mrs. HUTCHISON, Mr. THOMAS, Mr. ALLARD, Mr. L. CHAFEE, Mr. DOMENICI, Mr. THURMOND, and Mr. HELMS) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 23, between lines 12 and 13, insert the following:

SEC. . None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

HUTCHINSON (AND NICKLES) AMENDMENT NO. 3594

Mr. HUTCHINSON (for himself and Mr. NICKLES) proposed an amendment to amendment no. 3593 previously proposed by Mr. ENZI to the bill, H.R. 4577, supra; as follows:

Strike all after the first word, and insert the following:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

GRAHAM AMENDMENT NO. 3595

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 40, beginning on line 10, strike ''$600,000,000'' and all that follows through line 13, and insert ''$1,700,000,000.''.

WELLSTONE AMENDMENT NO. 3596

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 40, beginning on line 10, strike ''$600,000,000'' and all that follows through line 13, and insert ''$2,380,000,000.''.

GRAHAM AMENDMENT NO. 3597

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. ___. (a) STUDY.—The Secretary of Health and Human Services shall conduct a study to examine—

(1) the experiences of hospitals in the United States in obtaining reimbursement from foreign health insurance companies whose enrollees receive medical treatment in the United States;

(2) the identity of the foreign health insurance companies that do not cooperate with or reimburse (in whole or in part) United States health care providers for medical services rendered in the United States to enrollees who are foreign nationals;

(3) the amount of unreimbursed services that hospitals in the United States provide to foreign nationals described in paragraph (2); and

(4) solutions to the problems identified in the study.

(b) REPORT.—Not later than March 31, 2001, the Secretary of Health and Human Services shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, a report concerning the results of the study conducted under subsection (a), including the recommendations described in paragraph (4) of such subsection.

ROBB AMENDMENT NO. 3598

Mr. ROBB proposed an amendment to the instructions to the motion to commit the bill, H.R. 4577, supra; as follows:

TITLE ___—MEDICARE OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

SEC. ___01. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Medicare Outpatient Drug Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

SEC. ___02. MEDICARE OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM.

(a) ESTABLISHMENT.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by redesignating part D as part E and by inserting after part C the following new part:

''PART D—OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

''DEFINITIONS

''SEC. 1860. In this part:

''(1) COVERED OUTPATIENT DRUG.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'covered outpatient drug' means any of the following products:

''(i) A drug which may be dispensed only upon prescription, and—

''(I) which is approved for safety and effectiveness as a prescription drug under section 505 of the Federal Food, Drug, and Cosmetic Act;

''(II)(aa) which was commercially used or sold in the United States before the date of enactment of the Drug Amendments of 1962 or which is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a drug, and (bb) which has not been the subject of a final determination by the Secretary that it is a 'new drug' (within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act) or an action brought by the Secretary under section 301, 302(a), or 304(a) of such Act to enforce section 502(f) or 505(a) of such Act; or

''(III)(aa) which is described in section 107(c)(3) of the Drug Amendments of 1962 and for which the Secretary has determined there is a compelling justification for its medical need, or is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a drug, and (bb) for which the Secretary has not issued a notice of an opportunity for a hearing under section 505(e) of the Federal Food, Drug, and Cosmetic Act on a proposed order of the Secretary to withdraw approval of an application for such drug under such section because the Secretary has determined that the drug is less than effective for all conditions of use prescribed, recommended, or suggested in its labeling.

''(ii) A biological product which—

''(I) may only be dispensed upon prescription;

''(II) is licensed under section 351 of the Public Health Service Act; and

''(III) is produced at an establishment licensed under such section to produce such product.

''(iii) Insulin approved under appropriate Federal law, including needles, syringes, and disposable pumps for the administration of such insulin.

''(iv) A prescribed drug or biological product that would meet the requirements of clause (i) or (ii) but that it is available over-the-counter in addition to being available upon prescription.

''(B) EXCLUSION.—The term 'covered outpatient drug' does not include any product—

''(i) except as provided in subparagraph (A)(iv), which may be distributed to individuals without a prescription;

''(ii) that is covered under part A or B (unless coverage of such product is not available because benefits under part A or B have been exhausted); or

''(iii) except for agents used to promote smoking cessation, for which coverage may be excluded or restricted under section 1927(d)(2).

''(2) ELIGIBLE BENEFICIARY.—The term 'eligible beneficiary' means an individual that is entitled to benefits under part A or enrolled under part B.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means any entity that the Secretary determines to be appropriate to provide eligible beneficiaries with covered outpatient drugs under a contract entered into under this part, including—

''(A) a pharmacy benefit management company;

''(B) a retail pharmacy delivery system;

''(C) a health plan or insurer;

''(D) a State (through mechanisms established under a State plan under title XIX);

''(E) any other entity approved by the Secretary; or

''(F) any combination of the entities described in subparagraphs (A) through (E) if the Secretary determines that such combination—

''(i) increases the scope or efficiency of the provision of benefits under this part; and

''(ii) is not anticompetitive.

''SUBPART 1—ESTABLISHMENT OF OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

''ESTABLISHMENT OF OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

''SEC. 1860A. (a) PROVISION OF BENEFIT.—Beginning in 2003, the Secretary shall provide for an outpatient prescription drug benefit program under which an eligible beneficiary shall be provided covered outpatient drugs.

''(b) VOLUNTARY NATURE OF PROGRAM.—Nothing in this part shall be construed as requiring an eligible beneficiary to enroll in the program established under this part.

''(c) SCOPE OF BENEFITS.—The program established under this part shall provide for coverage of all therapeutic classes of covered outpatient drugs.

''(d) FINANCING.—The costs of providing benefits under this part shall be payable from the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''ENROLLMENT

''SEC. 1860B. (a) ENROLLMENT UNDER PART D.—

''(1) ESTABLISHMENT OF PROCESS.—

''(A) IN GENERAL.—The Secretary shall establish a process through which an eligible beneficiary (including an eligible beneficiary enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization) may make an election to enroll under this part. Such process shall be similar to the process for enrollment in part B under section 1837.

''(B) REQUIREMENT OF ENROLLMENT.—An eligible beneficiary must enroll under this part in order to be eligible to receive covered outpatient drugs under this title.

''(2) ENROLLMENT PROCEDURES.—

''(A) LATE ENROLLMENT PENALTY.—

''(i) IN GENERAL.—Subject to the succeeding provisions of this subparagraph, in the case of an eligible beneficiary whose coverage period under this part began pursuant to an enrollment after the beneficiary's initial enrollment period under part B (determined pursuant to section 1837(d)) and not pursuant to the open enrollment period described in subparagraph (B), the Secretary shall establish procedures for increasing the amount of the monthly premium under section 1860D applicable to such beneficiary—

''(I) by an amount that is equal to 10 percent of such premium for each full 12-month period (in the same continuous period of eligibility) in which the eligible beneficiary could have been enrolled under this part but was not so enrolled; or

''(II) if determined appropriate by the Secretary, by an amount that the Secretary determines is actuarily sound for each such period.

''(ii) PERIODS TAKEN INTO ACCOUNT.—For purposes of calculating any 12-month period under clause (i), there shall be taken into account—

''(I) the months which elapsed between the close of the eligible beneficiary's initial enrollment period and the close of the enrollment period in which the beneficiary enrolled; and

''(II) in the case of an eligible beneficiary who reenrolls under this part, the months which elapsed between the date of termination of a previous coverage period and the close of the enrollment period in which the beneficiary reenrolled.

''(iii) PERIODS NOT TAKEN INTO ACCOUNT.—

''(I) IN GENERAL.—For purposes of calculating any 12-month period under clause (i), subject to subclause (II), there shall not be taken into account months for which the eligible beneficiary can demonstrate that the beneficiary was covered under a group health plan, including a qualified retiree prescription drug plan (as defined in section 1860I(e)(3)) for which an incentive payment was paid under section 1860I, that provides coverage of the cost of prescription drugs whose actuarial value (as defined by the Secretary) to the beneficiary equals or exceeds the actuarial value of the benefits provided to an individual enrolled in the outpatient prescription drug benefit program under this part.

''(II) APPLICATION.—This clause shall only apply with respect to a coverage period the enrollment for which occurs before the end of the 60-day period that begins on the first day of the month which includes the date on which the plan terminates, ceases to provide, or reduces the value of the prescription drug coverage under such plan to below the value of the coverage provided under the program under this part.

''(iv) PERIODS TREATED SEPARATELY.—Any increase in an eligible beneficiary's monthly premium under clause (i) with respect to a particular continuous period of eligibility shall not be applicable with respect to any other continuous period of eligibility which the beneficiary may have.

''(v) CONTINUOUS PERIOD OF ELIGIBILITY.—

''(I) IN GENERAL.—Subject to subclause (II), for purposes of this subparagraph, an eligible beneficiary's 'continuous period of eligibility' is the period that begins with the first day on which the beneficiary is eligible to enroll under section 1836 and ends with the beneficiary's death.

''(II) SEPARATE PERIOD.—Any period during all of which an eligible beneficiary satisfied paragraph (1) of section 1836 and which terminated in or before the month preceding the month in which the beneficiary attained age 65 shall be a separate 'continuous period of eligibility' with respect to the beneficiary (and each such period which terminates shall be deemed not to have existed for purposes of subsequently applying this subparagraph).

''(B) OPEN ENROLLMENT PERIOD FOR CURRENT BENEFICIARIES IN WHICH LATE ENROLLMENT PROCEDURES DO NOT APPLY.—The Secretary shall establish an applicable period, which shall begin on the date on which the Secretary first begins to accept elections for enrollment under this part, during which any eligible beneficiary may enroll under this part without the application of the late enrollment procedures established under subparagraph (A)(i).

''(3) PERIOD OF COVERAGE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible beneficiary's coverage under the program under this part shall be effective for the period provided in section 1838, as if that section applied to the program under this part.

''(B) OPEN ENROLLMENT.—An eligible beneficiary who enrolls under the program under this part pursuant to paragraph (2)(B) shall be entitled to the benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

''(C) LIMITATION.—Coverage under this part shall not begin prior to January 1, 2003.

''(4) PART D COVERAGE TERMINATED BY TERMINATION OF COVERAGE UNDER PARTS A AND B.—

''(A) IN GENERAL.—In addition to the causes of termination specified in section 1838, the Secretary shall terminate an individual's coverage under this part if the individual is no longer enrolled in either part A or part B.

''(B) EFFECTIVE DATE.—The termination described in subparagraph (A) shall be effective on the effective date of termination of coverage under part A or (if later) under part B.

''(b) ENROLLMENT WITH ELIGIBLE ENTITY.—

''(1) PROCESS.—

''(A) IN GENERAL.—The Secretary shall establish a process through which an eligible beneficiary who is enrolled under this part but not enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization shall make an annual election to enroll with any eligible entity that has been awarded a contract under this part and serves the geographic area in which the beneficiary resides.

''(B) RULES.—In establishing the process under subparagraph (A), the Secretary shall use rules similar to the rules for enrollment and disenrollment with a Medicare+Choice plan under section 1851 (including special election periods under subsection (e)(4) of such section).

''(2) MEDICARE+CHOICE ENROLLEES.—An eligible beneficiary who is enrolled under this part and enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization shall receive coverage of covered outpatient drugs under this part through such plan.

''(c) FIRST ENROLLMENT PERIOD.—The processes developed under subsections (a) and (b) shall ensure that eligible beneficiaries are permitted to enroll under this part and with an eligible entity prior to January 1, 2003, in order to ensure that coverage under this part is effective as of such date.

''PROVIDING INFORMATION TO BENEFICIARIES

''SEC. 1860C. (a) ACTIVITIES.—

''(1) IN GENERAL.—The Secretary shall conduct activities that are designed to broadly disseminate information to eligible beneficiaries (and prospective eligible beneficiaries) regarding the coverage provided under this part.

''(2) SPECIAL RULE FOR FIRST ENROLLMENT UNDER THE PROGRAM.—To the extent practicable, the activities described in paragraph (1) shall ensure that eligible beneficiaries are provided with such information at least 30 days prior to the first enrollment period described in section 1860B(c).

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The activities described in subsection (a) shall—

''(A) be similar to the activities performed by the Secretary under section 1851(d);

''(B) be coordinated with the activities performed by the Secretary under such section and under section 1804; and

''(C) provide for the dissemination of information comparing the eligible entities that are available to eligible beneficiaries residing in an area under this part.

''(2) COMPARATIVE INFORMATION.—The comparative information described in paragraph (1)(B) shall include the following:

''(A) BENEFITS.—A comparison of the benefits provided by each eligible entity, including a comparison of the pharmacy networks used by each eligible entity and the formularies and appeals processes implemented by each entity.

''(B) QUALITY AND PERFORMANCE.—To the extent available, the quality and performance of each eligible entity.

''(C) BENEFICIARY COSTS.—The cost-sharing required of eligible beneficiaries enrolled in each eligible entity.

''(D) CONSUMER SATISFACTION SURVEYS.—To the extent available, the results of consumer satisfaction surveys regarding each eligible entity.

''(E) ADDITIONAL INFORMATION.—Such additional information as the Secretary may prescribe.

''(3) INFORMATION STANDARDS.—The Secretary shall develop standards to ensure that the information provided to eligible beneficiaries under this part is complete, accurate, and uniform.

''(c) USE OF MEDICARE CONSUMER COALITIONS TO PROVIDE INFORMATION.—

''(1) IN GENERAL.—The Secretary may contract with Medicare Consumer Coalitions to conduct the informational activities—

''(A) under this section;

''(B) under section 1851(d); and

''(C) under section 1804.

''(2) SELECTION OF COALITIONS.—If the Secretary determines the use of Medicare Consumer Coalitions to be appropriate, the Secretary shall—

''(A) develop and disseminate, in such areas as the Secretary determines appropriate, a request for proposals for Medicare Consumer Coalitions to contract with the Secretary in order to conduct any of the informational activities described in paragraph (1); and

''(B) select a proposal of a Medicare Consumer Coalition to conduct the informational activities in each such area, with a preference for broad participation by organizations with experience in providing information to beneficiaries under this title.

''(3) PAYMENT TO MEDICARE CONSUMER COALITIONS.—The Secretary shall make payments to Medicare Consumer Coalitions contracting under this subsection in such amounts and in such manner as the Secretary determines appropriate.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to contract with Medicare Consumer Coalitions under this section.

''(5) MEDICARE CONSUMER COALITION DEFINED.—In this subsection, the term 'Medicare Consumer Coalition' means an entity that is a nonprofit organization operated under the direction of a board of directors that is primarily composed of beneficiaries under this title.

''PREMIUMS

''SEC. 1860D. (a) ANNUAL ESTABLISHMENT OF MONTHLY PREMIUM RATES.—

''(1) IN GENERAL.—The Secretary shall, during September of each year (beginning in 2002), determine and promulgate a monthly premium rate for the succeeding year in accordance with the provisions of this subsection.

''(2) ACTUARIAL DETERMINATIONS.—

''(A) DETERMINATION OF ANNUAL BENEFIT AND ADMINISTRATIVE COSTS.—The Secretary shall estimate annually for the succeeding year the amount equal to the total of the benefits and administrative costs that will be payable from the Federal Supplementary Medical Insurance Trust Fund for providing covered outpatient drugs in such calendar year with respect to enrollees in the program under this part.

''(B) DETERMINATION OF MONTHLY PREMIUM RATES.—

''(i) IN GENERAL.—The Secretary shall determine the monthly premium rate with respect to such enrollees for such succeeding year, which shall be 1/12 of the applicable share of the amount determined under subparagraph (A), divided by the total number of such enrollees, and rounded (if such rate is not a multiple of 10 cents) to the nearest multiple of 10 cents.

''(ii) DEFINITION OF APPLICABLE SHARE.—For purposes of clause (i), the term 'applicable share' means—

''(I) one-half, in the case of premiums paid by an eligible beneficiary enrolled in the program under this part; and

''(II) two-thirds, in the case of premiums paid for such a beneficiary by an employer (as defined in section 1860I(e)(2)) that the beneficiary formerly worked for.

''(3) PUBLICATION OF ASSUMPTIONS.—The Secretary shall publish, together with the promulgation of the monthly premium rates for the succeeding year, a statement setting forth the actuarial assumptions and bases employed in arriving at the amounts and rates determined under paragraphs (1) and (2).

''(b) COLLECTION OF PREMIUM.—The monthly premium applicable to an eligible beneficiary under this part shall be collected and credited to the Federal Supplementary Medical Insurance Trust Fund in the same manner as the monthly premium determined under section 1839 is collected and credited to such Trust Fund under section 1840.

''COST-SHARING

''SEC. 1860E. (a) DEDUCTIBLE.—

''(1) IN GENERAL.—Subject to paragraph (2), no payments shall be made under this part on behalf of an eligible beneficiary until the beneficiary has met a $250 deductible.

''(2) WAIVER OF DEDUCTIBLE FOR GENERIC DRUGS.—

''(A) IN GENERAL.—An eligible entity may provide that generic drugs are not subject to the deductible described in paragraph (1) if the Secretary determines that the waiver of the deductible—

''(i) is tied to the performance measures and other incentives applicable to the entity pursuant to section 1860H(a); and

''(ii) will not result in an increase in the expenditures made from the Federal Supplementary Medical Insurance Trust Fund.

''(B) CREDIT FOR AMOUNTS PAID.—If the deductible is waived pursuant to subparagraph (A), any coinsurance paid by an eligible beneficiary for the generic drug shall be credited toward the annual deductible.

''(b) COINSURANCE.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Subject to paragraph (2), if any covered outpatient drug is provided to an eligible beneficiary in a year after the beneficiary has met any deductible requirement under subsection (a) for the year, the beneficiary shall be responsible for making payments for the drug in an amount equal to the applicable percentage of the cost of the drug.

''(B) APPLICABLE PERCENTAGE DEFINED.—For purposes of subparagraph (A), the 'applicable percentage' means, with respect to any covered outpatient drug provided to an eligible beneficiary in a year—

''(i) 50 percent to the extent the out-of-pocket expenses of the beneficiary for such drug, when added to the out-of-pocket expenses of the beneficiary for covered outpatient drugs previously provided in the year, do not exceed $3,500;

''(ii) 25 percent to the extent such expenses, when so added, exceed $3,500 but do not exceed $4,000; and

''(iii) 0 percent to the extent such expenses, when so added, would exceed $4,000.

''(C) OUT-OF-POCKET EXPENSES DEFINED.—For purposes of subparagraph (B), the term 'out-of-pocket expenses' means expenses incurred as a result of the application of the deductible under subsection (a) and the coinsurance required under this subsection.

''(2) REDUCTION BY ELIGIBLE ENTITY.—An eligible entity may reduce the applicable percentage that an eligible beneficiary is subject to under paragraph (1) if the Secretary determines that such reduction—

''(A) is tied to the performance measures and other incentives applicable to the entity pursuant to section 1860H(a); and

''(B) will not result in an increase in the expenditures made from the Federal Supplementary Medical Insurance Trust Fund.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any calendar year beginning after 2004, each of the dollar amounts in subsections (a)(1) and (b)(1)(B) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the percentage (if any) by which the amount of expenditures under this part in the preceding calendar year exceeds the amount of such expenditures in 2003.

''(2) ROUNDING.—If any dollar amount after being increased under paragraph (1) is not a multiple of $5, such dollar amount shall be rounded to the nearest multiple of $5.

''SELECTION OF ENTITIES TO PROVIDE OUTPATIENT DRUG BENEFIT

''SEC. 1860F. (a) ESTABLISHMENT OF BIDDING PROCESS.—

''(1) IN GENERAL.—The Secretary shall establish procedures under which the Secretary accepts bids submitted by eligible entities and awards contracts to such entities in order to administer and deliver the benefits provided under this part to eligible beneficiaries in an area.

''(2) COMPETITIVE PROCEDURES.—Competitive procedures (as defined in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5))) shall be used to enter into contracts under this part.

''(b) AREA FOR CONTRACTS.—

''(1) REGIONAL BASIS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subject to paragraph (2), the contract entered into between the Secretary and an eligible entity shall require the eligible entity to provide covered outpatient drugs on a regional basis.

''(B) PARTIAL REGIONAL BASIS.—

''(i) IN GENERAL.—If determined appropriate by the Secretary, the Secretary may permit the coverage described in subparagraph (A) to be provided on a partial regional basis.

''(ii) REQUIREMENTS.—If the Secretary permits coverage pursuant to clause (i), the Secretary shall ensure that the partial region in which coverage is provided is—

''(I) at least the size of the commercial service area of the eligible entity for that area; and

''(II) not smaller than a State.

''(2) DETERMINATION.—

''(A) IN GENERAL.—In determining coverage areas under this part, the Secretary shall—

''(i) take into account the number of eligible beneficiaries in an area in order to encourage participation by eligible entities; and

''(ii) ensure that there are at least 10 different coverage areas in the United States.

''(B) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—The determination of coverage areas under this part shall not be subject to administrative or judicial review.

''(c) SUBMISSION OF BIDS.—

''(1) IN GENERAL.—Each eligible entity desiring to provide covered outpatient drugs under this part shall submit a bid to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) REQUIRED INFORMATION.—The bids described in paragraph (1) shall include—

''(A) a proposal for the estimated prices of covered outpatient drugs and the projected annual increases in such prices, including differentials between formulary and nonformulary prices, if applicable;

''(B) the amount that the entity will charge the Secretary for administering and delivering the benefits under such contract;

''(C) a statement regarding whether the entity will waive the deductible for generic drugs pursuant to section 1860E(a)(2);

''(D) a statement regarding whether the entity will reduce the applicable coinsurance percentage pursuant to section 1860E(b)(2) and if so, the amount of such reduction;

''(E) a detailed description of—

''(i) the risk corridors tied to performance measures and other incentives that the entity will accept under the contract; and

''(ii) how the entity will meet such measures and incentives;

''(F) a detailed description of any ownership or shared financial interests with other entities involved in the delivery of the benefit as proposed;

''(G) a detailed description of the entity's estimated marketing and advertising expenditures related to enrolling and retaining eligible beneficiaries; and

''(H) such other information that the Secretary determines is necessary in order to carry out this part, including information relating to the bidding process under this part.

''(d) ACCESS.—

''(1) IN GENERAL.—The Secretary shall ensure that an eligible entity—

''(A) complies with the access requirements described in section 1860G(4)(A); and

''(B) makes available to each beneficiary covered under the contract the full scope of the benefits required under this part.

''(2) AREAS NOT COVERED BY CONTRACTS.—The Secretary shall develop procedures for the provision of covered outpatient drugs under this part to each eligible beneficiary that resides in an area that is not covered by any contract under this part.

''(3) BENEFICIARIES RESIDING IN DIFFERENT LOCATIONS.—The Secretary shall develop procedures to ensure that each eligible beneficiary that resides in different areas in a year is provided the benefits under this part throughout the entire year.

''(e) AWARDING OF CONTRACTS.—

''(1) NUMBER OF CONTRACTS.—The Secretary shall, consistent with the requirements of this part and the goal of containing costs under this title, award in a competitive manner at least 2 contracts in an area, unless only 1 bidding entity meets the minimum standards specified under this part and by the Secretary.

''(2) DETERMINATION.—In determining which of the eligible entities that submitted bids that meet the minimum standards specified under this part and by the Secretary (including the terms and conditions described in section 1860G) to award a contract, the Secretary shall consider the comparative merits of each bid, as determined on the basis of the past performance of the entity and other relevant factors, with respect to—

''(A) how well the entity meets such minimum standards;

''(B) the amount that the entity will charge the Secretary for administering and delivering the benefits under the contract;

''(C) the proposed prices of covered outpatient drugs and annual increases in such prices;

''(D) the proposed risk corridors tied to performance measures and other incentives that the entity will be subject to under the contract;

''(E) the factors described in section 1860C(b)(2);

''(F) prior experience in administering a prescription drug benefit program;

''(G) effectiveness in containing costs through pricing incentives and utilization management; and

''(H) such other factors as the Secretary deems necessary to evaluate the merits of each bid.

''(3) EXCEPTION TO CONFLICT OF INTEREST RULES.—In awarding contracts under this part, the Secretary may waive conflict of interest laws generally applicable to Federal acquisitions (subject to such safeguards as the Secretary may find necessary to impose) in circumstances where the Secretary finds that such waiver—

''(A) is not inconsistent with the—

''(i) purposes of the programs under this title; or

''(ii) best interests of enrolled individuals; and

''(B) permits a sufficient level of competition for such contracts, promotes efficiency of benefits administration, or otherwise serves the objectives of the program under this part.

''(4) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—The determination of the Secretary to award or not award a contract to an eligible entity under this part shall not be subject to administrative or judicial review.

''(f) APPROVAL OF MARKETING MATERIAL AND APPLICATION FORMS.—The provisions of section 1851(h) shall apply to marketing material and application forms under this part in the same manner as such provisions apply to marketing material and application forms under part C.

''(g) DURATION OF CONTRACTS.—Each contract under this part shall be for a term of at least 2 years but not more than 5 years, as determined by the Secretary.

''CONDITIONS FOR AWARDING CONTRACT

''SEC. 1860G. The Secretary shall not award a contract to an eligible entity under this part unless the Secretary finds that the eligible entity agrees to comply with such terms and conditions as the Secretary shall specify, including the following:

''(1) QUALITY AND FINANCIAL STANDARDS.—The eligible entity meets the quality and financial standards specified by the Secretary.

''(2) PROCEDURES TO ENSURE PROPER UTILIZATION, COMPLIANCE, AND AVOIDANCE OF ADVERSE DRUG REACTIONS.—The eligible entity has in place drug utilization review procedures to ensure—

''(A) the appropriate utilization by eligible beneficiaries of the benefits to be provided under the contract; and

''(B) the avoidance of adverse drug reactions among eligible beneficiaries enrolled with the entity, including problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse and misuse.

''(3) COST-EFFECTIVE PROVISION OF BENEFITS.—

''(A) IN GENERAL.—In providing the benefits under a contract under this part, an eligible entity may—

''(i) employ mechanisms to provide the benefits economically, including the use of—

''(I) formularies (pursuant to subparagraph (B));

''(II) alternative methods of distribution; and

''(III) generic drug substitution;

''(ii) use mechanisms to encourage eligible beneficiaries to select cost-effective drugs or less costly means of receiving drugs, including the use of pharmacy incentive programs, therapeutic interchange programs, and disease management programs; and

''(iii) encourage pharmacy providers to—

''(I) inform beneficiaries of the differentials in price between generic and nongeneric drug equivalents; and

''(II) provide medication therapy management programs in order to enhance beneficiaries' understanding of the appropriate use of medications and to reduce the risk of potential adverse events associated with medications.

''(B) FORMULARIES.—If an eligible entity uses a formulary under this part, such formulary shall comply with standards established by the Secretary in consultation with the Medicare Pharmacy and Therapeutics Advisory Committee established under section 1860M. Such standards shall require that the eligible entity—

''(i) use a pharmacy and therapeutic committee (that meets the standards for a pharmacy and therapeutic committee established by the Secretary in consultation with the Medicare Pharmacy and Therapeutics Advisory Committee established under section 1860M) to develop and implement the formulary;

''(ii) include in the formulary—

''(I) at least 1 drug from each therapeutic class (as defined by the entity's pharmacy and therapeutic committee in accordance with standards established by the Secretary in consultation with the Medicare Pharmacy and Therapeutics Advisory Committee established under section 1860M);

''(II) if there is more than 1 drug available in a therapeutic class, at least 2 drugs from such class; and

''(III) if there is more than 2 drugs available in a therapeutic class, at least 2 drugs from such class and a generic drug substitute if available;

''(iii) develop procedures for the—

''(I) addition of new therapeutic classes to the formulary;

''(II) addition of new drugs to an existing therapeutic class; and

''(III) modification of the formulary;

''(iv) provide for coverage of nonformulary drugs when determined (pursuant to subparagraph (C) or (D)(i) of paragraph (4)) to be medically necessary to prevent or slow the deterioration of, or improve or maintain, the health of an eligible beneficiary; and

''(v) disclose to current and prospective beneficiaries and to providers in the service area the nature of the formulary restrictions, including information regarding the drugs included in the formulary, coinsurance, and any difference in the cost-sharing for different types of drugs.

''(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as precluding an eligible entity from—

''(i) requiring cost-sharing for nonformulary drugs that is higher than the cost-sharing established in section 1860E(b), except that such entity shall provide for coverage of a nonformulary drug at the same cost-sharing level as a drug within the formulary if such nonformulary drug is determined (pursuant to subparagraph (C) or (D)(i) of paragraph (4)) to be medically necessary to prevent or slow the deterioration of, or improve or maintain, the health of an eligible beneficiary;

''(ii) educating prescribing providers, pharmacists, and beneficiaries about the medical and cost benefits of formulary drugs (including generic drugs); or

''(iii) requesting prescribing providers to consider a formulary drug prior to dispensing of a nonformulary drug, as long as such request does not unduly delay the provision of the drug.

''(4) PATIENT PROTECTIONS.—

''(A) ACCESS.—The eligible entity ensures that the covered outpatient drugs are accessible and convenient to eligible beneficiaries covered under the contract, including by offering the services in the following manner:

''(i) SERVICES DURING EMERGENCIES.—The offering of services 24 hours a day and 7 days a week for emergencies.

''(ii) CONTRACTS WITH RETAIL PHARMACIES.—The offering of services—

''(I) at a sufficient number (as determined by the Secretary) of retail pharmacies;

''(II) to the extent feasible, at retail pharmacies located throughout the eligible entity's service area to ensure reasonable geographic access (as determined by the Secretary) to such services; and

''(III) such that—

''(aa) the total charge for each covered outpatient drug dispensed to an eligible beneficiary enrolled with the entity does not exceed the negotiated price for the drug (as reported to the Secretary pursuant to paragraph (6)(A)); and

''(bb) the retail pharmacy dispensing the drug does not charge (or collect from) such beneficiary an amount that exceeds the beneficiary's obligation (as determined in accordance with the provisions of this part) of the negotiated price.

''(B) CONTINUITY OF CARE.—

''(i) IN GENERAL.—The eligible entity ensures that, in the case of an eligible beneficiary who loses coverage under this part with such entity under circumstances that would permit a special election period (as established by the Secretary under section 1860B(b)), the entity will continue to provide coverage under this part to such beneficiary until the beneficiary enrolls and receives such coverage with another eligible entity under this part.

''(ii) LIMITED PERIOD.—In no event shall an eligible entity be required to provide the extended coverage required under clause (i) beyond the date which is 30 days after the coverage with such entity would have terminated but for this subparagraph.

''(C) PROCEDURES REGARDING THE DETERMINATION OF DRUGS THAT ARE MEDICALLY NECESSARY.—The eligible entity has in place procedures to determine if a drug is medically necessary to prevent or slow the deterioration of, or improve or maintain, the health of an eligible beneficiary. Such procedures shall require that such determinations are based on professional medical judgment, the medical condition of the beneficiary, and other medical evidence.

''(D) PROCEDURES REGARDING DENIALS OF CARE.—The eligible entity has in place procedures to ensure—

''(i) a timely internal and external review and resolution of denials of coverage (in whole or in part) and complaints (including those regarding the use of formularies under paragraph (3)) by eligible beneficiaries, or by providers, pharmacists, and other individuals acting on behalf of each such beneficiary (with the beneficiary's consent) in accordance with requirements (as established by the Secretary) that are comparable to such requirements for Medicare+Choice organizations under part C; and

''(ii) that beneficiaries are provided with information regarding the appeals procedures under this part at the time of enrollment.

''(E) PROCEDURES REGARDING PATIENT CONFIDENTIALITY.—Insofar as an eligible entity maintains individually identifiable medical records or other health information regarding eligible beneficiaries under a contract entered into under this part, the entity has in place procedures to—

''(i) safeguard the privacy of any individually identifiable beneficiary information;

''(ii) maintain such records and information in a manner that is accurate and timely;

''(iii) ensure timely access by such beneficiaries to such records and information; and

''(iv) otherwise comply with applicable laws relating to patient confidentiality.

''(F) PROCEDURES REGARDING TRANSFER OF MEDICAL RECORDS.—

''(i) IN GENERAL.—The eligible entity has in place procedures for the timely transfer of records and information described in subparagraph (E) (with respect to a beneficiary who loses coverage under this part with the entity and enrolls with another entity under this part) to such other entity.

''(ii) PATIENT CONFIDENTIALITY.—The procedures described in clause (i) shall comply

with the patient confidentiality procedures described in subparagraph (E).

''(G) PROCEDURES REGARDING MEDICAL ERRORS.—The eligible entity has in place procedures for working with the Secretary to deter medical errors related to the provision of covered outpatient drugs.

''(5) PROCEDURES TO CONTROL FRAUD, ABUSE, AND WASTE.—The eligible entity has in place procedures to control fraud, abuse, and waste.

''(6) REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—The eligible entity provides the Secretary with reports containing information regarding the following:

''(i) The prices that the eligible entity is paying for covered outpatient drugs.

''(ii) The prices that eligible beneficiaries enrolled with the entity will be charged for covered outpatient drugs.

''(iii) The administrative costs of providing such benefits.

''(iv) Utilization of such benefits.

''(v) Marketing and advertising expenditures related to enrolling and retaining eligible beneficiaries.

''(B) TIMEFRAME FOR SUBMITTING REPORTS.—

''(i) IN GENERAL.—The eligible entity shall submit a report described in subparagraph (A) to the Secretary within 3 months after the end of each 12-month period in which the eligible entity has a contract under this part. Such report shall contain information concerning the benefits provided during such 12-month period.

''(ii) LAST YEAR OF CONTRACT.—In the case of the last year of a contract under this section, the Secretary may require that a report described in subparagraph (A) be submitted 3 months prior to the end of the contract. Such report shall contain information concerning the benefits provided between the period covered by the most recent report under this subparagraph and the date that a report is submitted under this clause.

''(C) CONFIDENTIALITY OF INFORMATION.—

''(i) IN GENERAL.—Notwithstanding any other provision of law and subject to clause (ii), information disclosed by an eligible entity pursuant to subparagraph (A) is confidential and shall only be used by the Secretary for the purposes of, and to the extent necessary, to carry out this part.

''(ii) UTILIZATION DATA.—Subject to patient confidentiality laws, the Secretary shall make information disclosed by an eligible entity pursuant to subparagraph (A)(iv) (regarding utilization data) available for research purposes. The Secretary may charge a reasonable fee for making such information available.

''(7) APPROVAL OF MARKETING MATERIAL AND APPLICATION FORMS.—The eligible entity will comply with the requirements described in section 1860F(f).

''(8) RECORDS AND AUDITS.—The eligible entity maintains adequate records related to the administration of the benefit under this part and affords the Secretary access to such records for auditing purposes.

''PAYMENTS

''SEC. 1860H. (a) PAYMENTS TO ELIGIBLE ENTITIES.—

''(1) PROCEDURES.—

''(A) IN GENERAL.—The Secretary shall establish procedures for making payments to an eligible entity under a contract entered into under this part for the administration and delivery of the benefits under this part.

''(B) ENTITIES ONLY SUBJECT TO LIMITED RISK.—Under the procedures established under subparagraph (A), an eligible entity shall only be at risk to the extent that the entity is at risk under paragraph (2).

''(2) RISK CORRIDORS TIED TO PERFORMANCE MEASURES AND OTHER INCENTIVES.—

''(A) IN GENERAL.—The procedures established under paragraph (1) may include the use of—

''(i) risk corridors tied to performance measures that have been agreed to between the eligible entity and the Secretary under the contract; and

''(ii) any other incentives that the Secretary determines appropriate.

''(B) PHASE-IN OF RISK CORRIDORS TIED TO PERFORMANCE MEASURES.—The Secretary may phase-in the use of risk corridors tied to performance measures if the Secretary determines such phase-in to be appropriate.

''(C) PAYMENTS SUBJECT TO INCENTIVES.—If a contract under this part includes the use of risk corridors tied to performance measures or other incentives pursuant to subparagraph (A), payments to eligible entities under such contract shall be subject to such risk corridors tied to performance measures and other incentives.

''(3) RISK ADJUSTMENT.—To the extent that eligible entities are at risk because of the risk corridors or other incentives described in paragraph (2)(A), the procedures established under paragraph (1) may include a methodology for adjusting the payments made to such entities based on the differences in actuarial risk of different enrollees being served if the Secretary determines such adjustments to be necessary and appropriate.

''(b) SECONDARY PAYER PROVISIONS.—The provisions of section 1862(b) shall apply to the benefits provided under this part.

''EMPLOYER INCENTIVE PROGRAM FOR EMPLOYMENT-BASED RETIREE DRUG COVERAGE

''SEC. 1860I. (a) PROGRAM AUTHORITY.—The Secretary is authorized to develop and implement a program under this section called the 'Employer Incentive Program' that encourages employers and other sponsors of employment-based health care coverage to provide adequate prescription drug benefits to retired individuals by subsidizing, in part, the sponsor's cost of providing coverage under qualifying plans.

''(b) SPONSOR REQUIREMENTS.—In order to be eligible to receive an incentive payment under this section with respect to coverage of an individual under a qualified retiree prescription drug plan (as defined in subsection (f)(3)), a sponsor shall meet the following requirements:

''(1) ASSURANCES.—The sponsor shall—

''(A) annually attest, and provide such assurances as the Secretary may require, that the coverage offered by the sponsor is a qualified retiree prescription drug plan, and will remain such a plan for the duration of the sponsor's participation in the program under this section; and

''(B) guarantee that it will give notice to the Secretary and covered retirees—

''(i) at least 120 days before terminating its plan; and

''(ii) immediately upon determining that the actuarial value of the prescription drug benefit under the plan falls below the actuarial value of the outpatient prescription drug benefit under this part.

''(2) BENEFICIARY INFORMATION.—The sponsor shall report to the Secretary, for each calendar quarter for which it seeks an incentive payment under this section, the names and social security numbers of all retirees (and their spouses and dependents) covered under such plan during such quarter and the dates (if less than the full quarter) during which each such individual was covered.

''(3) AUDITS.—The sponsor and the employment-based retiree health coverage plan seeking incentive payments under this section shall agree to maintain, and to afford the Secretary access to, such records as the Secretary may require for purposes of audits and other oversight activities necessary to ensure the adequacy of prescription drug coverage, the accuracy of incentive payments made, and such other matters as may be appropriate.

''(4) OTHER REQUIREMENTS.—The sponsor shall provide such other information, and comply with such other requirements, as the Secretary may find necessary to administer the program under this section.

''(c) INCENTIVE PAYMENTS.—

''(1) IN GENERAL.—A sponsor that meets the requirements of subsection (b) with respect to a quarter in a calendar year shall be entitled to have payment made by the Secretary on a quarterly basis (to the sponsor or, at the sponsor's direction, to the appropriate employment-based health plan) of an incentive payment, in the amount determined in paragraph (2), for each retired individual (or spouse) who—

''(A) was covered under the sponsor's qualified retiree prescription drug plan during such quarter; and

''(B) was eligible for but was not enrolled in the outpatient prescription drug benefit program under this part.

''(2) AMOUNT OF INCENTIVE.—The payment under this section with respect to each individual described in paragraph (1) for a month shall be equal to ⅔ of the monthly premium amount payable by an eligible beneficiary enrolled under this part, as set for the calendar year pursuant to section 1860D(a)(2).

''(3) PAYMENT DATE.—The incentive under this section with respect to a calendar quarter shall be payable as of the end of the next succeeding calendar quarter.

''(d) CIVIL MONEY PENALTIES.—A sponsor, health plan, or other entity that the Secretary determines has, directly or through its agent, provided information in connection with a request for an incentive payment under this section that the entity knew or should have known to be false shall be subject to a civil monetary penalty in an amount up to 3 times the total incentive amounts under subsection (c) that were paid (or would have been payable) on the basis of such information.

''(e) DEFINITIONS.—In this section:

''(1) EMPLOYMENT-BASED RETIREE HEALTH COVERAGE.—The term 'employment-based retiree health coverage' means health insurance or other coverage of health care costs for retired individuals (or for such individuals and their spouses and dependents) based on their status as former employees or labor union members.

''(2) EMPLOYER.—The term 'employer' has the meaning given the term in section 3(5) of the Employee Retirement Income Security Act of 1974 (except that such term shall include only employers of 2 or more employees).

''(3) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug plan' means health insurance coverage included in employment-based retiree health coverage that—

''(A) provides coverage of the cost of prescription drugs whose actuarial value (as defined by the Secretary) to each retired beneficiary equals or exceeds the actuarial value of the benefits provided to an individual enrolled in the outpatient prescription drug benefit program under this part; and

''(B) does not deny, limit, or condition the coverage or provision of prescription drug benefits for retired individuals based on age or any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

''(4) SPONSOR.—The term 'sponsor' has the meaning given the term 'plan sponsor' in section 3(16)(B) of the Employer Retirement Income Security Act of 1974.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the program under this section.

''APPROPRIATIONS

''SEC. 1860J. There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Federal Supplementary Medical Insurance Trust Fund established under section 1841, an amount equal to the amount by which the benefits and administrative costs of providing the benefits under this part exceed the premiums collected under section 1860D.

''SUBPART 2—MEDICARE PHARMACY AND THERAPEUTICS (P&T) ADVISORY COMMITTEE

''MEDICARE PHARMACY AND THERAPEUTICS (P&T) ADVISORY COMMITTEE

''SEC. 1860M. (a) ESTABLISHMENT OF COMMITTEE.—There is established a Medicare Pharmacy and Therapeutics Advisory Committee (in this section referred to as the 'Committee').

''(b) FUNCTIONS OF COMMITTEE.—On and after October 1, 2001, the Committee shall advise the Secretary on policies related to—

''(1) the development of guidelines for the implementation and administration of the outpatient prescription drug benefit program under this part; and

''(2) the development of—

''(A) standards for a pharmacy and therapeutics committee required of eligible entities under section 1860G(3)(B)(i);

''(B) procedures required of eligible entities under subparagraphs (C) and (D) of section 1860G(4) for determining if a drug is medically necessary to prevent or slow the deterioration of, or improve or maintain, the health of an eligible beneficiary;

''(C) standards for—

''(i) defining therapeutic classes;

''(ii) adding new therapeutic classes to a formulary;

''(iii) adding new drugs to a therapeutic class within a formulary; and

''(iv) when and how often a formulary should be modified;

''(D) procedures to evaluate the bids submitted by eligible entities under this part; and

''(E) procedures to ensure that eligible entities with a contract under this part are in compliance with the requirements under this part.

''(c) STRUCTURE AND MEMBERSHIP OF THE COMMITTEE.—

''(1) STRUCTURE.—The Committee shall be composed of 19 members who shall be appointed by the Secretary.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The members of the Committee shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Committee.

''(B) SPECIFIC MEMBERS.—Of the members appointed under paragraph (1)—

''(i) eleven shall be chosen to represent physicians;

''(ii) four shall be chosen to represent pharmacists;

''(iii) one shall be chosen to represent the Health Care Financing Administration;

''(iv) two shall be chosen to represent actuaries and pharmacoeconomists; and

''(v) one shall be chosen to represent emerging drug technologies.

''(d) TERMS OF APPOINTMENT.—Each member of the Committee shall serve for a term determined appropriate by the Secretary. The terms of service of the members initially appointed shall begin on January 1, 2001.

''(e) CHAIRMAN.—The Secretary shall designate a member of the Committee as Chairman. The term as Chairman shall be for a 1-year period.

''(f) COMPENSATION AND TRAVEL EXPENSES.—

''(1) COMPENSATION OF MEMBERS.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee. All members of the Committee who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

''(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

''(g) OPERATION OF THE COMMITTEE.—

''(1) MEETINGS.—The Committee shall meet at the call of the Chairman (after consultation with the other members of the Committee) not less often than quarterly to consider a specific agenda of issues, as determined by the Chairman after such consultation.

''(2) QUORUM.—Ten members of the Committee shall constitute a quorum for purposes of conducting business.

''(h) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

''(i) TRANSFER OF PERSONNEL, RESOURCES, AND ASSETS.—For purposes of carrying out its duties, the Secretary and the Committee may provide for the transfer to the Committee of such civil service personnel in the employ of the Department of Health and Human Services, and such resources and assets of the Department used in carrying out this title, as the Committee requires.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.''.

(b) EXCLUSIONS FROM COVERAGE.—

(1) APPLICATION TO PART D.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended in the matter preceding paragraph (1) by striking ''part A or part B'' and inserting ''part A, B, or D''.

(2) PRESCRIPTION DRUGS NOT EXCLUDED FROM COVERAGE IF REASONABLE AND NECESSARY.—Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y(a)(1)) is amended—

(A) in subparagraph (H), by striking ''and'' at the end;

(B) in subparagraph (I), by striking the semicolon at the end and inserting '', and''; and

(C) by adding at the end the following new subparagraph:

''(J) in the case of prescription drugs covered under part D, which are not reasonable and necessary to prevent or slow the deterioration of, or improve or maintain, the health of eligible beneficiaries;''.

(c) CONFORMING REFERENCES TO PREVIOUS PART D.—

(1) IN GENERAL.—Any reference in law (in effect before the date of enactment of this Act) to part D of title XVIII of the Social Security Act is deemed a reference to part E of such title (as in effect after such date).

(2) SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this title.

SEC. ___03. PART D BENEFITS UNDER MEDICARE+CHOICE PLANS.

(a) ELIGIBILITY, ELECTION, AND ENROLLMENT.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21) is amended—

(1) in subsection (a)(1)(A), by striking ''parts A and B'' and inserting ''parts A, B, and D''; and

(2) in subsection (i)(1), by striking ''parts A and B'' and inserting ''parts A, B, and D''.

(b) VOLUNTARY BENEFICIARY ENROLLMENT FOR DRUG COVERAGE.—Section 1852(a)(1)(A) of such Act (42 U.S.C. 1395w–22(a)(1)(A)) is amended by inserting ''(and under part D to individuals also enrolled under that part)'' after ''parts A and B''.

(c) ACCESS TO SERVICES.—Section 1852(d)(1) of such Act (42 U.S.C. 1395w–22(d)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) in the case of covered outpatient drugs provided to individuals enrolled under part D (as defined in section 1860(1)), the organization complies with the access requirements applicable under part D.''.

(d) PAYMENTS TO ORGANIZATIONS.—Section 1853(a)(1)(A) of such Act (42 U.S.C. 1395w–23(a)(1)(A)) is amended—

(1) by inserting ''determined separately for the benefits under parts A and B and under part D (for individuals enrolled under that part)'' after ''as calculated under subsection (c)'';

(2) by striking ''that area, adjusted for such risk factors'' and inserting ''that area. In the case of payment for the benefits under parts A and B, such payment shall be adjusted for such risk factors as''; and

(3) by inserting before the last sentence the following: ''In the case of the payments for the benefits under part D, such payment shall initially be adjusted for the risk factors of each enrollee as the Secretary determines to be feasible and appropriate to ensure actuarial equivalence. By 2006, the adjustments to payments for benefits under part D shall be for the same risk factors used to adjust payments for the benefits under parts A and B.''.

(e) CALCULATION OF ANNUAL MEDICARE+CHOICE CAPITATION RATES.—Section 1853(c) of such Act (42 U.S.C. 1395w–23(c)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''for benefits under parts A and B'' after ''capitation rate''; and

(2) by adding at the end the following new paragraph:

''(8) PAYMENT FOR PART D BENEFITS.—The Secretary shall determine a capitation rate for part D benefits (for individuals enrolled under such part) as follows:

''(A) DRUGS DISPENSED IN 2003.—In the case of prescription drugs dispensed in 2003, the capitation rate shall be based on the projected national per capita costs for prescription drug benefits under part D and associated claims processing costs for beneficiaries enrolled under part D and not enrolled with

a Medicare+Choice organization under this part.

''(B) DRUGS DISPENSED IN SUBSEQUENT YEARS.—In the case of prescription drugs dispensed in a subsequent year, the capitation rate shall be equal to the capitation rate for the preceding year increased by the Secretary's estimate of the projected per capita rate of growth in expenditures under this title for an individual enrolled under part D for such subsequent year.''.

(f) LIMITATION ON ENROLLEE LIABILITY.—Section 1854(e) of such Act (42 U.S.C. 1395w–24(e)) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR PART D BENEFITS.—With respect to outpatient prescription drug benefits under part D, a Medicare+Choice organization may not require that an enrollee pay a deductible or a coinsurance percentage that exceeds the deductible or coinsurance percentage applicable for such benefits for an eligible beneficiary under part D.''.

(g) REQUIREMENT FOR ADDITIONAL BENEFITS.—Section 1854(f)(1) of such Act (42 U.S.C. 1395w–24(f)(1)) is amended by adding at the end the following new sentence: ''Such determination shall be made separately for the benefits under parts A and B and for prescription drug benefits under part D.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services provided under a Medicare+Choice plan on or after January 1, 2003.

SEC. ___04. EXCLUSION OF PART D COSTS FROM DETERMINATION OF PART B MONTHLY PREMIUM.

Section 1839(g) of the Social Security Act (42 U.S.C. 1395r(g)) is amended—

(1) by striking ''attributable to the application of section'' and inserting ''attributable to—

''(1) the application of section'';

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(2) the program under part D providing payment for covered outpatient drugs (including costs associated with making payments to employers and other sponsors of employment-based health care coverage under the Employer Incentive Program under section 1860I).''.

SEC. ___05. REPORTING REQUIREMENTS FOR SECRETARY OF THE TREASURY REGARDING INCOME-RELATED PART D PREMIUM.

(a) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

''(18) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME-RELATED REDUCTION IN MEDICARE PART D PREMIUM.—

''(A) IN GENERAL.—The Secretary may, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Health Care Financing Administration return information with respect to a taxpayer who is required to pay a monthly premium under part D of the Social Security Act. Such return information shall be limited to—

''(i) taxpayer identity information with respect to such taxpayer,

''(ii) the filing status of such taxpayer,

''(iii) the adjusted gross income of such taxpayer,

''(iv) the amounts excluded from such taxpayer's gross income under sections 135 and 911,

''(v) the interest received or accrued during the taxable year which is exempt from the tax imposed by chapter 1 to the extent such information is available, and

''(vi) the amounts excluded from such taxpayer's gross income under sections 931 and 933 to the extent such information is available.

''(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Health Care Financing Administration only for the purposes of, and to the extent necessary in, establishing the appropriate monthly premium under part D of the Social Security Act.''.

(b) CONFORMING AMENDMENT.—Paragraphs (3)(A) and (4) of section 6103(p) of such Code are each amended by striking ''or (17)'' each place it appears and inserting ''(17), or (18)''.

SEC. ___06. ADDITIONAL ASSISTANCE FOR LOW-INCOME BENEFICIARIES.

(a) INCLUSION IN MEDICARE COST-SHARING.—Section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by inserting ''and'' at the end; and

(C) by adding at the end the following new clause:

''(iii) premiums under section 1860D.'';

(2) in subparagraph (B), by striking ''section 1813'' and inserting ''sections 1813 and 1860E(b)''; and

(3) in subparagraph (C), by striking ''section 1813 and section 1833(b)'' and inserting ''sections 1813, 1833(b), and 1860E(a)''.

(b) EXPANSION OF MEDICAL ASSISTANCE.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

(1) in clause (iii)—

(A) by striking ''section 1905(p)(3)(A)(ii)'' and inserting ''clauses (ii) and (iii) of section 1905(p)(3)(A), for the coinsurance described in section 1860E(b), and for the deductible described in section 1860E(a)''; and

(B) by striking ''and'' at the end;

(2) by redesignating clause (iv) as clause (vi); and

(3) by inserting after clause (iii) the following new clauses:

''(iv) for making medical assistance available for medicare cost-sharing described in section 1905(p)(3)(A)(iii), for the coinsurance described in section 1860E(b), and for the deductible described in section 1860E(a) for individuals who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds 120 percent but does not exceed 135 percent of such official poverty line for a family of the size involved;

''(v) for making medical assistance available for medicare cost-sharing described in section 1905(p)(3)(A)(iii) on a linear sliding scale based on the income of such individuals for individuals who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds 135 percent but does not exceed 150 percent of such official poverty line for a family of the size involved; and''.

(c) NONAPPLICABILITY OF PAYMENT DIFFERENTIAL REQUIREMENTS TO MEDICARE PART D COST-SHARING.—Section 1902(n)(2) of the Social Security Act (42 U.S.C. 1396a(n)(2)) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to coinsurance described in section 1860E(b) or deductibles described in section 1860E(a).''.

(d) 100 PERCENT FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking ''and'' before ''(3)''; and

(2) by inserting before the period at the end the following: '', and (4) the Federal medical assistance percentage shall be 100 percent with respect to medical assistance provided under clauses (iv) and (v) of section 1902(a)(10)(E)''.

(e) TREATMENT OF TERRITORIES.—Section 1108(g) of such Act (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

''(3) Notwithstanding the preceding provisions of this subsection, with respect to fiscal year 2003 and any fiscal year thereafter, the amount otherwise determined under this subsection (and subsection (f)) for the fiscal year for a Commonwealth or territory shall be increased by the ratio (as estimated by the Secretary) of—

''(A) the aggregate amount of payments made to the 50 States and the District of Columbia for the fiscal year under title XIX that are attributable to making medical assistance available for individuals described in clauses (i), (iii), (iv), and (v) of section 1902(a)(10)(E) for payment of medicare cost-sharing that consists of premiums under section 1860D, coinsurance described in section 1860E(b), or deductibles described in section 1860E(a); to

''(B) the aggregate amount of total payments made to such States and District for the fiscal year under such title.''.

(f) CONFORMING AMENDMENTS.—Section 1933 of the Social Security Act (42 U.S.C. 1396u–3) is amended—

(1) in subsection (a), by striking ''section 1902(a)(10)(E)(iv)'' and inserting ''section 1902(a)(10)(E)(vi)'';

(2) in subsection (c)(2)(A)—

(A) in clause (i), by striking ''section 1902(a)(10)(E)(iv)(I)'' and inserting ''section 1902(a)(10)(E)(vi)(I)''; and

(B) in clause (ii), by striking ''section 1902(a)(10)(E)(iv)(II)'' and inserting ''section 1902(a)(10)(E)(vi)(II)'';

(3) in subsection (d), by striking ''section 1902(a)(10)(E)(iv)'' and inserting ''section 1902(a)(10)(E)(vi)''; and

(4) in subsection (e), by striking ''section 1902(a)(10)(E)(iv)'' and inserting ''section 1902(a)(10)(E)(vi)''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply for medical assistance provided under section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) on and after January 1, 2003.

SEC. ___07. MEDIGAP REVISIONS.

Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following new subsection:

''(v) MODERNIZED BENEFIT PACKAGES FOR MEDICARE SUPPLEMENTAL POLICIES.—

''(1) PROMULGATION OF MODEL REGULATION.—

''(A) NAIC MODEL REGULATION.—If, within 9 months after the date of enactment of the Medicare Outpatient Drug Act of 2000, the National Association of Insurance Commissioners (in this subsection referred to as the 'NAIC') changes the 1991 NAIC Model Regulation (described in subsection (p)) to revise the benefit packages classified as 'H', 'I', and 'J' under the standards established by subsection (p)(2) (including the benefit package classified as 'J' with a high deductible feature, as described in subsection (p)(11)) so that—

''(i) the coverage for outpatient prescription drugs available under such benefit packages is replaced with coverage for outpatient prescription drugs that compliments but does not duplicate the benefits for outpatient prescription drugs that beneficiaries are otherwise entitled to under this title;

''(ii) the revised benefit packages provide a range of coverage options for outpatient prescription drugs for beneficiaries, but do not provide coverage for—

''(I) the deductible under section 1860E(a); or

''(II) more than 90 percent of the coinsurance applicable to an individual under section 1860E(b);

''(iii) uniform language and definitions are used with respect to such revised benefits;

''(iv) uniform format is used in the policy with respect to such revised benefits; and

''(v) such revised standards meet any additional requirements imposed by the Medicare Outpatient Drug Act of 2000;

subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2003, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed under this subparagraph (such changed regulation referred to in this section as the '2003 NAIC Model Regulation').

''(B) REGULATION BY THE SECRETARY.—If the NAIC does not make the changes in the 1991 NAIC Model Regulation within the 9-month period specified in subparagraph (A), the Secretary shall promulgate, not later than 9 months after the end of such period, a regulation and subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2003, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed by the Secretary under this subparagraph (such changed regulation referred to in this section as the '2003 Federal Regulation').

''(C) CONSULTATION WITH WORKING GROUP.—In promulgating standards under this paragraph, the NAIC or Secretary shall consult with a working group similar to the working group described in subsection (p)(1)(D).

''(D) MODIFICATION OF STANDARDS IF MEDICARE BENEFITS CHANGE.—If benefits (including deductibles and coinsurance) under part D of this title are changed and the Secretary determines, in consultation with the NAIC, that changes in the 2003 NAIC Model Regulation or 2003 Federal Regulation are needed to reflect such changes, the preceding provisions of this paragraph shall apply to the modification of standards previously established in the same manner as they applied to the original establishment of such standards.

''(2) CONSTRUCTION OF BENEFITS IN OTHER MEDICARE SUPPLEMENTAL POLICIES.—Nothing in the benefit packages classified as 'A' through 'G' under the standards established by subsection (p)(2) (including the benefit package classified as 'F' with a high deductible feature, as described in subsection (p)(11)) shall be construed as providing coverage for benefits for which payment may be made under part D.

''(3) APPLICATION OF PROVISIONS AND CONFORMING REFERENCES.—

''(A) APPLICATION OF PROVISIONS.—The provisions of paragraphs (4) through (10) of subsection (p) shall apply under this section, except that—

''(i) any reference to the model regulation applicable under that subsection shall be deemed to be a reference to the applicable 2003 NAIC Model Regulation or 2003 Federal Regulation; and

''(ii) any reference to a date under such paragraphs of subsection (p) shall be deemed to be a reference to the appropriate date under this subsection.

''(B) OTHER REFERENCES.—Any reference to a provision of subsection (p) or a date applicable under such subsection shall also be considered to be a reference to the appropriate provision or date under this subsection.''.

SEC. ___08. HHS STUDIES AND REPORT TO CONGRESS.

(a) STUDIES.—The Secretary of Health and Human Services shall conduct a study to determine the feasibility and advisability of—

(1) establishing a uniform format for pharmacy benefit cards provided to beneficiaries by eligible entities under the outpatient prescription drug benefit program under part D of title XVIII of the Social Security Act (as added by section ___02); and

(2) developing systems to electronically transfer prescriptions under such program from the prescriber to the pharmacist.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the results of the studies conducted under subsection (a), together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such studies.

SEC. ___09. APPROPRIATIONS.

In addition to amounts otherwise appropriated to the Secretary of Health and Human Services, there are authorized to be appropriated to the Secretary for fiscal year 2001 and each subsequent fiscal year such sums as may be necessary to administer the outpatient prescription drug benefit program under part D of title XVIII of the Social Security Act (as added by section ___02).

REID AMENDMENT NO. 3599

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the appropriate place, insert the following:

SEC. . Section 448 of the Public Health Service Act (42 U.S.C. 285g) is amended by inserting ''gynecologic health,'' after ''with respect to''.

LOTT AMENDMENT NO. 3600

Mr. LOTT proposed an amendment to the instructions to the motion to commit the bill, H.R. 4577, supra; as follows:

In lieu of the amendment insert:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, any proposed, temporary, or final standard on ergonomic protection.

LOTT AMENDMENT NO. 3601

Mr. LOTT proposed an amendment to amendment No. 3600 proposed by Mr. LOTT to the instructions to the motion to commit the bill, H.R. 4577, supra; as follows:

Strike all after the first word, and insert the following:

''of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

''This section shall take effect October 4, 2000.''

BOND (AND OTHERS) AMENDMENT NO. 3602

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. HOLLINGS, Mr. COCHRAN, Mr. DASCHLE, Mr. HUTCHINSON, Mr. KENNEDY, Mr. DEWINE, Mrs. LINCOLN, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mrs. COLLINS, Mr. CRAIG, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAMS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROBB, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SMITH of Oregon, Ms. SNOWE, Mr. WARNER, Mr. WELSTONE, Mr. WYDEN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BAYH, Mr. GRASSLEY, Mr. SARBANES, Mr. ROTH, and Mr. HATCH) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 23, line 23, strike ''4,522,424,000'' and replace with ''4,572,424,000''.

On page 92, between lines 4 and 5, insert the following:

SEC. . Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education Shall be reduced on a pro rata basis by $50,000,000.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 3603

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the appropriate place add the following: ''None of the fund appropriated under this Act shall be expended by the National Institutes of Health on a contract for the care of the 288 chimpanzees acquired by the National Institutes of Health from the Coulston Foundation, unless the contractor is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International (AAALAC) and has not been charged multiple times with egregious violations of the Animal Welfare Act.

MURRAY AMENDMENT NO. 3604

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, H.R. 4577, supra; as follows:

On page 59, line 12, before the period insert the following: '': *Provided further*, That $1,400,000,000 of such $2,700,000,000 shall be available, notwithstanding any other provision of law, to award funds and carry out activities in the same manner as funds were awarded and activities were carried out under section 310 of the Department of Education Appropriations Act, 2000: *Provided further*, That an additional $350,000,000 is appropriated to award funds and carry out activities in the same such manner''.

KERREY AMENDMENT NO. 3605

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. _____. WEB-BASED EDUCATION COMMISSION.

There are authorized to be appropriated and are appropriated $250,000 to carry out the Web-Based Education Commission Act. Notwithstanding any other provision of this Act,

the amount of funds provided to each Federal agency that receives appropriations under this Act shall be reduced by a uniform percentage necessary to achieve an aggregate reduction of $250,000 in funds provided to all such agencies under this Act. Each head of a Federal agency that is subject to a reduction under this section shall ensure that the reduction in funding to the agency resulting from this section is offset by a reduction in the administrative expenditures of the agency.

DURBIN AMENDMENTS NOS. 3606–3607

(Ordered to lie on the table.)

Mr. DURBIN submitted two amendments intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3606

On page 54, between lines 10 and 11, insert the following:

SEC. ____. (a) CHILDREN'S ASTHMA PROGRAMS.—In addition to amounts appropriated under this title for the Centers for Disease Control and Prevention, there shall be appropriated $50,000,000 to enable the Centers for Disease Control and Prevention to carry out children's asthma programs, of which $10,000,000 may be used to carry out improved asthma surveillance and tracking systems and $35,000,000 shall be used to carry out diverse community-based childhood asthma programs including both school- and community-based grant programs: *Provided*, That not to exceed 5 percent of such funds may be used by the Centers for Disease Control and Prevention for administrative costs or reprogramming.

(b) EMERGENCY SPENDING.—Amounts made available under subsection (a) are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That these funds shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

AMENDMENT NO. 3607

On page 54, between lines 10 and 11, insert the following:

SEC. ____. (a) CHILDREN'S ASTHMA PROGRAMS.—In addition to amounts appropriated under this title for the Centers for Disease Control and Prevention, there shall be appropriated $50,000,000 to enable the Centers for Disease Control and Prevention to carry out children's asthma programs, of which $10,000,000 may be used to carry out improved asthma surveillance and tracking systems and $35,000,000 shall be used to carry out diverse community-based childhood asthma programs including both school- and community-based grant programs: *Provided*, That not to exceed 5 percent of such funds may be used by the Centers for Disease Control and Prevention for administrative costs or reprogramming.

(b) OFFSET.—Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be reduced on a pro rata basis by $50,000,000.

DURBIN (AND OTHERS) AMENDMENTS NOS. 3608–3609

(Ordered to lie on the table.)

Mr. DURBIN (for himself, Mr. REED, and Mrs. MURRAY) submitted two amendments intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3608

On page 54, between lines 10 and 11, insert the following:

SEC. _____. In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, $75,000,000, to be utilized to provide grants to States and political subdivisions of States under section 317 of the Public Health Service Act to enable such States and political subdivisions to carry out immunization infrastructure and operations activities: *Provided*, That of the total amount made available in this Act for infrastructure funding for the Centers for Disease Control and Prevention, not less than 10 percent shall be used for immunization projects in areas with low or declining immunization rates or areas that are particularly susceptible to disease outbreaks, and not more than 14 percent shall be used to carry out the incentive bonus program: *Provided further*, That amounts made available under this section are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

AMENDMENT NO. 3609

On page 54, between lines 10 and 11, insert the following:

SEC. _____. In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, $75,000,000, to be utilized to provide grants to States and political subdivisions of States under section 317 of the Public Health Service Act to enable such States and political subdivisions to carry out immunization infrastructure and operations activities: *Provided*, That of the total amount made available in this Act for infrastructure funding for the Centers for Disease Control and Prevention, not less than 10 percent shall be used for immunization projects in areas with low or declining immunization rates or areas that are particularly susceptible to disease outbreaks, and not more than 14 percent shall be used to carry out the incentive bonus program: *Provided further*, That amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be reduced on a pro rata basis by $75,000,000.

MCCAIN AMENDMENT NO. 3610

Mr. MCCAIN proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 92, between lines 4 and 5, insert the following:

TITLE VI—CHILDREN'S INTERNET PROTECTION

SECTION 601. SHORT TITLE.

This title may be cited as the ''Childrens' Internet Protection Act''.

SEC. 602. REQUIREMENT FOR SCHOOLS AND LIBRARIES TO IMPLEMENT FILTERING OR BLOCKING TECHNOLOGY FOR COMPUTERS WITH INTERNET ACCESS AS CONDITION OF UNIVERSAL SERVICE DISCOUNTS.

(a) SCHOOLS.—Section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

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

''(5) REQUIREMENTS FOR CERTAIN SCHOOLS WITH COMPUTERS HAVING INTERNET ACCESS.—

''(A) INTERNET FILTERING.—

''(i) IN GENERAL.—Except as provided in clause (ii), an elementary or secondary school having computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the school, school board, or other authority with responsibility for administration of the school—

''(I) submits to the Commission a certification described in subparagraph (B); and

''(II) ensures the use of such computers in accordance with the certification.

''(ii) APPLICABILITY.—The prohibition in paragraph (1) shall not apply with respect to a school that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

''(B) CERTIFICATION.—A certification under this subparagraph is a certification that the school, school board, or other authority with responsibility for administration of the school—

''(i) has selected a technology for its computers with Internet access in order to filter or block Internet access through such computers to—

''(I) material that is obscene; and

''(II) child pornography; and

''(ii) is enforcing a policy to ensure the operation of the technology during any use of such computers by minors.

''(C) ADDITIONAL USE OF TECHNOLOGY.—A school, school board, or other authority may also use a technology covered by a certification under subparagraph (B) to filter or block Internet access through the computers concerned to any material in addition to the material specified in that subparagraph that the school, school board, or other authority determines to be inappropriate for minors.

''(D) TIMING OF CERTIFICATIONS.—

''(i) SCHOOLS WITH COMPUTERS ON EFFECTIVE DATE.—

''(I) IN GENERAL.—Subject to subclause (II), in the case of any school covered by this paragraph as of the effective date of this paragraph under section 602(h) of the Childrens' Internet Protection Act, the certification under subparagraph (B) shall be made not later than 30 days after such effective date.

''(II) DELAY.—A certification for a school covered by subclause (I) may be made at a date that is later than is otherwise required by that subclause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification on the date otherwise required by that subclause. A school, school board, or other authority with responsibility for administration of the school shall notify the Commission of the applicability of this subclause to the school. Such notice shall specify the date on which the certification with respect to the school shall be effective for purposes of this clause.

''(ii) SCHOOLS ACQUIRING COMPUTERS AFTER EFFECTIVE DATE.—In the case of any school that first becomes covered by this paragraph after such effective date, the certification under subparagraph (B) shall be made not later than 10 days after the date on which the school first becomes so covered.

''(iii) NO REQUIREMENT FOR ADDITIONAL CERTIFICATIONS.—A school that has submitted a certification under subparagraph (B) shall not be required for purposes of this paragraph to submit an additional certification under that subparagraph with respect to any

computers having Internet access that are acquired by the school after the submittal of the certification.

''(E) NONCOMPLIANCE.—

''(i) FAILURE TO SUBMIT CERTIFICATION.—Any school that knowingly fails to submit a certification required by this paragraph shall reimburse each telecommunications carrier that provided such school services at discount rates under paragraph (1)(B) after the effective date of this paragraph under section 602(h) of the Childrens' Internet Protection Act in an amount equal to the amount of the discount provided such school by such carrier for such services during the period beginning on such effective date and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

''(ii) FAILURE TO COMPLY WITH CERTIFICATION.—Any school that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraph (B) shall reimburse each telecommunications carrier that provided such school services at discount rates under paragraph (1)(B) after the date of such certification in an amount equal to the amount of the discount provided such school by such carrier for such services during the period beginning on the date of such certification and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

''(iii) TREATMENT OF REIMBURSEMENT.—The receipt by a telecommunications carrier of any reimbursement under this subparagraph shall not affect the carrier's treatment of the discount on which such reimbursement was based in accordance with the third sentence of paragraph (1)(B).

''(F) CESSATION DATE.—

''(i) DETERMINATION.—The Commission shall determine the date on which the provision of services at discount rates under paragraph (1)(B) shall cease under this paragraph by reason of the failure of a school to comply with the requirements of this paragraph.

''(ii) NOTIFICATION.—The Commission shall notify telecommunications carriers of each school determined to have failed to comply with the requirements of this paragraph and of the period for which such school shall be liable to make reimbursement under subparagraph (E).

''(G) RECOMMENCEMENT OF DISCOUNTS.—

''(i) RECOMMENCEMENT.—Upon submittal to the Commission of a certification under subparagraph (B) with respect to a school to which clause (i) or (ii) of subparagraph (E) applies, the school shall be entitled to services at discount rates under paragraph (1)(B).

''(ii) NOTIFICATION.—The Commission shall notify the school and telecommunications carriers of the recommencement of the school's entitlement to services at discount rates under this subparagraph and of the date on which such recommencement begins.

''(iii) ADDITIONAL NONCOMPLIANCE.—The provisions of subparagraphs (E) and (F) shall apply to any certification submitted under clause (i).

''(H) PUBLIC AVAILABILITY OF POLICY.—A school, school board, or other authority that enforces a policy under subparagraph (B)(ii) shall take appropriate actions to ensure the ready availability to the public of information on such policy and on its policy, if any, relating to the use of technology under subparagraph (C).

''(I) LIMITATION ON FEDERAL ACTION.—

''(i) IN GENERAL.—No agency or instrumentality of the United States Government may—

''(I) establish any criteria for making a determination under subparagraph (C);

''(II) review a determination made by a school, school board, or other authority for purposes of a certification under subparagraph (B); or

''(III) consider the criteria employed by a school, school board, or other authority for purposes of determining the eligibility of a school for services at discount rates under paragraph (1)(B).

''(ii) ACTION BY COMMISSION.—The Commission may not take any action against a school, school board, or other authority for a violation of a provision of this paragraph if the school, school board, or other authority, as the case may be, has made a good faith effort to comply with such provision.''.

(b) LIBRARIES.—Such section 254(h) is further amended by inserting after paragraph (5), as amended by subsection (a) of this section, the following new paragraph:

''(6) REQUIREMENTS FOR CERTAIN LIBRARIES WITH COMPUTERS HAVING INTERNET ACCESS.—

''(A) INTERNET FILTERING.—

''(i) IN GENERAL.—A library having one or more computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the library—

''(I) submits to the Commission a certification described in subparagraph (B); and

''(II) ensures the use of such computers in accordance with the certification.

''(ii) APPLICABILITY.—The prohibition in paragraph (1) shall not apply with respect to a library that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

''(B) CERTIFICATION.—

''(i) ACCESS OF MINORS TO CERTAIN MATERIAL.—A certification under this subparagraph is a certification that the library—

''(I) has selected a technology for its computer or computers with Internet access in order to filter or block Internet access through such computer or computers to—

''(aa) material that is obscene;

''(bb) child pornography; and

''(cc) any other material that the library determines to be inappropriate for minors; and

''(II) is enforcing a policy to ensure the operation of the technology during any use of such computer or computers by minors.

''(ii) ACCESS TO CHILD PORNOGRAPHY GENERALLY.—

''(I) IN GENERAL.—A certification under this subparagraph with respect to a library is also a certification that the library—

''(aa) has selected a technology for its computer or computers with Internet access in order to filter or block Internet access through such computer or computers to child pornography; and

''(bb) is enforcing a policy to ensure the operation of the technology during any use of such computer or computers.

''(II) SCOPE.—For purposes of identifying child pornography under subclause (I), a library may utilize the definition of that term in section 2256(8) of title 18, United States Code.

''(III) RELATIONSHIP TO OTHER CERTIFICATIONS.—The certification under this clause is in addition to any other certification applicable with respect to a library under this subparagraph.

''(C) ADDITIONAL USE OF TECHNOLOGY.—A library may also use a technology covered by a certification under subparagraph (B) to filter or block Internet access through the computers concerned to any material in addition to the material specified in that subparagraph that the library determines to be inappropriate for minors.

''(D) TIMING OF CERTIFICATIONS.—

''(i) LIBRARIES WITH COMPUTERS ON EFFECTIVE DATE.—

''(I) IN GENERAL.—In the case of any library covered by this paragraph as of the effective date of this paragraph under section 602(h) of the Childrens' Internet Protection Act, the certifications under subparagraph (B) shall be made not later than 30 days after such effective date.

''(II) DELAY.—The certifications for a library covered by subclause (I) may be made at a date than is later than is otherwise required by that subclause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certifications on the date otherwise required by that subclause. A library shall notify the Commission of the applicability of this subclause to the library. Such notice shall specify the date on which the certifications with respect to the library shall be effective for purposes of this clause.

''(ii) LIBRARIES ACQUIRING COMPUTERS AFTER EFFECTIVE DATE.—In the case of any library that first becomes subject to the certifications under subparagraph (B) after such effective date, the certifications under that subparagraph shall be made not later than 10 days after the date on which the library first becomes so subject.

''(iii) NO REQUIREMENT FOR ADDITIONAL CERTIFICATIONS.—A library that has submitted the certifications under subparagraph (B) shall not be required for purposes of this paragraph to submit an additional certifications under that subparagraph with respect to any computers having Internet access that are acquired by the library after the submittal of such certifications.

''(E) NONCOMPLIANCE.—

''(i) FAILURE TO SUBMIT CERTIFICATION.—Any library that knowingly fails to submit the certifications required by this paragraph shall reimburse each telecommunications carrier that provided such library services at discount rates under paragraph (1)(B) after the effective date of this paragraph under section 602(h) of the Childrens' Internet Protection Act in an amount equal to the amount of the discount provided such library by such carrier for such services during the period beginning on such effective date and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

''(ii) FAILURE TO COMPLY WITH CERTIFICATION.—Any library that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraph (B) shall reimburse each telecommunications carrier that provided such library services at discount rates under paragraph (1)(B) after the date of such certification in an amount equal to the amount of the discount provided such library by such carrier for such services during the period beginning on the date of such certification and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

''(iii) TREATMENT OF REIMBURSEMENT.—The receipt by a telecommunications carrier of any reimbursement under this subparagraph shall not affect the carrier's treatment of the discount on which such reimbursement was based in accordance with the third sentence of paragraph (1)(B).

''(F) CESSATION DATE.—

''(i) DETERMINATION.—The Commission shall determine the date on which the provision of services at discount rates under paragraph (1)(B) shall cease under this paragraph by reason of the failure of a library to comply with the requirements of this paragraph.

''(ii) NOTIFICATION.—The Commission shall notify telecommunications carriers of each library determined to have failed to comply with the requirements of this paragraph and of the period for which such library shall be

liable to make reimbursement under subparagraph (E).

''(G) RECOMMENCEMENT OF DISCOUNTS.—

''(i) RECOMMENCEMENT.—Upon submittal to the Commission of a certification under subparagraph (B) with respect to a library to which clause (i) or (ii) of subparagraph (E) applies, the library shall be entitled to services at discount rates under paragraph (1)(B).

''(ii) NOTIFICATION.—The Commission shall notify the library and telecommunications carriers of the recommencement of the library's entitlement to services at discount rates under this paragraph and of the date on which such recommencement begins.

''(iii) ADDITIONAL NONCOMPLIANCE.—The provisions of subparagraphs (E) and (F) shall apply to any certification submitted under clause (i).

''(H) PUBLIC AVAILABILITY OF POLICY.—A library that enforces a policy under clause (i)(II) or (ii)(I)(bb) of subparagraph (B) shall take appropriate actions to ensure the ready availability to the public of information on such policy and on its policy, if any, relating to the use of technology under subparagraph (C).

''(I) LIMITATION ON FEDERAL ACTION.—

''(i) IN GENERAL.—No agency or instrumentality of the United States Government may—

''(I) establish any criteria for making a determination under subparagraph (C);

''(II) review a determination made by a library for purposes of a certification under subparagraph (B); or

''(III) consider the criteria employed by a library purposes of determining the eligibility of the library for services at discount rates under paragraph (1)(B).

''(ii) ACTION BY COMMISSION.—The Commission may not take any action against a library for a violation of a provision of this paragraph if the library has made a good faith effort to comply with such provision.''.

(c) MINOR DEFINED.—Paragraph (7) of such section, as redesignated by subsection (a)(1) of this section, is amended by adding at the end the following:

''(D) MINOR.—The term 'minor' means any individual who has not attained the age of 17 years.''.

(d) CONFORMING AMENDMENT.—Paragraph (4) of such section is amended by striking ''paragraph (5)(A)'' and inserting ''paragraph (7)(A)''.

(e) SEPARABILITY.—If any provision of paragraph (5) or (6) of section 254(h) of the Communications Act of 1934, as amended by this section, or the application thereof to any person or circumstance is held invalid, the remainder of such paragraph and the application of such paragraph to other persons or circumstances shall not be affected thereby.

(f) REGULATIONS.—

(1) REQUIREMENT.—The Federal Communications Commission shall prescribe regulations for purposes of administering the provisions of paragraphs (5) and (6) of section 254(h) of the Communications Act of 1934, as amended by this section.

(2) DEADLINE.—Notwithstanding any other provision of law, the requirements prescribed under paragraph (1) shall take effect 120 days after the date of the enactment of this Act.

(g) AVAILABILITY OF RATES.—Discounted rates under section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B))—

(1) shall be available in amounts up to the annual cap on Federal universal service support for schools and libraries only for services covered by Federal Communications Commission regulations on priorities for funding telecommunications services, Internet access, Internet services, and Internet connections that assign priority for available funds for the poorest schools; and

(2) to the extent made available under paragraph (1), may be used for the purchase or acquisition of filtering or blocking products necessary to meet the requirements of section 254(h)(5) and (6) of that Act, but not for the purchase of software or other technology other than what is required to meet those requirements.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 28, 2000, at 2:30 p.m., in room 485 of the Russell Senate Building to mark up pending committee business, to be followed by a hearing on S. 2283, to amend the Transportation Equity Act (TEA–21) to make certain amendments with respect to Indian tribes.

Those wishing additional information may contact committee staff at 202/224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony from representatives of the United States General Accounting Office on their investigation of the Cerro Grande Fire in the State of New Mexico, and from Federal agencies on the Cerro Grande Fire and their fire policies in general.

The hearing will take place on Thursday, July 20, 2000, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the committee staff at (202) 224–6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, July 19, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 22, 2000, at 9:30 a.m., on the continuation of the hearing on the United/US Airways merger.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 22, 2000, at 10 a.m., to hold a hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, June 22, 2000, at 11 a.m., in room 485 of the Russell Senate Building to mark up the following: S. 2719, to provide for business development and trade promotion for Native Americans; S. 1658; to authorize the construction of a Reconciliation Place in Fort Pierre, SD; and S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe certain benefits of the Missouri River Pick-Sloan Project. To be followed by a hearing, on the Indian Trust Resolution Corporation.

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

COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 22, 2000, at 10 a.m., in SD226.

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

COMMITTEE ON VETERANS AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a hearing on the nominations of Thomas L. Garthwaite, M.D., to be Under Secretary for Health, Department of Veterans Affairs, and Robert M. Walker to be Under Secretary for Memorial

Affairs, Department of Veterans Affairs.

The hearing will be held on Thursday, June 22, 2000, at 9:30 a.m., in room 418 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight be authorized to meet to conduct a hearing on Thursday, June 22, 2000, at 2 p.m., in SD226.

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

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on International Operations be authorized to meet during the session of the Senate on Thursday, June 22, 2000, at 3 p.m., to hold a hearing.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation be authorized to meet during the session of the Senate on Thursday, June 22, at 2:30 p.m., to conduct a hearing. The subcommittee will receive testimony on S. 1643, a bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; and S. 2547, a bill to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes.

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

PRIVILEGES OF THE FLOOR

Mr. ROBB. Mr. President, I ask unanimous consent that Jennifer Riggle, a fellow in my office, be permitted the privilege of the floor for the duration of the consideration of H.R. 4577.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that Kelly O'Brien of my office be granted the privilege of the floor.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that George Dowdull, a fellow for Senator BIDEN, be granted the privilege of the floor during consideration of the Labor-HHS appropriations bill.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Carlyn Lamia be granted the privilege of the floor during the debate on this bill.

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

Mr. ENZI. Mr. President, I ask unanimous consent that the following people be given floor privileges during the course of this appropriations debate: Elizabeth Smith, Raissa Geary, Katherine McGuire, John Kim.

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

Mr. SPECTER. Mr. President, I ask unanimous consent that floor privileges be granted to Mark Laisch, Jon Retzlaff, Lisa Bernhardt, and Cathy Wilson during the consideration of the Labor, Health and Human Services, and Education Appropriations bill.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–32

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following amendment transmitted to the Senate on June 22, 2000, by the President of the United States:

Amendment to the Montreal Protocol (''Beijing Amendment'') (Treaty Document No. 106–32);

I further ask unanimous consent that the amendment be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the ''Montreal Protocol''), adopted at Beijing on December 3, 1999, by the Eleventh Meeting of the Parties to the Montreal Protocol (the ''Beijing Amendment''). The report of the Department of State is also enclosed for the information of the Senate.

The principal features of the Beijing Amendment, which was negotiated under the auspices of the United Nations Environment Program, are the addition of trade controls on hydrochlorofluorocarbons (HCFCs), the addition of production controls of HCFCs, the addition of bromochloromethane to the substances controlled under the Montreal Protocol, and the addition of mandatory reporting requirements on the use of methyl bromide for quarantine and preshipment purposes. The Beijing Amendment will constitute a major step forward in protecting public health and the environment from potential adverse effects of stratospheric ozone depletion.

By its terms, the Beijing Amendment will enter into force on January 1, 2001, provided that at least 20 parties have indicated their consent to be bound. The Beijing Amendment provides that no State may become a party unless it previously has become (or simultaneously becomes) a party to the 1997 Montreal Amendment. The Montreal Amendment is currently before the Senate for its advice and consent to ratification (Senate Treaty Doc. No. 106–10).

I recommend that the Senate give early and favorable consideration to the Beijing Amendment and give its advice and consent to ratification, at the same time as it gives its advice and consent to ratification of the Montreal Amendment.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 22, 2000.*

MEASURES PLACED ON THE CALENDAR—H.R. 4601 AND H.R. 3859

Mr. BOND. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4601) to provide for reconciliation pursuant to section 213(c) of the concurrent resolution on the budget for fiscal year 2001 to reduce public debt and to decrease the statutory limit on the public debt.

A bill (H.R. 3859) to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

Mr. BOND. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDING OFFICER. The bills will be placed on the calendar.

ORDERS FOR FRIDAY, JUNE 23, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, June 23. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4577, the Labor-Health and Human Services appropriations bill, with Senator BOND to be recognized to offer his amendment regarding community health centers.

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

PROGRAM

Mr. BROWNBACK. Mr. President, for the information of all Senators, when the Senate convenes tomorrow, it will resume the Labor-HHS appropriations bill. Senator BOND will offer his amendment regarding community health centers. Further, amendments are to be

expected to be offered and debated throughout tomorrow's session, with any votes ordered to be stacked to occur at a time to be determined next week. Senators should be aware that votes may also occur in relation to the Department of Defense authorization bill early next week. Senators are encouraged to work with the bill managers as early as possible if they intend to offer amendments to the Labor appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:49 p.m., adjourned until Friday, June 23, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 22, 2000:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROY E. BEAUCHAMP, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH M. COSUMANO, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CLINTON E. ADAMS, 0000
CAPT. STEVEN E. HART, 0000
CAPT. LOUIS V. IASIELLO, 0000
CAPT. STEVEN W. MAAS, 0000
CAPT. WILLIAM J. MAGUIRE, 0000
CAPT. JOHN M. MATECZUN, 0000
CAPT. ROBERT L. PHILLIPS, 0000
CAPT. DAVID D. PRUETT, 0000
CAPT. DENNIS D. WOOFTER, 0000